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AGENDA

PLANNING COMMITTEE

WEDNESDAY, 5 FEBRUARY 2025

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 5 - 56)

To confirm and sign the minutes from the previous meetings of 11 December 2024 and 8 January 2025.

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/YR22/0596/F
Land North West Of Nampula, Begdale Road, Elm
Change of use of land for the use of travellers including the formation of 8 x caravan pitches (consisting of 2 x touring caravans per pitch), the erection of 2 x utility block buildings (8 x utility rooms) and a stable block, and the formation of hardstanding and an access (Pages 57 - 78)

To determine the application.

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6 F/YR23/0156/F
Land South Of 6 - 20, Wype Road, Eastrea
Erect 5 x dwellings (2 x single-storey 3-bed and 3 x single-storey 4-bed), with associated garages, parking and landscaping, involving the demolition of existing shed, and insert roof lights to north roof slope of 40 Wype Road (Pages 79 - 112)

To determine the application.

7 F/YR24/0652/RM
Land South And East Of 200 To 204, Main Road, Church End, Parson Drove,br/>Reserved Matters application relating to detailed matters of appearance, landscaping, layout and scale pursuant to outline permission F/YR23/0805/O to Erect 1 x dwelling and the formation of an access, involving the demolition of existing barn (Pages 113 - 126)

To determine the application.

8 F/YR24/0811/F
Land East Of 156, High Road, Newton-in-the-isle
Erect 9 x dwellings (5 x 2-storey 4-bed and 4 x 2-storey 3-bed), and the formation of 2 x accesses and a pedestrian footpath (Pages 127 - 148)

To determine the application.

9 F/YR24/0846/F
Land North West Of 2, High Street, Manea
Erect a dwelling (single storey 2-bed) and associated works (Pages 149 - 160)

To determine the application.

10 F/YR24/0360/F
Land North East Of 11, Clarkson Avenue, Wisbech
Erect a dwelling (2-storey 2-bed), involving new access, demolition of existing outbuildings and reduction in height of existing front wall (Pages 161 - 178)

To determine the application.

11 F/YR24/0845/FDC
Land North Of 84 Upwell Road Access From, Smiths Drive, March
Erect 1x dwelling (single-storey 2-bed) (Pages 179 - 190)

To determine the application.

12 F/YR24/0879/O
Garden Land At Honeybank, Second Drove, Swingbrow, Chatteris
Erect up to 1no self build dwelling (outline application with all matters reserved) (Pages 191 - 204)

To determine the application.

13 F/YR24/0968/O
Land South West Of The Orchards, Gull Road, Guyhirn
Erect up to 4 x dwellings (outline application with all matters reserved) (Pages 205 - 218)

To determine the application.

14 F/YR24/0627/F
Lavender Mill Bungalow, Fallow Corner Drove, Manea
Erect 5 x dwellings (1 x single-storey 2-bed and 4 x 2-storey 2-bed), involving the demolition of existing dwelling and garage (Pages 219 - 246)

To determine the application.

15 F/YR24/0891/O
Land North Of Meadow Cottage, Allens Drove, Gorefield,br/>Erect 1 x dwelling (outline application with all matters reserved) (Pages 247 - 258)

To determine the application.

16 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,

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PLANNING COMMITTEE

Fenland District Council

WEDNESDAY, 11 DECEMBER 2024 - 1.00 PM

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

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

P66/24 PREVIOUS MINUTES

The minutes of the meeting of the 13 November 2024 were agreed and signed as an accurate record.

P67/24 F/YR24/0835/O
LAND NORTH OF ANTWERP HOUSE, GOSMOOR LANE, ELM
ERECT UP TO 5NO DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)

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 Peter Bryant, an objector. Mr Bryant explained that he is addressing the committee to represent the hamlet of Colletts Bridge who are asking the Council to uphold their Local Plan and to show it cares about highway and flooding safety by voting unanimously to refuse as they did the near identical application earlier this year. He stated that the officer's report asserts the ELP has little impact, and he notes the huge disparity in LP65.1 (which is this plot, in LP65 which is Colletts Bridge) and, in his view, with regards to the update report, the ELP should be ignored.

Mr Bryant expressed the view that the application comprehensively fails to meet the Local Plan, and the west side of Colletts Bridge is a place that officers, the committee and Planning Inspectors have all agreed is predominantly open to the surrounding countryside with a handful of sporadic dwellings. and this application of a mini estate drives a coach and horses through. He made the point that clearly this proposal would be in total opposition to the form of the settlement and would adversely harm its character and appearance.

Mr Bryant referred to the presentation screen and stated that the red marks show a concentrated objection to development on this site from residents, the Parish Council and both District Councillors. He added that the more distant green marks show the residential support for the plan as supplied by the applicant's agent, which he feels paints a very clear picture, adding that the Highway Authority's first response to an application for this site required splays of 215m in either direction, or a traffic speed survey to show speeds are low enough and the applicant has done neither.

Mr Bryant added that the application claims a 69m splay which is only safe for speeds of about 40mph for light vehicles and yet this road is the only approved route for HGV's attending Fenmarc,

24 hours a day, seven days a week, with it being immediately adjacent to both a blind junction and a dangerous crossroads. He made the point that the visibility splay is significantly reduced by the hedge in the picture and that hedge is not in the control of the applicant, with the Highway Authority having never chosen to take any action on the hedge and he explained that the Highway Authority have stated in their follow up by indicating acceptability resting entirely on the phrase "…would be unable to build up speed".

Mr Bryant expressed the view that this statement is an evidence free assertion, and he referred to the presentation screen and explained the diagram shown on the screen, which demonstrates the actual speeds achieved safely during a test undertaken by him and he added that when cars exit Colletts Bridge Lane, vehicles from the left can be travelling at over 30mph when first seen, thus drivers have less than 2 seconds of clear, visible road. He explained that this includes HGV's necessarily cutting the corner on entering Gosmoor Lane from the A1101 and, in his view, it is unsafe so much so that some locals will not turn right into Gosmoor Lane because they find it too dangerous.

Mr Bryant expressed the view that this is mitigated because there is ¼ mile of clear road to the right towards Elm without junctions and when clear this gives drivers 15 seconds to focus entirely on avoiding traffic from the left and, in his view, the application destroys that mitigation as 15 seconds become 1 or 2, which, in his opinion, makes the junction dangerous in both directions. He stated that following an extended email conversation to which Councillor Mrs French was included along with the FDC Planning Officer and Elm Parish Council, Highways eventually acknowledged that this junction does not comply with Highway Standards because of very poor visibility.

Mr Bryant stated that both himself along with the Parish Council, assert that the application further endangers Colletts Bridge residents by reducing visibility times to 2 seconds in both directions, with the Highway Authority stating in their professional judgement that this is safe, however, they offer no metrics or standards to support this, and they do not even have a speed survey (as originally required) to consider if this could be safe. He expressed the view that if the 2 seconds to the left is dangerous then 2 seconds to the right is equally dangerous and would create a road configuration with enormous potential for injuries, damage and death and he rejects the Highway's judgement that it is safe and asked the committee to do so as well.

Mr Bryant referred to the presentation screen and stated that the slide tells 1000 words and he added that the quote is taken from the paragraph 5.2 of the conclusion in the applicant's own drainage strategy where it states that the site floods all year round as it is covered with reeds and marshy flora. He stated that in the officer's report it mentions that the remedial drainage strategy is outside the red line boundary and must be disregarded and he added that the IDB cannot even confirm if the mitigation would work.

Mr Bryant made the point that with the drainage strategy disqualified from consideration MLC's previous concerns stand and state clearly that the site is unsuitable for development, and he stated that MLC's hydraulic modelling is not even available. He expressed the view that the County's Principal Flood Risk Officer stated at a recent public meeting that the current system cannot cope and that there is nowhere for the water to go.

Mr Bryant concluded by stating that there is no local support, the application fails to meet numerous Local Plan policies and particularly drives a coach and horses through DM3, it severely increases highways dangers, and the existing flood and drainage issues remain and cannot be resolved.

Members asked Mr Bryant the following questions:

- Councillor Mrs French asked Mr Bryant to clarify the point he made with regards to email correspondence. Mr Bryant stated that he had sent an email to the Highway Authority and copied Councillor Mrs French in as his County Councillor, along with Councillors Roy, Count

and Summers on the Highways issue. Councillor Mrs French stated that she has declared that she has been lobbied so that is recorded.

Members received a presentation, in accordance with the public participation procedure, from Chris Walford, the agent. Mr Walford stated that the proposal is in outline form for 5 plots and is in Flood Zone 1 as well as being in an allocated site within the emerging draft Local Plan. He explained that the site abuts the built form on Colletts Bridge and extends no further down Gosmoor Lane than the existing residential development.

Mr Walford added that on the opposite side of the road there is a building plot which was approved by the committee in 2022 and at that time it was recommended for refusal by Planning Officers and contrary to policy for similar reasons. He expressed the opinion that it is a logical development which helps to sustain local amenities and contributes towards the local housing need.

Mr Walford added that the submission is accompanied by a detailed surface water drainage strategy which was commissioned following the concerns of Middle Level Commissioners (MLC) and the committee at the last meeting. He explained that he is proposing a new open channel drain on the applicant's land to the west of the site which connects up to an existing drainage network to the north on a drain, with the strategy demonstrating that all surface water can be attenuated on the site via storage crates and then discharged into the open ditch at greenfield rate.

Mr Walford made the point that the ditch could have technically been a closed pipe underground, but it was felt that an open channel was more favourable towards ecological and environmental benefits and it also acts as a physical barrier between the site and future development due to the concerns over possible future development down Gosmoor Lane. He explained that since the resubmission, biodiversity net gain has been introduced and he has been able to use the drain as an environmental asset off site rather than in the red line.

Mr Walford made the point that MLC commented on the revised submission and have stated that the applicant has made a considerable effort in trying to resolve the drainage issues and flood risk raised previously including the formation of a new open channel to serve the proposed development and if dealt with correctly the water course may have the wider benefits in lowering the water level within the hamlet. He stated that he is aware that the hydraulic modelling checks have been referred to as to not being available to date, however, the drainage strategy shows that the attenuation will take place on site and will be discharged at greenfield rate and, therefore, regardless of what the checks identify the water can be discharged into the ditch at greenfield without consent and he is struggling to see why there is the need to wait for modelling calculations to confirm that is acceptable.

Mr Walford explained that the application has included an ecology appraisal to address any concerns with regards to wildlife and to bring it up to standard to comply with the biodiversity net gain policy. He made the point that Highways have supported the proposal, and he referenced the objector's presentation where concerns were highlighted with regards to visibility, highlighting that it is an outline application and access is not committed, however, a single access point could be an option and as the application is only indicative, the access could be moved along away from the hedge which is causing concern.

Members asked officers the following questions:

- Councillor Mrs French stated that only a few months appear to have passed since the application was recommended for refusal and she asked officers to explain what the difference is with the current application apart from the discharge of drainage water? David Rowen stated that in terms of the indicative details submitted, nothing has changed from the previous application. He added that the only change is the introduction in the drainage ditch which does not form part of the application site.

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

- Councillor Mrs French stated that she cannot see any difference in the application and whilst it may be in the emerging Local Plan, this is yet to be adopted. She expressed the view that she does not see how the committee can make any other decision apart from the decision which they made a few months ago.

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

(Councillors Connor and Mrs French declared, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that they have been lobbied on this application)

P68/24 **F/YR23/0208/F**
T KNOWLES (FARMS) LTD AT KNOWLES TRANSPORT LIMITED, MANEA ROAD, WIMBLINGTON
ERECT AN EXTENSION TO EXISTING AGRICULTURAL GRAIN STORE, 2.5 METRE HIGH PALISADE AND SECURITY MESH FENCING, INSTALLATION OF A WEIGHBRIDGE AND ASSOCIATED HUT, AND WIDEN EXISTING ACCESS (RETROSPECTIVE)

David Rowen presented the report to members and drew their attention to the update report which had been circulated along with additional representations which had been received and sent directly to members of the Planning Committee.

Members received a presentation, in accordance with the public participation procedure, from Councillor Angela Johnson of Wimblington Parish Council who explained that she was also present to raise an objection on behalf of the community. Councillor Johnson expressed the view that retrospective planning applications are becoming more common place within businesses in Wimblington, with the error caused by Knowles Limited has cost the community and councils a lot of time and money. She added that she would also like to know whether Planning Officers have considered the installation of a weighbridge which has been added to the application is to be approved along with the retrospective application as it did not form part of the originally approved planning application.

Councillor Johnson stated that the committee is aware of the history regarding planning applications for the site along with the appeal with the Secretary of State which was granted including conditions. She added that Knowles Limited then went ahead and built something different than that represented to the Secretary of State and this error raised concerns with regards to road safety and flooding.

Councillor Johnson explained that the site is situated close to the boundaries of flood zones 2 and 3 and local residents are already experiencing problems with heavy flooding especially within the proximity of the Knowles Limited site. She made the point that she is sure that both the committee and officers are fully aware that there are two types of flooding, namely river and surface water.

Councillor Johnson stated that this flooding occurs when ground or drains cannot soak up and transport away rainwater meaning that a property can be at risk of flooding even when it is not near a river, with some Cambridgeshire locations known as wet spots and are prone to surface flooding. She explained that a flood zone is a planning term used for deciding where the development should go and what planning officers are frequently forgetting is to take into pluvial flooding which is now becoming more and more prevalent in and around Wimblington and the surrounding areas.

Councillor Johnson stated that the construction built in error and without consultation is not proportionate to the design granted by the Secretary of State and the drainage soakaway and runoff water from such a large impermeable surface is of great concern to close residents. She

questioned whether the conditions put in place by the LLFA, and the Highway Authority are robust enough as, in her opinion, there are a number of them which are hard to implement since the work has already been completed.

Councillor Johnson questioned whether adequate measures have been taken to ensure that the draining soakaway and an attenuation pond have been installed to the correct specification. She explained that a local resident, Mr Jerry Smith, has already forwarded in depth reports to the committee highlighting the highway hazards and she explained that the new site entrance which is to be aligned with the new existing aperture is only metres away from the new A141 junction and traffic lights.

Councillor Johnson expressed the view that this is a busy junction for HGV vehicles and other traffic and this in itself is seen as dangerous, making the point that lorries slowing down to enter the site and slow lorries exiting the site at such a busy junction especially with already established businesses along the Manea Road which have heavy good vehicles raises more pressure on that junction. She expressed the view that Knowles Limited should be asked to correct the error and widen the canopy to allow for two vehicles to safely pass each other.

Councillor Johnson made the point that the Planning Officer has stated that the issues have been addressed and as such the application should be granted with a number of conditions attached but, in her view, the concerns are such that Knowles Limited has not respected the appealed planning application or conditions and she questioned how conditions can be monitored for the current application. She referred to condition 2 which states sole use for agricultural crop and storage and asked why there is a lorry parking area which is being used, with Mr Knowles advising the Parish Council that large articulated lorries would not be used at the application site but this, in her view, does not appear to be the case.

Councillor Johnson referred to condition 4 which states that hard standing within the site shall be constructed to include adequate drainage measures and she stated that hard standing from concrete has already been constructed and she questioned whether it has adequate drainage measures included. She expressed the view that conditions are there for a reason and the conditions need to be more robust and enforced strongly.

Councillor Johnson stated that Wimblington Parish Council and the community would ask the committee to seriously consider the application and conditions.

Members asked Councillor Johnson the following questions:

- Councillor Marks stated that Councillor Johnson had referred to a weighbridge and on the plan the weighbridge appears to be at the rear of the building. He asked Councillor Johnson to explain why she is objecting to the weighbridge?. Councillor Johnson stated that when a consultation exercise took place with Knowles Limited, they did not state that it was going to be used as a weighbridge establishment as well which will also mean that there will be more vehicles going in and out of the small narrow aperture. She added that it was not included in the planning application that went to appeal, and it has been added in retrospectively.
- Councillor Marks referred to the junction and the vehicles leaving the A141, he travels the road everyday and is yet to see a lorry having to hold back to let another vehicle out of there because, in his view, if a lorry does come then there is enough room to take an articulated lorry off the highway and wait for any vehicles coming out. Councillor Johnson made the point that if you are exiting the A141 to turn down towards Manea and a lorry found it necessary to wait to get into the aperture due to another vehicle coming out then that could be considered as a hazard. She added that the distance from that actual junction to the entrance of the actual aperture is only 90 metres.
- Councillor Marks asked Councillor Johnson whether she would agree that the turning into the potato store where a vehicle has to actually turn across the traffic having come off the A141 would cause more of a problem than anything that pulls straight into Knowles Limited?

Councillor Johnson stated that would be the same as if something is pulling out of Knowles and going across the road and if the lights have changed at that time and people are coming around off the A141 then that will also cause an issue and, therefore, both aspects need to be looked at.

- Councillor Sennitt Clough stated that she has read the information provided with regards to the rainwater coming off of the roofs and she asked Councillor Johnson whether that is something that she has significant concerns over? Councillor Johnson stated that when considering surface water and run off water, when you look at the area previously it was made up of grass and mud but that has now been taken away which has removed a great deal of permeable area where run off would have gone or surface water would have drained. She added that there is now a large area of roof which does have some drainage, and it has been stated that there are some drainage runs in the concrete.

Members received a presentation, in accordance with the public participation procedure, from Chris Walford and Jordan Trundle, the agents and Mr Knowles, the applicant. Mr Trundle stated that he has been responsible for the current application and the previous withdrawal and Section 73 application, with Chris Walford being involved during the 2017 application and the 2018 appeal which was approved and forms the basis of the application before the committee today. He explained that Mr Tony Knowles is the applicant and is present to answer any operational input questions that maybe required.

Mr Trundle thanked the Planning Officer for her work during the application process and stated that he fully agrees with the officer's assessment and the recommendations put forward to the committee to approve the application.

Members asked the following questions:

- Councillor Gerstner asked for the number of HGV which are likely to visit the site each day? Mr Knowles confirmed that the maximum figure would be 20 vehicles. Councillor Gerstner stated that the conditions have been listed in the officer's report and he asked Mr Knowles to provide absolute certainty that all of the conditions will be met and adhered to. Mr Knowles confirmed that will be the case. Mr Trundle added that in relation to the surface waster drainage there is a condition for independent verification of the installation that the LLFA have put forward.
- Councillor Mrs French asked whether there are dykes and ditches surrounding the area and if so, will they be taking any surface water? Mr Trundle explained that there is a discharge point at the bottom right-hand corner. He added that there will be two discharge surface water manholes at the top right of the existing store and then bottom right of the existing store and they will both have flow controls that the drainage strategy has set out which meets the same peak discharge rate which was approved under the original application and then that will discharge into the eastern corner alongside where the basin is into the existing network.
- Councillor Mrs French asked whether any of the drainage comes under the actual drainage boards as she notes from the officer's report a 5-metre strip is mentioned and the normal access strip for internal drainage boards is 9 metres. Mr Trundle explained that the discharge into the initial network is into riparian ownership and the IDB has stated that with regards to the existing network he has controlled and attenuated the discharge to the edge of the site. He added that in terms of the riparian ownership, a meeting had taken place with the LLFA in July which concluded the resolutions and for the other points to reach a satisfactory conclusion. Mr Trundle explained that he has made contact with the Middle Level Commissioners, however, he is yet to receive a response from them. Councillor Mrs French stated that it is disappointing to hear and added that she is concerned about whether the width of the maintenance strip for the drainage dyke is going to be wide enough. Mr Trundle stated that there will be enough easement and maintenance on both sides.
- Councillor Mrs French asked whether the weighbridge is part of the planning application?

Mr Trundle confirmed that it is and is located on the plan in the middle of the site. He explained that the tracking shows the tipper units that are coming into the site so that the capacities within the grain store are known. Councillor Mrs French asked whether it was a commercial weighbridge? Mr Walford explained that it is not commercial and that a vehicle has to be checked when it leaves a site whether or not it is agricultural and whilst it may look to be a commercial enterprise a vehicle cannot go onto the road if it is over 44 tonnes.

- Councillor Marks stated that previously when the weighbridge was not at the site then vehicles would need to travel a mile into the village to the other Knowles commercial site to use the weighbridge facility and if they were overweight then they would need to come back again which is not good for the environment.
- Councillor Marks asked whether there are any plans to install any further gates to the front of the site which would mean that lorries would have to wait on the road if the site were not open. Mr Trundle explained that in the consultation exercise that was undertaken after the TRO was approved in late October, there has been a condition added in relation to gates not to be within 20 metres of the highway.
- Councillor Marks referred to the front hedgerow which had been shown on the presentation screen, there appeared to be what looked like trees being put along the front. He added that with regards to visibility is the hedge going to be kept at a low level or will it be left to grow higher. Mr Trundle explained that the landscaping has crossed over from the previous approved scheme and he added that there is the intention to maintain a lesser visual impact as possible to the roadside. He added that they will be fully maintained in order to prevent any visibility issues on the site, and they are planted far enough back to allow this to happen.
- Councillor Marks stated that as you come round the corner when you come up to the T junction there is a sign to indicate 30mph. He added that there has been a discussion today to move the 50mph sign back and in his opinion, it is adequate, but he asked whether they are comfortable with that being moved back. Mr Trundle explained that they have no problem and added that it currently sits adjacent directly outside of the current application site, by moving it further to the east and it extends that 50mph zone before it goes to the national speed limit. He added that the Highways Officer has indicated that there will be some works required when the TRO works are undertaken around the 30mph sign on the bend to prevent any confusion between the speed limits.
- Councillor Marks asked for clarification that there are no plans for the site to become anything else other than an agricultural store? Mr Knowles confirmed that is a separate side of the business and this is only for agricultural purposes.
- Councillor Sennitt Clough stated that LP16 of the Local Plan requires development not to have an adverse impact on neighbouring users through various elements. She added that she has concerns over noise and she asked what mitigation measures will be put in place to negate the impact on neighbouring users? Mr Trundle stated that with regards to the previous consent which was in place there is a bund in the back part of the yard which is where most of the traffic would be in terms of manoeuvring in and out of the site. He added that landscaping provides some form of comfort although it is not a formal attenuation measure which will lessen any sort of impact from outside to residents. Mr Trundle explained that the palisade fencing is there for security impacts, and these are the mitigation measures that are in place and have been accepted by officers. Mr Walford explained that the previous consent had a compacted stone yard at the back whereas this one is hard standing and will, therefore, be quieter in terms of vehicle movements on the yard. He added that the back stop on the previous approval and historically when he first visited the site in the early 2000's, it was a lorry depot and, therefore, this application is a lot better than it would or could have been if it had been left as the old former depot. Councillor Sennitt Clough stated that the application is dealt with in its current form and not what was there historically.
- Councillor Marks asked whether Knowles own the property to the roadside as you turn in? Mr Knowles confirmed that is his home. Councillor Marks stated that it is only one property which would be affected by noise as the other two are shielded from the building and any

turning vehicles.

- Councillor Mrs French asked whether the distance between the site and the church is known due to concerns associated with flooding at the church. Mr Trundle stated that this information is not known.

Members asked officers the following questions:

- Councillor Mrs French asked for the distance between the site and the church? David Rowen stated that the distance is 101 metres from the site to the church. Councillor Mrs French added that it is quite a long way.
- Councillor Benney stated that members have been made aware that this is a retrospective planning application and when he undertook his planning training, he was advised that a retrospective application is treated no differently to a full application and he asked officers for clarification. David Rowen stated that is correct and the legislation does not differentiate between a proposed application and a retrospective application. He added that a retrospective application has to be considered on its own individual planning merits.
- Councillor Benney stated that the applicant's character and business conduct has been raised today by the objector and he added that it is his understanding that the character of any applicant is totally irrelevant to the application and has no bearing on the application and it should only be judged on its planning grounds. David Rowen stated that the character of an applicant is not a material planning consideration.
- Councillor Gerstner stated that with regards to the planning conditions there have been instances where conditions have been added to applications and then they have not been adhered to and the local community appear to have concerns that the conditions are not going to be met and adhered to in a proper and correct fashion. David Rowen explained that officers would not be recommending conditions to the committee if they did not feel that they were robust conditions and enforceable and officers are content that the conditions that are recommended are reasonable, enforceable and lawful. He added that with regards to the possible breach of any conditions, the Council has a Planning Enforcement Team who investigate breaches of planning control including breaches of conditions and have a reactive service so that any reports of breaches can be investigated and dealt with accordingly. Councillor Connor confirmed that any planning breaches will be dealt with accordingly.

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

- Councillor Mrs French stated that Knowles Transport are one of the largest employers in the area and, in her view, it would not be in the company's best interest not to comply with any conditions.
- Councillor Benney stated that the officer's recommendation is to approve the application which, in his view, is a good solid application. He added that he has heard no evidence that supports anything to the contrary and the application needs to be approved.
- Councillor Marks added that Knowles is a transport company and has to have an operator's licence and good reputation at all times. He stated that he has never heard anything to the contrary to suggest they are not a good transport company. Councillor Marks added that he is mindful that he voted against the Woodbury application, however, in that case it meant vehicles would be turning across the traffic as opposed to vehicles turning in and then straight into the yard. He made the point that the potato store probably has more congestion than Knowles will ever have, and the applicant is moving the speed limit and making it better and he fully supports the application.

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

(Councillors Connor, Marks, Sennitt Clough and Mrs French declared, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that they have been lobbied on this

application)

P69/24 F/YR24/0456/O
LAND NORTH OF LAMBS HILL DROVE, MARCH
ERECT UP TO 50 X DWELLINGS INVOLVING THE DEMOLITION OF EXISTING DWELLING AND OUTBUILDINGS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)

Gavin Taylor presented the report.

Members received a presentation, in accordance with the public participation procedure, from Andrew Hodgson, the agent. Mr Hodgson stated that the application represents the final piece of the southeast March allocation and is for 50 units for Canon Kirk. He explained that in an ideal world he would have liked to include this element in the application which came in with Barratts David Wilson site, however, that was not possible as it was in the ownership of Canon Kirk.

Mr Hodgson explained that he is the agent for Barratts David Wilson and Canon Kirk and both companies are in full dialogue with each other in order to bring forward a comprehensive scheme. He stated that in terms of the site itself, it is for up to 50 units and is in outline form in order that when the reserved matters come forward for the Barratts David Wilson scheme it makes it very flexible for the application to be designed so that it fits in.

Mr Hodgson explained that there will be some sharing of infrastructure and drainage and the Barratts scheme is fairly well advanced in terms of the Section 106 which is due to be finalised and the reserved matters is already underway for that and the land adjoining and around will be coming forwards fairly imminently. He made the point that there does not appear to be any reasons for refusal from a statutory consultee point of view and he explained that the site has been designed carefully to ensure that it fits with the surrounding development.

Members asked Mr Hodgson the following questions:

- Councillor Mrs French asked for details concerning the width at Wimblington Road and she added that there was a planning application for the access at Lambs Hill Drove which was withdrawn recently. Mr Hodgson explained that it does form part of the proposal before the committee, and that the two accesses mirror exactly the approved applications which were submitted by Barratts David Wilson. He added that they replicate the accesses which have been approved for the 425 units and he referred to the plan and made the point that they match up identically to the red line of the wider site. Mr Hodgson made the point that he cannot recall the measurement, however, it is the same arrangement of that which is already approved.
- Councillor Mrs French referred to the reserved matters application, and she asked when that will be ready for submission. Mr Hodgson stated that design is being worked on at the current time and the Section 106 has to be completed which is likely to be early on in the new year.
- Councillor Marks referred to the drainage and the SUDs, and asked that as it appears that the developers are working together will it mean that the layout will be changed. Mr Hodgson explained that all of the site was designed at the same time and the application before the committee actually improves things as it allows for more sufficient drainage to be implemented across that area and is a more efficient SUDs arrangement.
- Councillor Connor made the point that it is good to see developers working together and the same drainage system is going to be used along with the same entrances and exits. He added that he will be pleased to see when it all comes to fruition.

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

- Councillor Mrs French stated that she feels that it is a good application, and she is pleased to hear that all the developers are working together. She added that she had a meeting with Anglian Water, and she is satisfied that the sewerage system there will cope and there is enough capacity.

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

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

P70/24 F/YR23/0993/O
LAND SOUTH WEST OF THE HOLLIES, HOSPITAL ROAD, DODDINGTON
ERECT UP TO 3 X DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED) AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS.

Gavin Taylor presented the report to members.

Members received a presentation in accordance with the public participation procedure, from Mark Smith, an objector. Mr Smith stated that he represents CB6 developments, and he is before the committee on behalf of Mr and Mrs Percival together with a number of their neighbours in Askham Row to voice a collective objection to the planning proposal. He added that the application is recommended for refusal by Planning Officers for three reasons and he stated that in respect of the first reason it is highly relevant to note that planning permission was refused on land to the west of Hospital Road for three dwellings by the Planning Committee in April 2023, with the proposed application being immediately to the north of the application which was refused and, therefore, it is further away from the centre of the village and in an even more sustainable location than the site which was recently refused planning permission.

Mr Smith expressed the view that it would be illogical and irrational to approve three dwellings on the site when considering that previous decision and whilst it may be suggested that development has been approved to the east of Hospital Road, that land relates to the hospital grounds whereas the current proposal is fully within the open countryside. He expressed the opinion that the application has no relationship at all with any other built form and it is open to agricultural fields on three sides with the mature trees and hedges of Hospital Road forming the other side and the site is clearly and fully within the open countryside for the purposes of applying planning policy.

Mr Smith stated that the second reason for refusal relates to highway safety and the County Council have confirmed that the development would not be safe and that accidents could take place which, in his view, provides a clear reason to refuse planning permission. He stated that the third reason for refusal also relates to highway safety and the absence of visibility splays and he made the point that it is possible that third party land would be required to ensure sufficient visibility, and it is clear that a substantial number of established trees and hedges along Hospital Road would need to be removed to accommodate the splays.

Mr Smith made the point that there is no refusal reason in respect of ecology which he finds surprising as the trees and hedgerows along Hospital Road are known to be used by bats and there are existing ponds nearby. He expressed the opinion that the applicant assessment in terms of ecology is flawed and incomplete and he added that he has also raised objections to the absence of any Section 106 considerations given that the application would cumulatively propose up to 12 dwellings along Hospital Road within the applicant's ownership.

Mr Smith made the point that the application is also contrary to LP5, which is very relevant as the local Primary School is at capacity ahead of any new houses being built in Doddington. He added that, therefore, in his opinion, there are very clear reasons to refuse the application in order to be

consistent in decision making when considering the very recent refusal of planning permission for an identical scale development immediately to the south of the proposal and he concluded by stating that the Parish Council also objects to the proposal.

Members asked the following questions:

- Councillor Marks asked Mr Smith which organisation he represents? Mr Smith explained that he is from CB6 Developments. Councillor Marks asked Mr Smith whether he is a developer? Mr Smith confirmed that he is a contractor. Councillor Marks asked him whether he is developing in the Doddington area? Mr Smith stated that he is working on one of the neighbouring properties currently.
- Councillor Marks stated that Mr Smith had mentioned that some of the recent applications relates to the hospital land, and he asked for further clarity on that as it is his understanding that there is the hospital boundary and then there are the houses along from there. Mr Smith explained that it is the area to the east that he is referring to and the area surrounding the hospital grounds as opposed to the fields which are countryside all the way round.
- Councillor Marks asked for further clarity, referring to the site plan where the red square is shown which is four sides of open land which Mr Smith is intimating when in fact it is not.
- Councillor Sennitt Clough asked Mr Smith whether or not he lives in Doddington? Mr Smith confirmed that he does not.
- Councillor Imafidon stated that Mr Smith referred to Section 106 monies and also further development and he asked for clarification as to where those contributions come into the current application? Mr Smith stated that he would need to consult with Mr and Mrs Percival with regards to that matter as it is something that they had asked him to raise.
- Councillor Marks asked Mr Smith to clarify whether the presentation he gave to committee was actually as a result of third party as there does not appear to be any clear answers on questions being asked of him by members of the committee? Mr Smith stated that the presentation was a collaborative effort. Councillor Marks asked Mr Smith which part he added? Mr Smith explained that he pulled the presentation together.
- Councillor Connor asked for clarification with regards to the work that he is carrying out with a neighbouring property and for Mr Smith to clarify whether that would be to a property on the corner as you enter Hospital Road on the left-hand side? Mr Smith confirmed that this was correct.

Members received a presentation, in accordance with the public participation procedure, from John Cutteridge, the applicant. Mr Cutteridge stated that he is a resident of Hospital Road in Doddington, with the residents who are objecting to the application and who live on Askham Row having built their new properties on the same piece of agricultural land that he is applying for this application on. He made the point that if the schools are at capacity then he would hope that the new residents in Askham Row have no children because they are relatively new dwellings.

Mr Cutteridge stated that when the application was submitted, he did state that he would agree to the highway improvement and will widen the road. He added that the report states that the road is single carriageway, and this will be difficult to access for the new residents, therefore, he is widening it and pedestrianising it.

Mr Cutteridge made the point that he did email officers to ascertain whether further drawings were required and officers advised him that this information was not required. He explained that a detailed engineers drawing of all of the work that has been carried out has been provided to the Planning Officers because the five dwellings on the opposite side have been approved with this engineer drawing.

Mr Cutteridge explained that the five dwellings were approved by the committee some time ago and he was told that with the addition of conditions the road could be widened and pedestrianised. He added that he has received agreement from the Highway Authority with regards to the boundary and where the works will be undertaken.

Mr Cutteridge stated that originally the plan was going to be to change the speed limit to 30mph along this piece of road, but the application has been in over 12 months and the rules have changed and he has now been told that he can no longer be included in the application because that is something outside of the planners control. He stated that he is still applying for this to be changed to 30mph to the other side of Megaplants which will be better for those customers going to the garden centre.

Mr Cutteridge explained that he cannot understand why the Parish Council did not support this as well as the District Council on the grounds of access. He explained that the Council have approved a cafeteria and shop to be added to the Megaplants site and he questioned whether the Parish Council did not believe that those additions would not have an impact on traffic volume on Hospital Road, with that application he did not offer any highways improvements but with the current application there is a guarantee that there will be widening and pedestrianising.
Mr Cutteridge explained that the access point to the previously approved nine plots is slightly further along the road and closer to the bend and the proposal is further away from that and is closer to the village which, in his view, is a better location as opposed to the others in terms of access. He expressed the opinion that the photographs are very unfair as they are very old and since that time the hedges have been cut back considerably since they were taken.

Mr Cutteridge stated that it has been mentioned that the three plots were refused which are located closer to the village then the current application, but made the point that they did not offer to widen the road or pedestrianise it, with him offering to spend £350,000 in order to widen the road and to make it two-way traffic and pedestrianise. He explained that it has taken a long time to sort this issue out with highways in order that all the boundaries are correct to be able to undertake the works.

Mr Cutteridge explained that with regards to the description to the north it is woodland and to the north east the new dwellings can be seen which, in his view, are an asset to Hospital Road, they can also be seen from the east making the point that to the east it does look upon the hospital grounds which is the same as the previous application. He referred to the points made concerning the fact that the application is not near the grounds of the hospital, however, the site is directly on the opposite side of the road to the hospital grounds and, in a southerly direction, Askham Row can be seen and to the west is the extension to Askham Care Home.

Mr Cutteridge made the point that it is only 0.4 miles from the centre of the village measured from the clock tower and the village spreads 1.6 miles in most directions, with the site being located in Flood Zone 1. He added that the proposed dwellings will benefit from treatment plants and will not affect the local sewerage system, with there also being a streetlight at the end of the road.

Members asked Mr Cutteridge the following questions:

- Councillor Marks asked for some further clarity with regards to the street light that he had referred to. Mr Cutteridge stated that he has walked home on many occasions throughout his life and there is a street light right at the end of the road which gives sufficient light to allow visibility to walk over the hill before you go into darkness.
- Councillor Marks referred to the presentation screen and asked Mr Cutteridge to explain how out of date he believes the photograph to be? Mr Cutteridge stated that there has been further development which has taken place and has been there for at least 12-18 months. Councillor Marks referred to the presentation screen and asked Mr Cutteridge to identify where the most recent development is located? Councillor Marks asked Mr Cutteridge whether he would describe the areas as an elsewhere location? Mr Cutteridge confirmed that he would not.
- Councillor Sennitt Clough stated that, although the application is in outline form, could Mr Cutteridge provide details of the types of dwellings that will be constructed. Mr Cutteridge stated that he would expect them to be 4 four bedroomed homes.

- Councillor Mrs French asked Mr Cutteridge to provide further detail concerning the point he raised with regards to the Highway Authority stating that he did not need to submit any more plans. She added that with regards to the suggested proposed improvements for Hospital Road she agrees that the road needs improving, and she added that he should be commended if he is prepared to spend that amount of money. Councillor Mrs French asked Mr Cutteridge to confirm whether he contacted the County Council or District Council? Mr Cutteridge explained that his agent, Mr Gowler, asked whether any further drawings were required for the Highways and engineers' reports. He added that the engineers' reports had already been submitted for the previous approval for 5 dwellings.
- Councillor Imafidon referred to the point made concerning the highway improvements including 2-way traffic on Hospital Road, along with pedestrian access and asked Mr Cutteridge to confirm that he owns the land in order to undertake those works? Councillor Imafidon further asked for clarification as to how the surface water will be dealt with? Mr Cutteridge stated that he owns 15 acres to the rear of the site so he can easily deal with surface water and sufficiently pond it if required. He added that with regards to land ownership, he owns not quite all of the land adjacent to it, however, the neighbour has granted permission should any of that land be required. Mr Cutteridge added that highways have already stated that the works can be carried out within highways owned land following very lengthy discussions. He added that a great number of conversations have taken place with regards to where the boundary meets the highway, but those discussions have taken place with the County Council over a period of months.

Members asked officers the following questions:

- Councillor Marks referred to a drawing shown earlier which included applications which had been turned down, with it being his understanding that F/YR22/0390/F was not refused for housing, and it was refused for other properties. David Rowen confirmed that the application was to change the use from paddock land for residential purposes as domestic garden and the Planning Committee took the view that extending the residential use out into the countryside would be to the detriment of the character and appearance of the area. Councillor Marks asked whether that particular application included a shed for chickens? David Rowen stated that it did along with a pond and some raised planting areas.
- Councillor Mrs French referred to the update and the objections from residents, and she made the point that she is concerned to read that the application form indicates a relationship with a Council employee/member, and this has been identified as a reason for the application being reported to the Planning Committee. Councillor Mrs French stated that she would like clarification on this matter, because whilst she knows the answer for a lay person, they would not necessarily know the answer. David Rowen stated that the relationship refers to the agent for the application being Ian Gowler, whose brother is Councillor Alan Gowler, and under the Council's Scheme of Delegation such a relationship does not trigger any requirement for an application to come to Planning Committee which is why it is not referenced. He added that Councillor Gowler is not a member of the Planning Committee and, therefore, it is not really material to the determination of the application.
- Councillor Mrs French stated that when reviewing the objections it states that 'should planning permission be granted for the application then the irrationality of the decision would be brought to the attention of the courts'. She stated that she takes offence to being threatened by an objector to the application. David Rowen stated that the statement made by the objector is not material to the determination of the application, however, when making any decision members need to be aware of the potential to be challenged and need to be aware of making decisions as robust and as rational as possible. Councillor Mrs French expressed the view that the way that the objector has written their comment appears to be threatening.
- Councillor Connor stated that he agrees with Councillor Mrs French and the comment is in the public domain.

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

- Councillor Mrs French stated that she has sat on the committee for a number of years where applications have been approved in Hospital Road. She added that Mr Smith is an objector to the proposal but, in her view, he has a conflict of interest when he is working on another planning application yet to be seen by the committee. Councillor Mrs French expressed the view that she does not have any issue with the current proposal apart from concerns regarding the highway. She stated that Mr Cutteridge has stated that he is prepared to spend money in order to improve the highway and, in her view, the road is appalling, has a 60mph limit, has many potholes and has very few passing places and she explained that Mr Cutteridge has stated that he has sought approval for a new cafeteria which will bring further custom. Councillor Mrs French added that the last time she visited Megaplants it was very busy and when using the road, she has never had any issues with trying to pass other vehicles. She expressed the opinion that if the applicant is prepared to spend a substantial amount of money by introducing passing places and a pedestrian link then that should be commended. Councillor Mrs French stated that every year there are local highway improvements, and it is known fact how difficult it can be to implement footpaths, and she finds it surprising that the village have not submitted a local highway improvement request as the road is in desperate need of upgrading. She reiterated her view that the applicant should be commended for investing his own money into improving the road.
- Councillor Marks stated that he does not believe that the application site can be classed as an elsewhere location due to the fact that there are other properties in the vicinity and, in his view, it has almost become a hamlet, and he feels he can support the application.
- Councillor Sennitt Clough stated that she agrees with Councillor Mrs French and Councillor Marks, adding that she is concerned that there is nothing that she can see which would suggest a material consideration for refusal of the application based on the forthcoming highways improvements.
- Councillor Connor stated that the applicant should be commended for his investment in the highway. He added that the difference between the other application which was refused was for three properties, but this application is different. Councillor Connor stated that the applicant is going to spend a significant amount of his own money, and he agrees with the points made by other members, and he will support the application.
- Councillor Connor stated that with regards to a local highway improvement for Doddington, Benwick Road is being upgraded in order to give it better access in and out of the village and pavements will be incorporated.
- Councillor Mrs French asked whether the Highway Authority are satisfied with the plans which have been submitted with regards to the widening of the road or do they still require further information? David Rowen stated that contrary to what the applicant had already indicated the highway plan which formed part of the officer's presentation is the only plan which has been submitted. He added that the plan was submitted in September 2024, and it is on the basis of that plan that the Highway Authority have provided the comments which are detailed in the officer's report. David Rowen explained that the Highways Authority are not satisfied that there is an adequate level of detail, and they are not satisfied that adequate visibility can be achieved from the indicated access point and, therefore, there is an objection from the Highway Authority on two grounds.
- Councillor Mrs French asked officers whether there is the possibility that the application could be deferred on highway grounds in order that the applicant can be given the opportunity to resolve the outstanding matters and whether the deferral could be for three or six months which, in her view, is not unreasonable. David Rowen referred to the presentation screen and highlighted to Members the planning permissions and planning refusals in the vicinity and indicated to the south of the application site, closer to the village, the Council has stated that the location is not suitable in principle for residential development because of the impact on the character and deemed it as not an appropriate location. He explained that to the rear of that site, the Council has also stated that the site is not appropriate to be used for residential purposes to be used as land for domestic garden.

- David Rowen added that he has concerns as to how reasonable a decision would be for a site that is further out into the countryside which is disconnected from the built form of the settlement to then say that is acceptable. He advised members that the first two planning permissions both to the east of Hospital Road, which is the infill plot for two dwellings and then the first further development to the back of that were both in place at the time that the two other refusals were made and he made the point that he does have concerns with regards to consistency.
- Councillor Marks referred to Planning Application F/YR/1243 and stated that had that come in and if the committee were to grant the one above that then he would accept what David Rowen was stating, however, it came in as a separate entity and stood alone at that time. He added that there are now properties across the road which match into the roadway and, therefore, the previous block that has been turned down does stand on its own, but the one above has a connection across the road with other properties and he asked officers whether they agree with his view. David Rowen stated that he wholeheartedly disagrees with the point made by Councillor Marks. He added that the Planning in Principle site was immediately adjacent to properties on Askham Row and it is opposite the built form of the hospital and he stated that if the committee took the view that the site was inappropriate for residential development in principle, he fails to see how developing a site further out beyond that would also be acceptable.
- Councillor Marks expressed the view it comes down to interpretation and he stated that the properties on Askham Row have very long gardens which means that the previous application, which was refused, stood in a block in the middle of nowhere. He added that when considering this application, at least one of the properties is almost going to be across the road from the other property. Councillor Marks explained that the application which was refused beside it, included a chicken shed and the debate included discussions concerning rats which was part of the reasoning for refusing that particular application. He expressed the opinion the application cannot be considered as an elsewhere location. Matthew Leigh explained that it is his understanding that the application was refused due to the impact on the character of the area and that was the reason that the committee determined to refuse it. He expressed the view that a chicken shed and some raised flower beds would have less of an impact on the character of the area than the provision of three dwellings.
- Matthew Leigh referred to the point made by Councillor Mrs French with regards to seeking a deferral for a 6-month period. He explained that he would look to discourage deferring applications for that length of time and the committee should be determining applications that come before them in a timely manner, and he added that it would be very unusual to look to defer items for that long. Councillor Mrs French stated that it was only a suggestion.
- Councillor Marks stated that with regards to the chicken shed, it was quite a sizeable property, and he added that whilst it could be said that it would have looked out of character as would the PIP application which would have stood in the middle of nowhere at that time, however, that would not be the case if permission was given to the one above. He reiterated the point that at least one of the properties is across the road from a site which has gained planning permission recently and a new build property.
- Councillor Benney stated that he has reviewed Google Maps and further out on Benwick Road there is a bungalow which has been built within the last two years which is further away from the centre of the village. He added that the objector to the application has stated that one side of the road is different to the other side, and he added that there is a dwelling which is hundred metres further down the road. Councillor Benney added that if that can be considered to be in Doddington then the principle of development has already been accepted because it is in Doddington. He made the point that whilst it maybe in a different road, members are often told that they cannot have linear development and must have depth of development because it is good use of space. Councillor Benney added that the application could be looked at in both ways and the committee need to decide whether they feel it is a good application and take the view that it is not an elsewhere

location and the highway improvements bring community benefit to it and, therefore, approve it.

- Gavin Taylor stated that it is of particular importance to note that given the PIP refusal to the south and reference to the officer's report at 10.2 and 10.3 which layout the policy test, with members having a duty to determine applications in accordance with planning policies and at section 10.2 and 10.3 which sets out when an application site is considered to form part of the continuous built settlement and continuous built footprint. He stated that he has considered the points raised by Councillor Marks, however, when what is referenced in 10.2 and 10.3 of the officer's report is applied there is essentially an extent of open countryside with no continuous development on that side of Hospital Road. Gavin Taylor added that whilst it maybe on the eastern side that is not how the policy is set out and it is not exactly how the policy asks the Council to consider and assess sites against.
- Councillor Gerstner stated the application is being determined as it stands now with the highway detail as it currently stands on the plan, with his concern being that the applicant has offered to make highways improvements, but they are not on the plan which is before the committee.
- Councillor Mrs French suggested that the application be approved subject to the Highway Authority being satisfied.
- Councillor Connor stated that the proposal is subject to the highway being made safe and the works undertaken in order that the road will be brought up to standard.
- The Legal Officer stated that you cannot resolve to approve the application, subject to the Highway Authority approving some scheme in the future and the only course of action which could be taken is to approve the application subject to a condition that the layout as proposed is constructed prior to occupation.
- Councillor Mrs French stated that she would like to recommend the application for approval subject to the conditions and obviously if the conditions cannot be met then the scheme will not be built.
- David Rowen stated that he would like to remind the committee that as it stands currently, there is an objection from the Highway Authority on the basis of a lack of detail over the road and also concerns about the visibility that is achievable from the proposed or indicated access points. He added that as a consequence he would have some concerns over the approach that Councillor Mrs French is recommending being flawed in the sense that a condition is being imposed where there is no certainty over whether that is actually deliverable and achievable.
- The Legal Officer stated that if there is evidence that the Highway Officer has already stated that they are unhappy with the application as there is insufficient information then there are no guarantees that the Highway Officer may approve the further details submitted for the application in the future.
- Councillor Mrs French stated then surely that is a reason why the application could be deferred.
- Matthew Leigh stated that members are aware that there are six tests required for conditions which sit alongside case law and as decision makers there needs to be some level of comfort when imposing conditions that there is likelihood that the conditions can be met. He added that in this case it would need to be a Grampian worded condition, a negatively worded condition which requires information to be provided to the Council although there has to be some level of comfort that it can be achieved. Matthew Leigh made the point that as it stands there is an objection from the Highway Authority which is of a significant concern and, therefore, would very much undermine the Council's position that a condition can safely within the eyes of the law be imposed. He added that another factor to consider is that it would be a very dangerous precedent to look to say that the Council should just be approving highways works with a condition if somebody such as highways is objecting as that could then translate to other statutory consultees and that is not how the planning system is set up to work. Matthew Leigh explained that if a condition is added to an application which is not lawful and fails the tests then the applicant has the

right to appeal to the Secretary of State to say that the condition is not lawful and if that is proven then the condition falls away and disappears which would then mean that as submitted the application would be approved without the need for that condition. He added that the reality is that the only option is for the committee to defer the application is if they are very reluctant to refuse it but his advice to the committee is that the application should be determined as it is. Matthew Leigh explained that if the committee do not find an issue with the location, then that is within their gift, however, the committee should then look to refuse it on highways grounds only, but the application should be determined as it is. He added that the application has been with the authority for over a year, there are significant concerns, Highways Authority have objected, and the planning system is designed to reflect that the application before the committee should be refused.

- Councillor Marks stated that there has been a previous application which has shown this scheme which Highways confirmed was OK and now the current position is that Highways are not comfortable, and the committee are being advised that the application should be refused or deferred for further highways details. He added that information seems to conflict from Highways having already passed an application along the road.
- Councillor Connor referred to another planning application in Chatteris which was approved on a similar issue and a precedent has been set. He added that officers have given planning permission for a cafeteria at the current site which will have an impact on the number of vehicles using Hospital Road and the applicant is only proposing an additional 3 dwellings which might only mean an additional eight or nine vehicles.
- Matthew Leigh stated that the application is totally separate, and it is his understanding that the application contained a greater amount of detail upon submission. He added that when considering the current application that level of detail has not been submitted with the application before members. Matthew Leigh made the point that as advised by the Legal Officer the committee would be guessing that the Highway Authorities requirements have not changed since the previous approval. He reiterated that the information has not been submitted and as an authority there needs to be confidence in the decisions being made and not guessing or making assumptions. Matthew Leigh stated that planning does not really set a precedent and when referring to the application highlighted by the Chairman, officers were very reluctant in the use of the condition applied to the application and by taking an approach once, which is not robust, should not be a reason to do that again and again as it would only extrapolate the likelihood of the Council being found to have acted incorrectly.

Proposed by Councillor Mrs French, seconded by Councillor Marks and agreed that the application be GRANTED against the officer's recommendation with authority delegated to officers to formulate and apply conditions in conjunction with the Chairman, proposer and seconder.

(Councillor Connor registered that he knows the applicant, agent and is a customer of Mega Plants but is not pre-determined and will approach the application with an open mind)

(Councillors Mrs French and Marks registered that they use Mega Plants as customers but are not pre-determined and will approach the application with an open mind)

P71/24 F/YR22/0848/F
LAND NORTH EAST OF 81 - 87 HIGH STREET ACCESSED FROM SLADE WAY, CHATTERIS
ERECT 8 DWELLINGS COMPRISING OF 1 X 2-STOREY 3-BED, 2 X SINGLE STOREY 2-BED AND 5 X SINGLE STOREY 3-BED WITH DETACHED GARAGE TO PLOT 2 ONLY

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Chris Walford, the agent. Mr Walford explained that he has worked with officers to revise the site layout and has reduced the density, improving the spacing between the plots as well as increasing the garden sizes. He added that he has simplified the road layout which has meant that the houses have been moved away from the flats so that the houses are now looking onto the road and not into the private amenity.

Mr Walford added that with the exception of plot 1 all of the plots within the site are now bungalows which has helped to reduce the overlooking, and he made the point that there is a significant need for bungalows. He stated that the application has been accompanied by a detailed surface water drainage strategy which overcome the earlier concerns with drainage and surface water flooding.

Mr Walford stated that all consultees are in support of the application, and he is happy to agree with all of the pre commencement conditions that have been put forward and he thanked officers for working proactively with him on the application.

Members asked Mr Walford the following questions:

- Councillor Gertsner asked for clarification as to how many trees are to be removed from the site? Mr Walford explained that an arboriculture survey was undertaken on the site and whilst a period of time has elapsed, he has tried to retain trees. He added that the key areas were at the back at the far right of the site which are being kept, however, to give a precise number then the report would need to be consulted.

Members asked officers the following questions:

- Councillor Gerstner asked officers to explain how many mature trees are being removed? David Rowen stated that the arboriculture report would need to be consulted in order to provide a precise number. He added that there are quite a few trees that are being removed from within the site, however, that has been assessed by the Council's Arboriculture Officer who has concluded that the trees are not of sufficient standard to justify any further protection or to justify refusing the application. David Rowen added that as part of the application there is a condition regarding landscaping which will look to get a replacement tree planting schedule submitted through a condition. He stated that the agent, Mr Walford, has indicated from the public gallery that there are 5 trees due to be removed as part of the application.

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

- Councillor Benney stated that the agent has worked well on the application and felt that the previous was over development before it was refused. He added that the site is going to be developed at some point and the agent has worked well with officers to achieve a recommendation for approval.

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

P72/24 F/YR24/0661/F
PECKS BARN, CROSS DROVE, TYDD ST GILES
INSTALLATION OF 1X BIOMASS BURNER INCLUDING SITING OF 1X STORAGE CONTAINER (RETROSPECTIVE)

Gavin Taylor presented the report.

Members received a written representation, in accordance with the public participation procedure, read out by Member Services on behalf of Tony Gent, a supporter. Mr Gent stated that he had farmed this land for his whole life, and this includes the 2000-acre farm of which the AgriGrub site is a small part, with over his lifetime he has seen how farming has had to change, and it is now

farmed completely regeneratively. He added that a key part of this is sustainable energy and heating, as fossil fuels cannot be continued to be used, with the biomass system at AgriGrub being renewable and makes use of sustainably managed timber from around the farm.

Mr Gent stated that the installation is a significant distance from any other property, and he has never witnessed any smell which might cause an issue to local residents.

Members received a presentation, in accordance with the public participation procedure, from Joe Halstead, the applicant. Mr Halstead explained that he started his company AgriGrub with the express goal of helping the environment and the last thing he would want to do is to pollute or cause any kind of nuisance to anyone nearby, with him taking all the necessary steps to ensure this. He explained that in 2022 he saw his energy bills triple almost overnight due to the fluctuating cost of energy and, therefore, he turned to a biomass boiler as the only renewable and cost-effective heating option available to keep his animals warm.

Mr Halstead stated that at the time he was assured by multiple sources that the biomass boiler did not need planning permission and, therefore, he did not apply, however it now appears that these sources were mistaken. He added that he is now aware that biomass boilers such as this do require planning permission if they are within 400 metres of a dwelling, however, the Council has granted planning permission to several other very similar biomass boilers including one only 25 metres from a dwelling and all without incident.

Mr Halstead advised the committee that AgriGrub has a licence to operate from the Council which is entirely contingent on the control of odour omitted from his site. He added as a result of complaints from neighbours due to a smell of smoke, the Council's Environmental Health Team carried out extensive monitoring on the site and only on one occasion could the officers smell anything at all and the officer stated that other than a very faint quite pleasant burning wood smell they did not witness any odours or smoke.

Mr Halstead explained that the biomass boiler does produce some smoke especially when it is first lit and is just getting going but this clears rapidly and he added that this is the issue that the complainants have, that occasionally outside of their property for a short period of time they can smell a very faint smoke smell and that is all that can be evidenced. He added that in order to monitor this he set up a dedicated complaints email address for neighbours to report any issues with complaints being received on average, every 33 days with the most recent complaint being received in August 24 and no complaints received since.

Mr Halstead explained that all of the complaints have been as a result of one property, Pecks Farm, which is also where 7 out of the 9 public comments on the Public Access system were made from and before the biomass boiler was even installed the residents of this property were outraged that he would site his business on the farm within 300 metres of their property. He expressed the opinion that he believes the residents have become extremely sensitised to any occasional slight smoke smell and their behaviour as a result of the sensitization has made him feel extremely unsafe and has not been a pleasant experience due to the worry for the safety of his staff.

Mr Halstead expressed the opinion that the comments made on Public Access are filled with falsehoods which include a serious allegation that the biomass boiler is used to burn general waste, something which would be illegal and completely pointless seeing as he has a 2000 litre general waste bin on site supplied by the Council. He made the point that waste in general makes for a horrible fuel and apart from some recycled cardboard or the odd broken pallet, waste is not used in the biomass boiler.

Mr Halstead expressed the view that of the 3 complainants, 2 have log burners, including multiple wood stoves at Pecks Farm and all 3 complainants regularly burn garden and building waste in their gardens. He stated that the Council has a robust system in place for monitoring and acting on

any potential nuisance and by not granting planning permission would contradict the work undertaken by Planning and Environmental Health Officers who both support the granting of the application.

Mr Halstead added that if the committee wish to add conditions to any planning approval such as not to cause a nuisance, he will welcome that as he added he can state with compete certainty that the biomass boiler does not cause a nuisance to any nearby properties.

Members asked the following questions:

- Councillor Sennitt Clough stated that she was under the impression that the farm was arable, however, in the presentation Mr Halstead had made reference to the fact that the boiler assisted in keeping animals warm and she asked for clarification. Mr Halstead stated that the majority of the 2000 acre farm is arable but his business specifically grows insects and was the first to do so in the United Kingdom. He added that the are grown on site using food surplus and in turn the product is supplied to poultry farms and the pet food sector.
- Councillor Mrs French stated that she finds this most interesting and asked who the product is sold to? Mr Halstead explained that the grubs are sold to several local chicken farmers as feed for their chickens and he also produces dried calci worms for the pet food market.
- Councillor Mrs French asked Mr Halstead to confirm what he actually burns in his biomass boiler? Mr Halstead explained that he uses a combination of logs and pallet wood to get the logs started and he sources his logs from Wisbech St Mary.
- Councillor Marks asked whether AgiGrub is the only company who operates this type of business in the area? Mr Halstead stated that he believes that there is another company operating in Cambridge who are expanding into Peterborough.

(Councillor Marks declared at this point that he had not realised earlier but he deals with this company on a professional business level, and took no further part in the discussion or voting thereon.)

- Councillor Gerstner asked Mr Halstead whether there is a planned maintenance schedule for the boiler, and whether this is undertaken by a company or are they works that he undertakes himself? Mr Halstead explained that in the biomass boiler information request form which was submitted as part of the planning application process, it lays out the maintenance schedule which is used. He explained that he undertakes the weekly and monthly maintenance himself and then the manufacturer undertakes a service once a year.
- Councillor Gerstner referred to the odour and he asked whether there is any other means of monitoring the smell or smoke omitted from the boiler or is there any particulate matter which is released? Mr Halstead explained that he does not know of any way that the smell can be mechanically measured and he added that he has looked into the possibility of adding abatement systems to the flue, however, the companies he has approached have stated that they cannot assist due to the fact that abatement systems are for black smoke which have particulate matter and what comes out of the biomass boiler is white smoke which is effectively from residual moisture in the fuel. Councillor Gerstner stated that in commercial boilers they have a part called a scrubber which removes some of the pollutants and he asked Mr Halstead whether his boiler has something similar within his flue? Mr Halstead explained that it does not.
- Councillor Gerstner asked for clarity that whatever material is being burnt just goes out of the chimney or the flue? Mr Halstead confirmed that is correct.
- Councillor Sennitt Clough asked for further detail concerning the particulate matter that emanates from the boiler? Mr Halstead confirmed that the particulate matter emissions are no greater than 30 grams per gig draw for particulate matter which falls way below the standards set by Environmental Health.
- Councillor Sennitt Clough clarified that the business Mr Halstead operates uses a biomass boiler to heat up a room to keep insects warm which are then used as food for other animals. Mr Halstead confirmed that summary is correct.
- Councillor Imafidon asked for clarification that there is only an odour or smoke when the boiler

is first lit, and he asked Mr Halstead to confirm how often the boiler is lit and whether it goes out or burns continuously? Mr Halstead explained that with regards to the frequency of lighting the boiler is all dependent on the ambient temperature and in the middle of the summer it will only require to be lit once every two or three days and in the winter, it will be lit every day. He made the point that in an ideal world it is only lit once a day first thing in the morning and then fuel can be added as needed throughout the day but sometimes it does go out and needs relighting.

Members asked officers the following questions:

- Councillor Sennitt Clough asked officers to confirm that when Environmental Health visited the site did they do so to see if they could smell any odour or did they take any kind of air pollution monitors with them as that equipment records levels accurately. Gavin Taylor stated that that level of detail is not held, however, as per the officer's report the Environmental Health Officers have been out to the site and carried out monitoring for smoke and odour but he is not aware of the level of detail that the monitoring would be. He added that officers would have read the submitted biomass boiler form which provides the detail concerning the level of particulates that Mr Halstead spoke of. Gavin Taylor added that it appears that the Environmental Health Team have considered that the particulate matter along with other elements of the boiler including the operational hours are suitable. He explained that the boiler details in section 3 of the report set out that the emission limits will be no greater than 30 grammes per gig draw of particulate matter. Gavin Taylor explained that he is not familiar with that terminology as it is a technical matter, however, the team in Environmental Health have considered it and deemed it acceptable.
- Councillor Sennitt Clough referred to the height of the chimney which is 5 to 6 metres, and she added that as it is closer to ground level would it create more of an issue with regards to pollution as she is aware biomass burners can omit a number of pollutants including nitrogen dioxide, particulate matter and sulphur dioxide. Gavin Taylor stated that he cannot answer that as it requires more of a technical response, but he added that when considering particulate matters the form that has been completed and submitted which forms part of the approved details and the condition that is tied to it sets maximum emission limits. He added that there is sufficient detail within that form in order for the Environmental Health Team to monitor and take necessary action if required.

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

- Councillor Gerstner expressed the view that the applicant has submitted a very good application, and the site is located far enough away from most people. He added that officers have visited the site and have found no major issues, and the applicant has answered most of the committees' questions. Councillor Gerstner expressed the view it is a good way to burn old wood and pallets and there is little or no pollutants which have been reported and he will support the application.
- Councillor Sennitt Clough stated that she disagrees with the viewpoint of Councillor Gerstner, and, in her opinion, there is not enough information which has been provided concerning the monitoring which has been undertaken to form an opinion on the application.
- Councillor Mrs French stated that she disagrees with that view as the Council's Environmental Health Officers are extremely experienced and the information which is in the officer's report is more than enough in order to be able to approve the application.
- Councillor Connor stated that he agrees with the view of Councillor Gerstner and Councillor Mrs French, and he added that the Environmental Health Officers are very good at their job and the committee needs to take their expert advice and opinions into consideration.
- Councillor Gerstner stated that this is a very small biomass boiler not a large operational plant.

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

(Councillor Connor declared, in accordance with Paragraph 2 of the Code of Conduct on Planning

Matters, that he has been lobbied on this application)

P73/24 **F/YR23/0209/RM**
LAND SOUTH WEST OF 317 WISBECH ROAD, WESTRY
RESERVED MATTERS APPLICATION RELATING TO DETAILED MATTERS OF ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE PURSUANT TO OUTLINE PERMISSION F/YR20/0905/O TO ERECT 3 X DWELLINGS (3 X 2-STOREY 3-BED)

Gavin Taylor presented the report.

Members asked officers the following questions:

- Councillor Benney asked for confirmation that the application had been deferred previously in order to ask for further information to be provided on the drainage strategy, both foul and surface water as well as the detail concerning the bin collections. He stated that it appears that there has been no change and that no further information has been provided. Matthew Leigh stated that as per the officer's report there has been no interaction with the applicant.

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

- Councillor Benney expressed the view that as the information that the committee asked for previously has not been provided by the applicant the application is incomplete and, therefore, the application cannot be determined and should be refused. He expressed the view that he is sure that Matthew Leigh will want a decision to be made on the proposal, however, in light of the fact that the information requested by the committee has not been forthcoming and it would appear that the applicant has chosen to ignore that request the application should be refused.
- Councillor Marks stated he agrees with Councillor Benney, the applicant has either ignored the request for the information to be provided or cannot be bothered and as it is an incomplete application he certainly will not be supporting the application.
- Councillor Sennitt Clough stated that she agrees with the points made by Councillors Benney and Marks, however, when considering the information before members, an applicant cannot be punished because they did not provide information that can be conditioned. She added that whilst she is still undecided with regards to her decision on the application, points 6, 7 and 8 can be conditioned.
- Councillor Benney made the point that whilst certain aspects can be conditioned, the committee specifically requested the detail concerning drainage and foul water. He added that he recalls that there are problems with flooding and also the location where the bins were to be stored. Councillor Benney stated that without a refuse strategy the application is incomplete, and he added that the committee refused an application in Chatteris earlier in the year because it did not contain a drainage strategy.
- Councillor Marks stated that the road does flood, and he is aware that there were pumps taking the water away via tankers and there was a large quantity of water removed. He added that he cannot give agreement to the application at the present time without seeing the applicant's drainage strategy. Councillor Marks expressed the view that at the current time the applicant does not appear to be bothered and 6 months is an awful long period of grace for him to be given and there is no way that he can support the application.
- Councillor Benney added that he recalls that there was a resident of Wisbech Road who was pumping water out into the road and was told to stop by the Police, or she would face prosecution. He added that the committee cannot put the residents at that sort of risk and the applicant has been given the chance and opportunity to come back with the information, but it has not been forthcoming and is an incomplete application.
- Councillor Sennitt Clough asked for confirmation of the flood zone that the site is located in, and it was confirmed as Flood Zone 1.
- Matthew Leigh stated that case law is clear when it comes to making the determination of a

planning application and states that an application cannot be refused if a condition can overcome the harm. He added that he understands that there is anecdotal and experience of flooding which has occurred and there maybe concerns as to whether the bin strategy can or cannot be delivered but the the Council have the powers to impose conditions that officers consider as safe to impose and that they have some level of certainty that they are deliverable. Matthew Leigh added that the information is required prior to commencement and those details would be considered and fully assessed and if found to acceptable would then be implemented and it is quite reasonable to impose the conditions particularly taking into account the Council's position earlier in relation to the highway when initially the Highway Authority had objected, and the Council thought it was ok to condition. He added that he does not see in planning terms what the difference is here considering that the consultees are happy in this situation subject to the conditions, making the point that it would be dangerous for the Council to refuse the application on the basis of a lack of information especially when considering that conditions 6, 7 and 8 will be able to ensure that information is provided to the Council, and it can be fully and robustly reviewed at the correct time.

- Councillor Marks referred to planning training that he had attended where incomplete and complete applications were discussed. He stated that the applicant has been given time to come back and complete his application and the application is incomplete and does not contain a drainage or refuse strategy and, in his view, as it is incomplete application it needs to be refused.
- Councillor Connor expressed the view that he totally agrees.
- Councillor Benney stated that he has listened to the advice and guidance provided to the committee by the Head of Planning, however, as decision makers, the committee can make its own minds up when determining applications. He added that whatever decision is made, it comes down to the fact that it is a committee's decision and not an individual. Councillor Benney added last Christmas, the bungalows along that stretch of road were running pumps 24 hours a day and as a committee there needs to be confidence that whatever is there is robust and without seeing a drainage strategy then the committee cannot make a decision or comment.
- Councillor Connor stated that he is absolutely adamant that it should be refused, and he would be happy to propose.
- Stephen Turnbull stated that if a Planning Inspector disagrees with members and that the matter could be dealt with by a condition then there is a risk of costs as well. Councillor Connor stated that if that is the case then so be it, but the committee also have a duty to residents in the surrounding properties as well.
- Councillor Gerstner stated that he has heard the advice what the Legal Officer has given, and he added that surely that is setting a precedent for future people to come along and do exactly the same thing.
- Matthew Leigh explained that the Council has granted permission before for sites with conditions similar to the application before members. He added that the information has not been required for every site and cautioned that committee that to refuse the application on lack of information would not be advisable in his opinion.
- Councillor Marks stated that members have been advised that if an application is incomplete, it should not be approved and, in his view, he cannot see how it cannot be seen as anything else other than an incomplete application. He added that whilst he appreciates that the application can be conditioned, the committee need to be aware of what is going to be on the site before a decision can be made and it is known that the site floods and if it went to appeal then there could be a cost implication, however, the committee are doing their job by objecting to it. Councillor Marks made the point that he would be content to attend an appeal and put his point across which is that the site floods and the applicant has not provided a drainage strategy at all after being given 6 months grace and for that reason it is incomplete and should be refused.
- Councillor Benney referred to an application in Doddington where the committee were advised by the Head of Planning that there was not a drainage strategy to accompany the

application, and it was refused because of that. He added that at that time the committee asked about conditioning and were advised that they could not condition it. Councillor Benney expressed the view that the two applications are to him very similar, and that application was refused due to the absence of the strategy when it is his understanding that both himself and Councillor Marks would have otherwise supported the application.

- Matthew Leigh explained that the applicant has supplied some information, however, officers feel that a greater level of detail is required which is materially different to there not being any information. He added that it comes down to officers ability to feel some level of confidence and understanding of the ability for the planning harm and he advised members again to consider the matter carefully.
- Councillor Benney stated that this was the reason that the other application was refused and whilst there was a drainage strategy it was a discharge point.

Proposed by Councillor Connor, seconded by Councillor Marks and agreed that the application be REFUSED against the officer's recommendation.

Members do not support the officer's recommendation of approval as they feel that the agent has not provided the drainage strategy, foul and surface drainage, and refuse strategy and, therefore, application is incomplete.

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

P74/24 F/YR24/0772/O
LAND SOUTH OF 4 - 16 BACK ROAD, GOREFIELD
ERECT UP TO 9 X DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)

Tom Donnelly presented the report.

Members received a written representation, in accordance with the public participation procedure, read out by Member Services from Councillor Michael Humphrey on behalf of Gorefield Parish Council. Councillor Humphrey stated that the Parish Council does not support this application and would draw members attention to its concerns as per the officer's report. He added that the Parish Council is also concerned on the grounds that this application has been brought to the committee and considers that the use of letter templates to support this application is a misuse of the system.

Councillor Humphrey reminded members that Gorefield is designed as a village of limited growth, yet it has permission for in excess of 50 homes still to be built out. He hoped that unlike the application approved against officer's recommendation in August 2023, the Planning Committee members will be mindful to support the officer's recommendation to refuse the application.

Members received a presentation, in accordance with the public participation procedure, from Shanna Jackson, the agent. Mrs Jackson referred to the presentation screen and stated that the application has taken a considerable time to go through the validation process. She stated that the application is for up to nine dwellings within the centre of Gorefield and it is quite a unique site due to the fact that despite it being located in Flood Zone 3, the technical Flood Risk Assessment demonstrates that it can accommodate bungalows on the site, which is a significant benefit as nowadays it is rare to be able to build bungalows within the district.

Mrs Jackson explained that the application is submitted in outline with all matters reserved and the indicative layout demonstrates that a spacious layout can be achieved which respects the established loose knit development along Cattle Dyke. She expressed the view that it demonstrates a really good transition between a densely built-up development which is proposed at Dennicks Yard and the very low density along Cattle Dyke, with the proposed density being

appropriate and not harmful as mentioned in the second reason for refusal.

Mrs Jackson stated that Gorefield is classified as a small village where infill development is supported by Policy LP3 and she explained that the application site is located between the Dennicks Yard development and the established development along Cattle Dyke and, in her view, it would infill this part of the village without encroaching further into the countryside and the surrounding development. She expressed the opinion that the proposal complies with the spirit of Policy LP3 and that it comprises with residential infilling within the footprint of the village.

Mrs Jackson made the point that she has noted the reason for refusal with regards to the proposal comprising back land development but, in her view, she cannot see how the site is considered as backland when the scheme can be laid out comprehensively and it is no different in terms of its locational aspect from the Dennicks Yard site to the east. She stated that as part the submission a flood risk sequential test was undertaken and given the location of the site within the built-up footprint of Gorefield, the sequential test was carried out on sites within Gorefield, which was the case for the development site to the east and, in her opinion, she can see no reason why the same approach cannot be taken.

Mrs Jackson explained that despite the fact that she has demonstrated that there are no available sites for development at lower risk of flooding within Gorefield, officers have proposed a reason for refusal which states that the site does not pass a sequential test due to the fact that the search area should be the whole of the district and, in her view, the reason for refusal is entirely unreasonable given the location of the site in relation to the village and the fact that the site to the east was limited to the search area of Gorefield for its sequential test. She explained that there are no technical objections to the proposal and the Parish Council have stated that the road is narrow, however, the Highway Authority have raised no objection.

Mrs Jackson made the point that there are significant benefits to the scheme which includes the provision of new housing within a village which would sustain the amenities of the village and the fact that bungalows can be provided which is a rare opportunity in the area. She expressed the view that the reasons for refusal are subjective and the proposal would not cause harm to the settlement, it would comprise residential infilling and it is appropriate in terms of flood risk.

Mrs Jackson asked the committee to consider granting planning permission with appropriate conditions.

Members asked Mrs Jackson the following questions:

- Councillor Connor asked Mrs Jackson to clarify why the application is only for 9 dwellings as it could be considered that the site is underdeveloped just for nine when it could be capable of 15 or 16 dwellings? Mrs Jackson stated that if you look at the development site to the east which is the Dennicks Yard redevelopment it is very dense along with the Cattle Dyke development to the west which is very loose. She added that she tried to make a transition between the two and nine dwellings sat really well on the site as biodiversity net gain also had to be provided and there are areas which include pockets of landscaping. Mrs Jackson explained that it felt right in terms of the sizes of the houses and the transition.
- Councillor Gerstner asked whether the refuse truck can access the development site? Mrs Jackson explained that the layout of the site is not committed at the current time but there is scope to build it to an adoptable standard so it can include turning for large refuse vehicles.

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

- Councillor Benney expressed the view the site has merit and very often many sites are crammed in and do not make good use of land and when a low-density application is submitted such as this then it is criticised for being a low-density application. He stated that the application site is located in Flood Zone 3 and referred to the planning training he received where members were advised that if it fails the sequential and exception test then

when considering the application before the committee he does not see how it can be supported. Councillor Benney stated that he would only refuse the proposal on the grounds of the exceptions test, and he expressed the view that the houses would be good solid houses and would make lovely homes for people regardless of the fact that the site is in Flood Zone 3.

- Councillor Mrs French stated that she agrees with Councillor Benney that the design looks good, but it is in Flood Zone 3 and it is disappointing that there is not a sequential test properly sorted out otherwise the application could be supported. She expressed the opinion that if flooding could be overcome it is a good application.
- Matthew Leigh stated that when the density of a site is looked at the Government guidance is clear that the Council should be looking to deliver the maximum it can on sites that it wants to develop if it is felt that the site is appropriate to be developed, with the agent indicating that the density is trying to act as a transition between the denser development to the east and the lower development to the west. He referred to the presentation screen and highlighted that there are 8 properties which are just adjacent to 5 properties and that when considering the density in relation to the width of the site it is very generous and he advised members that if they do feel that the site is developable then the number of dwellings for the site should be higher. Matthew Leigh stated that consideration has to be given as to whether a site for backland development should be developed and whether properties are put on there. He added that there is the inclusion of a landscaping scheme and a development of nine dwellings does not require an affordable housing contribution whereas a scheme of 10 does and, in his opinion, if the scheme was to come forward properly then the number of dwellings would need to be substantially higher. Matthew Leigh made the point that whilst it might be an attractive scheme when considering the plot widths, they do not reflect the adjoining site and whilst an attractive lower density scheme may be nice to have, in his view, nice dwellings is not enough for the site.
- Councillor Marks stated that members are often told that the amenity space is not big enough and applications are refused and whilst he accepts that land usage has to be considered the proposal before the committee is spaced out and looks good, however, the flood zone issue still needs to be considered.
- Councillor Benney referred to the presentation screen and stated that on the left-hand side there are 8 houses as opposed to five and highlighted the spaces around the houses on the left, making the point that if a development took place today on that land there would be a significantly higher number of houses placed on that site. He added that planning is an evolving thing that changes all the time and as land is becoming more valuable, therefore, there is an element of higher density. Councillor Benney questioned whether members want to see small houses all crammed in on an area or would they rather see some nice houses for families to be able to grow. He added that as much as policy may dictate, members know that there is the need for a mix of house types and whilst he could support the proposal, ultimately the site is located in Flood Zone 3 and the application cannot be passed without an exception and sequential test.
- Councillor Gerstner stated that if the committee are considering approving development in Flood Zone 3 then there needs to be consistency.
- Councillor Connor made the point that in Wisbech most of the area falls in Flood Zone 3 and if the application was in Wisbech, apart from the density, then the officer's recommendation would likely to have been one of approval.
- Matthew Leigh stated that when looking at the indicative plan there is space for four cars and detached garages and whilst he accepts that planning evolves, he would implore members to refuse the application on density. He added that the application is a very poor use of land as it is and whilst it does not mean it needs to be a highly dense scheme like you find in an inner city area, in his view, you can have very nice attractive houses but adding slightly more.
- Councillor Marks stated that his concern is how can bungalows be located in Flood Zone 3 that the agent has said should be approved. Matthew Leigh explained that consideration needs to be given with regards to not building in flood zones and then the issue of trying to

overcome the exception test by building properties up and officers are stating that they should not be built. Councillor Marks stated that the agent had alluded to the fact that there was some loophole to state that bungalows can be built in Flood Zone 3.

- Councillor Connor invited the agent, Shanna Jackson, back to address the committee with an explanation concerning the point she had made. Mrs Jackson advised members that the Flood Risk Assessment was carried out on the basis of it being single storey dwellings and that has been stated in the Flood Risk Assessment information as it is in a very low area of surface water flooding despite the site being located in Flood Zone 3.
- Councillor Mrs French stated that the site is located in the countryside, and it is in a village and executive homes are required which she feels should be taken into consideration.
- Councillor Benney stated that the application should only be refused on flooding grounds, and he added that there may come a time where the application site can pass a sequential test and, therefore, could come back before the committee. He added that to refuse the application on low density could mean in time an application could come before the committee with a block of flats on it.

Proposed by Councillor Mrs French, seconded by Councillor Gerstner and agreed that the application be REFUSED as per the officer's recommendation but solely on failure of a sequential test.

P75/24 F/YR24/0684/F
LAND NORTH OF HILL VIEW, EASTWOOD END, WIMBLINGTON
ERECT 8 X DWELLINGS (SINGLE-STOREY 2-BED) AND A 1.2M HIGH BOUNDARY POST AND RAIL FENCE, AND THE FORMATION OF A NEW ACCESS AND A 2.5M HIGH BUND

Tom Donnelly presented the report.

Members received a presentation, in accordance with the public participation procedure, from Councillor Angela Johnson of Wimblington Parish Council. Councillor Johnson stated that she is addressing the committee on behalf of Wimblington Parish Council who are objecting to the proposal, and she explained that a little over 2 years ago Wimblington and Stonea Parish Council began developing their Neighbourhood Plan and as part of that ACOMB were commissioned to produce a professional researched housing needs assessment and a design guidance and code report. She added the reports were completed in early 2023 and were unanimously adopted by the Parish Council and copies were provided to the Planning Department at the Council.

Councillor Johnson added that the housing needs assessment highlighted the fact that the village of Wimblington is way above the national average in Fenland and England for built bungalows, with it also highlighting the high percentage of people over the age of 60. She explained that the Planning In Principle application which was objected to by local residents and the Parish Council has been granted on the corner of the Eastwood End settlement which is east of the A141, with there being no facilities whatsoever on this side of the village and, therefore, to reach any of the village facilities it would mean crossing the A141.

Councillor Johnson explained that planning in principle was granted by planning and now the developers have applied to construct 8 bungalows which are recommended for approval by officers. She made the point that it is obvious that neither of the two professional reports made available to officers have been taken into consideration and she added that the reports were produced for a reason, and they are there to support the draft Neighbourhood Plan which the Planning Officers have received, and it contains a policy in relation to the housing needs in the neighbourhood area.

Councillor Johnson questioned why the Planning Officer has not supported the research undertaken on the housing needs in Wimblington and she also questioned why the developer has

not been advised that there is no further requirement for the construction of bungalows in the village. She stated that the design proposal is not in keeping with the surrounding area which is a cul de sac of bungalows off a country lane and a proposed pallet of materials which are not consistent with the local built heritage and no specific building materials submitted with the submission which leaves the developer an open door.

Councillor Johnson added that the development is near the construction site of other dwellings on Eastwood End and, in her view, the dwellings are not in keeping with the area due to their size, design, materials and housing need. She expressed the view that bungalows inherently attract older members of the community, and she questioned how they would be able to access local facilities if they choose to walk which would mean having to cross the A141 which would also be the case if they choose to drive.

Councillor Johnson stated that there is a need for affordable homes for the younger lower paid members of the neighbourhood area and if the developer is not prepared to investigate this option then, in her view, they should consider building elsewhere. She explained that the Neighbourhood Plan for Wimblington and Stonea is in the later stages of completion and once adopted it is hoped that it will have an influence on the further development within the neighbourhood area.

Members asked the following questions:

- Councillor Mrs French asked Councillor Johnson if she can confirm when the Neighbourhood Plan consultation commenced? Councillor Johnson explained that the initial stages commenced in 2022, however, the whole process did not start until August 2022. Councillor Mrs French explained that as it is in draft form and has not been adopted and approved that is probably the reason that the officers did not take it into consideration. Councillor Johnson added that the Housing Needs Policy has been adopted along with the design guidance by the Parish Council as they are different reports which sit alongside the Neighbourhood Plan. Councillor Mrs French added that they have not been adopted by the District Council and this is the Planning Authority.
- Councillor Marks stated that Councillor Johnson has stated that bungalows are needed for older residents but then she has referred to affordable homes. He expressed the view that affordable homes are for young families with children who will still need to walk across the A141. Councillor Marks asked Councillor Johnson whether her view is that it would be better to have houses on the site which, in his view, would be out of character as opposed to bungalows. Councillor Johnson stated that at the other end of the road there is going to be nine executive homes built and that it is going to look totally different to 8 bungalows. Councillor Johnson stated that she can see Councillor Marks view, however, in her opinion, there are enough executive homes which have been built or are due to be built as well as bungalows which have been built off King Street.
- Councillor Marks made the point that in Manea there is a shortage of bungalows and, in his opinion, there is a shortage across the whole of Fenland. He added that when considering the older generation, they may wish to relinquish houses and opt for bungalows which in turn will release houses for families in Wimblington. He added that there has been a recent application where 8 houses were approved in very close proximity, and he added that he finds the views of Councillor Johnson to be quite strange. Councillor Johnson stated that off King Street there have been 48 bungalows along with the second phase of 21 bungalows being built and there are bungalows included as part of the development off Eaton Estate. Councillor Marks stated that the developer has undertaken some research to find out what is acceptable and what is needed as he would not build solely on speculation in the hope of building and selling something. Councillor Johnson expressed the view that she does not know how the developer has undertaken his research as the housing needs assessment was undertaken by a professional research body.
- Councillor Sennitt Clough asked for clarification as she understood from the presentation given by Councillor Johnson that there is the need for dwellings for families, but Councillor Johnson does not feel that the site in question is right for either bungalows or family

dwellings. She added that she understands from Councillor Johnson that what she said with regards to being above the national average for bungalows and people over the age of 60 that she is actually talking about a more blended community in order that the area does not just become somewhere just for those over the age of 60 in bungalows. Councillor Johnson stated that Wimblington does not need any more development, with Wimblington having way over the amount of development that it should have with the number of homes being 116 which is now at over 400. She added that is why the objections have been made by Wimblington Parish Council and local residents and nobody wants all of the development and there is a significant amount of it taking place within the village. Councillor Johnson added that Wimblington does not need houses and there is already an application for affordable homes which has been approved on the way to Doddington, 48 homes behind the Eaton Estate along with another 2 developments. She stated that the Parish Council feel that there needs to be a review of what houses are actually needed if they are going to be built and it is not bungalows within Wimblington.

- Councillor Benney asked Councillor Johnson whether she would be content with more social housing in Wimblington, and he added that generally when social housing with flats is proposed most people do not look on that favourably and would rather see bungalows. He added that if that is something that the Parish Council and the local community would rather see then that could be considered during the preparation of the emerging Local Plan. Councillor Johnson stated that there is an element of social housing already being developed on the way to Doddington. Councillor Benney stated that Councillor Johnson has alluded to the fact that the Parish Council would prefer to see a different kind of housing for young people, and he asked whether they would prefer to see that type of housing rather than bungalows in Wimblington. Councillor Johnson stated that in the Neighbourhood Plan the local community have also stated that this is what they would like to see more of as there are enough bungalows.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent. Mr Hall stated that the application site already has planning in principle for up to 9 plots and the application before the committee is for 8 two-bedroom bungalows. He disagrees with some of the points raised by Councillor Johnson and explained that there are bungalows opposite the application site and a newly constructed bungalow on the corner of the site and, therefore, it appears to be that character of the area.

Mr Hall added that there are no technical objections to the application, and he has incorporated a 6 metre wide drive with a turning head which was a concern for the Parish Council which will allow the refuse collection vehicles as well as delivery vehicles to enter and exit the site in a forward gear. He explained that he has spoken to the developer and the spoil which is shown on the site plan will be used to form the bund which is to be set adjacent to the A141 and is a similar feature to the application which was approved for the nine plots to the north.

Mr Hall added that a noise assessment has also been submitted which confirms the suitability of the bund and the site is all located in Flood Zone 1. He made the point that the drainage strategy has been provided and it has been designed at a greenfield runoff rate and officers have stated in their report that they are content.

Mr Hall explained that the site came before the committee 2 years ago as a planning in principle application and at that time the officer recommended it for approval and members supported that, with the application before the committee today also recommended for approval, and he explained that the application was validated at the end of August and officers have provided a very good and efficient service. He stated that with regards to materials, the developer cannot do just what he likes and there will be conditions where the types of bricks and tiles will have to be agreed with officers, with the layout of the site being largely dictated by the water main at the site and he has received approval from Anglian Water to undertake some trial holes on the site for that to be located which has been undertaken and now work has been undertaken to accurately set out

where that needs to go.

Mr Hall stated that he has shown 8 2 bedroomed bungalows, and, in some cases, there is way more than a third in garden area and had a lesser number of dwellings been included then the officer recommendation could have been one of refusal as an inefficient use of land. He added that on the opposite side of the bypass there are over 40 bungalows which are being developed with some already completed and sold.

Mr Hall explained that he has worked closely with the developer on this application and the developer is not going to build dwellings which he does not think he is going to sell hence the choice of bungalows. He added that Savage Developments from Manea are extremely keen to commence works on site and they are the builders who constructed the houses directly to the east which are still under construction for different owners.

Mr Hall advised the committee that the archaeological excavation works have already commenced, and the footpath and the access is shown on the site plan and a local contractor has already been instructed to provide all of those details and the bungalows are deliverable by a local builder and comes with an officer recommendation of approval.

Members asked Mr Hall the following questions:

- Councillor Marks referred to the proposed footpath and asked Mr Hall whether the footpath will access up to the A141 crossing? Mr Hall referred to the footpath in front of the proposed site and the other sites to the east and explained that there has been a great deal of discussion with the County Council and technical approval has now been given. He added that it will link all the ones which are already constructed as well as the proposed site to the A141 crossing.
- Councillor Marks asked whether the developer has undertaken some research with regards to building bungalows or houses to ascertain which is the better way forward? Mr Hall stated that the developer has spoken to local agents and has ascertained that there are larger dwellings on the other side of the road which do look nice. He added that whilst larger dwellings could have been considered but that would have meant a lesser density, with there being a lot of amendments on the actual bungalows in order to get garages and reach a satisfactory design.

Members asked officers the following questions:

- Councillor Mrs French asked officers to provide an update on the Parish Council Neighbourhood Plan which has been referred to? Matthew Leigh stated that as he understands it the consultation ran for 6 weeks from the end of October to the 9 December. He added that it is not adopted so it does not form part of the Local Plan evidence basis for any material consideration just like any piece of evidence and it is not considered to be of substantial weight that it results in the reason of refusal around the housing mix.
- Councillor Marks stated that the bund is 2.5 metres high, and asked what the actual height of the bungalows are? Matthew Hall addressed the committee with the permission of the Chairman and advised the committee that the height to the eaves level where the gutter is approximately 2.6 metres and to the ridge, from his memory, they are about 4 to 4.5 metres which is the typical height for the bungalow. Councillor Marks stated that they will not be able to be seen from the A141 anyway. Matthew Hall confirmed that is correct.

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

- Councillor Mrs French stated that it is a good application, and she is pleased to see bungalows as there is a shortage. She added that she does understand that Eastwood End is not the easiest road to exit, and she has been working with the County Council Highway Officers to see if there is a way of improving it and for it to be incorporated in with the March Neighbourhood Plan. Councillor Mrs French added that she is pleased to see that the developer is actually looking to develop a mix of dwellings especially 2 bedroomed

bungalows and not just all affordable homes.

- Councillor Marks stated that he agrees with Councillor Mrs French and, in his opinion, bungalows are very much needed. He added that does share the concerns of Parish Councillor Johnson with regards to the A141 and he suggested that the Parish Council could look to secure a Local Highway Agreement for the implementation of traffic lights or some sort of crossing at the location, but he does fully support the application.
- Councillor Mrs French explained that is something she is looking into, but it would not be a Local Highway Improvement due to its significant cost.

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

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

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

(Councillor Marks declared that the applicant and his family are known to him on a professional basis through his role as a Councillor, but he is not pre-determined and will consider the application with an open mind)

5.40 pm Chairman

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PLANNING COMMITTEE

WEDNESDAY, 8 JANUARY 2025 - 1.00 PM

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

APOLOGIES: Councillor R Gerstner,

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

P76/24 PREVIOUS MINUTES

The minutes of the meeting of the 27 November 2024 were agreed and signed as an accurate record.

P77/24 F/YR23/0550/F
PHASE B LAND EAST OF BERRYFIELD, MARCH
ERECT 18 X DWELLINGS (12 X 2-STOREY, 4-BED AND 6 X 2-STOREY, 3-BED) WITH ASSOCIATED INFRASTRUCTURE AND THE FORMATION OF 2 X BALANCING PONDS AND PUBLIC OPEN SPACE

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Shanna Jackson, the agent. Mrs Jackson stated that she is seeking full planning permission for the construction of 18 dwellings and the scheme comprises phase B of the existing Berryfield's residential development. She explained that the proposal would result in high quality housing within a primary market town and the principle is acceptable in accordance with local housing policy as well as sustainable development objectives as set out in the National Planning Policy Framework (NPPF).

Mrs Jackson explained that the officer recommendation is one of refusal due to a perceived lack of compliance with the sequential test and failure to provide 10% biodiversity net gain, however, with regard to the sequential test, Paragraph 174 of the NPPF, states that the aim of the sequential test is to steer new development to the areas at the lowest risk of flooding from any source and that the strategic Flood Risk Assessment will provide the basis for applying this test. She explained that this is reiterated in Policy LP14 of the Local Plan and added that the site is located in Flood Zones 1, 2 and 3 of the Environment Agency's flood maps for planning and when considering the requirements of the sequential test, the dwellings and their private amenity spaces have been placed in Flood Zone 1 and are, therefore, in land at the lowest risk of flooding.

Mrs Jackson made the point that with this in mind no property or person would be placed at risk and the proposal would comply with the aims of the sequential test, however, the reason for refusal states that the sequential test is not passed due to the fact that the access road falls within Flood Zone 2. She referred to Paragraph 175 of the NPPF which states that 'the sequential test should be used in areas known to be at risk now or in the future from any form of flooding except in situations where a site-specific flood risk assessment demonstrates that no development within the

boundary, including access or escape routes would be located on an area that would be at risk of flooding' and she would interpret that as being where a Flood Risk Assessment demonstrates that the development is not at risk of flooding then the sequential test does not need to be applied.

Mrs Jackson referred the committee to the consultation responses which had been received and that the Environment Agency have not raised any objection to the development on flood risk grounds and the Middle Level Commissioners have stated that the development is capable of providing many benefits, with the Lead Local Flood Authority noting that Internal Drainage Board are satisfied and raised no objections either. She expressed the view that with all of the statutory consultees submitting no objections and then considering the wording of paragraph 175 of the NPPF, in her opinion, the aims and objectives of the sequential test are achieved.

Mrs Jackson made the point that if there is a restriction on placing the development including the access within Flood Zone 1, the land is effectively undevelopable as three quarters of the site would need to be a road. She explained that as a result it would not be possible to design the dwellings to a scale and character which would meet Local Plan standards in the land available and she added that if that were the case it would be very disappointing, given the fact that her client is ready to start developing straight away and in view of the land being proposed for allocation with the emerging Local Plan.

Mrs Jackson stated that the second reason for refusal relates to a failure of the provision of 10% biodiversity net gain (BNG) on the site and referred members to 10.18 of the officer's report where it states that the application is not subject to the statutory 10% BNG due to the application submission taking place in 2023. She explained that the BNG requirements were not implemented until the beginning of 2024 and, therefore, in her view, the second reason for refusal is unreasonable.

Mrs Jackson explained that the site is currently in active agricultural use and, therefore, the actual biodiversity interest is not as high as it could be. She added that when taking that fact into consideration and given the land that is available to her client in Flood Zones 2 and 3, the provision of the necessary 10% BNG uplift would be quite achievable, and this is something that she would happily accept as a condition on part of any planning permission.

Mrs Jackson stated that the benefits of the scheme will comprise the provision of new housing within a primary market town which can be delivered immediately. She added that the objection with regards to the sequential test is unfounded given that the dwellings and private gardens are located within Flood Zone 1 and the Flood Risk Assessment and statutory consultees have confirmed that there is no risk of flooding.
Mrs Jackson made the point that with regards to BNG there is no obligation under legislation to provide a 10% uplift, however, she added that she would be happy to accept a condition to provide the necessary detail if required.

Members asked Mrs Jackson the following questions:

- Councillor Mrs French made the point that the application is for 18 dwellings, however, there is no provision for affordable housing and no contribution towards the health service and schools and she asked who she thinks is going to pay for those services because in her view 18 homes will result in a minimum of 36 children and there does not appear to be any provision included within the application. Mrs Jackson explained that the viability assessment has been reviewed and it has been confirmed that it is not viable to provide that and, in her view, the development is the same as any other development where there are no contributions required, and the costs are picked up elsewhere. She added that it is her understanding that 18 units would not trigger health provision anyway and with regards to education and affordable housing it is much the same as anything else and it would go into the system as normal.
- Councillor Mrs French stated that her question was who is expected to pay for the funding if

the applicants are not? Mrs Jackson explained that it will the County Council. Councillor Mrs French made the point that it will be the taxpayers.

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

- Councillor Mrs French expressed the view that she feels that members should go straight to a proposal.
- Councillor Benney expressed the view that the dwellings are in Flood Zone 1 and a road which is partly located in Flood Zone 2. He stated that in his opinion it is a very good application, and he added that that with regards to the absence of the BNG, the application was submitted before that policy was introduced in April 2024 whereas the application is dated in 2023. Councillor Benney made the point that if that is the case, the application was submitted in good faith and the fact that there is an absence of BNG is something that can be debated as there are attenuation ponds which would add BNG and is something that could be conditioned quite easily as it could be seen as a BNG gain.
- Councillor Connor added that he concurs with the points made by Councillor Benney, and he added that when he visited the site and reviewed the report all of the dwellings are located in Flood Zone 1 with the road being located in Flood Zone 2. He added that the committee need to be consistent, and he referred to another application in Chatteris which was quite similar which the committee determined. Councillor Connor stated that the Middle Level Commissioners and Internal Drainage Board all appear to be content with the proposal and he made the point that he would consider going against the officer's recommendation.
- David Rowen stated that, with regards to the point raised concerning BNG, the application is not recommended for refusal because it is failing to deliver the 10% increase in biodiversity value as set out in the Environment Act which was introduced in early 2024 but the application is recommended for refusal on the basis that there would be a net loss of BNG contrary to Policy LP19 of the Local Plan and, therefore, the points made by the agent to the committee are incorrect.
- David Rowen explained that with regards to the access road, there is a new NPPF which has been published which is explicit that where any form of built development, whether that be houses or roads, is at risk of flooding, which is the case with this application as the road is in Flood Zone 2 then the sequential test needs to be applied. He added that there is no sequential test to accompany the application and, therefore, from those two perspectives, officers are of the opinion that there is a clear conflict with policy arising from the application.
- Councillor Mrs French stated that she knows the site well and she is aware that the road floods and when March suffered from flooding in 2020, the whole of Elm Road was flooded. She expressed the view that the application does look acceptable apart from the flooding issue, however, the committee should not be granting applications which are going to create further problems for other people on other pieces of land and she feels this application would cause problems.

Proposed by Councillor Mrs French, seconded by Councillor Sennitt Clough and agreed that the application be REFUSED as per the Officers recommendation.

(Councillor Marks registered that the applicant is known to him via business and took no part in the discussion and voting thereon)

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

P78/24 F/YR23/0940/F
LAND WEST AND SOUTH OF 74 WEST STREET, CHATTERIS,BR/>ERECT 70 X DWELLINGS (29 X 2-BED 2-STOREY, 29 X 3-BED 2-STOREY, 6 X 4-BED 2-STOREY AND 6 X 2-BED SINGLE-STOREY)

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 Jake Stentiford, the agent. Mr Stentiford explained that the officer's report sets out a clear recommendation for approval and recognises that the application is in accordance with the Local Plan and is policy compliant. He stated that the backdrop to the application is the previous planning permission for 58 houses which was an outline consent for an open market scheme with 25% affordable housing which would have equated to 15 affordable homes.

Mr Stentiford explained that he has looked at the site in the context of the very high levels of need for new affordable housing in Chatteris and made the decision to bring forward a scheme of all affordable homes on the site which, in his opinion, is the correct approach. He advised the committee that he has been able to secure more land than that of the previous scheme which has allowed for the provision of more affordable homes as well as increasing the provision of public open space, landscaping and biodiversity areas.

Mr Stentiford made the point that he is very proud of the quality of the design that has been achieved for the scheme which includes generous gardens, public landscaping and open space, along with tree planting throughout the site to create green tree lined streets and a varied materials pallet to maintain the visual interest moving through the site. He explained that as a result of the extensive work undertaken with officers to amend the scheme in order to meet all of the requirements of policy as well as meeting the needs of residents, the application was submitted at the end of 2023 which proves that the application has been considered very carefully and responds positively to consultee comments making appropriate amendments.

Mr Stentiford expressed the view that the result is an excellent quality development which will create a distinctive neighbourhood and be an attractive place to live whilst at the same time making a positive contribution to the character of the town. He added that the development will be delivered in partnership with the housing association which offers a range of benefits as the wider site will remain under one ownership and will be actively managed with ongoing maintenance of public areas, open space, parking and drainage infrastructure as well as the street environment such as managing bins and there will be a permanent single point of contact to resolve any local concerns.

Mr Stentiford stated that the most important issue for this application is the delivery of affordable homes and officers in the Housing Team have provided the latest figures from the housing register with regards to affordable need in Chatteris and the wider area. He stated that that the figures demonstrate a critically urgent situation of families with an immediate need for a suitable affordable home and will firstly be offered to those families with a local connection to Chatteris across all bands who need a 2-, 3- or 4-bedroom home.

Mr Stentiford added that there are 115 households with an immediate need and 60 of these are in bands A or B, which includes families currently occupying a property which has been assessed as posing an urgent or high health and safety risk to them. He explained that separate to those persons with a local connection there are further 265 households who have a preference to live in Chatteris who have an immediate need for 2-, 3- or 4-bedroom home and of those 144 are in bands A or B.

Mr Stentiford made the point that this is an acute level of need which cannot be addressed by single development, however, it is clear that the scheme will go a significant way towards alleviating the situation. He added that the development will deliver a quite exceptional public benefit in the local circumstances and the shortage of quality affordable housing is at the root of many of the social challenges and, in his view, when people have a decent home, their health

improves and their ability to work improves.
Mr Stentiford added that the burden on local health services reduces, and productivity rises and he explained that he is ready to move quickly to commence the construction of the scheme with the aim being to be on site by the Summer to make the homes available to those families in desperate need as soon as possible.

Members asked Mr Stentiford the following questions:

- Councillor Benney asked Mr Stentiford to confirm how quickly can the homes be built out? Mr Stentiford explained that advanced discussions are underway with a housing association who are likely to be coming on board and once the agreement is locked into place the construction can commence swiftly. He added that the grant funding which enables the delivery of the scheme requires that the construction coincides with the funding window and, therefore, there is a lot of pressure to move onto the site quickly and the intention is to be on site by the Summer.
- Councillor Mrs French asked whether the roadway throughout the site will be adopted should the application be approved? Mr Stentiford stated that it will be adoptable and there are some private drives within the scheme which will be a maximum of 5 which is usual and apart from that the spine road throughout the site is intended to be adopted.
- Councillor Sennitt Clough asked Mr Stentiford whether he had seen the comments made by Chatteris Town Council who appear not to share the same view concerning the dwellings being increased to 70 and she asked whether Mr Stentiford had considered their comments with regards to the impacts on neighbouring roads? Councillor Sennitt Clough stated that the neighbouring roads are West Street and the junction of West Street and Huntingdon Road. Mr Stentiford stated that the application has been supported by a detailed transport statement which has looked at the impact and found it to be acceptable, with there being some improvements being made to West Street. He made the point that the report gives the scheme support and that the response which has come back from the consultees is that they are in agreement and there have been no objections raised by any internal or external consultees with regards to the impact on roads. Mr Stentiford explained that in terms of the overall density he has agreed with officers that the density being proposed for the site is perfectly acceptable given the context of the site. He added that when considering the context with regards to the need for these affordable homes, in his opinion, that does need to be the prominent consideration, and he made the point that he would not be doing his job right as a Planning Officer to deliver a lower than appropriate density on a site like this in the context of that need. Councillor Sennitt Clough stated that she appreciates that argument given by Mr Stentiford, and she added that as a member of the Planning Committee it is her position to put forward the views of others and that is why she has referred to the comments of the Town Council.
- Councillor Imafidon asked whether there will be management company appointed to assume responsibility for the public open spaces? Mr Stentiford stated that there will be a Section 106 which will form part of the application which will need to be entered into before the determination and the Section 106 will deal with how the open space is managed. He added that the responsibility will fall to the landowner in the first instance and that will be the housing association and then they can delegate the responsibility for the site management to a management company. Mr Stentiford stated that he expects that in this case it will be the housing association who will retain the responsibility directly for the management of the public realm and landscaping across the whole site.
- Councillor Imafidon stated that he was under the impression that Mr Stentiford had stated that the ownership was with the contractor and then the housing association will take over after that. He asked Mr Stentiford what the course of action will be if the management company folds and then the residents are left to deal with issues themselves? Mr Stentiford explained that he can provide good assurance in this case as the housing association will own the site and they will be looking after the site in the long term. He added that the Section 106 obligation for the management of the site and the open space is enforceable against them and, therefore, there is always going to be someone responsible and there is

long term financial incentive for them to make sure that the management is undertaken properly.

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

- Councillor Benney stated that the application site falls within his ward and he is aware that there is local objection towards the application, but he knows that there is a justified need for houses. He referred to the Womb Farm development in Chatteris where 60% of the houses have been sold to first time buyers, 58% of the houses have been sold to people who live within a 6-mile radius of Chatteris and 87% of the houses have been sold to people who come from a Cambridgeshire postcode. Councillor Benney stated that is all well and good if you can afford to purchase a property, but families extend and, in some cases, become multi-generational households, with at this current time, the Council spending £1 million pounds on bed and breakfast accommodation in order to provide emergency accommodation due to the lack of homes. He made the point that as councillors they have a legal duty is to provide homes for people and just because people cannot afford to buy their own home, they still need somewhere to live, making the point that Council Tax is going to keep increasing to include paying for temporary accommodation or there is the option for new homes to be built to provide accommodation and to improve the quality of people's lives. Councillor Benney added that he became a Councillor to help people and to improve the quality of peoples lives and, in his opinion, this will do that, with the application being recommended for approval and if the scheme is turned down it is likely to go appeal, and the Council will be liable to incur costs and cost money. He made the point that as much as people do not want to see the application approved, there is a need for the homes and the application needs to be approved as there is a need for homes in Chatteris which he hopes will go to local people. Councillor Benney added that the figures associated to the Womb Farm development demonstrate that there is a need for housing and to not approve it would be a dereliction of duty in his view.
- Councillor Connor stated that he agrees with the views of Councillor Benney, and he added that the agent has worked proactively with Planning Officers, and he would welcome the application to be passed as there is a great need for the houses. He stated that he is pleased to hear that should the application be approved that development would start in the Summer and he added that it is one of the better applications that he has seen and he thanked the agent for working in conjunction with officers.
- Councillor Imafidon stated that there is no reason why the application should be refused, and he will support the application as affordable housing is needed in Fenland as there is such a large waiting list.

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

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

P79/24 **F/YR24/0365/F**
SIMS CONTRACT FURNITURE LIMITED, PLASH FARM HOUSE, PLASH DROVE, THOLOMAS DROVE, WISBECH
ERECT 1 X DWELLING (2 STOREY, 4 BED) WITH A 1.8M (MAX HEIGHT) FRONT BOUNDARY WALL (IN ASSOCIATION WITH EXISTING BUSINESS) AND THE FORMATION OF AN ACCESS, INVOLVING THE DEMOLITION OF EXISTING OUTBUILDINGS

Tracy Ranger presented the report.

Members received a presentation, in accordance with the public participation procedure, from Shanna Jackson, the agent. Mrs Jackson explained that the application is seeking full planning

permission for the construction of an occupational dwelling which is required for the effective and safe operation of Sims Contract Furniture. She explained that the Sims family have been on the site since 1994 where the applicant's family operated an upholstery business which has evolved into Sims Contract Furniture, which designs and manufactures high-end bespoke furniture and their clients include restaurants, pubs and ither venues.

Mrs Jackson added that over the recent years, the business has expanded rapidly which has meant that the workshop buildings have need to be extended on site and also the need to change the layout of the yard area and this is noted in the planning history. She explained that the business has just purchased another company and that will amalgamate with Sims Contract Furniture, and now this has been secured the applicant can look at the logistics of extending the building, with the business employing 10 people and, therefore, having a meaningful contribution to the rural economy.

Mrs Jackson added that the rapid growth of the growth of the company as well as the increased number of high value products and materials on the site has meant an increased risk of security, which she is aware that this is not strictly a justification for a new dwelling, however, the applicant wishes to reside on the site in order to protect his business which has evolved over the years to make it the successful enterprise that it is now. She stated that the proposal is part of a natural evolution, and it is much like any other rural business within Fenland, with the applicant having made the point that there is a fear of crime within the area, and she has reviewed the crime statistics for that particular postcode and there were four crimes reported within the last year, and she sympathises with the applicant's position.

Mrs Jackson stated that there is an existing dwelling on the site, which is known as Plash Farmhouse, however, that is occupied and is not available for the applicant and his family to use to help look after the business. She added that the application has been recommended for refusal as it is considered that there is no need for the proposal in accordance with Policy LP3 and Paragraph 84 of the NPPF, however, she asked members to consider the fact that the proposal would support a local and successful rural business by reducing crime and fear of crime, with it also allowing the applicant to be on site in order to take deliveries and to work late to meet the demands of the business.

Mrs Jackson stated that on the basis that the need for the dwelling is established the second reason for refusal relating to the sequential test falls away and this is because there is an essential need for this particular dwelling to be in this particular location. She made the point that on passing the sequential test, the exception test must be applied and she added that the site specific Flood Risk Assessment demonstrates that the proposal is technically safe from flooding and, in her view, the benefits gained from supporting a rural enterprise as set out in the NPPF would comprise a significant benefit to the rural economy and in turn comprising a community benefit, therefore, the exception test is passed, and the proposal would comply with local and national flood risk policies.

Mrs Jackson expressed the view that the third reason for refusal relates to subjective matters, and it states that the proposal would cause harm to the open character of the area as the proposal is a cramped form of development, but she would suggest that the dwelling has been carefully designed to appear as a traditional farmstead positioned within the cluster of existing buildings rather than spreading the built form out into the open countryside. She explained that the design of the proposal reflects the design of the neighbouring property at Plash Farmhouse by including matching materials and window detailing and, in her opinion, she does not see how the proposal would cause visual harm to the character and appearance of the area.

Mrs Jackson made the point that the proposal is for a new dwelling required to support a rural business and the recent increase in the scale of the business has triggered the need for greater security and an on-site presence. She explained that supporting rural businesses meets the aspirations of Section 6 of the NPPF and she asked the committee to consider granting planning

permission.

Members asked Mrs Jackson the following questions:

- Councillor Marks asked why she has mentioned the word safety during her presentation? Mrs Jackson stated that she meant to use the word security. Councillor Marks questioned the impact that the business will have on the residents in the next-door property by it operating later in the evenings and he asked whether it is a family member who lives in it? Mrs Jackson stated that it is an elderly family member who occupies the house currently and the new dwelling is for the applicant and his young family who run the business. Councillor Marks asked whether the security on site at the present time is the elderly mother? Mrs Jackson confirmed that is the case.
- Councillor Connor referred to the company amalgamating with another business, and asked whether the 2 businesses will both operate from Plash Drove? Mrs Jackson explained that the other business was from Long Sutton and the applicant has purchased that business who were a woodworking business, and the plan is for them to operate from Plash Drove. Councillor Connor asked whether the intention is to erect another building on the site in order to expand the site. Mrs Jackson explained that planning permission exist for an extension and a reconfiguration of the business yard area. She added that owner has not taken any steps to date, as they were waiting to find out the outcome of the purchase of the Long Sutton business and the current application before considering the logistical work to develop the site.
- Councillor Benney asked how many employees does the site have currently and is that figure likely to increase? Mrs Jackson stated that at the current time there are 10 employees including the applicant and it is her understanding that one employee is coming from Long Sutton.

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

- Councillor Marks made the point that he has concerns that there is a property on the site which is already lived in and the committee have previously given approval for other applications for potato stores and for farmers who need to live on site. He questioned whether it is a necessity for this business to live on site and as there is a property on the site already are the committee going to open up a can of worms with regards to working times after 5pm to 6pm at night and should something happen to the elderly relative, somebody else may take up occupation of Plash Farmhouse and, therefore, he does have slight reservations with regards to the application.
- Councillor Connor stated that he does have a slight worry but added that Fenland is Open for Business, and he does feel that he can support the proposal. He added that the applicant has purchased another company and whilst there is only one other employee moving across they have already got planning permission for expansion and it has been said before that the best security is for someone to live on site. Councillor Connor stated that members need to be consistent as they have approved other applications in the past where business owners have lived on site and he will be minded to go against the officer's recommendation.
- Councillor Benney made the point that the business is investing and for anybody to be investing in their business in the current climate should be commended. He added that whilst the business is only going to employ an additional employee, there is always the possibility that the business could relocate outside of Fenland and the area could lose the business altogether. Councillor Benney made the point that whilst there is an elderly lady living on site for security, in his view, the risk to her is greater than the security that she could offer and as family members get older it is a nice thing to do by caring for your relatives and the best security deterrent for the business is to have somebody living on site, as opposed to cameras and sensors as you never know when the occupier of the house is going to appear. He added that the committee have passed applications for security prevention in rural areas, and it is a known fact that there is crime in rural areas, with policy being a bit of grey area, and the site is not located in the middle of nowhere and it does

have purpose to it and he explained that he could the support the proposal. Councillor Benney stated that if somebody is prepared to invest then they should be supported.

- Councillor Connor stated that if the Council are minded to approve the application then a condition could be added to reflect that the new dwelling is linked with the business.
- Councillor Imafidon stated that if it is possible to add a condition to any approval then that would sway him to approve the application as he was in two minds as to whether the application should be approved. He added that the application does not comply with policy and the fact that it is not agricultural or horticultural, it is not necessary to have a dwelling on the site as it is a furniture manufacturing and assembly business, however, if it can be conditioned, he will be inclined to support it.
- Councillor Marks stated that he sometimes has reservations when adding conditions for properties in conjunction with businesses as at some point the business will be sold again or the residents will want to move. He added that he agrees with the point made by Councillor Benney with regards to businesses moving out of the Fenland area and in this case the applicant is expanding and bringing people to the area. Councillor Marks added that he sees no reason to add a condition, and he will support the application as it is.
- Councillor Connor stated that the Council's strapline is 'Fenland is Open for Business', and he does not feel that businesses should be refused and then choose to relocate to another county. He added that the business is in Fenland and could expand further over a few years and he agrees with the point raised by Councillor Benney that the applicant should be commended for looking to expand in the current climate and he will be supporting the proposal.
- Matthew Leigh stated that in theory the application is contrary to policy and if members choose to go against planning policy then they need to explain and understand why. He added that if members think that there is a particular need for the business to have a dwelling on the site then he would advise the members that consideration should be given to tie the dwelling into the business in some way. Matthew Leigh stated that in reality market forces are changing at the moment and if planning permission is given with no tied condition then if the applicant wished they would be able to build the dwelling and sell it as a plot immediately. He explained that all the material considerations which have been given weight to as a Council in allowing it have fallen away and it has not been able to enforce that. Matthew Leigh stated that he is very aware of the point made by Councillor Marks with regards to flexibility going forward and he suggested that if members were looking to impose a condition then it should be tied to the property or an agricultural dwelling in the future which would allow for some flexibility in the future if for some reason the owner looked to relocate, however, the proposed dwelling may not be necessary for the business because the other dwelling exists. He explained that the agricultural aspect added to the condition would allow some flexibility for a future occupier to reside in the property in an area where the Council would not necessarily be supporting a dwelling and there would still be a benefit for it in the future.
- David Rowen advised members that security is not a material planning consideration which Mrs Jackson also acknowledged. He added that there is a dwelling on the site and, in his view, members appear to be giving quite a bit of weight to the expansion of the company and he explained that the planning permission which was granted for the new industrial building on the site was granted in 2021 and as Mrs Jackson stated that development has not happened to date and as the company has purchased another company they may look to relocate in the future. David Rowen added that he does have concerns that members appear to be holding quite significant weight towards something which is quite tenuous at this point in time.
- Councillor Connor added that he was under the impression that the applicant had acquired the business and was moving the business to Plash Drove.
- Councillor Marks stated that safety is something that has been mentioned previously and the business is a woodworking business who by the sounds of it will want to work out of hours. He questioned whether having somebody else living on the site reflects the decision coming back? David Rowen stated that he can think of a number of other woodworking and

other businesses who also have a safety element to them who work 24 hours a day and 7 days a week and they do not have any residential accommodation associated with them such as any business on an industrial estate and, therefore, he does not feel that aspect carries any weight.

Proposed by Councillor Benney, seconded by Councillor Connor and agreed that the application be APPROVED against the officer's recommendation with authority delegated to officers to determine appropriate conditions including tying the dwelling to the business.

Members did not support the officer's recommendation of refusal as they feel that there is no purpose to build the dwelling anywhere else other than on the site, they do not feel that the dwelling will harm the character of the local area and the need and requirements of the business outweigh the reasons for refusal.

(Councillor Imafidon stated that he has had business dealings with the company in 2018-2019, but he is not pre-determined and will approach the application with an open mind)

P80/24 F/YR24/0339/O
12 SCHOOL LANE, MANEA, MARCH, PE15 0JN
ERECT UP TO 2 DWELLINGS (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF ACCESS) INVOLVING DEMOLITION OF EXISTING OUTBUILDING AND PART OF EXISTING DWELLING

Tracy Ranger presented the report.

Members received a presentation, in accordance with the public participation procedure, from Mr Liam Lunn-Towler, the agent and Mr Jerrom, the applicant. Mr Lunn-Towler stated that the proposal is for 2 frontage plots within the lowest flood risk zone in the central and built form of Manea and the site is located on the same road as the village hall. He explained that a footpath will serve the frontage to allow for a sustainable walk into the village services and facilities and including a 25-minute walk to the train station.

Mr Lunn-Towler stated that the officers have said that the previous application was refused based on the example site plan at the time, however, the principle of having dwellings on the land is supported by officers. He explained that since the previous refusal he has visited the example site plan layout to reflect the officers' comments at the time and the site plan before officers is an example because the application before the committee is an outline application and it is only the access which is being committed, with the dwelling, design and site layout including the elevations of the properties being subject to a later detailed application.

Mr Lunn-Towler explained that the proposed new access would enhance the visibility for number 12 to improve highway safety and the access is supported for the application by Highways Officer. He added that the application provides the opportunity for 2 family dwellings with large gardens in Manea and it makes good use of land and, in his view, it will make a good contribution to the local distinctiveness and character of the area.

Mr Lunn Towler referred to an application recently approved in School Lane, a back land dwelling to the rear of 22c, which is located on the same side of the road as the application site before the committee, which is only 9 houses away and is to the west of the application site and was approved by the committee against the officer's recommendation 8 months ago. He referred to that application and explained that it was also in outline form and only committed access, reference F/YR24/0194/O, making the point that it was very similar to the application before the committee.

Mr Lunn-Towler added that he has worked with officers on this application and, in his view, it will make a positive addition to the area and will support the existing services and facilities in Manea

including the village and train station.

Members asked Mr Lunn-Towler and Mr Jerrom the following questions:

- Councillor Sennitt Clough stated that there appears to be a number of comments with regards to drainage and she asked how the drainage issue is going to be dealt with? Mr Lunn-Towler stated that the foul drainage will be connected to the mains sewer within the road and with regards to the surface water it is likely that it will go to soakaways in the gardens although that is not confirmed at this stage. He made the point that ideally some sort of water butt would be incorporated in the first instance so that the householder could use the water in their garden and then run off into crates, however, if the soakaway system is not an option then a different system will have to be considered.
- Councillor Marks stated that the application site is located within his ward, and he has reviewed the application and listened to the presentation, however, it is his opinion that officers have made the correct recommendation. He expressed the view that he is very concerned regarding parking and it is out of character for the rest of School Lane, and he can foresee a number of issues. Councillor Marks added that at Christmas there were vehicles parked on the other side of the road, and he explained that the refuse freighter already struggles to get access down there. He made the point that School Lane does have flooding issues further down and, in his opinion, the application goes against what the street scene is, and he asked what efforts can be made to overcome that. Mr Lunn-Towler stated that with regards to the street scene, the eaves height and internal headroom could be reduced, which would still mean it was habitable and still in character with the existing property which is so much lower, with Mr Jerrom's internal height being 2.2metres which is already quite narrow but it would be ideal to push it up higher to prove the quality of the design of the properties but that is something that would need to be looked at. He explained that the elevations could even be stepped because the property on Mr Jerrom's land is so much shorter than the rest of them and on the opposite side of the road it copies a similar design where there is the same kind of height, eaves, detail and brick and the properties could be of a similar character to that. Mr Lunn-Towler referred to the flooding of School Lane and there would need to be some investigation with regards to how that can be overcome, however, he made the point that the site falls away from School Lane and, therefore, there is no run off from the land directly into it and channel drains could be incorporated along the frontage in order to capture the water and put that into the soakaways into the garden so that. He made the point that he trying to propose frontage plots, and the parking arrangements could be revised in a different way so that the properties pull in and are in tandem or include a car port attached to the property. Mr Lunn-Towler explained that there are many different ways that the layout could be explored and revised, and it would be something that the agent for the application would have to explore further in the future but he has tried to design the dwellings in as straightforward way as he can, referring to the back land property which was trying to hide the vehicles at the back of it. He stated that realistically he would not wish to bring the properties that close to the road in an ideal situation and he would like to keep the properties as set back as possible.
- Councillor Marks stated that if there was only one property then it would be possible to go to the side without bringing the properties closer to the road. Mr Lunn-Towler stated that he agrees, and he made the point that the application is for up to 2 dwellings and, therefore, the proposal could be just for one dwelling. He added that if it was concluded that the second property could not be achieved to make space for parking then that would have to be the case, and the garden space would form part of Mr Jerrom's land.
- Councillor Marks asked Mr Jerrom whether there is the intention for members of his family to move on to the site or is he looking to let or sell the dwellings? Mr Jerrom explained that he is 75 and his wife is 74 and has mobility issues, the site measures two thirds of an acre and when he first moved there it was an ideal property for his family, however, the house is now becoming too much for them and they wish to downsize and move away in order to give other people the same opportunity that his family had 44 years ago. He added that in those 44 years he has never known any episodes of flooding on School Lane. Councillor

Marks stated that he has attended School Lane with pumps when the road has flooded.

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

- Councillor Marks expressed the view that the development is too much on a very small site and it does not fit in with the street scene. He added that there are flooding issues within Manea let alone School Lane and he would anticipate parking issues as 2 and 3 bedroomed properties bring an associated number of vehicles with them. Councillor Marks made the point that the officer's recommendation is correct, and he cannot support the application.
- Councillor Sennitt Clough stated that there appears to be a difference of opinion with regards to the flooding. She made reference to the officer's report and stated that there is going to be overshadowing, and she does not feel that there is going to be enough space. Councillor Sennitt Clough added that if there is flooding then the additional dwellings will add to the flooding and drainage issues which are already affecting School Lane.
- Councillor Imafidon stated that the Parish Council are objecting to the proposal as the block paving is not permeable and that effects the discharge of wate, with the report also referring to issues with drainage provision and insufficient parking provision. He referred to the presentation screen and made the point that it does appear to him to be an overcrowded site, and the turning area is not achievable, and he cannot support the application.

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

(Councillor Marks registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is a member of Manea Parish Council but takes no part in planning)

(Councillor Marks stated that when he undertook a visit to the site, he was approached by the applicant and had a brief conversation, however, he is not pre-determined and will approach the application with an open mind)

P81/24 F/YR24/0813/O
LAND EAST OF 64 - 72 SUTTON ROAD, LEVERINGTON
ERECT 1 SELF-BUILD DWELLING (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)

Tracy Ranger 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 and David Boyce, the landowner. Mrs Jackson explained that the application is for single self-build dwelling and the proposal has been recommended for refusal as it has been stated that the sequential test has not been passed due to there being other sites available in Wisbech, however, she highlighted to members that the site address is located in Leverington and, therefore, in her view it made sense to carry out the sequential test in the area of Leverington. She explained that the sequential test that was carried out demonstrated that there are no other sites available for development within Leverington and, therefore, the test is passed and the test also demonstrates that the site is technically safe from flooding, presents a community benefit and, therefore, the exception test is also passed and there is no issue in respect of flood risk.

Mrs Jackson referred to Paragraph 10.1 of the committee report, where it states that the development is acceptable with no adverse impact on character or amenity and only fails because it is considered that there are other sites available in Wisbech which are at lower risk of flooding, despite the fact that the site address is in Leverington and Leverington Parish Council have been consulted. She expressed the view that there are no issues with the proposal and that it has been recommended for refusal purely on an administrative error and she asked for the reason of refusal

to be overturned, and that planning permission is granted.

Mr Boyce explained that he is a fifth-generation farmer who has purchased the land in order to retire two horses onto and when the building commenced around the site, this placed a great deal of stress on the two horses and they died, leaving the site redundant as he had no other use for it. He explained that he farms in Outwell, and the site is located in area where he can justifiably drive a tractor between the two locations, with it being a small site it is not very viable for farming outside of where he lives.

Mr Boyce made the point that he consulted the Fenland District Council plan which states that Leverington Parish Council is indicated in LP56 (02) in the plan so he consulted with Leverington Parish Council who provided their own comments and thoughts to him, and they received the initial correspondence along with further correspondence regarding the referral to committee due to the fact that they are the statutory consultee as opposed to Wisbech which was outlined by officers. He referred to a map from the Boundary Commission shows that Leverington Parish Council area is where his land sits and he explained that the applicant is looking to build a house with equestrian facilities on it in order to maintain some of the essence of the site and developing it for its best possible use.

Mr Boyce stated that if the committee are planning to refuse the application, he would ask that they provide him some advice and guidance as to what they feel is acceptable to develop on his land. He made the point that development has already taken place around his site, and it sits within the Council's planning framework and is located within the boundary of Leverington.

Members asked Mrs Jackson and Mr Boyce the following questions:

- Councillor Connor stated that the committee are determining the application before them, and it would not be right or proper to ask any member of the Planning Committee what they would consider. He added that if it is refused it is down to the applicant to work with the agent in order to submit another application.
- Councillor Mrs French asked Mrs Jackson to elaborate on the point that she had made with regards to a community benefit? Mrs Jackson stated that the community benefit would be to provide housing within a sustainable location, and it is better to concentrate new housing in built up areas rather than spreading out into the open countryside.
- Councillor Sennitt Clough asked why there was no drawing submitted with the application? Mrs Jackson stated that she does not know why one was not included, however, as the application was validated there is enough information present in order for it to be determined. Mr Boyce stated that he was advised that if under development of the site was the reason for refusal then a separate drawing would have to be submitted, however, as only one dwelling is proposed a drawing has not been included.
- Councillor Sennitt Clough stated that she has reviewed the comments made by Leverington Parish Council and they were unable to comment on it due to the fact that they had no visual drawing to review and comment on.
- Councillor Imafidon asked for clarification as to whether the site is located in Wisbech or Leverington? Mr Boyce stated that as far as the Boundary Commission lines are it is in Leverington and he referred to an email from Tracy Ranger who consulted with Leverington Parish Council who are a statutory consultee and they were consulted on both occasions, the original and the current application. He explained that as a parishioner it is clear to him that it is in Leverington and within the planning framework it actually states that it is Leverington.

Members asked officers the following questions:

- Councillor Sennitt Clough asked for clarification to be provided concerning the confusion between Wisbech or Leverington and the fact that the sequential test was undertaken for Wisbech? David Rowen stated that the site is clearly located in the Parish of Leverington but when the built form of Wisbech is looked at, the site follows the built form of Wisbech

as it is a continuation of the town of Wisbech as you go up Sutton Road, with there being a considerable gap between the application site and Leverington village. He drew members attention to an application which they had determined a few months ago, which was located on the opposite side of the Sutton Road which was considered in the same manner as being in the built form of Wisbech and members made a decision on that basis.

- David Rowen explained that in respect of the Flood Risk Assessment and the issue of the sequential test, he is not aware that a sequential test has been submitted for Leverington and he added that the Flood Risk Assessment which was submitted as part of the application, in the section which refers to the sequential test, actually refers to the northern and western parts of Wisbech and undeveloped areas of land to the north and south west of the town predominantly Flood Zones 2 and 3. He added that it states that due to the suitability and availability of sites in Flood Zone 1, the Council have been obliged to consider the areas which fall within areas 2 and 3. David Rowen explained that the Flood Risk Assessment submitted in respect of the sequential test appears to actually make reference significantly more to Wisbech than it does to Leverington.
- Councillor Mrs French stated that as the application was not accompanied by any drawings how did it pass through validation? David Rowen stated that as the application is in outline form, there is no requirement to submit indicative elevation drawings.
- Councillor Mrs French stated that as there is no sequential test that has been submitted and, in her view, the application is incomplete and should be refused.

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

P82/24 F/YR24/0211/O
LAND NORTH OF 35 WHITTLESEY ROAD, MARCH
ERECT OF UP TO 19 X DWELLINGS INVOLVING CULVERTING THE DRAIN FOR ACCESS (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF ACCESS)

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

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

- Councillor Mrs French stated that it is a site which has seen development previously as she is aware that there used to be a pub on the site called the Horse and Jockey which was later removed in late 1995. She made the point that the site is prime for development but in her view not at the proposed scale and she explained that it would be better to see 2 or 3 executive homes then that would be fine. Councillor Mrs French stated that the site is located on a ridiculous blind corner and the access is located by a very deep ditch which is probably 6 or 7 feet deep and whilst there is no problem getting rid of surface water, the whole scheme is over development in a 60mph zone. She made the point that the road is in a very poor state and reiterated the point that the site is ripe for development but not for 19 homes and she highlighted that again there is no Section 106 mentioned so who is going to pay for the facilities required for that amount of home. Councillor Mrs French added that the officers have made the correct recommendation, and she expressed the view that it is a shame that so many of the trees were removed by the landowner, even through some of them were self-sown.
- Councillor Benney stated that he agrees that officers have made the correct recommendation, and he expressed the view that he does not think that this is the right location to concentrate any development for March.

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

(*All members of the committee made an en bloc declaration that they are all members of the Conservative Party and whilst the Conservative Party rents an office from MJS Investments Ltd, who are the applicants, they do not visit the office)*

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

P83/24 **F/YR24/0557/F**
LAND SOUTH OF SWAN COTTAGE, BENWICK ROAD ACCESSED FROM DYKEMOOR DROVE, DODDINGTON
ERECT A HAY STORE, 1.5M HIGH WELD MESH AND 1.8M HIGH CLOSE BOARD BOUNDARY FENCING (RETROSPECTIVE)

Gavin Taylor presented the report.

Members received a presentation, in accordance with the public participation procedure, from Liam Lunn-Towler, the agent. Mr Lunn-Towler stated that the application proposes to remove an existing metal shed for the hay store and with associated boundary treatment, with the hay stored in the building being for the applicant's horse in the field opposite and the application has received no neighbourhood objections and there is no technical consultee objection to the proposal and Doddington Parish Council support it. He stated that the hay store is screened by existing mature trees to the north of the site to reduce visibility from Swan Cottage and the new replacement which is located north of it and the visibility is from Dykemoor Drove, with Dykemoor Drove primarily used to access farming land and to provide a link between Benwick Road and Primrose Hill and, therefore, a hay store, in his view, is appropriate in this location.

Mr Lunn-Towler stated that with regards to the proposed boundary treatment, lining the west of the site opposite Dykemoor Drove is a 1.8-metre-high close board fence and the reason for the appearance of the fence is to reduce the visibility from the road to increase the privacy and security of the applicant's land. He explained that the need to reduce the visibility is to the screen the area from Swan Cottage which reduces the overall continuous visual monitoring of the land.

Mr Lunn-Towler concluded that the application is supported by the Parish Council and the proposed development is considered to be suitable in the location.

Members asked Mr Lunn-Towler the following questions:

- Councillor Marks stated that whilst he does not have an issue with the application, however, it does appear to look quite stark. He added that when you travel further along the road there are other metal constructed buildings which are pained black as well as a chicken farm which has low buildings. Councillor Marks asked whether the applicant would be prepared to paint the structure black or at least take the colourant out of the shed? Mr Lunn Towler stated that the applicant would be prepared to paint the store green in order for it to blend in with the landscape.
- Councillor Connor stated that he agrees with the point made by Councillor Marks that it does appear to be quite stark. He referred to the presentation screen and added that there does appear to be a vehicle stored within the store and, therefore, should the application be approved then it must be used as a hay store and not for storing vehicles or used as living quarters. Councillor Connor added that he does agree that the store could do with toning down or maybe consideration could be given to plant some trees to go towards improving the street scene. Mr Lunn-Towler added that an enhancement scheme could be added in order to assist with the application being considered for approval. Councillor Connor stated that there will be further debate from members but if the application is to be approved, he would like to see some additional conditions added.

Members asked officers the following questions:

- Councillor Marks stated that that the new fence has been included which will weather over time, but the store will not and if that were to be painted in a black or green colour would that be more acceptable to officers? Gavin Taylor explained that there are two issues to consider including the building itself and the low quality materials which have been used as well as the fence which is situated right on the highway and is a continuous screen of fencing which is incongruous to the countryside and whether it is painted green or left natural, it will still be a continuous screen of fencing along the highway edge which is not in keeping with the area. He explained that there are different fences which could be used and would be more appropriate in the rural context of that location, with a lot of agricultural areas using post and rail fencing and whilst painting may change the appearance of it, it will not overcome the stark screening that the close continuous close board fencing achieves but by painting the building it may mute it slightly.
- Councillor Benney stated that when he drove past the site recently the fence was down, and he agrees with the point that Gavin Taylor has made with regards to the fence being very close to the road. He added that it may not be the correct type of fence that is erected there because if it going to keep blowing down then maybe consideration needs to be given to erecting something better in that location. Councillor Benney made the point that it is a one-track road and when you reach Doddington Road, the fence does cause a slight restriction for passing along there too. He asked Gavin Taylor to provide details with regards to the width of the road as it does make a difference now to the width when trying to pass another vehicle. Gavin Taylor confirmed that the width is 4.2 metres wide at its widest point and 3.9 metres at its narrowest.
- Councillor Marks asked officers to clarify that they are content that the fence is located on the landowner's boundary, and it is not encroaching onto the highway or onto County Council land? Gavin Taylor explained that no comments have been received from the Highway Authority on the application and he explained that the applicant has made a declaration that the land is theirs and they do not appear to have served notice on the Highway Authority to indicate any encroachment, however, if there is any encroachment onto highway land then the County Council have enforcement powers which they can use to take any necessary action. Councillor Marks questioned that if the applicant erected post and rail fencing along there in exactly the same place then there would still be the same passing issue, but it could still go on the same boundary. Gavin Taylor stated that theoretically if the Highway Authority have no issues with encroachment onto their land then from a planning perspective if it was swapped over to post and rail fencing then the applicant could do that.
- Councillor Benney expressed the view that it is a long fence and he notes that the Highway Authority have not responded with any objection, however, the junction at the end of the road is not ideal and if visibility splays were being looked when exiting then you would be looking onto Doddington Road and he questioned whether highway safety is affected in anyway. Gavin Taylor stated that under permitted development rights, the Highway Authority would generally ask for a height of 0.6 metres for a fence of some sort in order for visibility to be maintained. He added that if you are exiting the site then you would expect the standards to be met there and there are no comments from the Highway Authority and officers have not raised that as an objection. Gavin Taylor made the point that it would be difficult to achieve the standard visibility leaving the site onto the highway given the close boarded nature of the fence and perhaps a more open type of fencing would improve it, but there is no detail of any assessment which has been taken to substantiate that.
- Councillor Benney added that the Highway Authority do not always comment and he made the point that there are instances where desk top surveys are undertaken which, is his opinion, means that full consideration has not been given to a scheme and he asked whether officers can advise whether this was a desk top survey which was undertaken. Gavin Taylor explained that there is no assessment of the highway impact on this development which has been received and therefore the only objection that officers have raised is on visual harm. He added that in order to receive comments from the Highway

Authority in this case, officers would need to go back to them to ascertain whether they are content with the scheme. Matthew Leigh added that if members do have concerns with this aspect then the application could be deferred in order to obtain comments from the Highway Authority.

- Councillor Connor stated that safety is an issue, and he would like to see the item deferred in order to receive some further information as members do have concerns.
- Councillor Marks stated that deferment does seem to be a sensible approach, and added that if the Highway Authority highlight an issue he would like the agent and applicant to be made aware so that they can consider taking steps in order to mitigate the concerns of the Highway Authority. He expressed the view that if they are not prepared to take steps to deal with any concerns highlighted then it will have to be taken on face value, however, he would like to see all parties working together in order to reach a satisfactory conclusion. Councillor Marks stated that he would also like confirmation that the applicant is happy to paint the building and fence as well.
- Councillor Mrs French stated that the officer's report states that the application must be determined by the 17 January and, therefore, time is very short. Matthew Leigh stated that officers can request an extension of time as highway safety is a material consideration. He added that if the applicant appeals an un determination then officers can flag up that a major concern is one of highway safety.
- Councillor Connor asked the agent Liam Lunn-Towler to come back to the public participation table. Councillor Connor stated that the committee have debated the application and have concerns with regards to the fence and the visibility splays as they are at the present time and he asked whether he would be content to accept an extension of time in order for the Highway Authority to be consulted. Mr Liam Lunn-Towler confirmed that he would be happy to accept an extension of time in order to receive the comments of highways and to work with officers to reach a satisfactory resolution.

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

- Councillor Imafidon asked for clarity over the actual use of the store as it is currently being used to store a high-top box van as well as the hay and he asked whether the store is for multipurpose uses.
- Councillor Connor stated that the application is for a hay store and as it stands at the current time as a vehicle is being stored in it then the applicant is not abiding with the purpose that the store is made for.
- Councillor Marks stated that he does not know the applicant, but he added that there is a hay merchant in Doddington who does exactly the same by storing a van in a barn and, therefore, it maybe something that forms part of parcel for someone who stores hay and members need to be careful by not making assumptions that the store is being used to house vehicles.

Proposed by Councillor Marks, seconded by Councillor Mrs French and agreed that the application be DEFERRED to receive further information from the Highway Authority and the applicant.

(Councillor Marks declared that the applicant was a supplier to a previous business he was a director of over 15 years ago, however, he remains open minded)

P84/24 F/YR24/0783/O
LAND NORTH EAST OF HIGHFIELD LODGE, DODDINGTON ROAD, CHATTERIS
ERECT UP TO 2 X DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)

Gavin Taylor presented the report.

Members received a presentation, in accordance with the public participation procedure, from

Shanna Jackson, the agent. Mrs Jackson explained that the application seeks outline planning permission for up to 2 dwellings and members will recall an application for residential development on land to the south east of site where it was resolved to grant planning permission on the basis that the proposal would not harm the character of the countryside and that it would make a positive contribution to the distinctives of the area upon the entry into Chatteris. She explained that she is the agent acting on behalf of that application and the submission of the conditions discharge application is imminent and with a view for the plots to be sold and reserved matters submitted.

Mrs Jackson expressed the view that in much the same way as the neighbouring application the proposal will make a positive contribution to the approach into Chatteris, and it presents an opportunity site to provide bespoke high-quality houses which sets the scene on the approach into the town. She made the point that the site feels like the last puzzle piece in terms of the approach into Chatteris on this side of the highway with the natural end of the development being defined by Highfield Lodge to the rear and the parameters of the existing paddock, with the scheme comprising a logical addition to the area and would enhance the immediate setting by allowing the opportunity to provide high quality homes.

Mrs Jackson stated that there are no technical objections to the proposal and, in her view, the only issue is there being a matter of interpretation as to whether the development would comprise urbanisation and sprawl. She expressed the view that in much the same way as you consider the site to the southeast the proposal would not harm the character of the countryside and would make a positive contribution to the distinctiveness of the area upon the entry into Chatteris.

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

- Councillor Mrs French expressed the view the officers have made the correct recommendation of refusal. She added that the proposal will totally destroy the outlook of the farmhouse which is already there.
- Councillor Marks stated that he agrees with the point made by Councillor Mrs French, and he made reference to the approval given by the committee for the last scheme there and at that time members agreed that there would no further development there. He added that it appears to be sprawling out further and further and the farmhouse is located way back and has been a farmhouse for its entirety, and it had a reason to be there as a farmhouse. Councillor Marks stated that as you go further round there is another farmhouse which stands back on quite a site as well and he made the point the speed limits have been reduced but there have been recent bad accidents along there. He stated that there are quite a few issues in the locality which is why he would be hesitant to even consider the proposal, and, in his view, officers have made the correct recommendation.
- Councillor Benney made the point that by putting houses in front of the farmhouse, it detracts from the farmhouse and whilst he does like to see nice houses on the approach to a village or a town there does need to be a limit and there cannot be development right up to the river. He concurred with the points made by Councillor Marks when the previous application was approved, members had stated that there would be no more dwellings allowed in the vicinity, and he thinks that should still be the case.
- Councillor Sennitt Clough referred to Policy LP16d of the Local Plan, making the point that it does not make a positive contribution in her opinion.
- Councillor Imafidon stated that he concurs with the views of members.

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

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

P85/24 PLANNING DECISION - LEGAL ADVICE RELATING TO LAND WEST OF THE AVENUE, MARCH

Matthew Leigh, Head of Planning, explained that F/YR21/1497/O came before the committee at a recent meeting, which was an outline application for up 120 dwellings with associated development and during the debate members raised some significant concerns in relation to highways safety particularly during the construction period and requested that Condition 45 be amended. He stated that after the meeting the applicant advised that if the decision notice included that amended condition then they would consider appealing the decision and look for an award of costs. Matthew Leigh explained that is now a material consideration for members and officers are recommending that the application is determined in accordance with Section 12 of the original officer's report in relation to delegating the final conditions to the Head of Planning alongside the completion of a Section 106 as shown in Appendix 1.

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

- Councillor Mrs French stated that this is something that was wished for and was not something that the committee knew could be insisted on. She added that another application in 2003 had a recommendation of the introduction of a roundabout, however, that never came to fruition and twenty years later there are now traffic lights. Councillor Mrs French made the point that she hopes that the same situation does not arise, and a roundabout actually becomes a reality.
- Councillor Benney expressed the view that the committee find themselves in a position again where bad decisions cost money and if members do not agree with the officer's recommendation then the application will go to appeal, and the Council will lose. He stated that the committee has done the best that they can for the residents of March and if the application goes to appeal then members will end up with what it did not want, and it will end up costing the Council a lot of money. Councillor Benney expressed the view that committee cannot make bad decisions that cost money and members should agree with the officer's recommendation.
- Councillor Marks stated that he agrees with the points made by Councillor Mrs French and Benney and added that that he hopes that the developers are receptive of the points being made by the committee today and they will show an element of goodwill going forward during the development.
- Councillor Connor stated that the Legal Officer has advised that costs are not a material consideration and the committee's decision should not be based solely on the risk of incurring costs.
- Councillor Marks added that safety and disruption to others is not a planning issue, however, he would like to think that the developers will take that into consideration.

Proposed by Councillor Mrs French, seconded by Councillor Imafidon and AGREED that condition 45 relating to the roundabout is withdrawn and that the Planning Committee delegates authority to the Head of Planning in relation to the Section 106 and then subsequently the conditions as in the original recommendation.

(Members considered this report as an urgent item)

(This item, whilst considered in public, contained exempt information which is not for publication in accordance with Paragraph 5 of Schedule 12A of the Local Government Act 1972 in respect of which a claim to legal professional privilege could be maintained in legal proceedings)

3.43 pm Chairman

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F/YR22/0596/F

Applicant: Mr M Codona **Agent : Tom Beer, MH Planning**

Land North West Of Nampula, Begdale Road, Elm, Cambridgeshire

Change of use of land for the use of travellers including the formation of 8 x caravan pitches (consisting of 2 x touring caravans per pitch), the erection of 2 x utility block buildings (8 x utility rooms) and a stable block, and the formation of hardstanding and an access

Officer recommendation: Grant

Reason for Committee: Parish Council objection contrary to Officer recommendation

Government Planning Guarantee

Statutory Target Date for Determination: 23 August 2022

EOT in Place: No

EOT Expiry: 12th February 2025

Application Fee: £1386

Risk Statement:

This application is over time

1 EXECUTIVE SUMMARY

1.1 The application is seeking permission for the change of use of land for the use of travellers including the formation of 8 x caravan pitches (consisting of 2 x touring caravans per pitch), the erection of 2 x utility block buildings (8 x utility rooms) and a stable block, and the formation of hardstanding and an access.

1.2 The original submission generated objections from County Council's Highways based on the plans submitted not suitable to understand the proposal whilst the Lead Local Flood Authority objected based on insufficient information.

1.3 Following the appointment of an agent, additional information was submitted which addressed the objections subject to conditions.

1.4 The proposal engages the tilted balance on the basis of a lack of 5-year land supply for Gypsy & Traveller pitches in the district. It is considered that the proposal is acceptable in principle, on balance, by contributing towards achieving the required supply.

1.5 The proposal is considered to be acceptable in terms of the overall planning balance and it is therefore recommended that permission is granted in this

instance. subject to conditions controlling highway impacts, future use of the site and appropriate drainage measures.

2 SITE DESCRIPTION

2.1 The application site comprises an area approximately 1.2ha situated to the west of New Bridge Lane on the western outskirts of Elm, within the open countryside. To the south and south-west of the site is a solar farm with the Fenland Livery and Equestrian centre beyond to the west.

2.2 To the direct east of the site edged red is an existing traveller site in the same ownership. This was approved in 2020 for 6no traveller pitches, 6no mobile homes, 8no touring caravans and associated utility buildings. The existing access taken from New Bridge Lane is to be utilised with the access road within the site extended.

2.3 The application site is relatively flat throughout and encompasses Flood Zones 1, 2 and 3.

3 PROPOSAL

3.1 The application seeks permission for the change of use of land for the use of travellers including the formation of 8 x caravan pitches (consisting of 2 x touring caravans per pitch), the erection of 2 x utility block buildings (8 x utility rooms); a stable block and the formation of hardstanding. These pitches are intended to accommodate the transient families moving in or travelling through the area of Fenland.

3.2 In respect of the touring caravans, no details submitted, however, these will meet the definition of a caravan as prescribed by the Caravan Sites Act 1968. Each of the 8no pitches will make provision for the stationing of 2no caravans per pitch.

3.3 The proposal includes the provision of two utility block buildings which will comprise 8no individual units. The buildings are to measure 6m x 6m with an eaves height of 2.2m and pitched roof with overall ridge height of 3.4m. Each building will comprise toilet/shower facilities.

3.4 There also proposes a stable block in an ‘L-shape’ to the western end of the site along with a tack room. The block will measure 24m wide along the western elevation and 17m along the northern elevation. The stable block will be constructed of timber cladding with an eaves height of 2m and shallow pitched roof with an overall ridge height of 3.4m.

3.5 The site will be enclosed to the western, northern and southern boundaries by a 2m close boarded fence with an extension to the existing access roads within the site. One will run to the southern end to serve the stables whilst the other will run to the northern end to serve the pitches.

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

Reference	Description	Decision
F/YR21/3027/COND	Discharge of conditions 5 (layout), 7 (slab level) and 14 (fire hydrants) of planning permission F/YR20/0458/F	Approved 25.05.2021
F/YR20/0458/F	Change of use of land to a 6no pitched travellers site involving the siting of 6 x mobile homes and 8 x touring caravans and 6 x utility buildings with associated works (part retrospective)	Granted 08.10.2020

5 CONSULTATIONS

5.1 **Gypsy Traveller and Diversity Manager (Initial comments: 19/8/22)**
Advises that they have met with the applicant and that the site is not an extension of the adjacent site, as per the application it is for a Gypsy Traveller Transit site for people who meet the PPTS Gypsy Traveller definition who are temporarily working in and/ or travelling through the district, and want to stop for a short time on this site.

Occupancy of these pitches is envisaged to be between 2-12 weeks. The application highlights the potential health and welfare benefits of this site to these families – although future occupiers are unknown. It is anticipated that the people will be extended members of the applicant's family or anyone else who has need of rest bit from travelling to address any health/ welfare concerns.

The site will be manged by the applicant's family who are living on the adjacent site. The current GTANA was completed in 2016. A new study was commissioned, however, the consultants are no longer engaged on this. So, until this happens and the project is completed, the 2016 assessment is the current assessment. There are challenges with the age of this data.

***Further comments received (22/8/2**2)*

No objection to the proposal as it is a TRANSIT site as it may well help to address unauthorised encampments and can be seen as an environmentally acceptable proposal in addition to my other comments.

Although we already have one transit site, the need to consider further provision has been discussed at the Cambridgeshire sub-housing plus region group in relation to the GTANA.

5.2 **Elm Parish Council**

Elm Parish Council objects to proposals submitted under planning application ref. F/YR22/0596/F on the following grounds;
1. The Drainage Strategy is incomplete and it appears that local Drainage Boards have not been consulted (Middle Level & Hundred of Wisbech).
2. Access to the site is of poor quality and not fit for purpose.
3. Members fully support the objections raised by the LLFA (CCC) and Cambridgeshire Highways in respect of the proposals.

5.3 **CCC Highways (1/7/22)**
Seeks further details of road widths and access arrangements.

CCC Highways (29/10/24)
Raises no objection

This application seeks the introduction of a further 8 pitches to the rear of the consented scheme (planning ref. F/YR20/0458/F), which provided two points of access from New Bridge Lane.

It is however noted that as part of the previous planning consent, a pre-commencement condition was imposed which involved the removal of the access restrictions along New Bridge Lane, which is pertinent for the site to achieve access. A review of the Traffic Regulation Order identifies that this order, whilst advertised, was never implemented and therefore would be required to be implemented prior to the occupation of the site. The application for the TRO is required to be undertaken separately.

The Planning Authority should apply Condition 5 of the previous planning consent (planning ref. F/YR20/0458/F) and the County Council will seek compliance via FDC enforcement.

5.4 **Environment Agency**
No objection

Supports the recommendation in the FRA that the occupiers of the site sign up to Floodline Warnings Direct to receive advance warning of flooding.
Advice to the Applicant Flood Resilient Measures: Any proposed flood resilient measures should follow current Government Guidance.

Foul Drainage - The site is located in an area which is not served by the public foul sewer. Accordingly, the proposal will need to be served by a non-mains drainage system. In addition to planning permission an Environmental Permit may be required from the Environment Agency.

Provides further advice on surface water drainage arrangements

Flood Risk Sequential test - In accordance with the National Planning Policy Framework, development in flood risk areas should not be permitted if there are reasonably available alternative sites, appropriate for the proposed development, in areas with a lower risk of flooding. The sequential test establishes if this is the case.

5.5 **CCC Lead Local Flood Authority (Comments 21/6/22 & 29/10/2024)**
Initially objected on the basis of insufficient information to suitably review the application. Matters of drainage strategy and IDB consent to address.

Latest comments (26/11/24)

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

- *Surface Water Drainage Strategy, WE Consulting, Ref: WECE/24/427/RP/C/001, Dated: October 2024*

- *SuDS Maintenance Plan, WE Consulting, Ref: WECE/24/427/RP/C/002, Dated: October 2024*
- *Proposed Surface Water Drainage Layout, WE Consulting, Ref: WECE/24/427/A1/C/100, Rev: P02, Dated: November 2024*
- *Flood Exceedance Layout, WE Consulting, Ref: WECE/24/427/A1/C/102, Dated: November 2024*
- *FEH and FSR Hydraulic Calculations, WE Consulting, Ref: WECE/24/427, Dated: 22nd November 2024*

Conditions recommended:

1. *Detailed design of the surface water drainage of the site (pre-commencement)*
2. *Scheme detailing measures to manage surface water construction run off (pre-commencement)*

5.6 **Cambridgeshire Constabulary - Designing Out Crime**

Considers this to be an area of low vulnerability to crime. No further comments.

5.7 **Environmental Health**

No Objections: unlikely to have a detrimental effect on local air quality and the noise climate, or be affected by ground contamination.

Should planning permission be granted, the site will fall under the relevant licensing regime.

Local Residents/Interested Parties

None received to date.

6 STATUTORY DUTY

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

6.2 The Council has a duty Under the Equality Act 2010, Section 149, to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)
Determining a Planning Application

National Design Guide 2021

Planning Policy for Traveller Sites 2024 (PPTS)
Policy B Planning for Traveller Sites
Policy C Sites in rural areas and the countryside
Policy H Determine planning application for traveller sites
Policy I Implementation

Fenland Local Plan 2014
LP1 A Presumption in Favour of Sustainable Development
LP2 Facilitating Health and Wellbeing of Fenland Residents
LP3 Spatial Strategy, the Settlement Hierarchy and the Countryside
LP4 Housing
LP5 Meeting Housing Need
LP12 Rural Areas Development Policy
LP13 Supporting and Managing the Impact of a Growing District
LP14 Responding to Climate Change and Managing the Risk of Flooding in Fenland
LP15 Facilitating the Creation of a More Sustainable Transport Network in Fenland
LP16 Delivering and Protecting High Quality Environments across the District
LP17 Community Safety

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

LP1: Settlement Hierarchy
LP2: Spatial Strategy for the Location of Residential Development
LP4: Securing Fenland's Future
LP5: Health and Wellbeing
LP7: Design
LP8: Amenity Provision
LP11: Community Safety
LP12: Meeting Housing Needs
LP14: Gypsies and Travellers and Travelling Showpeople
LP18: Development in the Countryside
LP20: Accessibility and Transport
LP22: Parking Provision
LP24: Natural Environment
LP32: Flood and Water Management

Supplementary Planning Documents/Guidance

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

Cambridgeshire Flood & Water SPD (2016)

Fenland Gypsy and Traveller Accommodation Needs Assessment (GTANA) Update 2013

8 KEY ISSUES

- Principle of Development
- Character and appearance impact
- Impact on amenities
- Flood Risk and Drainage
- Parking provision and highway safety
- Biodiversity Net Gain (BNG)

9 BACKGROUND

9.1 Application F/YR20/0458/F was approved on the site adjacent for the Change of use of land to a 6no pitched travellers site involving the siting of 6 x mobile homes and 8 x touring caravans and 6 x utility buildings with associated works.

9.2 This site is not an extension of the adjacent site, referenced above, but is for a Gypsy Traveller transit site for people who meet the PPTS Gypsy Traveller definition who are temporarily working in and/ or travelling through the district and want to stop for a short time. The site will be managed by the applicant, Mr Codona.

10 ASSESSMENT

Principle of Development

10.1 The site is situated outside of the built area of the settlement of Elm and is deemed to be open countryside. Except on statutorily designated Green Belt land (not applicable anywhere in Fenland) the Planning Policy for Traveller Sites (PPTS) (revised in December 2024) is not opposed in principle to Traveller sites in the countryside. It does however state in Policy H (paragraph 26) that Local Planning Authorities (LPAs) should *very strictly limit* new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan.

10.2 Furthermore, paragraph 26 states that LPA's should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure. In its recent decisions the Council has accepted that planning permission can be granted on sites in the countryside, having regard to Fenland Local Plan policy LP5, acknowledging that the identified need will not be met by land within existing towns and villages. As such, the principle of traveller sites in the countryside is supported. The means by which new traveller development is to be controlled are set out in further policies in the PPTS and in local policies, and these are considered below.

PPTS policies and criteria under PPTS

10.3 Policy B planning authorities should, amongst other things, set pitch targets for Gypsies and Travellers which address likely needs in their area, working collaboratively with neighbouring local planning authorities. In producing their local plans they should:

a) identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets;
b) identify a supply of specific, developable sites or broad locations for growth, for years six to ten and, where possible, for years 11-15;
c) consider production of joint development plans that set targets on a crossauthority basis, to provide more flexibility in identifying sites, particularly if a local planning authority has special or strict planning constraints across its area (local planning authorities have a duty to cooperate on planning issues that cross administrative boundaries)
d) relate the number of pitches to the circumstances of the specific size or location of the site and the surrounding population's size and density;
e) protect local amenity and environment.

10.4 Paragraphs 23 and 24 of Policy H of the PPTS notes that planning law requires applications for planning permission to be determined in accordance with the provisions of the development plan, unless material considerations indicate otherwise. Applications should also be assessed and determined in accordance with the presumption in favour of sustainable development in the NPPF and the PPTS.

10.5 Paragraph 25 states that that local planning authorities should consider the following issues, amongst other relevant matters, when considering planning applications:

a) the existing level of local provision and need for sites;
b) the availability (or lack) of alternative accommodation for the applicants;
c) other personal circumstances of the applicant;
d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches should be used to assess applications that may come forward on unallocated sites;
e) that they should determine applications for sites from any Travellers and not just those with local connections.

10.6 As such, in respect of Policy H the following is considered:

(a) The existing level of provision and need for Traveller pitches

Policy LP5 Part D states there is no need for new pitches as per the findings of the Fenland Gypsy and Traveller Accommodation Needs Assessment (GTANA) update. However, due regard has also been given to recent planning appeals wherein it has been established the Council are unable to identify and demonstrate the current need for Gypsy & Traveller plots within the district and therefore are unable to demonstrate a five-year land supply in this regard. The GTANA is due to be reviewed as part of the emerging Local Plan and until this time, Officers are unable to accurately assert what the District’s need is or how this will be met. In the absence of an adequate supply, significant weight in favour of the proposal must be given as a means of helping to meet the need in the district.

10.7 When having due regard to this position, the provision of additional Gypsy & Traveller plots in this development proposal weighs significantly in favour of the application, notwithstanding any harm identified and conflict with Fenland Local Plan policies arising from the location of the site. Therefore, when considering the principle of development in this instance, it is considered to be acceptable when having regard to the Council's lack of evidence to identify the need for Gypsy & Traveller pitches in the district and acknowledging that this development would offer a modest contribution towards meeting this.

(b) The availability (or lack) of alternative accommodation for the applicants

10.8 Based on the current status of the GTANA, it is concluded that the Council is unable to adequately demonstrate that they have a 5-year supply of Traveller pitches at present. Therefore, it can be reasonably concluded that the Council would be unable to confirm the availability of alternative accommodation for the applicants as per part (b) of the PPTS.

Policy H states that where an authority cannot demonstrate an up to date five year supply, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of planning permission.

(c) Other personal circumstances of the applicant

10.9 The application would meet the accommodation need of transient families moving in, or travelling through the area and will assist in reducing/eliminating unauthorised encampments within the District whilst meeting a current unmet need.

10.10 The supporting statement states that the transient site will be to accommodate a number of the applicants extended family along with those who move to the area for temporary land work and fruit picking seasonal work, as well as to visit family and friends and as a stopover point. This also captures criteria (c) and (d) of paragraph H of the PPTS. Should it be necessary to take into account any personal circumstances, these are to be considered separately but nonetheless added to the planning balance.

Impact on amenity of neighbours and dominance of the nearest settled community

10.11 Impact on amenity can arise as a result of a range of factors, including noise, overlooking and overbearing/overshadowing. The development is sufficiently separated from adjacent mobile homes and other dwellings, so as not to impact on residential amenity in terms of loss of the factors outlined above.

10.12 Notwithstanding that the site lies adjacent to an established gypsy traveller site of 6no households, the site is set a notable distance away from the nearest settled community at Begdale Lane to the south. In this regard, the development is considered to be small scale providing a transit site for 8no pitches for touring caravans in that it would not dominate the nearest settled community.

10.13 Paragraph 28 of the PPTS states that *if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, the provisions in*

paragraph 11(d) of the National Planning Policy Framework apply. Local planning authorities should consider how they could overcome planning objections to particular proposals using planning conditions or planning obligations including: a) limiting which parts of a site may be used for any business operations, in order to minimise the visual impact and limit the effect of noise; b) specifying the number of days the site can be occupied by more than the allowed number of caravans (which permits visitors and allows attendance at family or community events); c) limiting the maximum number of days for which caravans might be permitted to stay on a transit site. In this regard, planning conditions can be imposed accordingly.

Character and Appearance

10.14 For gypsy and traveller accommodation, Policy LP5 Part D sets out criteria as to a site's suitability for occupation by those who meet the planning definition set out in Planning Policy for Traveller Sites 2015 (PPTS). Decisions are made on a "case by case" basis subject to; no conflict with national planning policy; a peaceful and integrated coexistence with the local settled community; and no unacceptably adverse impact on local character or appearance. PPTS, Policy H also sets out similar criteria for determining planning applications for traveller sites.

10.15 Policy LP16 of the Fenland Local Plan (2014) requires development proposals to deliver and protect high quality environments throughout the district. Proposals must demonstrate they make a positive contribution to the local distinctiveness and character of the area, enhancing their local setting and both responding to and improving the character of the local built environment whilst not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area.

10.16 As noted in the site description, the site is in the open countryside. New Bridge Lane comprises of sporadic development within predominantly open countryside. Immediately adjacent to the site to the south is a solar farm with a livery and equestrian centre to the west. To the east of the application site is an already established traveller site which has changed what was the original rural environs to an extent where it could be argued that the additional pitches planned would not have a significant adverse impact on the character of the locality as it currently presents. A close boarded boundary fence is proposed for security and will see an extension of the existing fencing enclosing the site adjacent.

10.17 In conclusion, whilst some harm will be caused by an extension to the existing close boarded fencing, the development would not demonstrably detract from the rural and open character of the area and immediate surroundings given other forms of development within the vicinity. This harm therefore needs to be weighed against the benefits of the proposal.

Flood Risk

10.18 The site encompasses flood zones 1, 2 and 3. Policy LP14 as well as paragraph 172 of the NPPF seek new developments to adopt a sequential approach to flood risk, where new developments are steered to areas with the lowest possibility of flooding.

10.19 Given that the application site is situated within the open countryside, it would be appropriate for the area of search to be all open countryside areas within the District to demonstrate that there are no reasonably available sites elsewhere in

sequentially preferable locations. However, recent appeal decisions have considered the matter of 'available' sites, citing the national Planning Policy for Traveller Sites (PPTS) document which identifies that to be considered developable, traveller sites should be in a suitable location and that there should be a reasonable prospect that they are available now. The Local Plan does not allocate land for any traveller sites and officers are not aware of any other sites 'available now' that could otherwise accommodate the development and which are in a lower area of flood risk.

10.20 In view of this, it is concluded that the sequential test is met. Following successful completion of the sequential test, as per NPPF paragraph 177-178, the exception test must be met which requires:

(a) development to demonstrate that it achieves wider community sustainability benefits having regard to the districts sustainability objectives, and
(b) that it can be made safe for its lifetime and will not increase flood risk elsewhere ('flood risk management').

(a) Wider community sustainability benefits

10.21 Sustainability objectives are outlined under 2.4 of the Fenland Local Plan and, relevant to this application includes, point 6.1, the aim to thrive in safe environments and decent affordable homes and point 6.3, redress inequalities related to age, gender, disability, race, faith, location and income. In respect of the proposal, it would assist in addressing a shortfall of accommodation needs for the traveller community where an inadequate supply of housing currently exists.

(b) Flood safety

10.22 The application was supplemented with a Flood Risk Assessment for which the Environment Agency were consulted and raised no objection subject to the development being carried out in accordance with the submitted FRA focussing on finished floor levels being set at a minimum of 400mm above existing ground level at 3.1m AOD and that there is the recommendation that the occupiers of the site sign up to Floodline Warnings Direct.

10.23 Following earlier objections from the LLFA, an updated Surface Water Drainage Strategy, SuDS Maintenance Plan, Proposed Surface Water Drainage Layout, Flood Exceedance Layout, and Hydraulic Calculations were submitted.

10.24 The additional details and information demonstrate that surface water from the proposed development can be managed through the use of and attenuation tank and gravel surfacing, restricting surface water discharge to 1.9l/s. The LLFA is supportive of the use of gravel surfacing as, in addition to controlling the rate of surface water leaving the site, it also provides water quality treatment which is of particular importance when discharging into a watercourse. Water quality has been adequately addressed when assessed against the approach outlined in the SuDS Manual.

10.25 Despite the site's rural location, it has been confirmed that there will be a connection to the existing drainage system. The applicant has confirmed that foul water will be managed by way of existing sealed sewer septic tanks, as indicated on the proposed site layout plan.

10.26 Following reconsultation with the LLFA, and based on the additional details submitted, the objection was removed subject to the imposition of conditions.

10.27 It is concluded therefore, that the site, whilst located in an area at high risk of flooding, could be made safe from the effects of flooding through the proposed mitigation and would not cause the risk or impacts of flooding to increase elsewhere in accordance with policy LP14 of the FLP.

Highway safety

10.28 This application seeks the introduction of a further 8no. pitches to the rear of the approved scheme adjacent to the site (planning ref. F/YR20/0458/F), which provided two points of access from New Bridge Lane.

10.29 The proposed stie plan identifies that the southern access road will benefit from a carriageway width circa 10m and the northern access road will benefit from a carriageway width circa 5m. It is however noted that as part of the previous planning consent, a pre-commencement condition was imposed which involved the removal of the access restrictions along New Bridge Lane, which is pertinent for the site to achieve access.

10.30 County Highways latter comments state that on the basis of the information submitted, the proposed development is acceptable, however, noted that as part of the previous planning consent, a pre-commencement condition was imposed which involved the removal of the access restrictions along New Bridge Lane, which is pertinent for the site to achieve access. Following a review of the Traffic Regulation Order (TRO) it identifies that this order, whilst advertised, was never implemented and therefore would be required to be implemented prior to the occupation of the site. The application for the TRO is required to be undertaken separately and County Highways state that the LPA should apply Condition 5 of the previous planning consent (planning ref. F/YR20/0458/F)

10.31 County Highways team has raised no objection to the proposal, subject to a condition, and it is therefore considered that the scheme has the potential to meet the requirements of policies LP15 and LP16 with regard to access and that a reason for refusal would not be warranted or reasonable.

Access to services/facilities

10.32 The site is approximately 0.6km from the western edge of Elm where key services such as a local store, school and doctors are sited. It is considered that the site, whilst in relatively close proximity to these key services would not be easily accessed by foot due to the lack of footpaths which does conflict with the local and national policy in respect of achieving sustainable transport options, as it would likely mean occupiers relying on private motor car for most journeys to essential services. However, despite this, it would not be considered reasonable to conclude that the site has insufficient access to local services.

10.33 The PPTS identifies that traveller sites in the countryside can be acceptable and it can be reasonably assumed therefore that a reliance on private motor car to access services would be common in these instances. As such, whilst the lack of sustainable travel options weighs against the scheme, it is not uncommon for such development to place a reliance on private motor car to undertake most trips. Furthermore, those essential services are generally within 1 to 2 miles of the site which is considered acceptable and would satisfactorily meet the day to day needs of the occupants.

Biodiversity Net Gain (BNG)

10.34 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.

10.35 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 as the planning application was made before the mandatory BNG came into force.

11 CONCLUSIONS

11.1 The proposal when considered strictly in accordance with local and national planning policy conflicts with the aims of those policies. However as set out under Section 38(6) of the Planning and Compulsory Purchase Act 2004, the LPA is required to determine applications in accordance with the Development Plan unless material planning considerations indicate otherwise.

11.2 The application seeks permission for the Change of use of land for the use of travellers including the formation of 8 x caravan pitches (consisting of 2 x touring caravans per pitch), the erection of 2 x utility block buildings (8 x utility rooms) and a stable block, and the formation of hardstanding and an access.

11.3 The proposal engages the tilted balance on the basis of the Development Plan housing policies failure to identify a 5-year supply of land for Gypsy & Traveller pitches in the district. It is considered that the proposal is therefore acceptable in principle having regard to national policy, by contributing towards achieving the required supply.

11.4 It is acknowledged that there is a policy conflict in respect of flood risk and drainage by virtue of the site's location in flood zone 3. However, it is considered that this is sufficiently mitigated by the measures set out in the submitted Flood Risk Assessment, along with conditions to be imposed to ensure compliance with this for the lifetime of the development. Furthermore, subject to a condition securing a TRO as per previous approvals on adjacent land, the scheme raises no highways concerns.

11.5 The proposal, having regard to the policies of the development plan and the NPPF is, on balance, considered to be acceptable and it is therefore recommended that permission is granted in this instance.

12 RECOMMENDATION

12.1 **GRANT** subject to conditions

12.2 Section 100ZA(5) of the Town and Country Planning Act 1990 provides that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition (except in the circumstances set out in the Town and

Country Planning (Pre-commencement Conditions) Regulations 2018).The applicant has been consulted on the proposed conditions and has confirmed their agreement to these in writing. It is therefore considered that the requirements of section 100ZA(5) have been met.

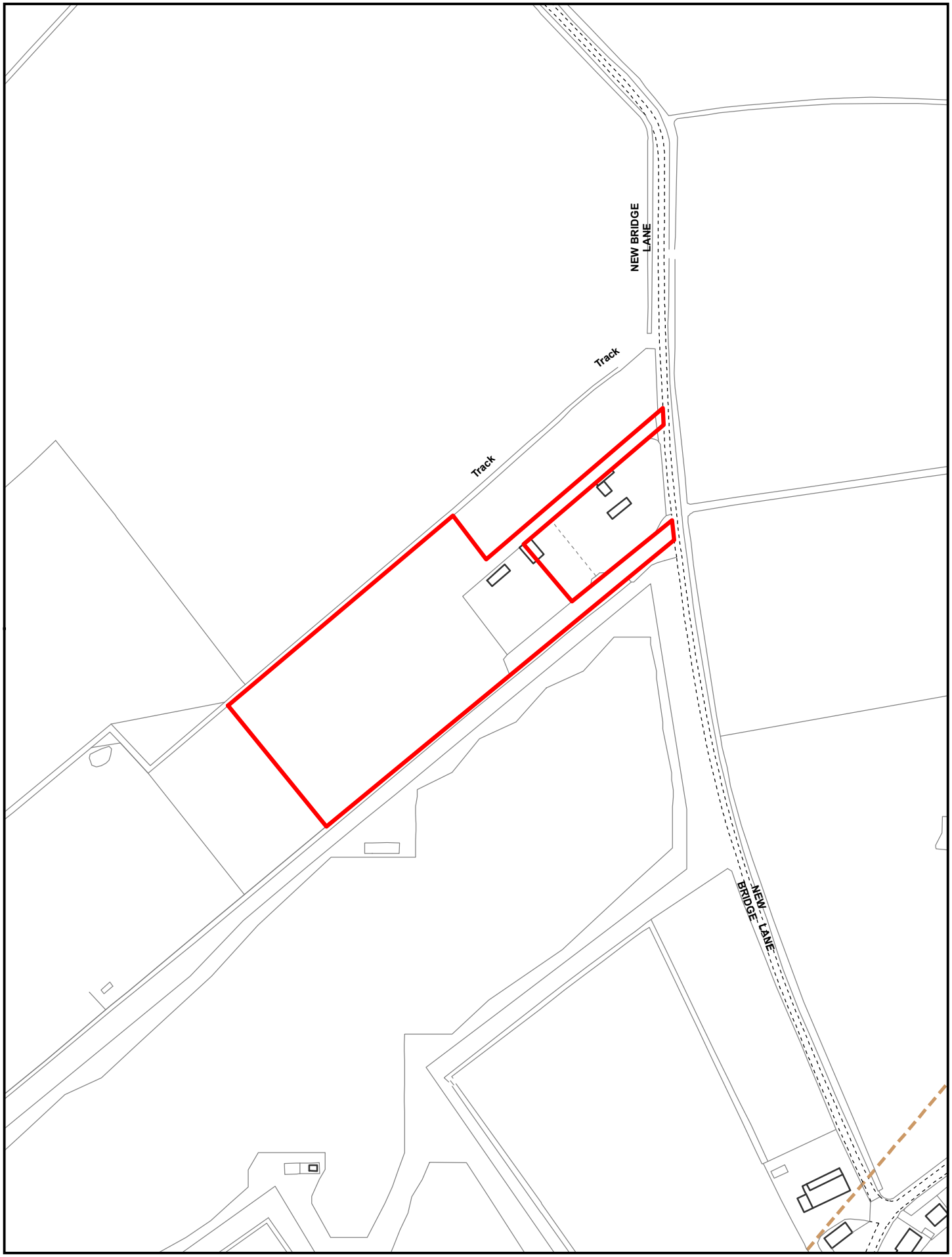
12.3 The proposed conditions are as follows;

1	The site shall be limited to two pitches each containing no more than four caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968. Reason - In order that the Local Planning Authority can control the impact of the use of the site on the locality, in accordance with Policy LP2, LP15 and LP16 of Fenland Local Plan 2014.
2	The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 to 'Planning policy for traveller sites' (Department for Communities and Local Government, December 2024), namely "Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such". Reason - The site is in an area where residential development other than in particular circumstances would be contrary to policy LP3 of the Fenland Local Plan, 2014. Planning permission has only been granted in order to provide accommodation for occupation by gypsies and travellers having regard to the specific policies for development of this nature in place at this time.
3	Prior to occupation, the ‘No Entry’ Traffic Regulation Order along New Bridge Lane shall be amended/ relocated in accordance with a scheme to have previously been submitted to and approved in writing by the Local Planning Authority. Reason - To ensure safe access to the site in the interests of highway safety and to ensure compliance with Policies LP2, LP14, LP15 and LP16 of the Fenland Local Plan 2014.
4	The floor levels of any habitable structure shall be set at a minimum of 400mm above existing ground level or at 3.1mAOD. Reason - In order to safeguard future occupiers and possessions in the event of flooding in accordance with LP14 of the Fenland Local Plan, 2014
5	Prior to any development above slab level, details of the materials to be used in the construction of the utility blocks shall be submitted to and approved in writing by the Local Planning Authority; all works shall then be undertaken strictly in accordance with the agreed details. Reason - To ensure that the appearance of the development is satisfactory and complies with Policies LP16 of the Fenland Local Plan

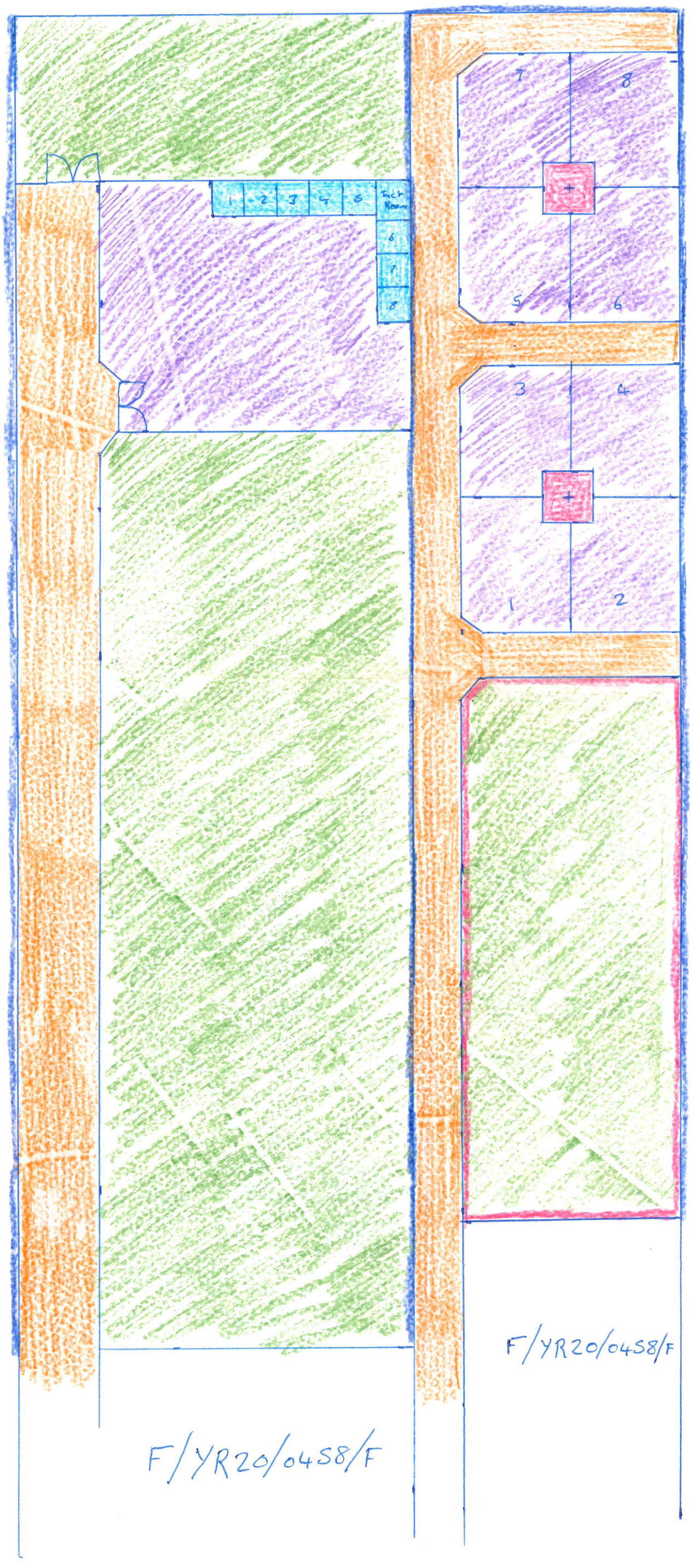
	(2014).
6	No commercial activities shall take place on the land, including the storage of materials. Reason - To protect the general amenity and character of the area in accordance with policy LP16 of the Fenland Local Plan, 2014 and Policy B and H of the Planning Policy for Traveller Sites, 2024
7	No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site. No more than one commercial vehicle per pitch shall be kept on the land for use by the occupiers of the caravans hereby permitted, and they shall not exceed 3.5 tonnes in weight. No person other than a permanent resident of the pitch to which this planning permission relates shall bring a laden commercial vehicle to the site, or park, or keep laden commercial vehicles on the site. Reason - To protect the general amenity and character of the area in accordance with policy LP16 of the Fenland Local Plan, 2014 and Policy B and H of the Planning Policy for Traveller Sites, 2024
8	Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification) no development covered by Class A to Part 2 of Schedule 2 to that Order (the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure) shall be carried out without planning permission granted by the Local Planning Authority. Reason - To protect the general amenity and character of the area in accordance with policy LP16 of the Fenland Local Plan, 2014 and Policy B and H of the Planning Policy for Traveller Sites, 2024.
9	Space shall be made available at all times to enable the turning and parking of all vehicles calling at the site. Reason - In order to ensure the free flow of traffic along Newbridge Lane in the interests of highway safety in accordance with policy LP15 of the Fenland Local Plan, 2014.
10	All hard and soft landscape works shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased (except those contained in enclosed rear gardens to individual dwellings) 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. Reason - To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policy LP16 of the Fenland Local Plan 2014.
11	No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence. Reason - To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts.
12	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 Surface Water Drainage Strategy prepared by WE Consulting (ref: WECE/24/427/RP/C/001) dated October 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 plus climate change (1 in 100) storm events, inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance; b) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it); c) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections); d) Site Investigation and test results to confirm infiltration rates; e) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants; f) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems; g) Full details of the maintenance/adoption of the surface water drainage

	system; h) Permissions to connect to a receiving watercourse or sewer; i) Measures taken to prevent pollution of the receiving groundwater and/or surface water Reason - To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development and to ensure that the principles of sustainable drainage can be incorporated into the development, noting that initial preparatory and/or construction works may compromise the ability to mitigate harmful impacts and to accord with policy LP14 of the Fenland Local Plan (2014)
13	The development hereby permitted shall be carried out in accordance with the approved plans and documents: Reason - For the avoidance of doubt and in the interest of proper planning.



Created on: 31/05/2022 © Crown Copyright and database rights 2022 Ordnance Survey 10023778	**F/YR22/0596/F** Scale = 1:2,500	N Fenland CAMBRIDGESHIRE Fenland District Council



2 x utility blocks

Stable block

Access Roads

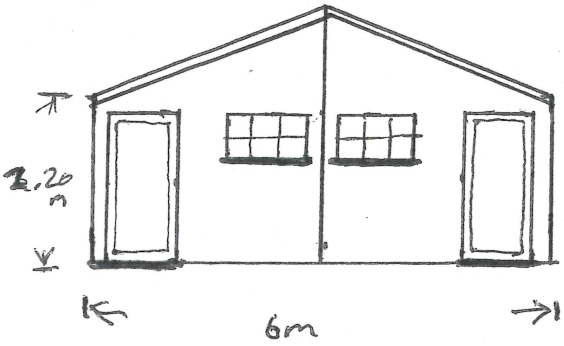
Hard Standing

Paddock Area

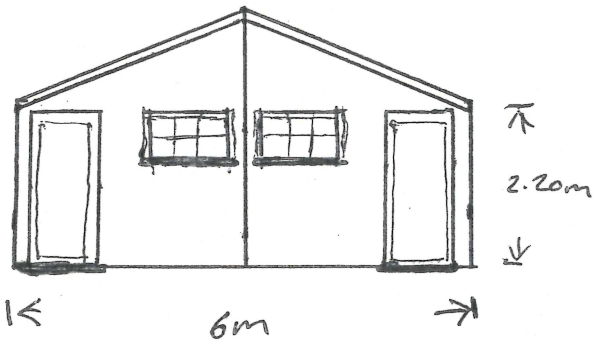
Over Spill Area

2m close board fence

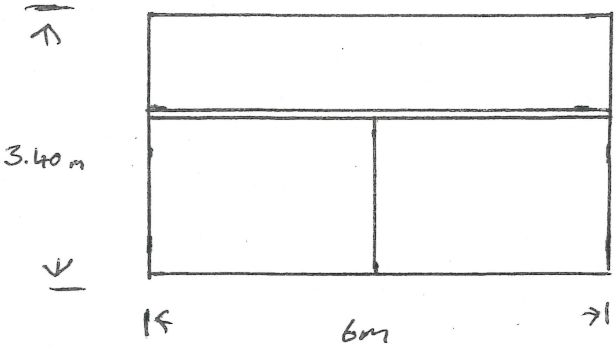
Drawing 02
Proposed site Plan
Scale 1:500 @ A3



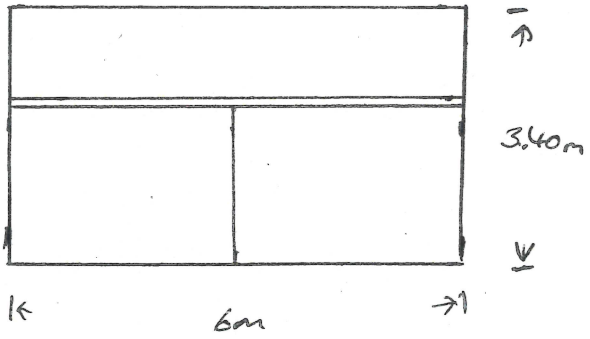
Front Elevation



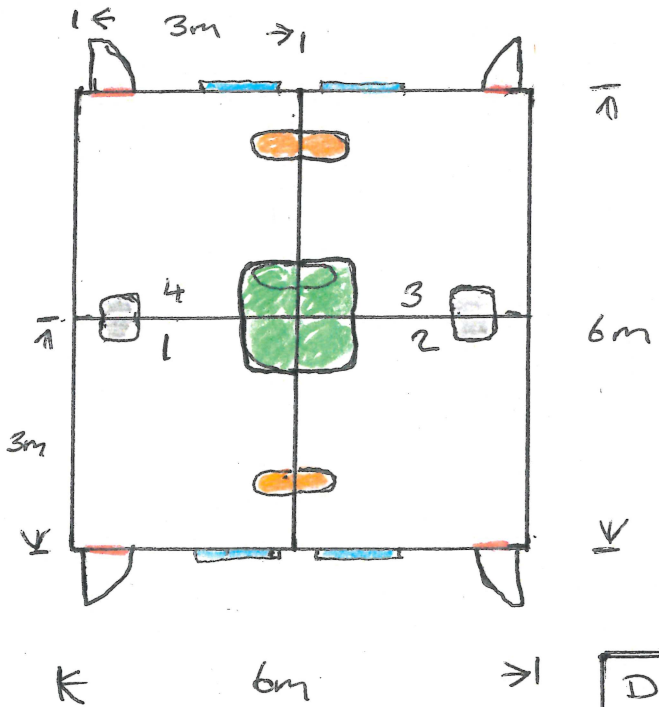
REAR ELEVATION.



Side Elevation

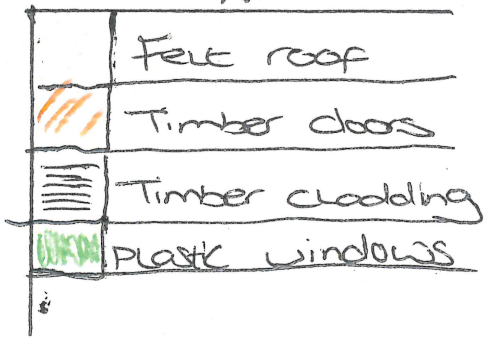


Side Elevation.



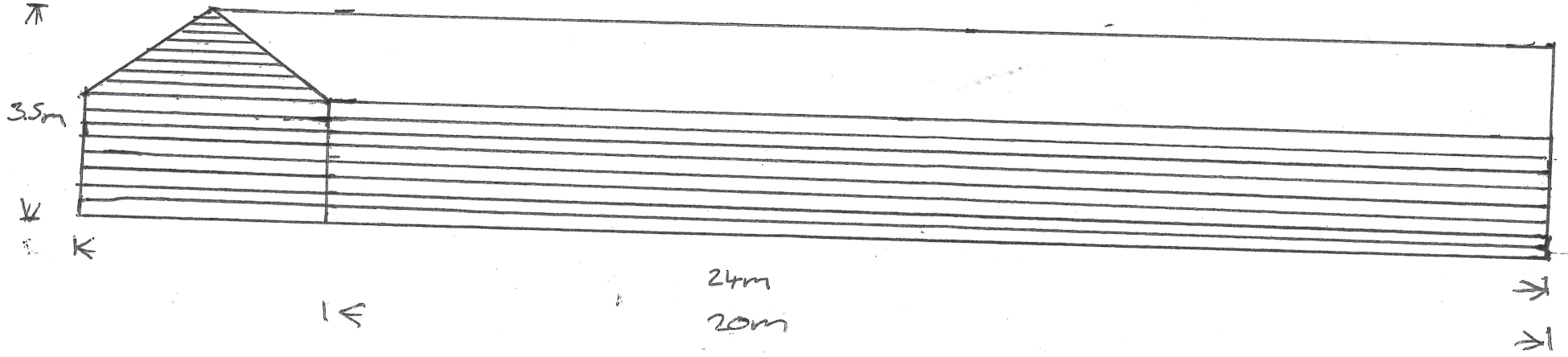
Drawing 01
Utility buildings
Floor and Elevation
Plans.
Scale 1:100 at A4

Front



Drawing 05
Scale 1:100 at A4
Front and rear
Elevations.

REAR



Drawing 03
Scale 1:100 at A4
Stable block floor plan

F/YR23/0156/F

Applicant: Mr Richard Barnes
RJB (East) Ltd

Agent : Mr R Papworth
Morton & Hall Consulting Ltd

Land South Of 6 - 20, Wype Road, Eastrea, Cambridgeshire

Erect 5 x dwellings (2 x single-storey 3-bed and 3 x single-storey 4-bed), with associated garages, parking and landscaping, involving the demolition of existing shed, and insert roof lights to north roof slope of 40 Wype Road

Officer recommendation: Grant

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

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Government Planning Guarantee

Statutory Target Date For Determination: 17 April 2023

EOT in Place: Yes

EOT Expiry: 14 February 2025

Application Fee: £0

Risk Statement:

This application must be determined by 14 February 2025 otherwise it will be out of time and therefore negatively affect the performance figures.

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1 EXECUTIVE SUMMARY

1.1 The application site is currently an underutilised area of grassland located within the built up area of the settlement, surrounded by residential development, and could therefore be reasonably defined as an infill site. The scheme is for 5 dwellings which is considered of an acceptable scale for a small village, and makes effective use of this vacant site, as such the principle of development is accepted subject to all other material considerations.

1.2 It is considered that the overall appearance of the proposal is acceptable, as it will not be unduly dominant or out of character with the surrounding existing development and will form a congruous appearance against the backdrop of the existing dwellings around the site.

1.3 The proposed development is considered to be afforded an appropriate level of residential amenity and the scale and siting of the proposal is such that there are no significant issues in respect of loss of privacy, outlook, light or overshadowing to existing dwellings surrounding the site. The main issue in respect of residential amenity impacts with this site is the impact of the proposed access on both 38 and 40 Wype Road with particular regard to noise and disturbance; a mitigation scheme has been put forward and the number of vehicle movements has almost

halved since the previous scheme, hence, on balance, it is not considered that the impacts of the development now proposed, are significant enough to warrant a refusal in this regard.

1.4 The application has been accompanied by a speed survey which has been accepted by Highways and on balance they consider the proposals and visibility splays that can be achieved to be acceptable and recommend a number of conditions are imposed. It should also be noted that F/YR17/0191/O, for 9 dwellings was not refused or dismissed on appeal on highway safety grounds.

1.5 The application site falls within Flood Zone 1 (low risk). A surface water drainage scheme has been put forward and accepted in principle and there are no issues with regards to waste and minerals, archaeology or ecology subject to conditions.

1.6 As such, it is recommended to grant the application.

2 SITE DESCRIPTION

2.1 The site currently comprises an area of vacant grassland which sits centrally within an existing area of residential development and incorporates 40 Wype Road a 2-storey chalet type bungalow, the site is accessed via Wype Road, between the existing dwellings of 38 and 40.

2.2 There is a dilapidated structure located to the northwest corner of the land, what appears to be an annexe at 8 Wype Road is located on the boundary of the site and a variety of boundary treatments separate it from the adjacent development, including typical domestic 1.8 metre high closeboard fencing, blockwork walling and brick wall. The site is largely devoid of any significant features, although there is a tall hedgerow to the northeast corner of the land and the site is somewhat overgrown. The dwellings adjoining the site are predominately single storey in scale.

2.3 The site lies within the settlement of Eastrea and is located within flood zone 1.

3 PROPOSAL

3.1 The application seeks full planning permission for five dwellings with associated garages, parking and landscaping, involving the demolition of existing shed, and insert roof lights to north roof slope of 40 Wype Road.

3.2 The development is accessed directly off Wype Road via a 5m wide access which then widens to a 6m wide shared surface road running through the centre of the site and terminating at a turning head.

3.3 Surface water is proposed to be managed via soakaway, with foul drainage proposed to be connected to the Anglian Water mains sewer system.

3.4 Plot 1 is a single-storey 4-bed dwelling measuring 20m x 12.3m and 5.4m height, to be constructed in Wienerberger Heritage Blend bricks with a Marley Mendip Smooth Grey roof. This is served by a double garage measuring 6.6m x 7.7m and 4.6m in height.

3.5 Plot 2 is a single-storey 4-bed dwelling measuring 20m x 12.3m and 5.4m height, to be constructed in Wienerberger Hathersage Blend bricks with a Marley Modern Concrete Smooth Grey roof. This is served by a double garage measuring 6.6m x 7.7m and 4.6m in height.

3.6 Plot 3 is a single-storey 4-bed dwelling measuring 20m x 13.5m and 5.7m height, to be constructed in Wienerberger Hathersage Blend bricks with a Marley Modern Concrete Smooth Grey roof. This is served by a double garage measuring 6.6m x 7.7m and 4.6m in height.

3.7 Plot 4 is a single-storey 3-bed dwelling measuring 14.3m x 16.3m and 5.9m height, to be constructed in Wienerberger Heritage Blend bricks with a Marley Mendip Smooth Grey roof. This is served by a double garage measuring 6.6m x 7.7m and 4.6m in height.

3.8 Plot 5 is a single-storey 3-bed dwelling measuring 14.3m x 16.3m and 5.9m height, to be constructed in Wienerberger Hathersage Blend bricks with a Marley Modern Concrete Smooth Grey roof. This is served by a double garage measuring 6.6m x 7.7m and 4.6m in height.

Full plans and associated documents for this application can be found at: https://www.publicaccess.fenland.gov.uk/publicaccess/

4 SITE PLANNING HISTORY

F/YR22/0499/F	Erect 7 x dwellings (1 x 2-storey 3-bed and 6 x 2-storey 4-bed), with associated garages, parking and landscaping, involving the demolition of existing shed, and insert roof light to north roof slope of 40 Wype Road	Withdrawn
F/YR19/0559/O	Erection of up to 10 x dwellings (Outline with matters committed in respect of access only) involving the demolition of 8 Thornham Way	Refused 27/9/19 Appeal withdrawn
F/YR17/0191/O	Erection of up to 9 x dwellings (Outline with matters committed in respect of access only) involving the demolition of existing cow shed	Refused 31/7/17 Appeal Dismissed 21/11/17
F/YR12/0907/F	Erection of 14 x 2-storey dwellings with associated parking comprising of: 7 x 2-bed, 6 x 3-bed and 1 x 4-bed, and additional garden and parking amenity for No's 16 and 18 Wype Road	Refused 11/7/13
F/YR04/0042/F	Variation of Condition 02 of planning permission F/99/0111/O (Erection of dwelling)	Granted 2/3/04

F/99/0111/O	Erection of 1 dwelling	Granted 24/9/99
F/94/0265/O	Erection of 5 detached bungalows	Refused 23/11/94 Appeal Dismissed 3/4/95

5 CONSULTATIONS

5.1 **Whittlesey Town Council**

The Town Council recommended refusal due to highways issues and the fact that the speed survey needs repeating.

Proposed Cllr Mayor, seconded Cllr Arman with a majority vote in favour, Cllr Wainwright took no part in the discussion or vote.

5.2 **Environmental Health (FDC) (20/3/23)**

I refer to the above planning application and make the following observations.

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

As the proposal involves demolition of an existing structure, we ask for the following condition to be imposed in the event planning consent is granted;

UNSUSPECTED CONTAMINATION

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

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

I note a Construction Environmental Management Plan (CEMP) has been submitted with the application and that the proposed working times documented within the plan fall outside of those typically requested by this service for proposed developments in close proximity to existing noise sensitive receptors, as is the case in this scenario. Therefore, I propose an alteration to the CEMP so these fall within working times typically conditioned in similar circumstances and would accept the following;

No construction work shall be carried out and no plant or power operated machinery operated other than between the following hours: 08:00 hours and 18:00 hours on Monday to Friday, 08:00 hours and 13:00 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless otherwise previously agreed in writing with the Local Planning Authority

5.3 **Environmental Health (FDC) (20/11/2023)**
The Environmental Health team are happy with the revised CEMP submitted 16/10/2023.

5.4 **Environmental Health (FDC) (15/1/25)**
The proposed 1.8m high acoustic fencing scheme is accepted based on its positioning on Drawing Ref: 7842/02L. This must however be in accordance with details previously submitted within the statement of intent under F/YR17/0191/O which gives mention in Appendix C (Drawing No: JDA/2015/505/AC.001) to the proposed acoustic fencing being of sufficient quality, as supplied by Jackson Fencing. This related specifically to the 'Jakoustic' acoustic barrier.

This service welcomes the proposed permeable tarmac surface for the access road between No38 and No40 Wype Road in place of the previous block paving scheme. This can be expected to assist in reducing noise from vehicles passing over the surface to levels below what would be experienced with a block paving scheme, and also allow for any future surface repair works to be undertaken more efficiently.

5.5 **Environmental Health (FDC) (22/1/25)**
Having checked the updated proposed site plan (Drawing No: H782/02m) it can be confirmed that this service is now satisfied that it contains details of the specific acoustic fence type proposed.

Given the manufacturer details available, it appears suitable and sufficient for purpose in terms of expected noise mitigation for a development of this nature

5.6 **Cambridgeshire County Council Lead Local Flood Authority (30/10/24)**
Objections were received on 13/10/23, 15/11/23, 30/7/24, 3/9/24 and 17/9/24 the most recent comments are provided in full below:

Thank you for your re-consultation which we received on 23rd October 2024.
We have reviewed the following documents:
• Technical Note, MTC Engineering, Ref: 3105 – 38, Dated: 9th August 2024
• Technical Note, MTC Engineering, Ref: 3105 – 38, Dated: 14th October 2024
• Drainage Details, Morton & Hall Consulting Limited, Ref: H7842/MH/sg, Dated: 20th February 2022 (Revised September 2024)
• Percolation Test Results, Morton & Hall Consulting Limited, Ref: H7842/MH/rg, Dated: 10th October 2024
• Impermeable Area Plan, MTC Engineering, Ref: 3105-05, Dated: 8th August 2024
• Exceedance Flow Plan, MTC Engineering, Ref: 3105-04, Rev: A, Dated: 8th August 2024
• Drainage Design, MTC Engineering, Ref: 3105-02, Rev: B, Dated: 18th September 2024
• Plot 1-5 Hydraulic Calculations, MTC Engineering, Dated: 18th September 2024
Based on these, as Lead Local Flood Authority (LLFA) we have no objection in principle to the proposed development.

The above documents demonstrate that surface water from the proposed development can be managed through the use of permeable paving and soakaway crates, discharging surface water via infiltration.

The LLFA is supportive of the use of permeable paving as it provides water quality

treatment which is of particular importance when discharging to the ground. Water quality has been adequately addressed when assessed against the Simple Index Approach outlined in the CIRIA SuDS Manual.

We request the following conditions are imposed:

Condition
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 Drainage Details prepared by Morton & Hall Consulting Limited (ref: H7842/MH/sg) dated September 2024 and shall also include:
a) Full calculations detailing the existing surface water runoff rates for the Q_{BAR}, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
c) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);
d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);
e) Site Investigation and test results to confirm infiltration rates;
f) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
g) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;
h) Full details of the maintenance/adoption of the surface water drainage system;
i) Permissions to connect to a receiving watercourse or sewer;
j) Measures taken to prevent pollution of the receiving groundwater and/or surface water

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

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

measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.

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

- Informatives also proposed.

5.7 **Cambridgeshire County Council Lead Local Flood Authority (8/1/25)**
The updated proposals include removing the permeable block paving on the access road which is to be replaced with permeable asphalt. It is our understanding that this is simply a change of materials and that the attenuation volumes provided within the subbase remain the same, as confirmed by the applicant. We can therefore confirm that the LLFA has no further comments beyond those set down in our response of Date 30th October 2024. Our position therefore remains supportive of to the development.

5.8 **Cambridgeshire County Council Archaeology**
We have commented on this site previously. We would make the same recommendation as for prior applications F/YR12/0907/F, F/YR17/0191/O, F/YR19/0559/O and F/YR22/0499/F within the same bounds, that is:

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

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

a) The statement of significance and research objectives;

b) The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;

c) The timetable for the field investigation as part of the development programme;

d) The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material and digital archives.

REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or

investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (MHCLG 2021).

- Informatives also proposed.

5.9 **Cambridgeshire County Council Planning, Minerals and Waste**
This proposal is located within a Sand and Gravel Mineral Safeguarding Area. Policy 5 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan, in broad terms, seeks to protect identified mineral resources, and requires district and borough councils to consult the County Council except in certain circumstances. However, in this instance, the proposal appears to be an infill development and is considered to meet criteria (a) of Policy 5, which exempts development within existing settlements development from the requirements of Policy 5. Consequently, I have no comments on the proposed development.

5.10 **Cambridgeshire County Council Highways (14/8/24)**
The Local Highways Authority (LHA) originally objected to the application regarding visibility, the need for a speed survey and a repeat survey as the original was not undertaken in accordance with the required methodology. The most recent comments are provided in full below:

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

Comments
I have reviewed the latest note provided by MTC and the accompanying speed survey. While I have reservations, on balance I consider the proposals to be acceptable. Pedestrian visibility splays and the inter-vehicular visibility splay to the south are to best practice standards. The visibility splay to the north can achieve the necessary y-distance but not the x-distance (i.e., the 2.4m setback). In context of the setting, the volume of southbound traffic along Wype Road and the direction of travel (in highway safety terms, inter-vehicular visibility splay to the right are more safety critical than those to the left), I do not consider this shortcoming to be severe in NPPF terms.

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

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

• Gates/Enclosure/Access Restriction: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, amending or re-enacting that order) no gates or other means of enclosure shall be erected across the vehicular access hereby approved. Reason: In the interests of highway safety and to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan, adopted May 2014.

• Visibility Splays: Prior to commencement of the use/or first occupation of the development hereby approved, visibility splays shall be provided on both sides of the new vehicular access and shall be maintained free from any obstruction over a height of 600 mm within an area as shown on the drawing H7842/02 Revision J. Reason: In the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.

- Informatives also proposed.

5.11 **Cambridgeshire County Council Highways (3/1/25)**

I can confirm that the revised drawings are acceptable from a highway safety point of view; for the avoidance of doubt I would confirm that the proposed means of access is entirely commensurate in layout with the limited scale and nature of the development proposed.

I would reiterate that the internal carriageway at 6m wide is excessive to serve 5 units. From the tracking drawing the width proposed appears to be based upon two-way trafficking off a refuse freighter through the site, however, the need for simultaneous movements of such vehicles is highly unlikely for a development of this scale – a 4.8m/ 5m carriageway would be perfectly adequate as previously advised.

In relation to the Construction Phase Plan dated 16th October 2023 – this provides a description of measures which may be provided; in respect of 'Access' the Plan states:

7.0 ACCESS

Access to the site at present is via Wype Road. All construction vehicles together with the proposed residents will enter and exit the site via Wype Road. Due to the size of the site and the phase construction of the works, there should be no requirement for any parking on Wype Road and all vehicles will be parked within the site and there is sufficient room for parking and turning on site to ensure vehicles exit the site in a forward gear. A temporary sub-base would be set within the site for parking of vehicles. This will be an improvement from existing as at present there is no hardstanding or stone base, when any vehicles enter or exit the site.

The document does not appear to be accompanied by any supporting plan showing where such provision may be made, and it is considered that the description in isolation is not sufficient to ensure that adequate off-site provision for servicing/ parking is provided during the period of construction.

Accordingly, please append conditions as advised in my consultation dated 14th August 2024 to any consent granted, condition 1 of which relates to the submission of details for the temporary construction facilities.

5.12 **Cambridgeshire Fire and Rescue**

With regard to the above application, should the Planning Authority be minded to grant approval, the Fire Authority would ask that adequate provision be made for fire hydrants, which may be by way of Section 106 agreement or a planning condition

5.13 **Anglian Water**

The Planning & Capacity Team provide comments on planning applications for major proposals of 10 dwellings or more, or if an industrial or commercial development, 500sqm or greater. However, if there are specific drainage issues you would like us to respond to, please contact us outlining the details.

The applicant should check for any Anglian Water assets which cross or are within close proximity to the site. Any encroachment zones should be reflected in site layout. They can do this by accessing our infrastructure maps on Digdat. Please see our website for further information:

https://www.anglianwater.co.uk/developers/development-services/locating-our-assets/

Please note that if diverting or crossing over any of our assets permission will be required. Please see our website for further information:

https://www.anglianwater.co.uk/developers/drainage-services/building-over-or-near-our-assets/

5.14 **Natural England**

SUMMARY OF NATURAL ENGLAND'S ADVICE
Please refer to Natural England's letter dated 12 July 2019 (copy at bottom of this letter) regarding appropriate consideration of recreational pressure impacts, through relevant residential development, to sensitive Sites of Special Scientific Interest (SSSI)

Natural England's generic advice on other natural environment issues is set out in the attached Annex A.

5.15 **Wildlife Officer (FDC)**

Recommendation:
The application scheme is acceptable but only if conditions are imposed.

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

Pre-Commencement Conditions(s) –

- *Notwithstanding the submitted details, no development shall take place until a scheme for the soft landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:*

-Planting plans to all public areas, retained hedge and trees, species, numbers, size and density of planting, with the purpose to result in no net loss of biodiversity;

-Placement, type and number of any recommended biodiversity enhancements; and

-Boundary treatments.

Development shall be carried out in accordance with the submitted details and at the following times:

Any trees, shrubs or hedges forming part of the approved landscaping scheme (except those contained in enclosed rear gardens to individual dwellings) that die, are removed or become diseased within five years of the implementation of the landscaping scheme shall be replaced during the next available planting season by the developers, or their successors in title with an equivalent size, number and species to those being replaced. Any replacement trees, shrubs or hedgerows dying within five years of planting shall themselves be replaced with an equivalent size, number and species.

Compliance Condition(s) -

- *No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.*

- *Where it is intended to create semi-natural habitats, all species used in the landscaping schedules shall be locally native species of local provenance unless otherwise agreed in writing with the local planning authority.*

Assessment/Comment:
The proposed application is unlikely to have significant negative impacts on biodiversity or protected species so long as the proposed removed habitats are adequately compensated for within a landscaping document. Several areas of bramble are being removed, bramble scrub is often a refuge for a large number of invertebrates and birds. While in this case, other than nesting birds, it is unlikely to be used by protected species, suitable compensation planting of native species should be used.

5.16 **Ecology Officer (FDC)**
We note the update of the ecological report, which confirms that the original site assessment is valid. However, these documents do not address the outstanding issue of potential impact on Site of Special Scientific Interest (SSSI).
We recommend refusal due to the potential impact of the scheme on a Site of Special Scientific Interest.

Please find further details below:

Impact to SSSI
The site falls within Natural England's SSSI Impact Risk Zone, which identifies the following potential impact at the application site:

Natural England Impact Risk Zone for Sites of Special Scientific Interest:

Further information required - potential recreational pressure impacts to Sites of Special Scientific Interest (SSSIs) in Cambridgeshire and Peterborough
This development site is within the zone of potential risk for publicly accessible Sites of Special Scientific Interest (SSSIs) sensitive to the effects of recreational pressure. Within this zone, proposals for any net increase in residential units may affect the notified features of the SSSI(s) through increased recreational pressure. Natural England advises that such developments require a proportionate assessment of recreational pressure impacts on the notified features of the SSSI(s) and measures to mitigate adverse impacts eg alternative open space provision. Please refer to Natural England's letter dated 12 July 2019 for further information.

This issue was also raised within Natural England's previous consultation responses.

In light of the above, we are concerned that the scheme will adversely impact a Site of Special Scientific Interest and therefore, the scheme does not accord with Fenland Local Plan 2014 policies LP16 & LP19 which seek to conserve, enhance and promote the biodiversity interest.

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

- *assessment of recreational pressure of the proposed development on SSSI(s) and propose adequate mitigation.*

We recommend the applicant discuss this issue further with Natural England, how may provide pre-application advice on the nature of the potential impacts and how these might be avoided or mitigated. Developers Get Environmental AdviceUK (www.gov.uk) provides information on Natural England's pre-application discretionary advice service (DAS).

5.17 **Refuse Team (FDC)**
Initial comments indicated that if there was suitable access for a refuse vehicle the bon store area would not be required, that tracking would be required along with an indemnity as the road is private.

Further information was submitted and final comments are as follows:

I can confirm the vehicle dimensions used for the tracking and the indemnity mean no issues with accessing for waste collection.

5.18 **Local Residents/Interested Parties**

Objectors
14 objections have been received (from Thornham Way, Mayfield Road, Wype Road and Bryony Close, Eastrea and South Green, Coates), in relation to the following:

- Impact of the access on 38 and 40 Wype Road/restricted access
- Impact of additional traffic on Wype Road/highway safety
- Visibility to access/dangerous access/access not wide enough
- Concerns regarding waste collection if refuse vehicles cannot access the site
- Disruption and inconvenience (noise, dust) during construction

- Loss of privacy
- No footpath within the development
- Local infrastructure cannot cope
- Impact on wildlife
- Settlement limit already been exceeded/area overdeveloped
- Application already refused for this site
- Archaeology
- Speed survey invalid

Supporters

11 supporting comments have been received (from Eastrea Road, Thorham Way, Coates Road and Wype Road, Eastrea; Duncombes Road and March Road, Coates and Drybread Road and High Causeway, Whittlesey), in relation to the following:

- Excellent use of unused/underutilised land
- Site is currently overgrown with a derelict shed
- Provides new homes without impacting on arable land
- Good sized plots
- Supports bungalows rather than houses
- Access needs to be addressed
- Access wider than other schemes for more dwellings
- Infill development
- Demand for bungalows

Representations

Two representations have been received from Thornham Way, Eastrea in relation to the following:

- Adverse to the original fencing remaining as it is in poor condition
- Acoustic fence should be to the entire perimeter of the site
- Impact during construction
- Suitability of access/applications previously rejected on this basis
- Concerns regarding potential to extend the bungalows upwards
- High quality bungalows may improve 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 Whittlesey Neighbourhood Plan (2023).

7 POLICY FRAMEWORK

7.1 **National Planning Policy Framework (NPPF) 2024**

Chapter 2 - Achieving sustainable development
Chapter 4 – Decision-making
Chapter 5 – Delivering a sufficient supply of homes
Chapter 8 – Promoting healthy and safe communities
Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land
Chapter 12 – Achieving well-designed places
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
Chapter 15 – Conserving and enhancing the natural environment
Chapter 17 – Facilitating the sustainable use of minerals

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

7.3 **National Design Guide 2021**
Context
Identity
Built Form
Movement
Nature
Homes and Buildings

7.4 **Fenland Local Plan 2014 (FLP)**
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
LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
LP16 – Delivering and Protecting High Quality Environments across the District
LP17 – Community Safety
LP19 – The Natural Environment

7.5 **Whittlesey Neighbourhood Plan 2021-2040**
Policy 1 – Spatial Planning
Policy 2 – Local Housing Need
Policy 7 – Design Quality
Policy 10 – Delivering Sustainable Transport
Policy 11– Adapting to and Mitigating Climate Change

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
Policy 16: -Consultation Areas (CAS)

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
DM4 – Waste and Recycling Facilities
DM6 – Mitigating Against Harmful Effects

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

LP1: Settlement Hierarchy
LP2: Spatial Strategy for the Location of Residential Development
LP5: Health and Wellbeing
LP7: Design
LP8: Amenity Provision
LP11: Community Safety
LP20: Accessibility and Transport
LP22: Parking Provision
LP24: Natural Environment
LP25: Biodiversity Net Gain
LP32: Flood and Water Management

8 KEY ISSUES

- **Principle of Development**
- **Design considerations and visual amenity of area**
- **Residential Amenity/Health and wellbeing**
- **Parking and Highways**
- **Flood Risk and Drainage**
- **Waste and Minerals**
- **Archaeology**
- **Ecology**
- **Biodiversity Net Gain (BNG)**

9 BACKGROUND

9.1 This site has been subject to a number of applications for dwellings, however only the most recent, considered under the current Development Plan are referred to here:

9.2 Application F/YR22/0499/F for 7 x 2-storey dwellings was withdrawn following Officer concerns regarding the detrimental effect on the living conditions of 38 and 40 Wype Road, with particular regard to noise and disturbance, due to the location of the access; the impact of replacing a ground floor window with a roof light at 40 Wype Road; insufficient width of the access road; the detrimental impact of the scale of the dwellings on the character of the area and loss of privacy and outlook to surrounding dwellings.

9.3 Application F/YR19/0559/O for up to 10 dwellings, involving the demolition of 8 Thornham Way (to create access via Thornham Way) was refused on 27/9/2019 for the following reasons:

1 Policy LP16 (e) of the Fenland Local Plan (2014) requires development not to adversely impact on the amenity of neighbouring users. Policy LP2 requires new development to provide high levels of residential amenity to existing and future occupiers. It is considered that the proposed access road to serve 10

new dwellings by way of its proximity to the primary outlook of 10 Thornham Way would have a detrimental impact on the occupiers of that property. The impact would be significant and contrary to policies LP2 and LP16 of the Fenland Local Plan 2014.

2 *Policy LP19 of the Fenland Local Plan (2014) requires development to conserve, enhance and promote the biodiversity and geological interest of the natural environment throughout Fenland. The application site encompasses potential habitat for protected species, however no ecological survey data has been provided in respect of these features within the site, nor any mitigation for impacts on these features identified, and the proposal is therefore contrary to the provision of policy LP19, as well as the Habitats and Biodiversity section of the National Planning Policy Framework (2019).*

3 *Policy LP15 of the Fenland Local Plan (2014) requires that the application demonstrates that the proposal provides a well-designed, safe and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport. The submitted plans show an access arrangement that is at odds with the survey drawings also submitted as part of the application, and would result in a contrived access into the site of inadequate width resulting in the loss of a section of footpath (not shown on the proposed plans) that would have a detrimental effect on the provision for pedestrians and other footpath users in the area. The proposal would therefore be contrary to policy LP15 of the Fenland Local Plan (2014).*

9.4 Application F/YR17/0191/O for up to 9 dwellings was refused on 31/7/2017 for the following reason:

1. *Policy LP16 (e) requires development not to adversely impact on the amenity of neighbouring users. Policy LP2 requires new development to provide high levels of residential amenity to existing and future occupiers. It is considered that the proposed access road to serve 9 new dwellings by way of its proximity to No 38 and No 40 Wype Road would have a detrimental impact on the occupiers of these properties. This impact would be significant and contrary to Policies LP2 and LP16 of the Fenland Local Plan 2014.*

9.5 This application was also dismissed on appeal, with the Inspector concluding that the proposed development would have a detrimental effect on the living conditions of neighbouring occupiers of Nos 38 and 40, with particular regard to noise and disturbance (due to the location/proximity of the access).

9.6 The current scheme has been amended during the course of the application in order to seek to overcome concerns raised.

10 ASSESSMENT

Principle of Development

10.1 Policy 1 (Spatial Strategy) of the Whittlesey Neighbourhood Plan states that the villages of Coates and Eastrea are markedly smaller in scale and offer fewer facilities than Whittlesey but are likely to provide some limited opportunities for new development.

10.2 Policy LP3 defines Eastrea as a small village where development will be considered on its merits but will normally be of a very limited nature and normally be limited in scale to residential infilling.

10.3 Policy LP12 advises that for villages new development will be supported where it contributes to the sustainability of that settlement and does not harm the wide, open character of the countryside.

10.4 This policy also advises that if a proposal within or on the edge of a village, in conjunction with other development built since 2011 and committed to be built (i.e. with planning permission) increases the number of dwellings in a growth village by 15% or more then the proposal should have demonstrable evidence of clear local community support for the scheme. Wimblington has already exceeded its 15% threshold. However, an appeal decision received in respect of an application that was refused purely on this basis (F/YR14/0838/O) indicates that the threshold considerations and requirement for community support should not result in an otherwise acceptable scheme being refused and against this backdrop the absence of community support does not render the scheme unacceptable in planning terms.

10.5 Paragraph 124 of the NPPF 2024 seeks to promote an effective use of land in meeting the need for homes.

10.6 The application site is currently an underutilised area of grassland located within the built-up area of the settlement, surrounded by residential development, and could therefore be reasonably defined as an infill site. The scheme is for 5 dwellings which is considered of an acceptable scale for a small village, and makes effective use of this vacant site, as such the principle of development is accepted subject to all other material considerations.

Design considerations and visual amenity of area

10.7 Policy LP16 of the FLP and DM3 Delivering and Protecting High Quality Environments in Fenland SPD seek to ensure that development makes a positive contribution to the local distinctiveness and character of the area.

10.8 Policy LP12 of the FLP highlights that new development will be supported where it contributes to the sustainability of the settlement and does not harm the wide-open character of the countryside. To ensure this there are a number of criteria expressed in this policy namely (a) - (k). These criteria, in summary, seek to achieve compliance with the settlement hierarchy in terms of amount of whilst also ensuring that development responds to the existing built form and settlement character, retains and respects existing features of the site and the locality, respects biodiversity and ecology and provides appropriate servicing etc.

10.9 Policy 7 of the Whittlesey Neighbourhood Plan seeks to ensure that the design of new development respects the character, identity and setting and be in proportion to the scale, nature and specific context of its location.

10.10 The application site is an infill site surrounded by predominately single storey dwellings, glimpses of the proposed development would be afforded from the access road, in gaps between and as a backdrop to existing dwellings. The proposed single storey dwellings, with detached double garages are considered

to provide an acceptable visual appearance behind the single-storey dwellings, these are modest in scale and whilst it can be seen from the street scene submitted that these are slightly higher than some of the existing dwellings surrounding, this is not considered to result in a significant adverse impact on the character of the area. Existing site levels, proposed spot levels and FFL's have been submitted and these are not considered to result in any significant visual impact.

10.11 The proposed dwellings form a cul-de-sac surrounding the proposed private road, with plot 3 forming a focal point at the terminus of this, the dwellings are larger than the majority of those surrounding, however their location is such that they will not appear unduly prominent, and their design is considered acceptable in this area where there is no specific vernacular and a range of architectural styles. The materials proposed are Wienerberger Heritage Blend bricks (red multi) with a Marley Mendip Smooth Grey roof (grey pantile) (plots 1 and 4) and Wienerberger Hatthersage Blend (buff multi) with Marley Modern Concrete, smooth grey (grey plain tile) roof (plots 2, 3 and 5), there are a wide variety of materials in the area and as such those proposed are considered acceptable.

10.12 It is considered that the overall appearance of the proposal is acceptable, as it will not be unduly dominant or out of character with the surrounding existing development and will form a congruous appearance against the backdrop of the existing dwellings around the site in accordance with the aforementioned polices.

Residential Amenity/Health and wellbeing

10.13 Policies LP2 and LP16 of the FLP and Policy 7 of the Whittlesey Neighbourhood Plan seek to secure high quality environments, with high levels of residential amenity and avoid adverse impacts.

10.14 Relationships between the proposed dwellings are considered acceptable and these are afforded approximately a third of the plot for private amenity space in accordance with Policy LP16(h). The site is predominately surrounded by single storey dwellings, where there are 2-storey properties these are a sufficient distance to not result in a significant adverse impact upon the proposed development. There are some new boundary treatments proposed to secure adequate privacy between existing and proposed dwellings which can be secured by condition. There is a brick built structure (F/YR07/0589/F) serving 8 Wype Road which forms the boundary of the site which features high level windows which face towards plot 3, however due to their nature this is not considered to result in any issues to the proposal. To the west of the site is a commercial use (Edan Recovery), however this is already surrounded by residential properties and Environmental Health have raised no issues in this regard.

10.15 Policy LP16 (f) of the FLP and DM4 of the Delivering and Protecting High Quality Environments SPD seek to ensure that adequate, well-designed facilities for the storage, sorting and collection of waste are provided. The submission has detailed refuse vehicle tracking within the site along with providing an indemnity for use of the private road, it is on this basis that the Refuse Team are content that there are no issues with accessing and collecting bins from within the site.

10.16 The single storey nature of the proposals, along with suitable boundary treatments and confirmation that proposed ground levels are comparable to existing with FFL at 0.3m above ensures that there are no issues in relation to overlooking or loss of privacy to existing dwellings. As referred to in paragraph 9.14 above, it is noted that there are high level windows serving a garage/store/annexe at 8 Wype Road (F/YR07/0589/F), however these are secondary windows according to the plans submitted and as such the proposal is not considered to result in significant detrimental impacts. The scale and siting of the proposal is such that there are no significant issues in respect of loss of outlook, light or overshadowing. Due to the constrained nature of the site and potential for loss of privacy, it is considered necessary to impose a condition to restrict permitted development rights to avoid overdevelopment of the site and the introduction of windows at first floor level.

10.17 Concerns have been raised by local residents regarding the impacts of the construction phase of the development should permission be obtained. The application has been accompanied by a Construction Phase Plan which has been reviewed and accepted by Environmental Health and the Local Highway Authority. Compliance with the document submitted, in addition to the further details required in respect of a temporary construction facilities area, can be secured by condition.

10.18 The development is served by a private drive, and no lighting scheme has been submitted, this can however be secured via condition to ensure the development is adequately lit.

10.19 The main issue in respect of residential amenity impacts with this site is the impact of the proposed access on both 38 and 40 Wype Road with particular regard to noise and disturbance. This resulted in the previous refusal and appeal dismissal of F/YR17/0191/O for 9 dwellings; in this case it was considered and accepted by the Inspector, 'that *the average dwelling would generate approximately 6-8 vehicle movements per day and the site as a whole would generate 63 movements per day. These movements would be spread over a circa 17 hour period in an average day, with a mean generation of some 3.7 movements per hour'.* With the Inspector concluding that although the vehicular movements would not be particularly high*, 'the noise and disturbance generated throughout the day and night would be noticeable, particularly to the habitable room at No 40 which faces the access'.*

10.20 The appellant also submitted details of proposed acoustic fencing of 2.5m in height to run along the majority of the side boundaries of Nos 38 and 40, however there was insufficient evidence in terms of noise reduction achieved and the mitigation measures themselves were considered to create harm in terms of visual and residential amenity.

10.21 The scheme now put forward proposes to replace the window in the side elevation of No.40 (serving a ground floor bedroom) with 2 rooflights, to mitigate the impact of the use of the access on this room. This would limit the outlook from this room, which is not ideal, however it is highly likely that a similar arrangement could be achieved under permitted development rights and as such it is accepted.

10.22 Discussions have been undertaken with Highways, who have advised that applying the approach accepted at appeal in respect of vehicle movements, that

a development of 5 dwellings would suggest 35 two-way daily movements, and around 2 movements per hour, or one vehicle every half an hour, however in the busiest hour are likely to be slightly higher, possibly around 2.5 - 3 two-way vehicles, still circa only one vehicle every 20 mins. Following on from this the scheme was amended to narrow the section of the access between Nos 38 and 40 to provide some separation with potential to slow vehicles down (ensuring the first 10m remains 5m wide), proposing permeable tarmac in place of block paving, which may lower the noise of vehicles passing, proposing a 1m high wall to the front of No 40 and 1.8m high acoustic fence to the south and west boundaries of No.38.

10.23 It is acknowledged that the access, if unmitigated would likely have some adverse impact on Nos 38 and 40 in term of noise and disturbance (including vibration) but also in terms of head light sweep, in particular to No 40 when vehicles are approaching from the north (which is likely to be the predominant direction, from the A605) due to the angle of the access. A mitigation scheme as detailed above has been put forward and the number of vehicle movements has almost halved since the previous scheme, hence, on balance, it is not considered that the impacts of the development now proposed, are significant enough to warrant a refusal in this regard. However, should any scheme be forthcoming for an increased number of dwellings, or the quality of the mitigation measures are reduced, this is likely to tip the balance into once again being unacceptable.

Parking and Highways

10.24 Policy LP15 of the FLP and Policy 7 of the Whittlesey Neighbourhood Plan seek to ensure that developments provide well-designed, safe and convenient access for all, with sufficient parking.

10.25 The application has been accompanied by a speed survey which has been accepted by Highways and whilst they do have reservations, on balance they consider the proposals and visibility splays that can be achieved to be acceptable and recommend a number of conditions are imposed. It should also be noted that F/YR17/0191/O, for 9 dwellings was not refused or dismissed on appeal on highway safety grounds.

10.26 The proposed internal access road has been amended during the course of the application in conjunction with advice from Highways, this is predominantly a 6m wide shared surface which is considered acceptable. Management and maintenance of this can be secured via condition.

10.27 The double garages proposed are of sufficient dimensions to be considered appropriate parking spaces and there are a further 2 spaces per dwelling in front of the respective garages, as such in excess of a policy compliant level of parking is achieved.

Flood Risk and Drainage

10.28 The application site falls within Flood Zone 1 (low risk) and as such the proposal is considered to be appropriate development and does not require the submission of a flood risk assessment or inclusion of mitigation measures in this respect. A small section of the site appears to fall within medium are of surface water flood risk. This area is not proposed to be developed and is on the fringe of the site and does not appear to connected to any existing surface water flow

paths. As such, the application of the sequential test for flood risk is not deemed to be necessary in this instance.

10.29 Notwithstanding, the application is accompanied by a drainage scheme, which the LLFA consider demonstrates that surface water from the proposed development can be managed through the use of permeable paving and soakaway crates, discharging surface water via infiltration and it is on this basis they have no objection in principle to the proposed development and recommend a number of conditions. It has also been confirmed that the change from permeable block paving to permeable tarmac does not alter their assessment of the scheme.

Waste and Minerals

10.30 The site is located within a Sand and Gravel Mineral Safeguarding Area (MSA) which is safeguarded under Policy 5 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021). This policy seeks to prevent mineral resources of local and/or national importance being needlessly sterilised.

10.31 However, Policy 5 sets out a number of exemptions (criteria (a) – (h)), for when this policy is not applicable; the proposal is an infill development and is considered to meet criteria (a) of Policy 5, which exempts development within existing settlements development from the requirements of Policy 5, as in this case.

Archaeology

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

Ecology

10.33 The application is accompanied by a Preliminary Ecological Appraisal dated May 2022, which concluded that the site is of low ecological value, no further species specific surveys were required and the site would benefit from ecological enhancements. A number of recommendations have been made in this regard, specifically bird and bat boxes and hedgehog homes being incorporated within the development. The application details 5 hedgehog homes, 3 bird boxes and a bat box, with appropriate orientation, which can be secured by condition.

10.34 However, the aforementioned report is indicated as only being valid for 24 months (May 2024) and given the length of time the application has been ongoing the period of validity has since expired. As such, and update report was requested, which confirmed that site conditions remained the same, the above enhancements were again recommended, along with mitigation measures, which can again be secured by condition.

10.35 The site is located with a SSSI impact zone (Nene Washes) and Natural England have advised that there should be appropriate consideration of recreational pressure impacts.

10.36 The process of Appropriate Assessment involves an initial screening which considers whether or not a project is likely to have a significant effect on a European protected site either alone or in combination with other projects. If the

project is not likely to have any significant effects on a European protected site, the Appropriate Assessment process is complete and there will be no further constraint to granting permission under the UK Habitats Regulations.

10.37 The objection from the Ecology Officer is noted, however in this case and in light of the advice from Natural England, their request for the applicant to provide an assessment of recreational pressure and mitigation is considered disproportionate.

10.38 The application is minor development for only 5 dwellings, advice from Natural England, is that taking a proportionate approach, most proposals below 50 dwellings should be screened out for likely significant effect and given the small scale of development proposed this is considered to be the case. As the proposal is not likely to have any significant effects on a European protected site the Appropriate Assessment process is complete and there is no constraint to granting permission under the UK Habitats Regulations.

Biodiversity Net Gain (BNG)

10.39 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.

10.40 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 application site is currently an underutilised area of grassland located within the built-up area of the settlement, surrounded by residential development, and could therefore be reasonably defined as an infill site. The scheme is for 5 dwellings which is considered of an acceptable scale for a small village, and makes effective use of this vacant site, as such the principle of development is accepted subject to all other material considerations.

11.2 It is considered that the overall appearance of the proposal is acceptable, as it will not be unduly dominant or out of character with the surrounding existing development and will form a congruous appearance against the backdrop of the existing dwellings around the site.

11.3 The proposed development is considered to be afforded an appropriate level of residential amenity and the scale and siting of the proposal is such that there are no significant issues in respect of loss of privacy, outlook, light or overshadowing to existing dwellings surrounding the site. The main issue in respect of residential amenity impacts with this site is the impact of the proposed access on both 38 and 40 Wype Road with particular regard to noise and disturbance; a mitigation scheme has been put forward and the number of vehicle movements has almost

halved since the previous scheme, hence, on balance, it is not considered that the impacts of the development now proposed, are significant enough to warrant a refusal in this regard.

11.4 The application has been accompanied by a speed survey which has been accepted by Highways and on balance they consider the proposals and visibility splays that can be achieved to be acceptable and recommend a number of conditions are imposed. It should also be noted that F/YR17/0191/O, for 9 dwellings was not refused or dismissed on appeal on highway safety grounds.

11.5 The application site falls within Flood Zone 1 (low risk), a surface water drainage scheme has been put forward an accepted in principle and there are no issues with regards to waste and minerals, archaeology or ecology subject to conditions. As such, it is recommended to grant the application.

12 RECOMMENDATION

12.1 **Grant** subject to the following conditions.

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

The proposed conditions are as follows;

1.	The development permitted shall be begun before the expiration of 3 years from the date of this permission. Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
2	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 Drainage Details prepared by Morton & Hall Consulting Limited (ref: H7842/MH/sg) dated September 2024 and shall also include: a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events; b) Full results of the proposed drainage system modelling in the above-referenced

	storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance; c) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it); d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections); e) Site Investigation and test results to confirm infiltration rates; f) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants; g) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems; h) Full details of the maintenance/adoption of the surface water drainage system; i) Permissions to connect to a receiving watercourse or sewer; j) Measures taken to prevent pollution of the receiving groundwater and/or surface water Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development and to ensure that the principles of sustainable drainage can be incorporated into the development, noting that initial preparatory and/or construction works may compromise the ability to mitigate harmful impacts in accordance with Policy LP14 of the Fenland Local Plan 2014.
3	No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence. Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts in accordance with Policy LP14 of the Fenland Local Plan 2014.
4.	No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of

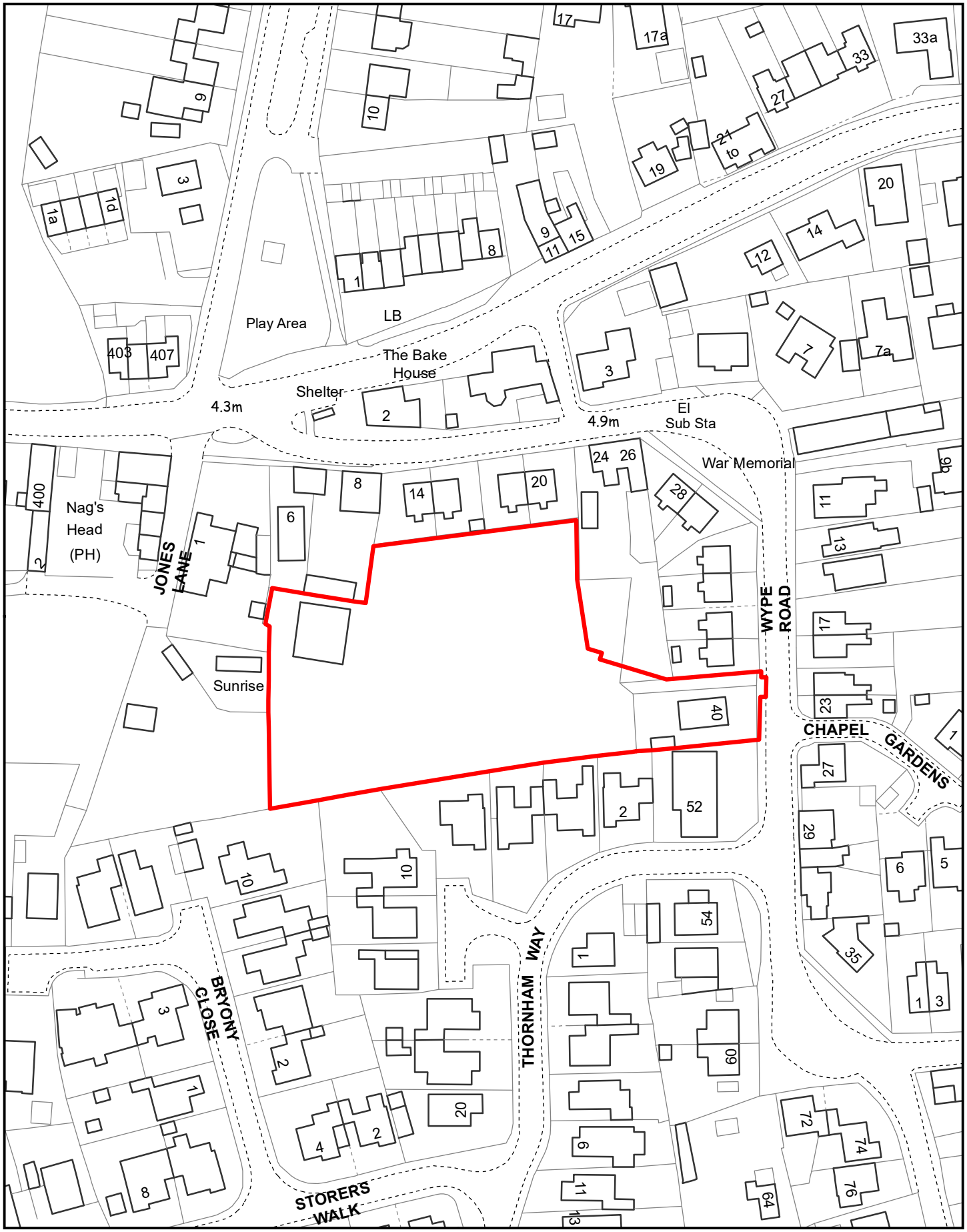
	archaeological work, commencing with the evaluation of the application area, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include: a) The statement of significance and research objectives; b) The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; c) The timetable for the field investigation as part of the development programme; d) The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material and digital archives. Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (MHCLG 2021).
5	Prior to the commencement of the development hereby approved adequate temporary facilities area (details of which shall have previously been submitted to and agreed in writing with the Local Planning Authority) shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction. Reason: To minimise interference with the free flow and safety of traffic on the adjoining public highway in accordance with Policy LP15 of the Fenland Local Plan 2014.
6.	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 2014
7.	Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, amending or re-enacting that order) no gates or other means of enclosure shall be erected across the vehicular access hereby approved. Reason: In the interests of highway safety and to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan 2014.

8.	Prior to the first occupation of the development hereby approved, visibility splays shall be provided on both sides of the new vehicular access and shall be maintained free from any obstruction over a height of 600 mm within an area as shown on the drawing H7842/02 M. Reason: In the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.
9.	Prior to the first occupation of the development hereby approved the road required to access that dwelling shall be constructed to at least binder course surfacing level from the dwelling to the adjoining adopted highway in accordance with the details approved on drawing H7842/02 M. Reason: In the interests of highway safety and to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan 2014.
10.	The Construction Phase Plan, H7842/MH/sg, revised Oct 2023 along with the following ecological mitigation measures shall be adhered to throughout the construction period; - Machinery and equipment must be stored on raised pallets or skips. - All waste should be stored in skips prior to removal from site. - All excavations should be covered / back filling each evening to prevent foraging or commuting amphibians from falling in and becoming trapped. If this is not possible then an escape ramp – made from earth or wooden sticks – will need to be placed within each excavation. Reason: In the interests of safe operation of the highway, residential amenity and the protection of ecology, in accordance with Policies LP15, LP16 and LP19 of the Fenland Local Plan, 2014.
11.	If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority detailing how this unsuspected contamination shall be dealt with. The development shall then be carried out in full accordance with the approved remediation strategy. Reason: To control pollution of land and controlled waters in the interests of the environment and public safety in accordance with the National Planning Policy Framework, in particular paragraphs 196 and 197, and Policy LP16 of the Fenland Local Plan 2014.
12.	Prior to the first occupation of the development hereby approved, a scheme for the provision of fire hydrants or equivalent emergency water supply shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and made available for use prior to the occupation of the first dwelling. Reason: In the interests of the safety of the occupiers and to ensure

	there are available public water mains in the area to provide for a suitable water supply in accordance with infrastructure requirements within Policy LP13 of the Fenland Local Plan 2014.
13.	The dwellings and associated garages hereby approved shall be constructed in the following materials: Plots 1 and 4 Wienerberger Heritage Blend bricks Marley Mendip Smooth Grey Plots 2, 3 and 5 Wienerberger Hatthersage Blend Marley Modern Concrete Smooth Grey Reason: To safeguard the visual amenities of the area in accordance with Policy LP16 of the Fenland Local Plan, 2014.
14.	Prior to the undertaking of any groundworks associated with the dwellings hereby approved, the acoustic fence surrounding 38 Wype Road as detailed drawing H7842/02 M, the alterations to 40 Wype Road (namely the blocking up of a window and insertion of rooflights) detailed drawing H7842/20A, the 1m high boundary wall to the front of 40 Wype Road as detailed drawing H7842/02M and the boundary treatments where proposed to the perimeter of the site as detailed drawing H7842/02M shall be undertaken and remain as such in perpetuity. Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policies LP2 and LP16 of the Fenland Local Plan 2014.
15.	Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), planning permission shall be required for the following developments or alterations: i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas, or raised decks (as detailed in Schedule 2, Part 1, Classes A and E); ii) the erection of house extensions including conservatories, garages, car ports or porches (as detailed in Schedule 2, Part 1, Classes A and D); iii) alterations including the installation of additional windows or doors, including dormer windows or roof windows (as detailed in Schedule 2, Part 1, Classes A and B); iv) alterations to the roof of the dwellinghouse (as detailed in Schedule 2, Part 1, Class C); Reason: To prevent overdevelopment of the site and overlooking of neighbouring properties, in the interest of the protection of residential amenity in accordance with Policy LP16 of the Fenland Local Plan 2014.
16.	Prior to the first occupation of any dwelling hereby permitted, a

	management and maintenance plan for the shared/public areas (including landscaping and lighting) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved in accordance with the specified schedule contained therein. Reason: To ensure that the site meets the crime prevention guidelines in accordance with Policy LP17 and that the development is adequately maintained, managed and serviced in accordance with Policy LP16 of the Fenland Plan 2014.
17.	Prior to the first occupation of the development, a scheme for the provision of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation of any related dwellings and retained thereafter in perpetuity. Reason: In order to ensure that the site meets the crime prevention guidelines and would not have a detrimental impact on biodiversity, in accordance with Policy LP17 and LP19 of the Fenland Local Plan 2014.
18.	Prior to the first occupation of the development the proposed on-site parking/turning area shall be laid out in accordance with the approved plans, surfaced in a bound material and drained within the site. The parking (including garages), turning area, surfacing and drainage shall thereafter be retained as such in perpetuity for that purpose (notwithstanding the provisions of Schedule 2, Part 1, Class F of The Town and Country Planning (General Permitted Development) (England) Order 2015, or any instrument revoking or re-enacting that Order). Reason: To ensure the permanent availability of the parking and manoeuvring area, in the interests of highway safety in accordance with LP15 and LP16 of the Fenland Local Plan 2014.
19.	Notwithstanding the submitted details, prior to development proceeding above slab level, a scheme for the soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details: -Planting plans to all public areas, retained hedge and trees, species, numbers, size and density of planting, with the purpose to result in no net loss of biodiversity; Development shall be carried out in accordance with the submitted details in the first planting season following completion of the final dwelling. Any trees, shrubs or hedges forming part of the approved landscaping scheme (except those contained in enclosed rear gardens to individual dwellings) that die, are removed or become diseased within five years of the implementation of the landscaping scheme shall be replaced during the next available planting season by the developers, or their successors in title with an equivalent size, number and species to those being replaced. Any replacement trees, shrubs or hedgerows dying within five

	years of planting shall themselves be replaced with an equivalent size, number and species. Reason: The landscaping of this site is required in order to enhance the visual character of the area and to reduce environmental/ecological impacts of the development hereby permitted in accordance with Policy LP16 and LP19 of the Fenland Local Plan 2014.
20.	The ecological enhancements detailed on drawing H7842/15H shall be installed prior to the first occupation of their respective dwelling and retained in perpetuity. Reason: To ensure that there is no enhancement of on site ecology, in accordance with Policy LP16 and LP19 of the Fenland Local Plan 2014.
21.	The development hereby permitted shall be carried out in accordance with the approved plans and documents



Created on: 02/03/2023

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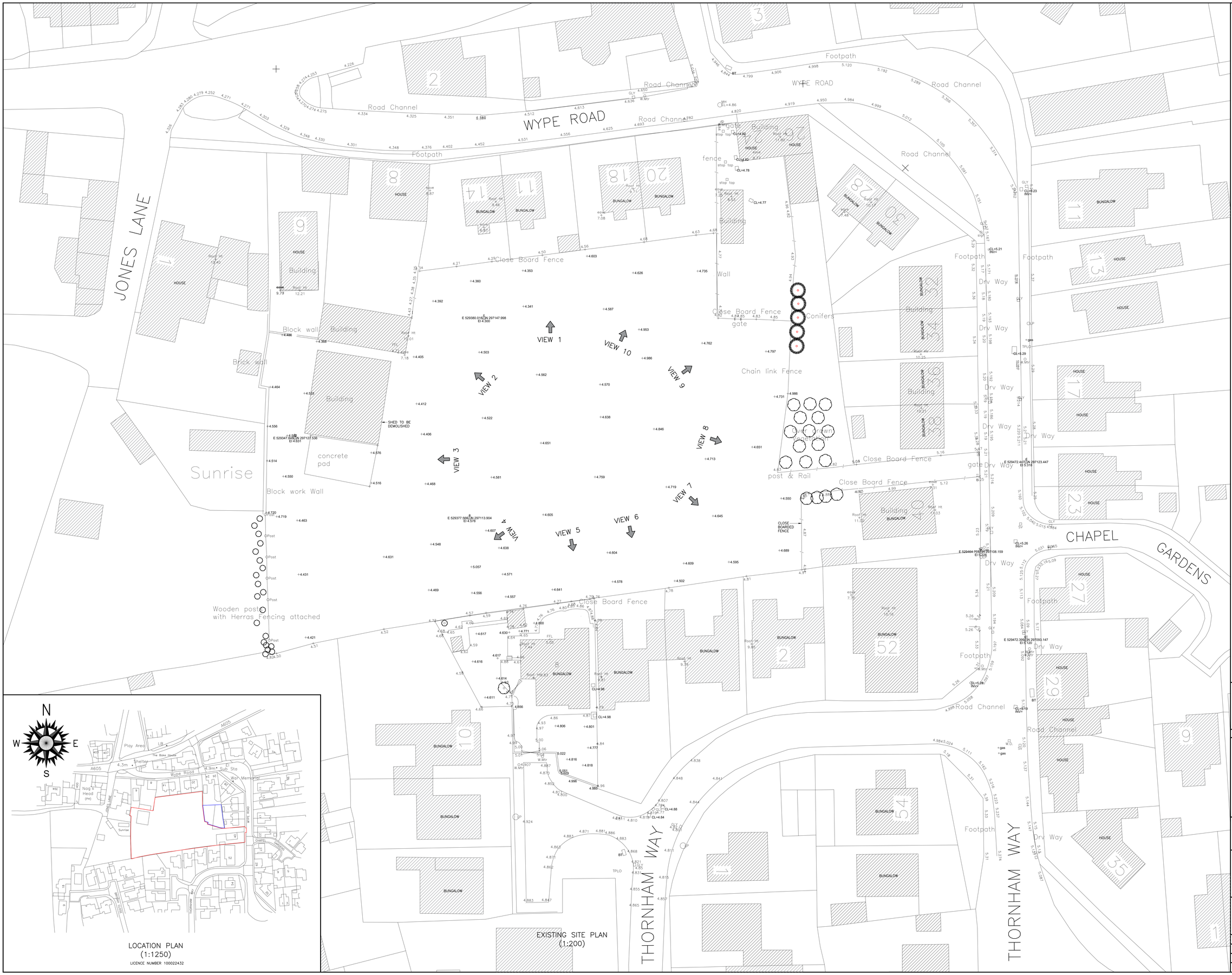
Fenland CAMBRIDGESHIRE

Fenland District Council



LOCATION PLAN
(1:1250)
LICENCE NUMBER 100022432

EXISTING SITE PLAN
(1:200)

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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

LEGEND

= EXISTING BUILDINGS

= APPLICATION SITE

= ADDITIONAL LAND OWNED BY CLIENT

REVISIONS		DATE
C	PLANNERS COMMENTS	DEC 2024
B	PLANNERS COMMENTS	APR 2022
A	CLIENTS COMMENTS	FEB 2022

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Fenland District Council
Building Design Awards
Building Excellence in Fenland

CLIENT
RJB (East) Ltd

PROJECT
Land West of
40 Wype Road, Eastrea
Whittlesey
PE7 2AX

TITLE
Existing Site Plan
& Location Plan

DRAWN: R.Papworth	DATE OF ISSUE
CHECKED	
DATE: Dec 2021	DRAWING NUMBER: H7842/01c
SCALE: As Shown	

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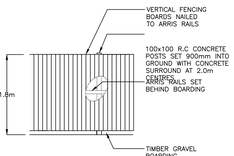
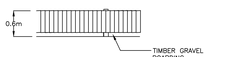
LEGEND

- = GRASS
- = MARSHALLS BUFF PAVING SLABS, 300x300
- = MARSHALLS PERMEABLE BLOCK PAVING, CHARCOAL
- = MARSHALLS PERMEABLE BLOCK PAVING FOR PARKING AREAS, BRINDLE
- = GRAVEL
- = EXISTING BUILDINGS
- = BINS FOR EACH PLOT

BL = BOLLARD LIGHT



1.8m HIGH FENCE DETAIL
(1:50)



0.6m HIGH FENCE DETAIL
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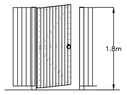

GATE DETAIL
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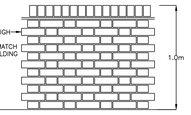
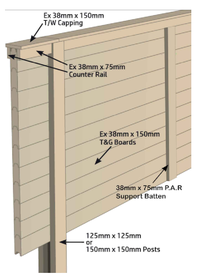
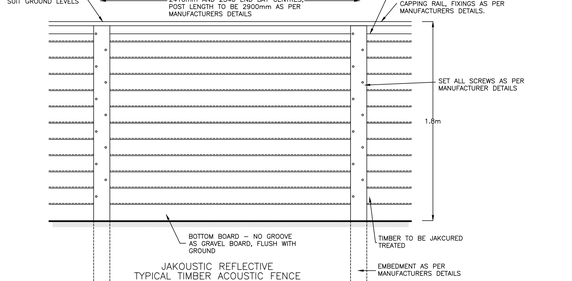


1.0m HIGH BRICK WALL
(1:20)
(FOR No.40)



JAKOUSTIC REFLECTIVE ACOUSTIC FENCE

Rating according to BS EN 1793-2:1998
Category = B2
Laboratory sound reduction 28 dB
Superficial mass 25kg/m²



JAKOUSTIC REFLECTIVE
TYPICAL TIMBER ACOUSTIC FENCE
(1:20)

The Jakoustic® reflective barrier reflects the noise away using heavy section planed timber boards with a special profile that has been carefully developed. Boards are constructed in such a way that eliminates gaps that sound can easily travel through. Up to 28 dB* in noise reduction.

PROPERTY KEY

PLOT 1 = 4 BED BUNGALOW WITH DOUBLE GARAGE

PLOT 2 = 4 BED BUNGALOW WITH DOUBLE GARAGE

PLOT 3 = 4 BED BUNGALOW WITH DOUBLE GARAGE

PLOT 4 = 3 BED BUNGALOW WITH DOUBLE GARAGE

PLOT 5 = 3 BED BUNGALOW WITH DOUBLE GARAGE

M	ADDITIONAL DETAILS ON FENCE	JAN 2025
L	BIN STORE REMOVED	JAN 2025
K	PLANNERS COMMENTS	DEC 2024
J	PLANNERS COMMENTS	OCT 2023
H	PLANNERS COMMENTS	OCT 2023
G	PLANNERS COMMENTS	JUL 2023
F	DRAWING UPDATED	DEC 2022
E	DRAWING UPDATED	SEP 2022
D	PLANNERS COMMENTS	AUG 2022
C	CLIENTS COMMENTS	FEB 2022
B	DRAWING UPDATED	JAN 2022
A	CLIENTS COMMENTS	JAN 2022
	REVISIONS	DATE

MORTON & HALL CONSULTING LIMITED
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Fenland District Council Building Design Awards — Building Excellence in Fenland

CLIENT: RJB (East) Ltd

PROJECT: Land West of 40 Wype Road, Eastrea Whittlesey PE7 2AX

TITLE: Proposed Site Plan

DRAWN	R.Papworth	DATE OF ISSUE	
CHECKED			
DATE	Dec 2021	DRAWING NUMBER	H7842/02M
SCALE	As Shown		

REFER TO DRAWING H7842/15
FOR STREET SCENE LOCATIONS

PROPOSED STREET SCENE 1
(1:200)

PROPOSED STREET SCENE 2
(1:200)

PROPOSED STREET SCENE 3
(1:200)

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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

J	BIN STORE REMOVED	JAN 2025
H	PLANNERS COMMENTS	OCT 2023
G	DRAWING UPDATED	JUL 2023
F	PLANNERS COMMENTS	JUL 2023
E	PLANNERS COMMENTS	FEB 2023
D	DRAWING UPDATED	DEC 2022
C	DRAWING UPDATED	AUG 2022
B	PLANNERS COMMENTS	APR 2022
A	CLIENTS COMMENTS	FEB 2022
	REVISIONS	DATE

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Fenland District Council Building Design Awards
Building Excellence in Fenland

CLIENT
RJB (East) Ltd

PROJECT
Land West of
40 Wype Road Eastrea
Whittlesey
PE7 2AX

TITLE
Proposed Street Scenes

DRAWN	R.Papworth	DATE OF ISSUE	
CHECKED			
DATE	Jan 2022	DRAWING NUMBER	H7842/17J
SCALE	AS SHOWN		

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F/YR24/0652/RM

Applicant: Mr and Mrs A Pittman **Agent : Jamie Burton**
Swann Edwards Architecture Limited

Land South And East Of 200 To 204, Main Road, Church End, Parson Drove Cambridgeshire

Reserved Matters application relating to detailed matters of appearance, landscaping, layout and scale pursuant to outline permission F/YR23/0805/O to Erect 1 x dwelling and the formation of an access, involving the demolition of existing barn

Officer recommendation: Refuse

Reason for Committee: Number of representations against officer recommendation

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Government Planning Guarantee

Statutory Target Date for Determination: 4 October 2024

EOT in Place: Yes

EOT Expiry: 7 February 2025

Application Fee: £578

Risk Statement:

This application must be determined by 07/02/25 otherwise it will be out of time and therefore negatively affect the performance figures.

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1 EXECUTIVE SUMMARY

1.1 The application is a reserved maters application relating to detailed matters of appearance, landscaping, layout and scale pursuant to outline permission F/YR23/0805/O to erect 1 x dwelling and the formation of an access, involving the demolition of existing barn.

1.2 Policy LP16 (d) states the proposal should demonstrate that it makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting, responds to and improves the character of the built environment and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the surrounding area. The height of the proposed dwelling would appear excessive adjacent to neighbouring properties. The trees to the front of the site are not considered to give all year-round screening and therefore the dwelling would be visible for parts of the year. The area is characterised by 2-storey detached and semi-detached dwellings, predominantly of traditional design with modest features. It is considered that the excessive scale and design and appearance of the proposed dwelling would appear incongruous, overly dominant and out of character with the area.

1.3 Policies LP2 and LP16(e) seek to ensure that development achieves high quality living environments and does not adversely impact on the amenity of neighbours. It is considered that owing to the location, scale and massing of the proposed dwelling, the development would have an overbearing impact on the residents of No.204.

1.4 The recommendation is to refuse the application.

2 SITE DESCRIPTION

2.1 The site is located to the south of Main Road, Church End, Parson Drove. The application site sits south and east of 200 to 204 Main Road. To the east of the site is a complex of agricultural buildings. To the south of the site is open agricultural land. The dwellings, 200 to 204 are 2-storey detached dwellings in brick and tile finish. Properties along Main Road, Church End comprise a mix of semi-detached and detached, predominantly 2-storey traditional design dwellings.

2.2 The site is located in Flood Zone 2 (Medium Risk).

3 PROPOSAL

3.1 This application seeks approval of reserved matters following outline permission under F/YR23/0805/O. Matters committed are appearance, landscaping, layout and scale. The proposed dwelling would have 4 bedrooms, all with Ensuites and 3 of them have walk in wardrobes. The bedrooms are spread over the first and second floors. The ground floor is proposed to have a gym area adjacent to the triple garage, a study, a downstairs cloak room, a living room and open plan kitchen/dinning/family room. There are no windows proposed on the first or second floor of either side elevation. The second floor is proposed to have 2 dormers to the front and 4 dormers to the rear.

3.2 The proposed dwelling would be set back in the site owing to the grouping of trees including TPO trees to the front of the site and root clearance area. There is a large garden to the rear of the site (south) which wraps around to the rear of the adjacent dwellings to the southwest and abuts the agricultural yard and associated land to the east.

3.3 The proposed dwelling would measure approximately:

- 24m max width
- 31m max Length (Including front projecting triple garage and rear project single storey projections)
- 9.8m max roof height
- 6.5m eaves height

3.4 The materials proposed are:

- Walls – Norfolk antique brickwork
- Roof – SVK Montana
- Windows – White joinery and stone detailing wet cast bath
- Black UPVC Rainwater goods, white fascias and soffits.

3.5 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 Pertinent planning history listed below:

Application	Description	Decision
F/YR23/0805/O	Erect 1 x dwelling and the formation of an access, involving the demolition of existing barn (outline application with matters committed in respect of access)	Granted 12 Jan 2024
F/YR07/0294/F	Erection of a grain store building	Granted 24 Apr 2007

5 CONSULTATIONS

5.1 **Parson Drove Parish Council**

Parson Drove parish council were in support of the application and had no objections.

5.2 **Environment & Health Services (FDC)**

The Environmental Health team note and accept the submitted information and in principle have 'No Objections' to the proposed development. (Subject to conditions)

5.3 **Cambridgeshire County Council Highways Authority**

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

It is noted that condition 6 of Outline consent F/YR23/0805/O remains to be discharged in full.

5.4 **North Level Internal Drainage Board**

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

5.5 **Arboricultural Officer (FDC)**

The tree protection measures, and landscaping details are considered acceptable.

5.6 **Environment Agency**

Thank you for your consultation dated 19 August 2024. We have reviewed the documents as submitted and have no objection to the proposed development. We have provided further detail below on flood risk.

Flood Risk

The decision notice (condition 8) of the original planning application states that the development must be carried out in accordance with the FRA which provides a finished floor level of 300mm above existing ground level as well as 300mm of flood resilient construction to be incorporated into the development. I would expect this to be applied.

Local Residents/Interested Parties

5.7 **Supporters**

Fifteen letters of support received: 12 letters from residents of Parson Drove, 2 from residents of Guyhirn and 1 from Leverington.

- In keeping with the character of the area
- No harm to residential amenity
- Good for local economy
- Enhance village appearance
- Good for young families
- Contribute to village long term sustainability
- Good design

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 Parson Drove Neighbourhood Plan (2020).

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 8 – Promoting healthy and safe communities
Chapter 9 – Promoting sustainable transport
Chapter 10 - Supporting high quality communications
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
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
LP5 – Meeting Housing Need
LP14 – Responding to Climate Change and Managing the Risk of Flooding in

Fenland
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
LP16 – Delivering and Protecting High Quality Environments across the District
LP19 – The Natural Environment

7.5 **Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021)**
Policy 14: Waste management needs arising from residential and commercial Development

7.6 **Parson Drove Neighbourhood Plan 2020**
Policies 1 to 5 of the Neighbourhood Plan generally seek to guide the spatial location and amount of housing (including affordable housing), ensuring that housing growth is managed in a sustainable way and ensuring that development would not result in highway harm. These are generally matters that were considered at outline stage of this development.

As such, while the Neighbourhood plan forms part of the adopted development plan, the policies contained therein are not specifically relevant to the reserved matters under consideration here.

7.7 **Delivering and Protecting High Quality Environments in Fenland SPD 2014**
DM2 – Natural Features and Landscaping Schemes
DM3 – Making a Positive Contribution to Local Distinctiveness and character of the Area

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
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
LP24: Natural Environment
LP25: Biodiversity Net Gain
LP27: Trees and Planting
LP32: Flood and Water Management
LP33: Development on Land Affected by Contamination

8 KEY ISSUES

- **Appearance**
- **Layout, Scale and Appearance**
- **Residential Amenity**
- **Landscape**
- **Other considerations**
  - Contamination
  - Biodiversity Net Gain (BNG)
  - Flood Risk

9 BACKGROUND

9.1 The application is for reserved matters for one dwelling, and follows the principle being established along with committed access arrangements under application F/YR23/0805/O.

9.2 Owing to concerns raised by officers, amendments were made to the proposals to reduce the roof height and the width of the dwelling slightly, taking the western side elevation further away from boundary between the host site and No 204.
The change between the original measurements and those now proposed are approximately:

- 1m reduction in the width
- 1.4m reduction in max roof height

10 ASSESSMENT

Layout, Scale and Appearance

10.1 LP16(d) states the proposal should demonstrate that it makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting, responds to and improves the character of the built environment and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the surrounding area.

10.2 Dwellings in the locality and along Main Road are predominantly 2-storey and generally of traditional and somewhat modest form, including those recently completed adjacent. There are mixed materials evident including render, differing coloured brick and differing coloured roof tiles. Immediately to the east of the site are large agricultural buildings and immediately to the west is a short row of 2-storey detached dwellings, completed around 15 to 20 years ago.

10.3 The outline permission indicated a smaller dwelling in a similar position as that proposed at Reserved Matters stage. The position of the dwelling within the site has been somewhat determined by the TPO trees and their root protection area to the front of the site and the need for parking and turning. Whilst the dwelling would be notably set back from the building line of the adjacent dwellings and barn, the set-back positioning of the dwelling is on balance deemed acceptable having regard to the site constraints and need to protect existing trees.

10.4 The proposed dwelling is a large 3 storey dwelling with a triple garage front projection. The third floor would be in the eaves with 2 dormer windows and 2 roof lights to the front and 4 dormer and 1 roof light to the rear. The main dwelling would have a symmetrical principal elevation design with bay windows on each side of the front door. Four first floor windows to the front of the dwelling would

serve bathrooms and therefore would be obscure glazed. To the rear of the property would be single storey rear projections.

10.5 The height of the proposed dwelling would appear excessive at approx. 9.8m compared to the neighbouring property at No.204 at approx. 7.1m and indeed would be higher than the agricultural barn adjacent, resulting in a dominant presence in the streetscene. Whilst the trees to the front of the site would achieve some screening, they are understood to be deciduous and therefore would lose their leaves in winter and the visual screening of the site would be substantially lost during these periods. The view towards the proposed dwelling from the east would be partially obscured by the existing agricultural buildings, albeit the proposed dwelling roof and chimney would likely be visible.

10.6 The area is characterised by 2-storey detached and semi-detached dwellings, predominantly of traditional design with modest features. It is considered that the excessive scale and design of the proposed dwelling would appear out of character with the predominant built form and of a scale that would result in an unacceptable visual dominance, thereby failing to make a positive contribution to the built environment.

10.7 Therefore, the proposed dwelling is considered contrary to policies LP12 (part A) LP16 (d) of the Fenland Local Plan 2014.

Residential Amenity

10.8 Policies LP2 and LP16(e) seek to ensure that development achieved high levels of residential amenity and does not adversely impact on the amenity of neighbours such as through noise, light pollution, loss of privacy or loss of light.

10.9 The layout of the proposed dwelling itself raises no concerns in respect of securing good levels of amenity for future occupiers, having regard to the amenity land afforded for occupiers, on-site parking and turning and juxtaposition of existing dwellings and structures relative to the proposed dwelling.

Overlooking

10.10 The proposed dwelling is set back in the site with neighbouring dwellings to the west set forward within their respective sites, with the front facet of the proposed dwelling set approximately 11m back from the rear elevation of the adjacent dwelling, No.204. Whilst there are no windows proposed on the side western flank wall at first or second floor, the front westernmost windows of the proposed dwelling would be set at an angle of around 45 degrees and a distance of around 11m from the nearest windows of No.204. The nearest windows at first floor would be obscure glazed and the agent has offered to obscure the front second-floor dormer windows should overlooking be considered an issue.

10.11 Due to the oblique angle of these windows, it is not considered that any severe overlooking or direct views into adjacent windows would be achieved, sufficient to warrant refusal, albeit the relationship may give a perception of overlooking and the mitigation offered is perhaps a result of the general, inappropriate layout, scale and massing of the dwelling.

Overshadowing

10.12 No.204 to the west of the site has a 36m length of 5-6m high hedge just beyond their boundary between the application site and their rear garden. The hedge is considered to already throw shadow onto the residents' private amenity space.

Therefore, the proposed dwelling is not considered to pose additional harm in terms of overshadowing towards No.204 above that experienced currently by virtue of the existing hedge. Therefore, overshadowing in this case would not be considered to warrant refusal.

Overbearing

10.13 The proposed dwelling would be positioned approximately 11m rearward of No.204 and approximately 4.4m away from the boundary along the western side of the site with the aforementioned hedging and proposed 1.8 m high fencing in between.

10.14 The overall height of the proposed dwelling would be approximately 9.8m and with a substantial footprint, in evident contrast to the existing, modest dwellings immediately west. Owing to the overall scale and massing and its position within the site it is considered that the proposed dwelling would have an overbearing impact on the residents of No.204. Outlook from the rear of No.204 and within the rear garden, even above the hedge, would be dominated to the east by the proposed dwelling with vast roof span and high eaves that would, result in an oppressive living environment for these occupiers.

10.15 Whilst it is acknowledged that the high hedge already creates a degree of overbearing for existing occupiers, this natural feature is distinctly different to the fixed structure proposed and compliments and enhances the rural setting of the area. The layout, scale and massing of the dwelling however would significantly harm the amenity of occupiers of No.204.

10.16 As such it is considered that the layout, scale and massing of the proposed dwelling results in unacceptable impacts to the residential amenity of No.204, contrary to policies LP2 and LP16(e) of the Fenland Local Plan.

Landscape

10.17 Policy LP19 of the Fenland Local Plan 2014 states that the council will work in partnership with all relevant stakeholders, will conserve, enhance and promote the biodiversity and geological interest of the natural environment throughout Fenland.

10.18 Condition 7 of the outline permission granted on site F/YR23/0805/O is set out and individually addressed below.

(a) a plan showing the location of hedges to be retained and details of species in each hedge.

10.19 The submitted Soft Landscaping Pan 5256 rev B clearly specifies the location and species of hedges to be retained including Myrobalan Plum and Privet, Sycamore.

(b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;

10.20 The details of species and locations of retained trees and trees on adjoining land is contained within the submitted Soft Landscaping Plan 5256 rev B. The assessment, of the health, girth and height of these trees is contained in Appendix B of the submitted Arboricultural Impact Assessment.

(c) details of any proposed topping or lopping of any retained tree or of any tree on land adjacent to the site;

10.21 The submitted Arboricultural Method Statement and Tree Protection Plan 5256 states works proposed including:

- Remove dead wood greater than 25mm from Sycamore 403 and lift crown to 3m.
- Cut plum hedge group C to a point 0.5m off the root line.
- Lift the crowns of Field Maple NT2 and Sycamore 400 to 4.5m where they overhand the driveway
- Lift the crown of Sycamore 401 to 3m

(d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, [within the crown spread of any retained tree or of any tree on land adjacent to the site] [within a distance from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree].

10.22 The submitted levels plans shows that levels are not proposed to be altered but a gradual slope proposed to link the low road to the proposed parking area and dwelling. Any development is proposed outside the protected tree root area.

(e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree or hedge from damage before or during the course of development;

10.23 The submitted Arboricultural Method Statement and Tree Protection Plan 5256 Rev B clearly shows proposed robust ground protection systems and tree protection barriers and details a general principles of site management for tree protection. The plan also shows where these protective barriers will be placed.

(f) the plans and particulars submitted shall include details of the size, species, and positions or density of all trees or hedges to be planted, and the proposed time of planting.

10.24 The submitted Soft Landscaping Plan 5256 rev B shows the proposed location of new planting and states the species. Proposed trees include 3xBetula Pendula (10-12cm girth), 1xAcer Campestre and 1x Sorbus aria (10-12cm girth). The plans also details when the season in which the trees should be planted and when planting should be avoided.

10.25 The Council's Arboricultural Officer considers the tree protection details are acceptable and it is concluded that that the requirements of Condition 7 are met and the general matter of Landscape is sufficiently addressed through this submission.

Other considerations

Contamination

10.26 The Council's Environmental Health Team were consulted on the proposals and have no objection subject to a contamination condition. The Planning Practice Guidance states that contamination should be considered at outline stage. In this case there was no response from the Environmental Health Team on app F/YR23/0805/O and so no condition was attached. A condition regarding contamination cannot be attached to the permission at this stage. Notwithstanding this, should the applicant discover contamination, their general responsibilities in respect of contamination controls would apply and statutory

powers under the Environmental Protection Act 1990 in this regard are still available to the Council should it be necessary.

Biodiversity Net Gain (BNG)

10.27 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.

10.28 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 outline application would have considered BNG but was submitted prior to the requirement for statutory net gain coming into force.

Flood Risk

10.29 Comments from the Environment Agency are noted and the development complies with the flood mitigation recommendations set out in the Flood Risk Assessment, which supported the outline consent.

11 CONCLUSIONS

11.1 This Reserved Matters application follows the outline planning permission (including access) and considers matters of appearance, layout, scale and landscaping.

11.2 Whilst matters of landscaping (and tree protection) raise no concerns or policy conflicts, there are significant concerns over the remaining reserved matters.

11.3 The area is characterised by 2-storey detached and semi-detached dwellings, predominantly of traditional design with modest features. It is considered that the excessive scale and design of the proposed dwelling would appear out of character with the predominant built form and of a scale that would result in an unacceptable visual dominance, thereby failing to make a positive contribution to the built environment and causing harm to the character of the area, contrary to the aims of Policies LP12 (part A) and LP16 (d), which seek to ensure development makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting, responds to and improves the character of the built environment and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the surrounding area.

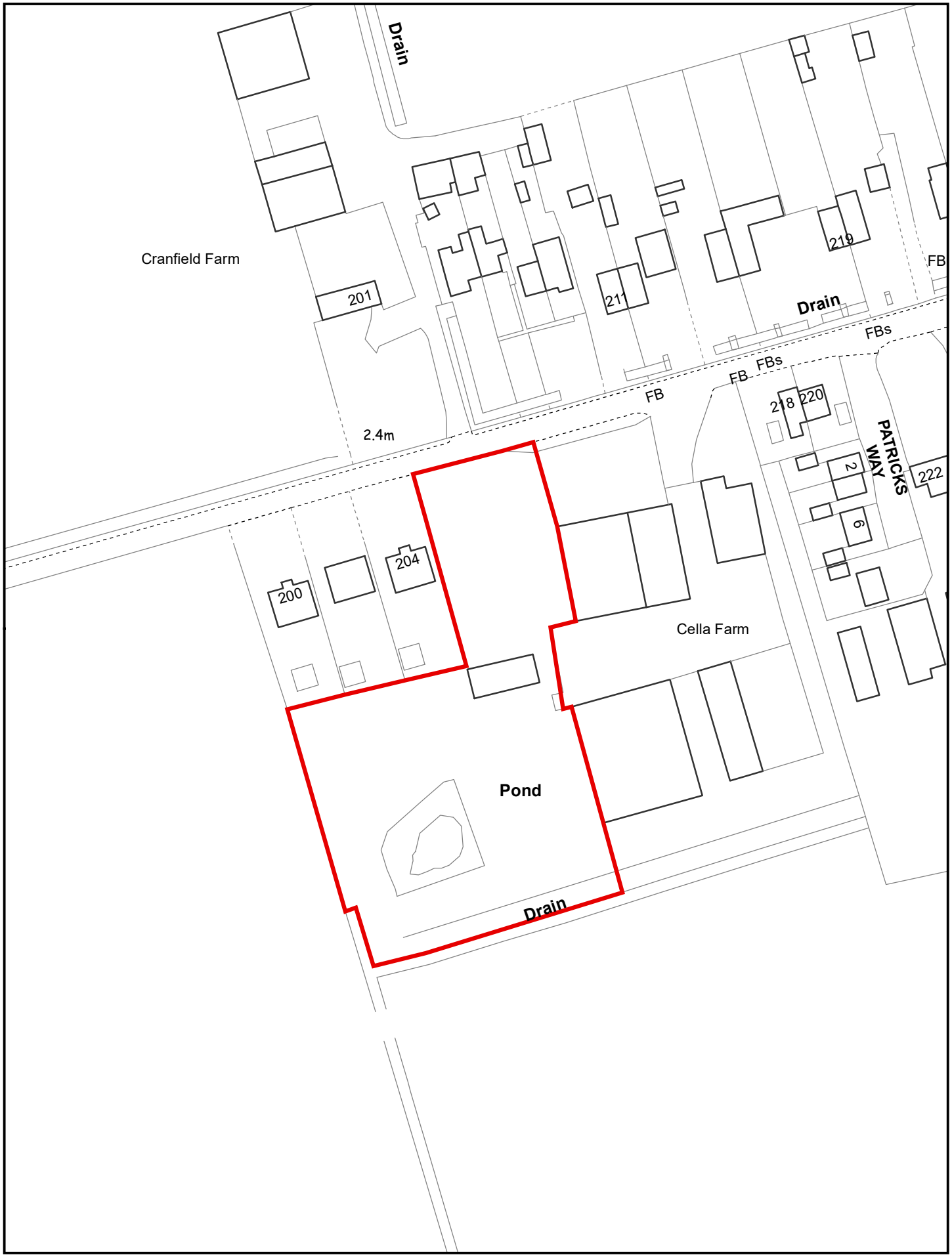
11.4 Notwithstanding, Local Plan policies LP2 and LP16(e) seek to ensure that development does not adversely impact on the amenity of neighbours and achieved high quality living environments. It is considered that owing to the proposal's overall scale and massing, and its position within the site relative to neighbouring properties, it would have an overbearing impact on the residents of No.204.

11.5 The Council's statutory duty is to determine applications in accordance with the policies of the development unless material considerations indicate otherwise. It is considered that there are no material considerations worthy of sufficient weight to outweigh the identified conflicts with the development plan (policies LP2, LP12 and LP16). The application is therefore recommended for refusal.

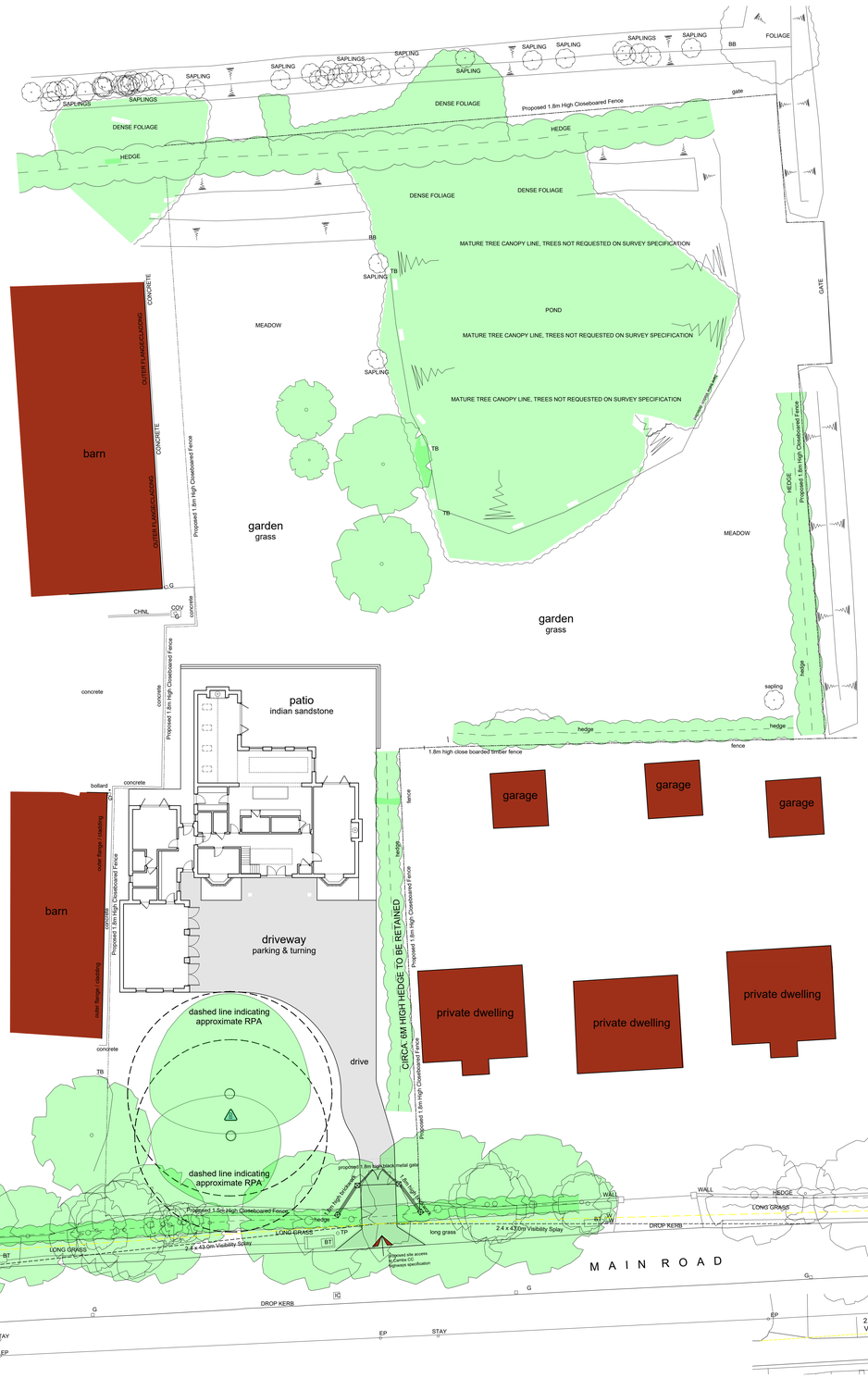
12 RECOMMENDATION

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

1	Policy LP16 (d) of the Fenland Local Plan 2014, DM3 of supplementary Planning Document: Delivering and Protecting High Quality Environments in Fenland 2014 seek to ensure that proposals make a positive contribution to the local distinctiveness and character of the area and that the character of the local built environment informs the layout and features of proposed development. The proposed dwelling by virtue of its location, design and scale and massing would appear incongruous and dominant in the surrounding area to the significant detriment of the character and visual amenity of the area, contrary to the aforementioned policies.
2	Policies LP2 and LP16(e) of the Fenland Local Plan 2014 seek to ensure that development does not adversely impact on the amenity of neighbours and achieves high quality living environments. Owing to the overall scale and massing and its position within the site relative to adjacent properties, it is considered that the proposed dwelling would have an overbearing and visually dominant impact on the residents of No.204. As such the development, if permitted, would have an adverse impact upon the amenity of neighbouring residents, contrary to Policies LP2 and LP16.



Created on: 16/08/2024 © Crown Copyright and database rights 2024 Ordnance Survey 10023778	**F/YR24/0652/RM** Scale = 1:1,250	N Fenland CAMBRIDGESHIRE Fenland District Council



Proposed Site Plan

Scale: 1:200

metres

Street Scene

Scale: 1:200

metres

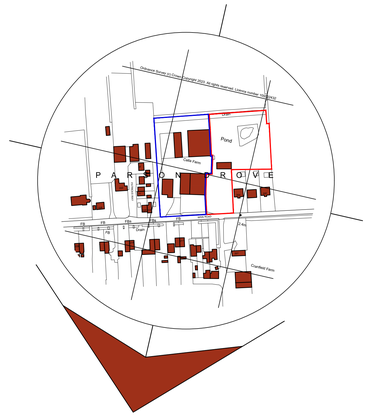
Main Road Elevation

Hedge and trees removed for clarity - Scale: 1:200

metres

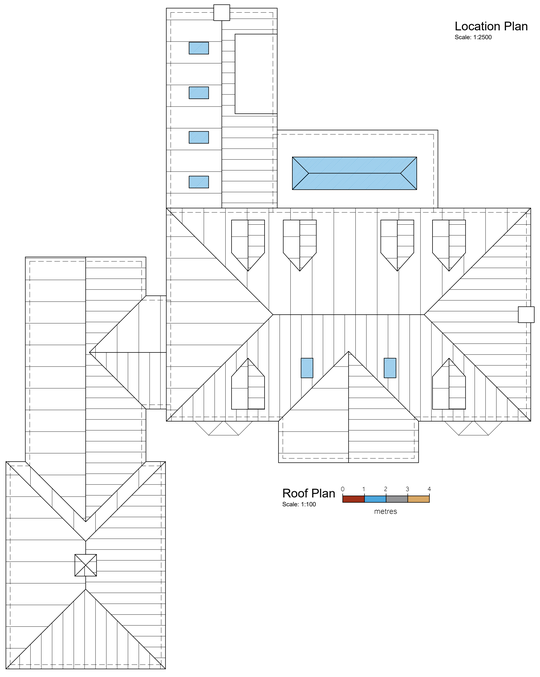
SITE PLAN KEY

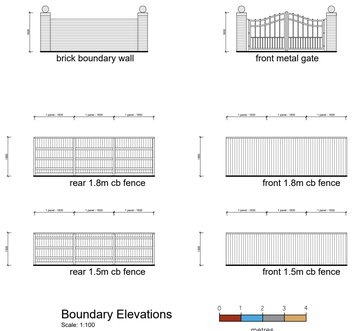
- Indicates proposed dwelling and garage
- Indicates structures taken from O.S. map
- Indicates existing trees and planting on site
- Indicates proposed site access to Cambs CC highways specification (Proposed Site Access)
- Indicates proposed driveway to bound pea gravel
- Indicates proposed patio to be of indian sandstone slab or similar

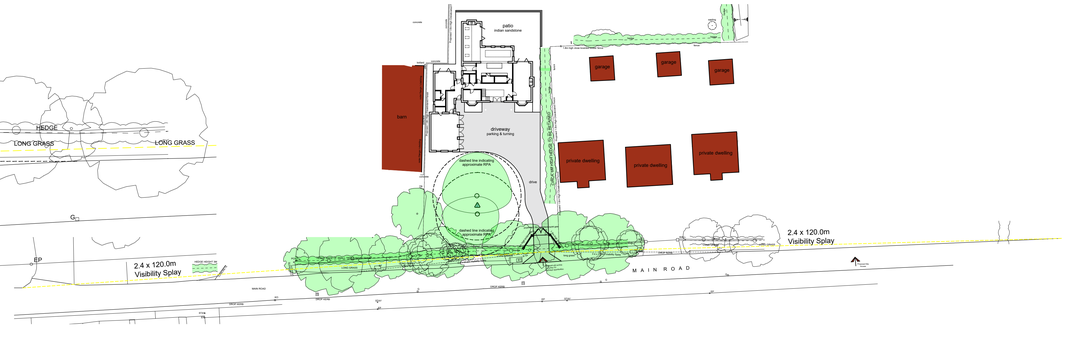


Location Plan

Scale: 1:2500







General Notes

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

CONSTRUCTION DESIGN & MANAGEMENT REGULATIONS 2015

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

KEY

brickwork to be - Norfolk Antique brickwork, including 1.8m high walls

Revisions

G	Jan 2025

Reduced Size Dwelling

Status

FOR APPROVAL

SWANN EDWARDS ARCHITECTURE

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

Job Title	Proposed Dwelling & Garage Land North-East of 204 Main Road, Parson Drove
Drawing Title	Reserved Matters Proposed Site Plan, Location Plan & Street Scene
Date	March 2024
Drawn by	GT
Checked by	JB
Job No.	SE-1971
Sheet Size	A0
Dwg No.	RM1000
Revision	G

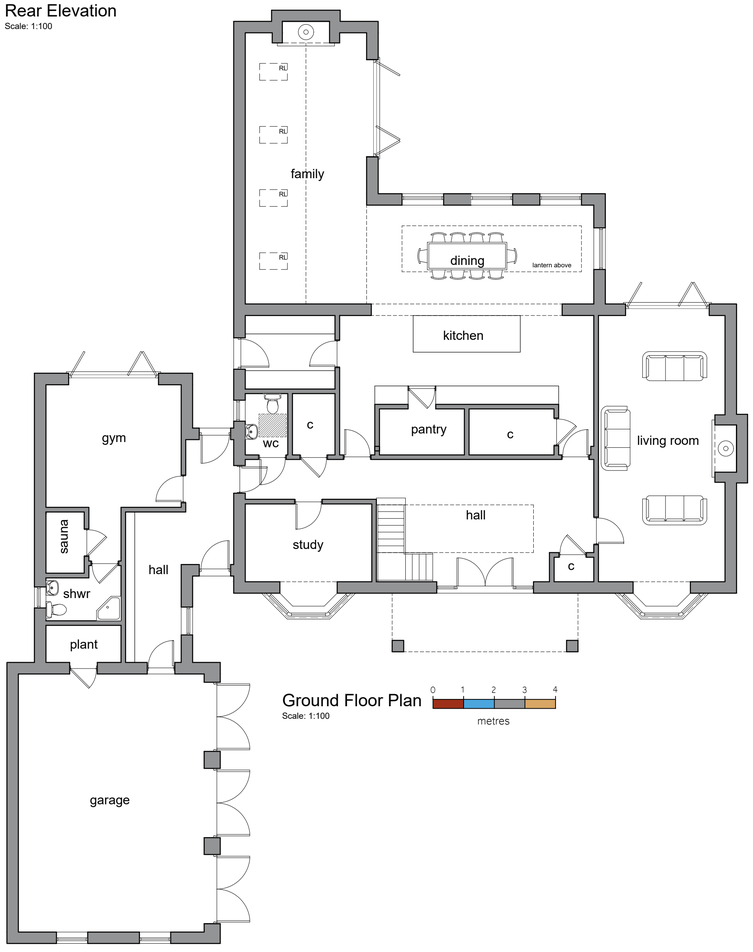
Swann Edwards Architecture Limited ©

Front Elevation
Scale: 1:100

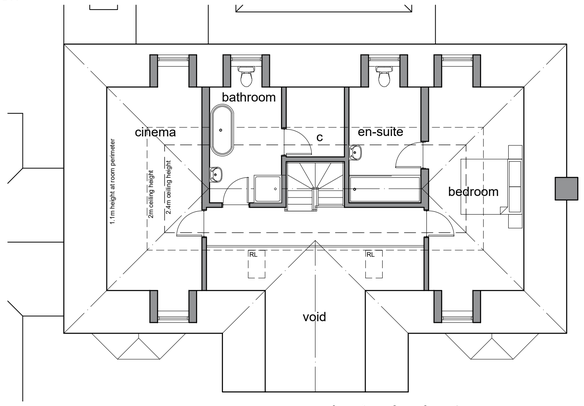
Side Elevation
Scale: 1:100

Rear Elevation
Scale: 1:100

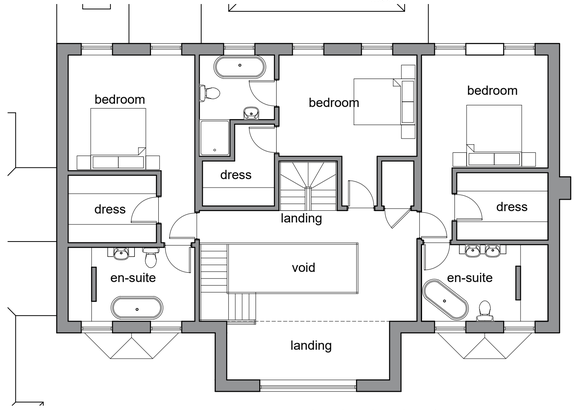
Side Elevation
Scale: 1:100



Ground Floor Plan
Scale: 1:100



Second Floor Plan
Scale: 1:100



First Floor Plan
Scale: 1:100

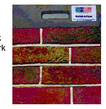
General Notes
1. All dimensions are shown in 'mm' unless otherwise stated.
2. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
3. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors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

CONSTRUCTION DESIGN & MANAGEMENT REGULATIONS 2015

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

KEY

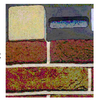
Indicates Norfolk Antique brickwork



Indicates proposed SVK Montana

Indicates proposed joinery - white.

Stone detailing -Wet Cast Bath



black UPVC rainwater goods and white fascia and soffits

Revisions

D	Jan 2025	Reduced Size Dwelling

Status

FOR APPROVAL

SWANN EDWARDS ARCHITECTURE

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

Job Title: Proposed Dwelling & Garage Land North-East of 204 Main Road, Parson Drove

Date	Drawn by
March 2024	GT
	Checked by: JB

Drawing Title: Reserved Matters Floor Plans and Elevations

Job No.	Sheet Size
SE-1971	A1
Dwg No. RM1001	Revision D

Swann Edwards Architecture Limited ©

F/YR24/0811/F

Applicant: **Mr Josh Peggs & Mr Andrew Clark Ashmore Developments Ltd**

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

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

Erect 9 x dwellings (5 x 2-storey 4-bed and 4 x 2-storey 3-bed), and the formation of 2 x accesses and a pedestrian footpath

Officer recommendation: REFUSE

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

Government Planning Guarantee

Statutory Target Date for Determination: 2 December 2024

EOT in Place: Yes

EOT Expiry: 14 February 2025

Application Fee: £5202

Risk Statement:

This application must be determined by 14 February 2025 otherwise it will be out of time and therefore negatively affect the performance figures.

1 EXECUTIVE SUMMARY

1.1. The application seeks full planning permission for the erection of 9 dwellings (5 x 2-storey 4-bed and 4 x 2-storey 3-bed), the formation of 2 x accesses and a pedestrian footpath. It is preceded by relevant planning history with respect to a previously approved PIP application (granted) and a subsequent Full application (refused), both for a 6 dwelling scheme with associated works.

1.2. The below assessment considers that the proposed development, as 9no. 2-storey dwellings on currently open countryside alongside a number of modest single storey dwellings would result in a prominent and incongruous feature within the street scene to the detriment of the character and appearance of the area and therefore would be contrary to Policy LP16(d) of the Local Plan.

1.3. Due to the proximity and position of the semi-detached 2-storey dwellings at Plots 8 & 9 in relation to the neighbouring property to the east (No118), there is potential for visual dominance with the associated loss of outlook from this dwelling and a likely loss of light due to the enclosure of the property, to the

detriment of neighbouring residential amenity, contrary to Policies LP2 and LP16(e) of the Fenland Local Plan (2014).

1.4. Development in flood zones 2/3 require the successful completion of a sequential test and where necessary an exception test, as set out in Policy LP14 and Chapter 14 of the NPPF. The below assessment concludes that the application fails to fully meet the requirements of the exceptions test for flood risk and does not fully address wider community benefit, and thus remains contrary to Local Plan Policy LP14 and the aims of Chapter 14 of the NPPF.

1.5. Noting the clear policy contraventions, the recommendation is to refuse the application.

2 SITE DESCRIPTION

2.1. The site currently comprises agricultural land to the north of High Road (B1165), Newton. The site is relatively open with further agricultural land extending to the North and on the opposite side of the road to the South. There are some mature trees that line the southern boundary of the site.

2.2. There is existing residential development, forming the main settlement of Newton, adjacent to the west of the site, to the east there are further sporadic residential dwellings and a removals business/warehouse. The site forms the frontage of a larger field, there are no structures on the site.

2.3. The site is located within Flood Zones 2 (medium risk) and 3 (high risk).

3 PROPOSAL

3.1. This application seeks full planning permission for the erection of 9 x dwellings (5 x 2-storey, 4-bed and 4 x 2-storey, 3-bed) and the formation of two accesses and a pedestrian footpath. The proposed dwellings comprise 5 x detached dwellings with attached garages and 2 pairs of semi-detached dwellings. The proposed dwellings are slightly differing in architectural design and scale as 3 house types:

House Type 1 – Plots 3 & 4 - Detached

3.2. On the ground floor of House Type 1 a single integral garage, small utility, kitchen/family/dining room, WC, study and lounge are proposed. On the first floor 4 bedrooms are proposed all with ensuite.

The dwellings would measure approximately:

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

Proposed materials are:

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

House Type 2 – Plots 1, 2 & 5 - Detached

3.3. On the ground floor of House Type 2 proposes an attached garage, utility, WC, Kitchen/diner, family room and lounge are proposed. On the first floor 4

bedrooms are proposed 2 with ensuite and 2 with access to a Jack and Jill bathroom.

The dwellings would measure approximately:
- 16m max width
- 14m max depth
- 8.7m max roof pitch height

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

House Type 3 – Plots 6, 7, 8 & 9 – Semi-Detached

3.4. These pairs will include a lounge, kitchen/diner and WC on the ground floor, with three bedrooms, 1 ensuite, and a family bathroom on the first floor.

Each pair would measure approximately:
- 11.8m max width
- 9m max depth
- 7.8m max roof pitch height

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

3.5. The scheme is also intended to include a mix of shared and private driveways/turning areas and private gardens to the rear, a new ditch/swale to the frontage of the site, with neutral grassland and tree planted buffers to the front and rear (beyond the private amenity spaces).

3.6. A proposed 1.8m wide (approx.) footpath is proposed to link to existing footway to the east and west of the site.

3.7. Full plans and associated documents for this application can be found at: https://www.publicaccess.fenland.gov.uk/publicaccess/

4 SITE PLANNING HISTORY

F/YR24/0249/F	Erect 6 x dwellings (2-storey 4-bed), and the formation of 2 x accesses and a pedestrian footpath	Refused 27.06.2024
F/YR22/1361/PIP	Residential development of up to 6 x dwellings (application for Permission in Principle)	Granted (Committee overturn) 05.06.2023

5 CONSULTATIONS

5.1. **Newton-in-the-Isle Parish Council**

The Parish Council's Planning Committee considered this application at its recent meeting. Members noted the concerns raised by some residents

regarding surface water drainage and capacity of the main sewer and highway issues.

The Committee resolved to support the application, subject to the above concerns being addressed by the appropriate statutory consultees.

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

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

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

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

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

5.3. **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.

Comments

Further to the previous consultation response, dated 22nd October, the applicant has provided the ATC survey results and corresponding location plan for the surveys. The provision of this data ensures that the visibility splays presented on the Proposed Drawing 1, drawing no. 6851/01/01D, are acceptable. As the visibility splays have been prepared in accordance with the surveyed speeds, it is not considered necessary to relocate the change in speed limit, however, it is understood that this would be beneficial to the wider area as per the Parish's request and is to be secured by the developer separately to this application in consultation with the Parish Council and County Council.

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

Conditions

Prior to the occupation of the proposed development hereby approved the accesses from the public highway will be constructed in accordance with the widths presented within the Proposed Drawing 1, drawing no. 6851/01/01D.

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

The proposed accesses are to be constructed using a bound material, for 5 metres back from the adopted highway, to prevent debris spreading onto the adopted public highway.
Reason: In the interests of highway safety

Prior to the first occupation of the development hereby approved, visibility splays shall be provided from the proposed accesses, in full accordance with the details indicated on the submitted Proposed Drawing 1, drawing no. 6851/01/01D, and shall be maintained free from any obstruction over a height of 600 mm.

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

The proposed vehicular accesses shall be constructed so that its falls and levels are such that no private surface water from the site drains across or onto the adopted public highway. Please note that the use of permeable paving does not give the Local Highway Authority sufficient comfort that in future years water will not drain onto or across the adopted public highway and physical measures to prevent the same must be provided.

Reason: for the safe and effective operation of the highway

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 proposed residential vehicular access hereby approved.

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

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

Reason: for the safe and effective operation of the highway

Prior to the first occupation of the development hereby permitted a footway of a minimum width of 2 metres shall be provided along the northern side of High Road, as shown on Proposed Drawing 1, drawing no. 6851/01/01D, in accordance with a detailed engineering scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the highway network is adequate to cater for the development proposed.

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

Reason: In accordance with the National Planning Policy Framework and Policies LP15 and LP19 of the Fenland Local Plan 2014.
[…]

5.4. **North Level Internal Drainage Board**
My Board has no objections to the above application.

Formal land drainage consent will be required for altering the existing watercourse and access culverts.

Consent to discharge into the existing surface water pipeline on High Road will be subject to a development levy contribution (enclosed).

5.5. **Environment Agency**
Thank you for consulting us on the above application. We have reviewed the documents as submitted and can confirm that we have no objection to the proposed development. We have provided flood risk information below.

Flood Risk
The proposed development is in flood zone 3 with a high risk of flooding. We have no objection to this application, but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (ref Ellingham Consulting Ltd. ECL1219-2a/PETER HUMPHREY ASSOCIATES dated September 2024) mitigation measures are followed in particular:

- *2 Storey dwellings with finished floor levels set a minimum of 300mm above existing/ surrounding ground levels.*
- *A minimum of 0.3m of flood resilient construction above finished floor level.*

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

5.6. **Anglian Water**
No comments provided.

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

Whilst we do not object to development from proceeding in this location, we consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition, such as the example below.

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

a. The statement of significance and research objectives;

b. The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;

c. The timetable for the field investigation as part of the development programme;

d. The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material and digital archives.

REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (DLUHC 2023).

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

5.8. **Local Residents/Interested Parties**
The LPA received 12 letters of objection to the scheme from eight address points within Newton in the Isle, including High Road, Fen Road, Church Lane, Rectory Road and Chapel Lane.

Reasons for objection can be summarised as:
- Character and landscape impact;
- Concerns parking will overspill onto road; parking under-provision concerns;
- Contrary to Local Development Plan.
- Development is predominately in Flood zone 3;

- Drainage concerns;
- Highway safety concerns; ATC survey range includes a bank holiday weekend at the start of half-term (likely less traffic);
- Loss of agricultural land;
- Not infill;
- Out of character; totally inappropriate within existing street scene;
- Overdevelopment – PIP was for 6 units, application is for 9;
- Query over apparent Parish Council support for the scheme;
- Residential amenity concerns;

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

7 POLICY FRAMEWORK

7.1. **National Planning Policy Framework (NPPF) 2024**

1.Introduction
2.Achieving sustainable development
4.Decision-making
5.Delivering a sufficient supply of homes
8.Promoting healthy and safe communities
9.Promoting sustainable transport
11.Making effective use of land
12.Achieving well-designed places
14.Meeting the challenge of climate change, flooding and coastal change
15.Conserving and enhancing the natural environment
16.Conserving and enhancing the historic environment

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

Determining a Planning Application

7.3. **National Design Guide 2021**

7.4. **Fenland Local Plan 2014**

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

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

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

7.6. **Delivering and Protecting High Quality Environments in Fenland SPD 2014**
DM2 – Natural Features and Landscaping Schemes
DM3 – Making a Positive Contribution to Local Distinctiveness and character of the Area

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

7.8. **Cambridgeshire and West Suffolk Housing Needs of Specific Groups 2021**

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

LP1: Settlement Hierarchy
LP2: Spatial Strategy for the Location of Residential Development
LP4: Securing Fenland's Future
LP5: Health and Wellbeing
LP7: Design
LP8: Amenity Provision
LP12: Meeting Housing Needs
LP18: Development in the Countryside
LP19: Strategic Infrastructure
LP20: Accessibility and Transport
LP22: Parking Provision
LP23: Historic Environment
LP24: Natural Environment
LP25: Biodiversity Net Gain
LP27: Trees and Planting
LP28: Landscape
LP32: Flood and Water Management

8 KEY ISSUES

- **Principle of Development**
- **Character, Street Scene & Historic Environment**
- **Residential Amenity**
- **Flood Risk and Drainage**
- **Highway Safety**
- **Ecological impacts & Biodiversity Net Gain (BNG)**

9 BACKGROUND

9.1. This application has been preceded by two earlier applications seeking development on this site. Permission in Principle for residential development of up to 6 dwellings was granted by Planning Committee contrary to officer

recommendation on 5th June 2023. Following this, a full planning application seeking residential development for 6 dwellings along with the formation of 2 accesses and a footpath was refused by Planning Committee in line with officer recommendation on 27th June 2024. The application was refused on the grounds of (in summary):

- Detrimental impact on the streetscene and landscape character, contrary to Policy LP16 (d);
- Residential amenity impacts to neighbouring dwelling No.118 High Road, contrary to Policy LP16 (e); and
- Failure to identify the wider community sustainability benefits with respect to the required exception test, contrary to Policy LP14 and wider aims of the NPPF.

9.2. For transparency, it is understood that one of the applicants on the current application, Mr Andrew Clark, is a relative of Cllr Sam Clark. It is also understood that Mr Clark was also linked within the earlier aforementioned applications.

10 ASSESSMENT

Principle of Development

10.1. The Council accepted the principle of development on the site for up to 6 dwellings under the PIP application at the Planning Committee meeting of the 31st of May 2023, contrary to officers' concerns over location, character harm and flood risk. As such, it would be inconsistent with the Council's previous conclusions were the Council now not to accept the principle of development of the site in terms of the location and proposed residential use. Whilst the quantum of housing now proposed is larger, it is considered that the main principle of residential use of the site has been previously agreed.

Character, Street Scene and Historic Environment

10.2. Policy LP16 (d) states the proposal should demonstrate that it makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting, responds to and improves the character of the built environment and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the surrounding area. Policy LP18 of the Fenland Local Plan 2014 states that the council will protect, conserve and seek opportunities to enhance the historic environment.

10.3. The site is rural in character with open fields to the front and rear. There is linear development stretching to the west of the site in the form of bungalows. To the east of the site are sporadic dwellings stretching into the countryside. The site is located very prominently at the southern entrance to the village.

10.4. The existing bungalows ease the visual transition into the village from the surrounding countryside. The proposed introduction of 9no. 2-storey dwellings of the proposed scale and position, on entrance to the village, and adjacent to the existing modest bungalows would result in undue prominence, be visually stark, abrupt and out of character.

10.5. St James Church (Grade II listed) is approximately 315m north of the site and owing to the distance and the obscured views due to existing trees no impact on the setting of the Grade II listed church is considered to arise.

10.6. Owing to the above, the proposal is considered contrary to policy LP16 (d) of the Fenland Local Plan 2014 given the incongruous form and scale of the development which would fail to respect and positively respond to the character of this part of Newton.

Residential Amenity

10.7. Policy LP2 seeks to ensure a positive living environment for Fenland residents and Policy LP16 (e) seeks to ensure that development does not adversely impact on the amenity of neighbours through significant increased noise, light pollution, loss of privacy or loss of light.

10.8. The house type closest to the bungalows to the west of the site (Plot 1) would be House Type 2, a detached dwelling with attached single garage at approximately 16m max width x 14m max depth x 8.7m max roof pitch height. The garage, positioned to the western side of the proposed dwelling, nearest the existing bungalow, would reach approximately 5.6m to the ridge.

10.9. The dwelling proposed on plot 1 would be more than 12m away from the neighbouring bungalow (No.156), and the inclusion of a 5.6m high attached garage to the dwelling's western side will allow some transition between the single storey dwelling at No.156 and the proposed 2-storey dwelling at Plot 1. There is currently a reasonable hedge between the site and No.156. Therefore, owing to the distance between the proposed dwelling at Plot 1 and No.156, no significant harm due to loss of light, overlooking, overshadowing or noise is anticipated this side.

10.10. The dwellings proposed at Plots 8 & 9 to the eastern end of the site are intended as a pair of semi-detached dwellings at approximately 11.8m max width x 9m max depth x 7.8m max roof pitch height. These dwellings, viewed as one 'mass', would be located approximately 5.8m away from dwelling to the east (No.118). The boundary between No.118 and the site comprises high vegetation toward the front of the property, which thins to an open boundary toward the rear of No.118 and the application site. Within the facing elevation, No.118 includes two ground floor windows in a single storey rear extension that currently face west across the open application site.

10.11. Notwithstanding the 5.8m separation, the position and scale of the intended pair of semi-detached dwellings at Plots 8 & 9 within the development site will be set forward of the dwelling at No.118, and the western boundary will be enclosed by intended 1.8m close boarded fencing. The proposed dwellings at Plots 8 & 9 would be an incongruous feature within the direct visual aspect of occupiers of No.118, resulting in undue enclosure, reduced outlook and reduced light ingress to the existing ground floor windows within No.118.

10.12. Furthermore, the earlier refused scheme under F/YR24/0249/F proposed the development of 6 dwellings. The current scheme, considered herein, proposes 9. With the scheme including 5no detached dwellings to the

western end of the site and 4no (as two pairs) to the eastern end. Therefore, whilst the scale and massing of the adjoined Plots 8 & 9 would result in impacts similar to that of one unit with respect to light ingress, reduced outlook and enclosure (like the earlier refused scheme), the current proposal introducing semi-detached pairs to the eastern end would result in compounded additional noise and general disturbance owing to the quantum of dwellings intended nearest No.118.

10.13. There is also the concern over future occupier amenity to consider, by virtue of the proposed introduction of a larger quantum of sensitive noise receptors in the form of 4no dwellings nearest the commercial removals/storage warehouse business at the eastern end of the site. For context, the nearest existing dwelling not directly associated with the removals business is High Trees, situated approximately 40m to the north of the warehouse. However, the introduction of 4no dwellings to within approximately 12m of the existing warehouse may result in more evident noise and/or disturbance impacts from operations undertaken at the removals business premises to occupants of the newly developed dwellings, should they be approved.

10.14. The introduction of further "sensitive" developments is contrary to Policy LP16 (o). It should be noted, however, that at the time of writing the LPA have no evidence of complaints regarding noise emanating from this site that result in undue amenity harm with respect to existing dwellings in the vicinity. However, the separation of existing residential development around the business premises is such that any noise impacts are likely to be negligible. No specific objections from the Council's Environmental Health have been raised with respect to this matter, the above is noted merely for completeness and for consideration by Members.

10.15. Notwithstanding any noise impacts to future occupiers, the scheme is considered to result in unacceptable harm to neighbouring residential amenity by virtue of undue enclosure, reduced outlook and reduced light ingress to No.118, contrary to Policies LP2 and LP16(e).

Flood Risk and Drainage

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

Sequential Test

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

application and the need to maintain consistency in decision making, albeit again a greater quantum is now proposed in this location.

Exception Test

10.18. In order to pass the exception test, NPPF paragraph 178 sets out that the development should demonstrate that it:

a) yields wider sustainability benefits to the community which outweigh flood risk; and
b) that the site can be made safe for its lifetime without increasing flood risk elsewhere and where possible will reduce flood risk overall.

10.19. NPPF paragraph 179 sets out that both elements should be satisfied for developments to be permitted.

10.20. In order to pass the Exception Test the proposal must provide wider sustainability benefits i.e., beyond merely the application site, for the community. Examples of benefits beyond the application site may include:

- Visually enhance a site to the benefit of the character of an area;
- Link development to existing services and facilities bringing communities together sustainably;
- Relocate an existing use closer to existing public transport hubs, thus reducing the amount of traffic on the road; or
- Providing community facilities

All these examples would likely provide some benefit to the community beyond the application site.

10.21. To address the exception test, the application includes:

a) a 2m wide footway (to highways specification) to the site frontage, linking to the exiting footway network adjacent the application site;
b) the proposed extension/relocation of the 40mph speed limit;
c) the provision of smaller units.

a) Footway construction

10.22. Whilst it is acknowledged that the provision of a footway to link into existing infrastructure could be considered a wider public benefit and thus address the exception test as concluded by the Council during consideration of earlier applications F/YR22/1361/PIP and F/YR24/0249/F (both 6 dwelling schemes), the increase in quantum of development with the current application, seeking 9 new dwellings, would result in a requirement to provide a suitable footway as part of the development proposals in any case by the LHA and LPA. Therefore, this provision cannot be considered to address wider public benefit as required by the exception test, as this 'benefit' would be a standard requirement for development of this scale.

10.23. The proposed footway is intended to join to existing infrastructure at the western end of the site where the current public footpath terminates outside No.158. At the eastern end, the proposed footpath is intended to round the corner of the junction with Rectory Lane linking to the grass highway verge just south of the access to No.118. Here, there is no existing infrastructure to link to and development becomes significantly more sporadic as you travel north on Rectory Lane; there are no services or facilities to which a new

footpath can provide access, and as such the footpath becomes little more than an arbitrary link offering limited benefit potential to provide pedestrian access into the village for one additional dwelling (No.118). As such, on the basis of consideration of the measures within the exception test to provide wider community benefit, the provision of the intended footpath fails as the overall benefit is negligible.

b) Speed reduction

10.24. The submitted drawings include a proposed relocated speed limit change from the junction of High Road and Rectory Road from the existing 60mph limit to a proposed 40mph limit, denoted as "subject to highway approval". Whilst this may offer some wider community benefit with respect to improved highway safety in the area, there has been no evidence submitted with the application (such as an approved TRO) to satisfy the LPA that the Highway Authority would accept this in principle i.e., that it is deliverable.

10.25. It is noted from the LHA comments above: "*As the visibility splays have been prepared in accordance with the surveyed speeds, it is not considered necessary to relocate the change in speed limit, however, it is understood that this would be beneficial to the wider area as per the Parish's request and is to be secured by the developer separately to this application in consultation with the Parish Council and County Council.";* which suggests speed reduction may result in benefit to the community. Yet, it is also noted that comments from the Parish Council are silent on this matter, and defer to the Highway Authority as the statutory consultee with respect to the highway safety concerns raised by their constituents.

10.26. Thus, whilst it is acknowledged that the proposal to reduce road speed may address a wider community benefit with respect to the exception test, there is no definitive evidence submitted within the application to confirm (even in principle) that a relocated speed limit can be formally secured and thus the exception test cannot be considered passed on this basis. Notwithstanding, were the LHA to consider it necessary to impose such a speed restriction in the interests of wider benefit of the community, they could elect to impose this under their own powers under the Highway Act.

c) Smaller housing units

10.27. Policy LP5 of the Fenland Local Plan states that development should provide a scale and mix of housing types that will meet the identified need for Fenland (as informed by an up-to-date Cambridge Sub Region Housing Market Assessment (SHMA)) and a range of new job opportunities in order to secure balanced communities.

10.28. The latest SHMA data, contained within the Cambridgeshire and West Suffolk Housing Needs of Specific Groups 2021, suggests the following housing mix for Fenland for the 2020-2040 period:

Size	Market Dwelling	Affordable homes to buy	Affordable homes to rent
1 bedroom	0-10%	20-25%	35-45%
2 bedrooms	20-30%	35-45%	35-45%
3 bedrooms	40-50%	25-35%	10-20%
4+ bedrooms	20-30%	5-10%	0-10%

The application commits the following housing mix for the proposed development, as market dwellings:

- 4No. 3 bedroom dwellings (equating to 44% of the overall development)
- 5No. 4 bedroom dwellings (56% of the overall development)

10.29. The proposed housing mix does not accord with the suggested housing mix specified within the SHMA for market dwellings and, whilst the SHMA is a broad, district wide evidence document, no evidence has been provided to indicate such a high demand for 4-bedroom properties in the locality. The proposed development therefore fails to provide a housing mix which meets the identified local housing need, particularly for smaller 1-bedroom or 2-bedroom dwellings, contrary to Policy LP5 of the Local Plan.

10.30. As such, the presumption that the provision of the mix of dwellings within the scheme would address a wider community benefit in the form of appropriate housing mix is unsubstantiated as no apparent evidence to support such a need is available.

10.31. In addition, whilst it is recognised that the development would achieve increased housing stock, as set out in section 4.5.9 of the Cambridgeshire Flood and Water SPD 2016: "*The general provision of housing by itself would not normally be considered as a wider sustainability benefit to the community which would outweigh flood risk*". There is no cogent evidence to indicate that any mix of housing of this specific site is required to the degree that it would provide wider community sustainability benefits – particularly given the Council's recent record of housing delivery and long-term housing land supply. As such, the first part of the exception test has not been met.

10.32. In this regard therefore, the latest application fails to identify wider sustainability benefits to the community which outweigh the flood risk, failing the first part of the exception test. Thus, the scheme remains contrary to policy LP14 and NPPF paragraph 178 and 179.

Other Drainage Matters

10.33. Notwithstanding, the site is in the North Level Internal Drainage Board's (IDB) district. The Board had no objection in principle to the planning application, providing appropriate IDB consents are sought.

10.34. The Environment Agency note the proposed flood mitigation measures within the submitted FRA and offer no objection, subject to conditions.

10.35. Should the application be granted conditions will be imposed to secure flood risk mitigation measures within the development. As such, it is likely that the second part of the exception test, insofar as demonstrating that the development can be made safe for its lifetime without increasing flood risk can be achieved.

Flooding and Drainage Conclusion

10.36. Development in flood zones 2/3 require the successful completion of a sequential test and where necessary an exception test, as set out in Policy LP14 and Chapter 14 of the NPPF. In addition, the proposals should also demonstrate that it meets an identified need, it specifies flood risk

management and safety measures and has a positive approach to reducing flood risk overall.

10.37. Given the above it is concluded that, whilst the development could be made sage for its lifetime without increasing flooding elsewhere (as per part (b) of the exception test) the application fails to fully meet the requirements of the exceptions test for flood risk, by virtue of a lack of supporting evidence in respect of the proposed measures to fully address wider community benefit, and thus remains contrary to Local Plan policy LP14 and the aims of Chapter 14 of the NPPF.

Highway Safety

10.38. Policy LP15 states that development proposals should demonstrate that they provide well designed, safe and convenient access for all. It also states that development schemes should provide well designed car parking appropriate to the amount of development proposed, ensuring that all new development meets the councils defined parking standards as set out in Appendix A.

10.39. Appendix A requires 4 bedroom properties to provide a minimum of 3 parking spaces. Each of the properties has a garage that would equate to 1 parking space and with enough room for 2 cars to park to the front of the garage/property. Similarly, the 3 bedroom dwellings, requiring a minimum of 2 spaces, are depicted with sufficient parking/turning room to accommodate this requirement. As such, the parking provision for the site is acceptable.

10.40. Following deliberations and discussion during consideration of the earlier applications on the site (F/YR22/1361/PIP & F/YR24/0249/F), the current application commits a preliminary highway layout depicting the accesses, footpath, visibility splays, etc has been submitted for review, supported by ATC survey data. The Highway Authority have reviewed the submitted details, and offer no objection to the scheme on the basis of the information available, subject to conditions.

10.41. During the earlier applications, concerns were raised as to the feasibility to provide the 2m wide proposed footpath eastwards up to and around the radii of the junction of High Road and Rectory Road. With regard to details submitted within the current application, and further discussion with the Local Highway Authority regarding these details suggests that, in their opinion, there appears to be sufficient land either within the Highway Authority's control or the applicant's ownership to achieve the footpath proposal, however they acknowledge that a 'pinch point' width constraint may be apparent at the radii of the junction with Rectory Road. Notwithstanding, the LHA were satisfied with the potential deliverability of a footpath as proposed, subject to conditions.

10.42. As discussed above, while no wider community benefits are to be delivered as a consequence, it is nonetheless considered that the proposed footpath does facilitate what is required to serve the development itself.

10.43. As such, it is considered that the scheme is acceptable with respect to Policy LP15, subject to the provision of a suitable footway, and compliance with additional conditions as suggested by the Highway Authority.

Ecological impacts & Biodiversity Net Gain (BNG)

10.44. 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.

10.45. In accordance with statutory guidelines, the application was supported by a Preliminary Ecology Report (PEA) and a Biodiversity Net Gain Metric and statement. The PEA concluded that there is low potential for the site to support protected species, but offers recommendations to secure ecological enhancements to support biodiversity on the site that can be secured by condition.

10.46. The Biodiversity Statement concluded that that the proposed development would lead to a net gain in habitat, hedgerow and watercourse units, well above the necessary 10%. As such, a Biodiversity Gain Condition is required to secure provision of these units, along with requirement for a Habitat Management and Monitoring Plan (HMMP) to be approved to ensure habitats (both on and off site) are appropriately managed to achieve their desired condition in perpetuity and ensure the scheme complies with Policies LP16, LP19 and the Environment Act 2021.

11 CONCLUSIONS

11.1. The above assessment outlines that the proposal to erect 9 dwellings, form 2 access and a pedestrian footpath at land east of 156 High Road, Newton-in-the-Isle will result in a detrimental impact on the streetscene and landscape character contrary to Policy LP16 (d) and residential amenity impacts to neighbouring dwelling No.118 High Road contrary to Policies LP2 and LP16 (e). Furthermore the application fails to satisfactorily identify the wider community sustainability benefits with respect to the required exception test, contrary to Policy LP14 and wider aims of the NPPF.

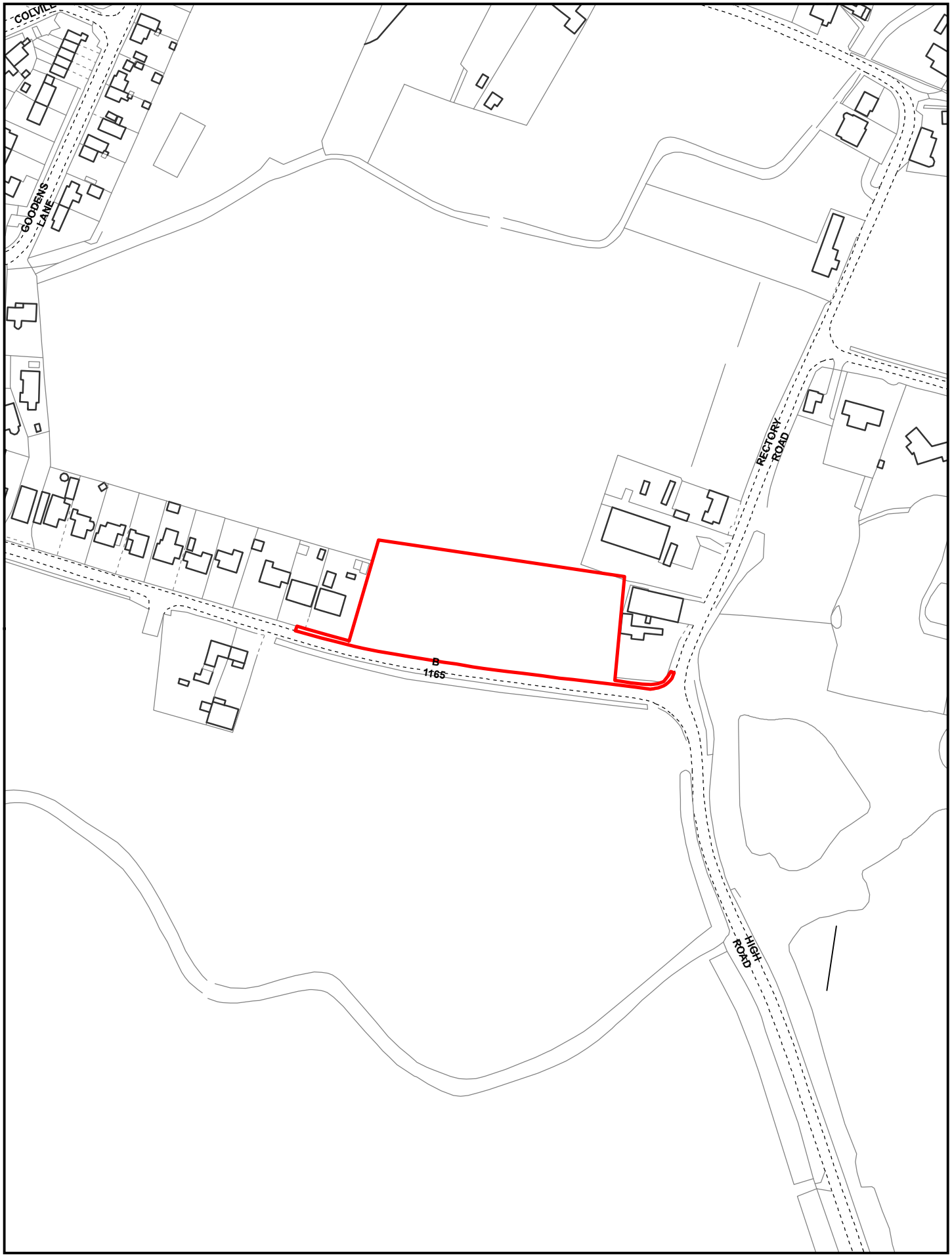
11.2. The benefits of the scheme do not outweigh the conflicts with the development plan in terms of flood risk, character and neighbouring amenity and as such should be refused on this basis.

12 RECOMMENDATION

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

1	Policy LP16 (d) of the Fenland Local Plan (2014) requires development to deliver high quality environments that make a positive contribution to the local distinctiveness and character of an area, enhancing their setting and responding to and improving the character of the local built environment whilst not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area. The proposal is for the construction of 9x two-storey dwellings on land currently used for agricultural farming on the edge of the village alongside existing single storey bungalows. The proposal would introduce an uncharacteristic built form of 2-storey dwellings which

	would appear, visually dominant, overly prominent and incongruous in the street scene to the significant detriment of the visual amenity of the area. If permitted, the development would consequently be to the detriment of the character and appearance of the area and contrary to Policy LP16 (d) of the Fenland Local Plan (2014).
2	Policy LP2 seeks to ensure an equitable living environment for Fenland residents. Policy LP16 (e) of the Fenland Local Plan 2014 seeks to ensure that development does not adversely impact on the amenity of neighbouring users such as noise, light pollution, loss of privacy/overlooking or loss of light. Due to the proximity and position of the semi-detached 2-storey dwellings at Plots 8 & 9 in relation to the neighbouring property (No118), there is potential for visual dominance with the associated loss of outlook from the neighbouring property and a corresponding loss of light due to the enclosure of the property, to the detriment of neighbouring residential amenity, contrary to the aforementioned policies of the Fenland Local Plan (2014).
3	Policy LP14 of the Fenland Local Plan (2014) and paragraph 170-171 of the NPPF requires development in areas at risk of flooding to pass the exception test by demonstrating that it; a) yields wider sustainability benefits to the community which outweigh flood risk, and b) that the site can be made safe for its lifetime without increasing flood risk elsewhere and where possible will reduce flood risk overall. Whilst the development meets the tests of criteria b), the proposal fails to identify that it would achieve wider community sustainability benefits to outweigh the flood risk. The proposal is therefore contrary to Policy LP14 of the Fenland Local Plan (2014) and the flood risk sustainability aims of the NPPF.



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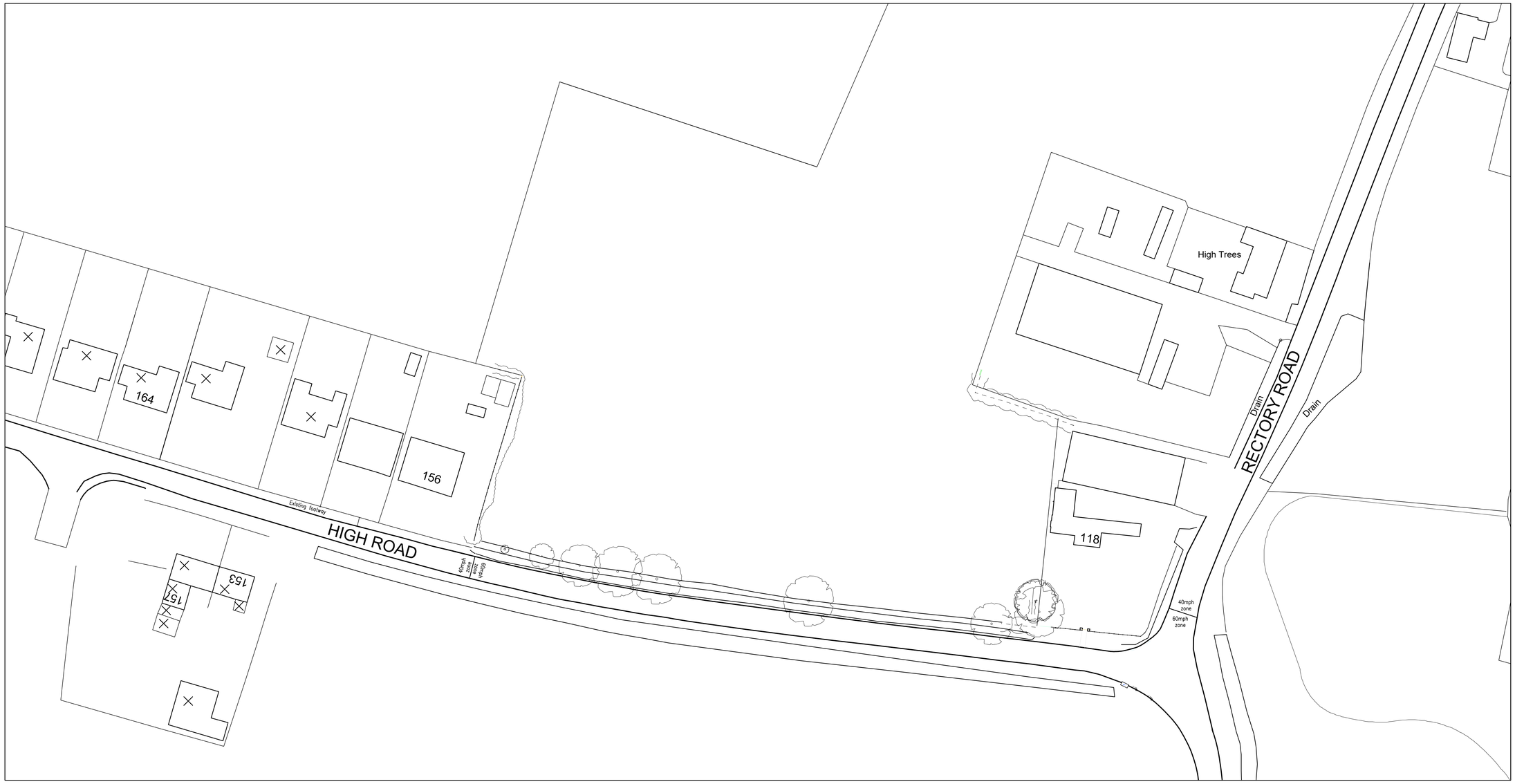
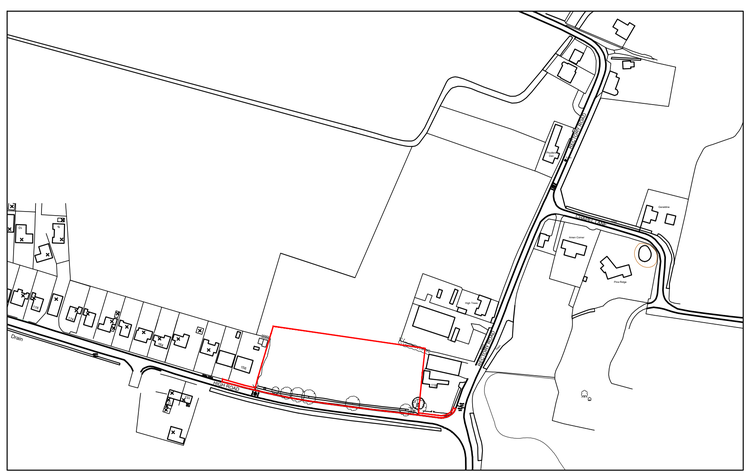


EXISTING SITE PLAN 1:500



LOCATION PLAN 1:2500

N

A -

REVISIONS

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CLIENT

MR JOSH PEGGS

PROJECT

PROPOSED RESIDENTIAL DEVELOPMENT

SITE

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

DRAWING

PROPOSED DRAWING 2

JOB NO.	PAPER SIZE	DATE
6851/01/02A	A1	NOV 2023

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PLOT SCHEDULE:-

Plot 1 = House type 2 (As shown)
Plot 2 = House type 2 (Handed)
Plot 3 = House type 1 (As shown)
Plot 4 = House type 1 (Handed)
Plot 5 = House type 2 (As shown)
Plot 6 = House type 3 (As shown)
Plot 7 = House type 3 (As shown)
Plot 8 = House type 3 (As shown)
Plot 9 = House type 3 (As shown)

DRAINAGE:-

Surface water:
Discharge of all dwelling surface roof water to new attenuated ditch/swale at front of site, by specialist.

Foul water:
Discharge of all dwelling foul water to existing foul system in main road (High Road).

PROPOSED SITE PLAN 1:500

PROPOSED STREET SCENE 1:250

A -
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CLIENT
MR JOSH PEGGS

PROJECT
PROPOSED RESIDENTIAL DEVELOPMENT

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

DRAWING
PROPOSED DRAWING 1

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

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F/YR24/0846/F

Applicant: Mr & Mrs D Church

Agent : Mrs Rebecca White
Rhochi Architecture & Design Ltd

Land North West Of 2, High Street, Manea, Cambridgeshire

Erect a dwelling (single storey 2-bed) and associated works

Officer recommendation: Refuse

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

Government Planning Guarantee

Statutory Target Date For Determination: 17 December 2024

EOT in Place: Yes

EOT Expiry: 19 February 2025

Application Fee: £578

Risk Statement:

This application must be determined by 19th February 2025 otherwise it will be out of time and therefore negatively affect the performance figures.

1 EXECUTIVE SUMMARY

1.1 This application seeks to erect a single-storey, 2-bed dwelling within existing garden land associated with 2 High Street, Manea.

1.2 Due to the constrained nature of the site, the proposal results in a development at odds with the prevailing form of development as a result of its lack of front garden area and consequent proximity to the back edge of the footway. The proposal would consequently create an incongruous and unattractive feature which fails to demonstrate that it makes a positive contribution to the local distinctiveness and character of the area and will ultimately have an adverse impact on the street scene and is therefore contrary to the requirements of Policy LP16 of the Fenland Local Plan (2014).

1.3 As such, the scheme is recommended for refusal.

2 SITE DESCRIPTION

2.1 The application site is situated on the northern side of High Street, within the settlement of Manea. The site is situated within the rear garden of 2 High Street, and faces onto Orchard Way, a residential cul-de-sac. The rear gardens

associated with the properties along Station Road are situated along the eastern boundary of the site

2.2 The existing dwelling on site is a 2-storey detached dwelling, with integral garages. Parking space is also situated to the front of the dwelling and garden space is situated to the rear. The rear garden is currently enclosed by a close-boarded fence.

2.3 Neighbouring properties are situated to the north-west and north-east of the application site.

2.4 The site is situated within Flood Zone 1 and an Amber Great Crested Newts Zone.

3 PROPOSAL

3.1 The application seeks to erect a dwelling (single storey 2-bed) and associated works.

3.2 The proposed dwelling would have a footprint of 12.3 x 5.9 metres approx, with a dual pitched roof with a ridge height of 4.2 metres approx and an eaves height of 2.2 metres approx. The dwelling would be situated approximately 1.6 metres from the back edge of the footpath.

3.3 Tandem parking would be situated to the south of the dwelling, with garden space situated to the north.

3.4 The dwelling would be finished in a red facing brick and concrete roof tile.

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

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

4 SITE PLANNING HISTORY

Reference	Description	Decision
23/0063/PREAPP	Erect 1x dwelling	Not Favourable 27/09/2023
F/YR22/1034/F	Erection of a single-storey, 2-bed dwelling, and erect a single-storey rear extension with balcony above to existing dwelling involving the demolition of existing conservatory	Refused 22/05/2023

5 CONSULTATIONS

5.1 **Manea Parish Council**

No objection

5.2 **FDC Environmental Health**

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

Due to the close proximity of noise sensitive receptors, it is recommended that the following condition is imposed in the event that planning permission is granted:

WORKING TIMES
No construction work shall be carried out and no plant or power operated machinery operated other than between the following hours: 08:00 hours and 18:00 hours on Monday to Friday, 08:00 hours and 13:00 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless otherwise previously agreed in writing with the Local Planning Authority

5.3 **Cambridgeshire County Council Highways**

Recommendation

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

Comments

The proposed development will not result in a detrimental impact on the operation of the local highway network and therefore is considered acceptable. The submitted Existing Site Plan & Proposed Site Plan, Floor Plan, Elevations and Street Elevation, drawing ref. PC175-P01, demonstrates that pedestrian visibility splays of 1.5m by 1.5m can be achieved either side of the proposed access on Orchard Way, which given the lightly trafficked nature of the residential cul-de-sac and low anticipated pedestrian movements is considered acceptable.

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

Conditions

Prior to the occupation of the development hereby approved, pedestrian visibility splays shall be provided on both sides of the new vehicular access and shall be maintained free from any obstruction over a height of 600 mm within an area of 1.5m x 1.5m measured along respectively the back of the footway.

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

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

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

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

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

5.4 **Local Residents/Interested Parties**

8 letters of support were received with regard to this application within the statutory consultation period. The letters received were from address points within Manea at High Street, Orchard Way, Westfield Road, Staton Road, Jolley Close and Williams Way. The reasons for support are summarised as follows:

- Fit in with surrounding properties
- Enhance street scene
- Not overlooked

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) 2024**
Chapter 2 - Achieving sustainable development
Chapter 4 – Decision-making
Chapter 5 – Delivering a sufficient supply of homes
Chapter 12 – Achieving well-designed 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

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
LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
LP16 – Delivering and Protecting High Quality Environments across the District
LP19 – The Natural Environment

7.5 **Emerging Local Plan**

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 49 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

LP1: Settlement Hierarchy
LP2: Spatial Strategy for the Location of Residential Development
LP5: Health and Wellbeing
LP7: Design
LP8: Amenity Provision
LP22: Parking Provision
LP24: Natural Environment
LP25: Biodiversity Net Gain
LP32: Flood and Water Management

8 KEY ISSUES

- **Principle of Development**
- **Impact on Character and Amenity**
- **Residential Amenity**
- **Access and Parking**
- **Flood Risk**
- **Ecology**
- **Biodiversity Net Gain (BNG)**

9 BACKGROUND

9.1 As detailed within the planning history section above, an application was refused for a similar development on site in May 2023, application reference F/YR22/1034/F. The application was refused for the following reasons:

1. Policy LP16 (d) of the Fenland Local Plan (2014) requires that development demonstrates that it makes a positive contribution to the local distinctiveness and character of the area, enhancing its local setting, responding to and improving the character of the local built environment and does not adversely impact on the street scene or landscape character of the surrounding area. The proposal is for

the construction of a single-storey 2- bed dwelling. Due to the constrained nature of the site, the proposal results in a development at odds with the prevailing form of development. The proposal would consequently create an incongruous and unattractive feature which fails to demonstrate that it makes a positive contribution to the local distinctiveness and character of the area and will ultimately have an adverse impact on the street scene and is therefore contrary to the requirements of policy LP16 of the Fenland Local Plan (2014).

2. Policies LP2 and LP16(h) of the Fenland Local Plan seeks to ensure that the development provides sufficient amenity space for future occupiers. The scale and positioning of the proposed development will result in insufficient levels of private amenity space for the proposed dwelling, which will result in harm to future occupiers and is therefore contrary to Policy LP16(h).

9.2 The design of the proposed dwelling has been amended following the previous refusal on site. The site layout has also been amended with the re-location of the parking and garden areas on site.

9.3 Following the previous refusal on site, a pre-application submission was submitted with the response not being supportive in September 2023. The pre-application did not include any indicative elevation or floor plan drawings, however did include a proposed site plan, indicating a single-storey dwelling on site with one parking space to the north of the dwelling and private amenity space to the south. The pre-application response noted the following:

Due to the constrained nature of the site, the proposal results in a development at odds with the prevailing form of development. The proposal would consequently create an incongruous and unattractive feature which fails to demonstrate that it makes a positive contribution to the local distinctiveness and character of the area and will ultimately have an adverse impact on the street scene and is therefore contrary to the requirements of policy LP16 of the Fenland Local Plan (2014)

10 ASSESSMENT

Principle of Development

10.1 Policy LP3 of the Fenland Local Plan 2014 identifies Manea as a Growth Village, where, according to LP3, development and new service provision either within the existing urban area or as small village extensions will be appropriate, albeit of a considerably more limited scale than that appropriate to the Market Towns. Accordingly, there is a presumption in favour of development within this location. This is however on the basis that the development is in keeping with and reflects the character of the area and that there are no significant issues in respect of visual amenity, design, parking, highways, flood risk and ecology.

Impact on Character and Amenity

10.2 Policy LP16 of the Fenland Local Plan requires development to ‘make a positive contribution to the local distinctiveness and character of the area, enhancing its local setting, responding to and improving the character of the local built environment, providing resilience to climate change, reinforcing local identity and not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area’.

10.3 The eastern side of Orchard Way is predominantly characterised by single-storey detached dwellings, with dual-pitched roofs and driveway situated to the side for tandem parking. The dwellings are setback from the street scene with small grassed/paved front gardens.

10.4 This predominant character is also reflected on the western side of Orchard Way, albeit there are 2 single-storey dwellings immediately opposite the proposed dwelling on site which differ in character and feature single-storey front projections, finished with dual-pitched roofs. These 2 dwellings also feature integral garages and small grassed front gardens.

10.5 Whilst the design of the proposed dwelling itself is considered to be acceptable, owing to the limited depth of the site this will sit approximately 1.6 metres from the back edge of the footpath, which would appear out of character given that the dwellings along Orchard Way feature a greater clearance between their front elevations and the footpath. The introduction of a dwelling in such close proximity to the back edge of the footpath would introduce an adverse visual change within the street scene and the narrow plot would also result in a visually cramped form of development which would appear significantly out of character with the street scene, creating an incongruous feature within the prevailing character along Orchard Way and would therefore fail to make a positive contrition to the local distinctiveness and character of the area and is therefore considered contrary to Policy LP16 of the Fenland Local Plan.

Residential Amenity

10.6 Policy LP2 and LP16 of the Fenland Local Plan seek to ensure that development does not harm residential amenity, for example through overlooking or overshadowing, loss of light or noise disturbance.

10.7 The proposed dwelling is to be single-storey, and the adjacent closest dwelling to the north is also single-storey (situated approximately 12 metres from the proposed dwelling). It is unlikely therefore that the proposed dwelling will introduce any adverse overbearing or overlooking impacts to neighbouring properties. There may be some slight overshadowing resulting from the dwelling, however this will predominantly fall upon the proposed garden area associated with the new dwelling.

10.8 The site is currently utilised as garden space for 2 High Street. Policy LP16 (h) states that development should provide sufficient private amenity space, suitable for the type and amount of development proposed. For dwellings other than flats, a minimum of a third of the plot curtilage should be set aside as private amenity space. The proposed site layout appears to meet this requirement.

10.9 Consultation comments received from FDC Environmental Health raised no objections to the proposed development. They did however request a working times condition to be included should permission be granted due to the close proximity of noise sensitive receptors. These comments are acknowledged, however given that the proposal is for a single dwelling, such condition would not be considered to be reasonable.

10.10 As such, the scheme is considered to comply with Policy LP2 and LP16 of the Fenland Local Plan.

Access and Parking

10.11 The application proposes a new access from Orchard Way, which is an unclassified road. Upon consultation with CCC Highways, no objections were raised to the proposed new access subject to the inclusion of conditions.

10.12 A tandem parking area is proposed to the south of the dwelling which details 2 paring spaces. No turning is provided on site, however the other properties along Orchard Way do not feature on-site turning and majority appear to utilise tandem parking and therefore a refusal on this basis would be unjust.

10.13 As such, there are no issues to address with regards to Policy LP15 in this regard.

Flood Risk

10.14 The proposal is located within flood zone 1 and issues of surface water disposal will be considered under Building Regulations.

Ecology

10.15 The site is identified as being in an Amber Zone for Great Crested Newts (GCN); Amber zones contain main population centres for GCN and comprise important connecting habitat that aids natural dispersal.

10.16 Given that the site is currently used as a residential garden and is partially hard landscaped and therefore it is unlikely that there is an established habitat in this location.

10.17 In addition to the above, a Great Crested Newt Screening Assessment was submitted as part of this application. The assessment concluded that no further surveys were required, that there is no requirement for mitigation and no requirement for District Level Licencing.

10.18 As such, there are no issues to address with regards to Policy LP19.

Biodiversity Net Gain (BNG)

10.19 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.

10.20 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 development is de-minimis for the purposes of BNG. The application form states that *The site consists principally of areas of former decking, paving slabs and other bare ground, now covered by weed matting, and has therefore been classified as DEFRA/UKHabs "Urban: Unvegetated garden". "Urban: Unvegetated garden" has a value of 0 points per hectare. Small areas (~4m2) of "Heathland*

and Scrub:Bramble scrub" have been removed. There are no trees within the site. The development would not 'impact' the "Urban: Unvegetated garden" habitat by decreasing the biodiversity value since the value cannot decrease below zero. The Bramble scrub is below the exemption threshold of less than 25m^2.

10.21 The de minimis exemption applies to development that does not impact a priority habitat and impacts less than 25m^2 of non-priority onsite habitat. The application therefore is considered to be exempt from the biodiversity gain condition.

11 CONCLUSIONS

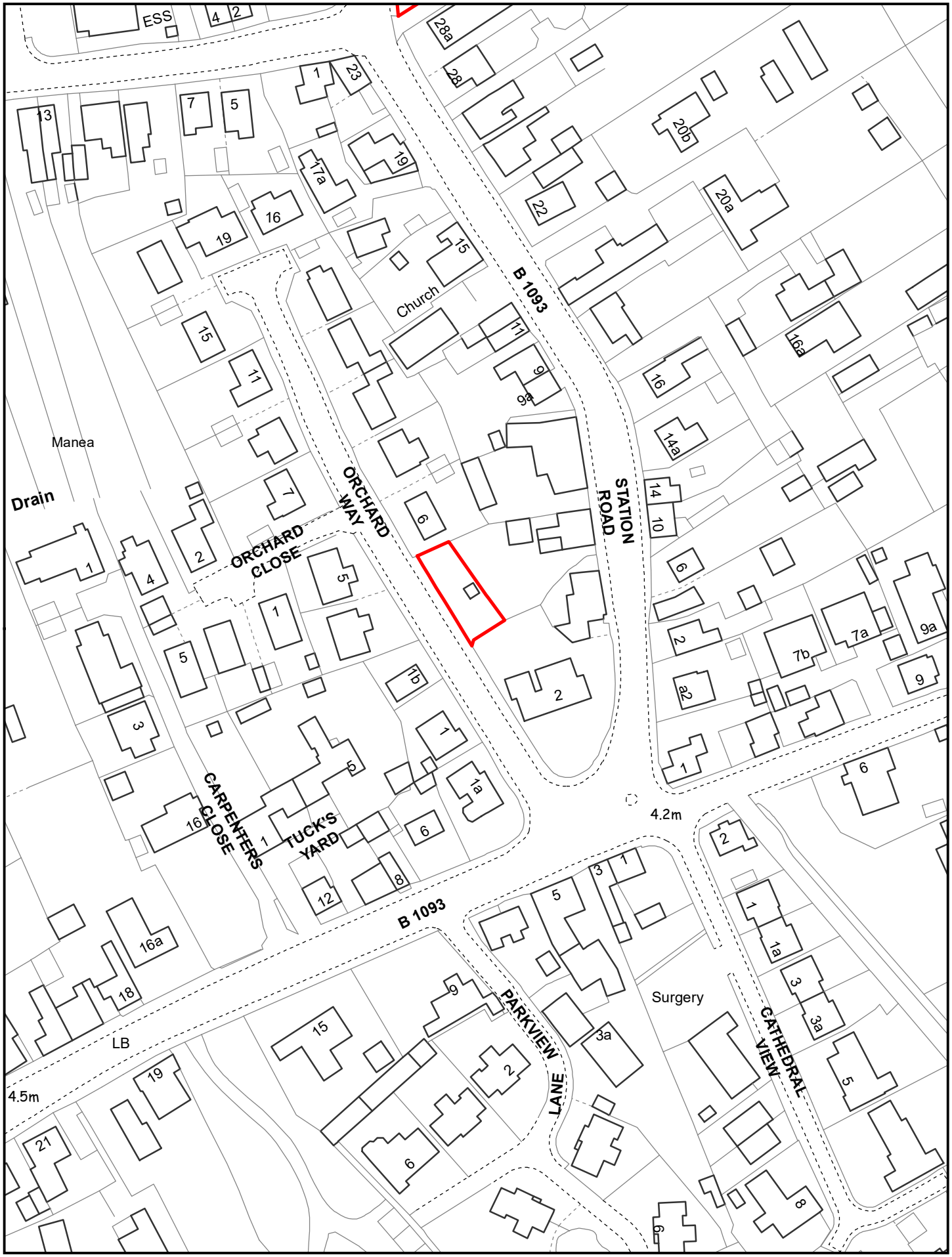
11.1 It is considered that the proposal to erect a single-storey, 2-bed dwelling in this location conflicts with Policies LP2 and LP16 of the Fenland Local Plan, in that the development would cause harm to the form and character and the area and does not provide a quality environment for future occupiers.

11.2 There are no material considerations that outweigh the harm identified as being caused by the proposal in relation to the above matters sufficient to justify its approval contrary to the aforementioned policy.

12 RECOMMENDATION

12.1 **Refuse,** for the following reason:

1	Policy LP16 (d) of the Fenland Local Plan (2014) requires that development demonstrates that it makes a positive contribution to the local distinctiveness and character of the area, enhancing its local setting, responding to and improving the character of the local built environment and does not adversely impact on the street scene or landscape character of the surrounding area. The proposal is for the construction of a single-storey 2-bed dwelling. Due to the constrained nature of the site, the proposal results in a development at odds with the prevailing form of development by virtue of its proximity to the back edge of the footway. The proposal would consequently create an incongruous and unattractive feature which fails to demonstrate that it makes a positive contribution to the local distinctiveness and character of the area and will ultimately have an adverse impact on the street scene and is therefore contrary to the requirements of policy LP16 of the Fenland Local Plan (2014).



Created on: 23/10/2024

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F/YR24/0846/F

Scale = 1:1,250

N

Fenland CAMBRIDGESHIRE
Fenland District Council

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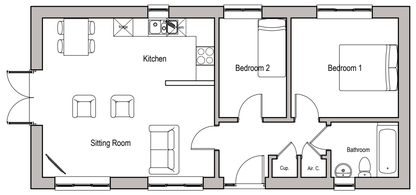
All dimensions to be checked on site and any discrepancies to be reported.
Units shown are in 'mm' unless otherwise stated.

Street Elevation - As Proposed

0 1 2 3 4 5m

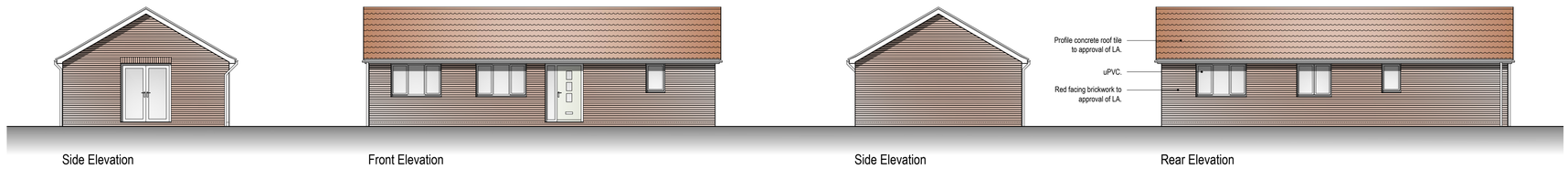
scale - 1:100



Floor Plan - As Proposed

0 1 2 3 4 5m

scale - 1:100

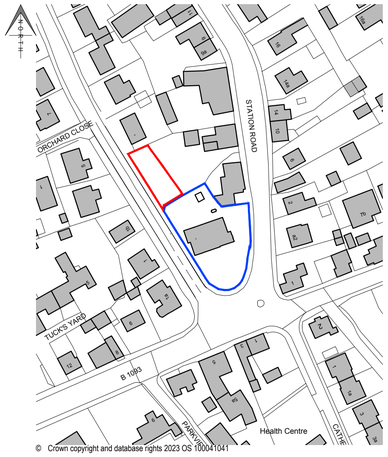


Side Elevation | Front Elevation | Side Elevation | Rear Elevation

Elevations - As Proposed

0 1 2 3 4 5m

scale - 1:100



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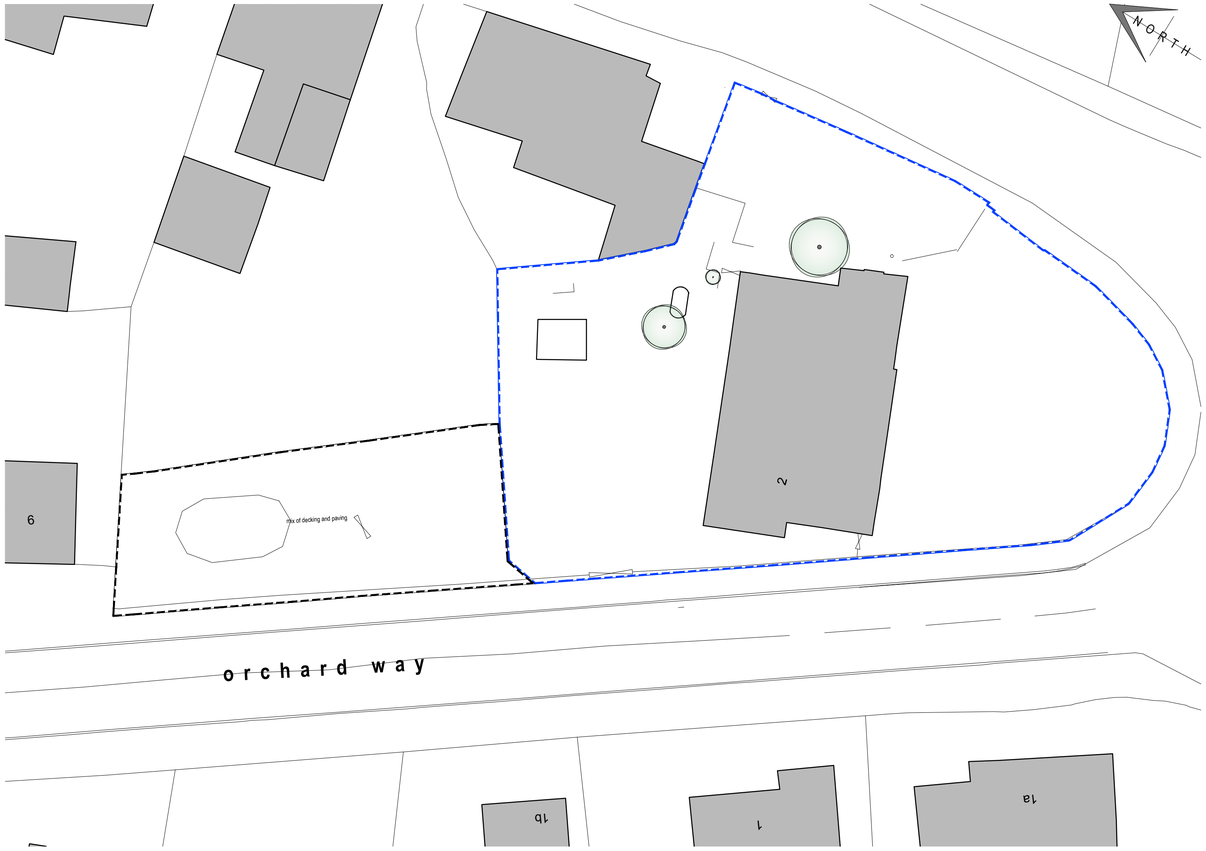
Location Plan

0 5 10 25 50 62.5m

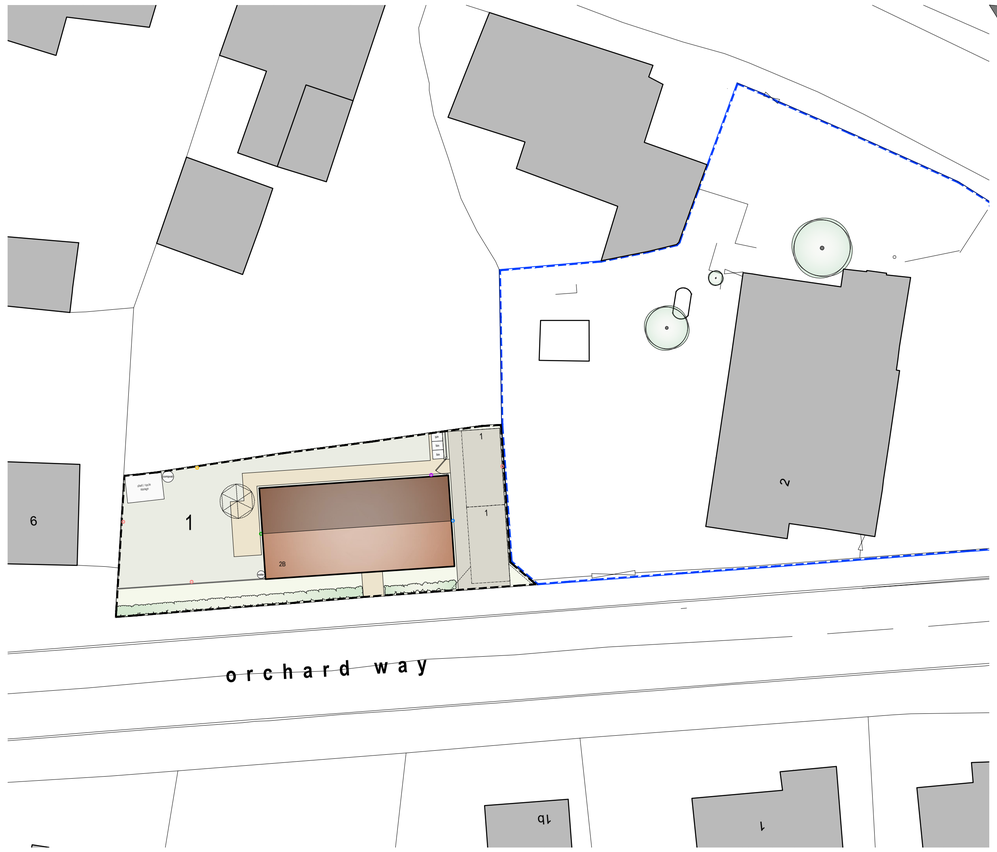
scale - 1:1250



Site Plan - As Existing

0 2 4 6 8 10m

scale - 1:200



Site Plan - As Proposed

0 2 4 6 8 10m

scale - 1:200

Key

- Drive and parking.
- Private footpaths and patio.
- Front garden.
- Rear garden.
- Soft landscaping as existing - indicative size and location.
- Existing tree - indicative size and location.
- Fencing - 1.8m high close boarded timber fence.
- Garden - 6' x 8' timber shed with cycle storage.
- Garden - Three wheeled bins inline with LA Refuse Scheme.
- Garden - Compost Bin.
- Garden - Water Butt.
- Garden - Washing Line.

Ecological Enhancements			
Key	Description	No.	Location
	Bat box	1	East facing elevation, below verge, at least 4m above ground.
	House Sparrow tower or terrace nest box for 2-3 pairs of nesting sparrows	1	North facing elevation, below eaves.
	Swift nest box	1	West facing elevation, below verge.
	Bee / insect box	1	Boundary, south facing, at least 1m above ground.
	Hedgehog gravel board	3	One on each boundary.

Development Summary

House Type: 2 bed 3 person
Gross Internal Floor Area: 60m²

Site Area: 254m²
Private Amenity: 102m²
Parking: 2 Spaces + Cycle Storage in Shed

P R O J E C T :

Proposed New Dwelling at Land Adj 2 High Street, Manea
for Mr & Mrs D Church

D R A W I N G T I T L E :

PLANNING SUBMISSION
Existing Site Plan & Proposed Site Plan, Floor Plan, Elevations and Street Elevation

D A T E : May 24

S C A L E : Var @ A1

S H E E T : PC-175-P01

R E V : -

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F/YR24/0360/F

Applicant: Mr W Hammond

Agent : Mr Gareth Edwards
Swann Edwards Architecture Limited

Land North East Of 11, Clarkson Avenue, Wisbech, Cambridgeshire

Erect a dwelling (2-storey 2-bed), involving new access, demolition of existing outbuildings and reduction in height of existing front wall

Officer recommendation: Refuse

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

Government Planning Guarantee

Statutory Target Date For Determination: 19 June 2024

EOT in Place: Yes

EOT Expiry: 19 February 2025

Application Fee: £578

Risk Statement:

This application must be determined by 19th February 2025 otherwise it will be out of time and therefore negatively affect the performance figures.

1 EXECUTIVE SUMMARY

1.1 This application seeks to erect 1 dwelling (2-storey 2-bed) in existing garden land associated with 11 Clarkson Avenue.

1.2 Policy LP16 part (d) and Policy 18 of the Fenland Local Plan 2014 seeks to ensure that proposals make a positive contribution to the local distinctiveness and character of the Conservation Area and that the character of the local built environment informs the layout and features of proposed development.

1.3 The introduction of a dwelling in such close proximity to the back edge of the footpath would introduce a visual change within the street and would appear significantly out of character with the street scene, creating an incongruous feature within the prevailing character along the north-eastern side of Tavistock Road. The location of the proposed dwelling within existing garden land associated with No. 11 results in a loss of suitably generous garden land associated with a non-designated heritage asset and a loss of the historically designed layout of the site. As such, the proposal would fail to make a positive contribution to the local distinctiveness and character of the area and results in less than substantial harm to the character and appearance of the Bowthorpe Conservation Area and therefore would be contrary Policies LP16 part (d) and LP18 of the Fenland Local Plan 2014.

1.4 As such, the application is recommended for refusal.

2 SITE DESCRIPTION

2.1 The application site is situated on land to the northeast of 11 Clarkson Avenue, a semi-detached dwelling which sits on the corner of Clarkson Avenue and Tavistock Road within a residential area of Wisbech. The application site currently serves as garden land associated with No. 11 and fronts onto Tavistock Road. There are two existing outbuildings situated within the site.

2.2 The application site is situated within a Conservation Area. The site is bounded by a brick wall to the north-western boundary along Tavistock Road. There are also some mature trees within the rear garden of 11 Clarkson Avenue which are protected by virtue of their location within the Conservation Area.

2.3 Neighbouring properties are situated to the north-east, south-east and north-west of the application site.

2.4 The application site is situated within Flood Zone 1.

3 PROPOSAL

3.1 This application seeks to erect a 2-storey, 2-bed dwelling involving the creation of a new access, demolition of existing outbuildings and reduction in height of the existing front wall.

3.2 The dwelling would have a footprint of approximately 6.6 metres x 13 metres. The proposed roof would be dual pitched with an eaves height of 5.9 metres and 8.4 metres approx.

3.3 Fenestration would predominantly be situated to the front and rear elevation of the dwelling, with the provision of a south-east facing ground floor obscure glazed window and 2 roof lights to the rear roof slope.

3.4 The proposed dwelling would be situated approximately 1.8 metres from the back edge of the footpath. Private amenity space would be situated to the rear of the dwelling, which would be enclosed by a 1.8 metre high fence. The brick wall to the front of the site would be decreased to 900mm.

3.5 2 parking spaces are proposed to be situated to the north-east of the proposed dwelling.

3.6 The submitted Arboricultural Impact Assessment indicates the removal of one tree situated adjacent to the north-western boundary of the site (reference T4).

3.7 Full plans and associated documents for this application can be found at: https://www.publicaccess.fenland.gov.uk/publicaccess/

4 SITE PLANNING HISTORY

Reference	Description	Decision
F/YR17/0424/TRCA	Fell 1no Silver Birch and works to 1no Beech tree within a conservation area	Granted 27/06/2017

5 CONSULTATIONS

5.1 Wisbech Town Council

That the application be supported

5.2 FDC Environmental Health

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

Due to the proposed demolition of existing structures and close proximity of noise sensitive receptors, it is recommended that the following conditions are imposed in the event that planning permission is granted:

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

WORKING TIMES
No demolition or construction work shall be carried out and no plant or power operated machinery operated other than between the following hours: 08:00 hours and 18:00 hours on Monday to Friday, 08:00 hours and 13:00 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.

5.3 FDC Arboricultural Officer

The arboricultural report provided satisfactorily identifies the tree constraints in relation to the proposal, with indicative protection measures that can be implemented. The report identifies that foundations will need to be excavated in the root protection area (RPA) of T3 (Beech) and that it is unlikely that this will have a detrimental impact n the tree, but preconstruction root pruning is undertaken. I would suggest that an assessment trench is undertaken along the foundation line so that the significance of the roots can be assessed, rather than agreeing to root pruning straight off. Then if significant roots are present the foundation for the building could then be designed to accommodate their retention. Although I do agree it is less likely significant roots will be impacted and root pruning a potential option.

The report identifies some shadow cast will fall over the building, but the proposed layout plans show the living room the far end of the building and minimal windows to the rear, so it is likely shadow cast will not be a significant issue to future residents.

The removal of T4 is acceptable to facilitate the development is acceptable and the dead tree T1, however, as part of the proposal I would suggest a replacement tree of native origin is conditioned to be planted along this boundary to offer street scene amenity and softening to the development. The future impact on the boundary wall and appropriateness for site will need to be considered to ensure any new tree can establish and provide amenity value for many years without conflict that might cause residents to want to remove it.

I have no objection, but if you are minded to approve then a robust tree protection method statement will be provided, with details on roots present where foundations need to be opened in the RPA prior to works commencing.

5.4 **FDC Conservation Officer**

Comments were initially received from the FDC Conservation Officer raising concerns with regard to insufficient details being submitted with regard to proposed materials. These initial comments noted that the scale and proportion of the proposed development was not necessarily poor, however necessary details were lacking. The comments highlighted the property opposite the application site as an important reference point for the use of correct materials and detailing within the Conservation Area. Subsequently, an objection was made to the application due to the insufficient details provided.

Following these initial comments, further comments were provided following a further review of the application:

Considerations:

1. Consideration is given to the impact of the proposal on the architectural and historic interests of a Non-Designated Heritage Asset with special regard paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

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

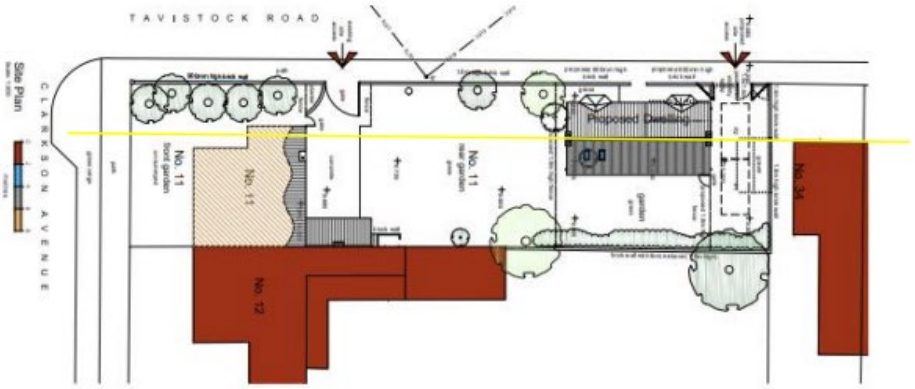
4. A heritage statement has been submitted with the application that just about meets the requirements of 207 of the NPPF.

5. Due regard is given to relevant planning history.

The site is located within the Bowthorpe Conservation Area of high character significance and containing buildings of substantial architectural quality and detailing, which is indicative of the status of the area at the time of construction.

The Tavistock Road frontage is formed by a positive late C19 wall and behind is an outbuilding thereabouts contemporary with the host dwelling fronting onto Clarkson Avenue. The early C20 'designed' layout of this part of the Bowthorpe is important to how this area is appreciated as are the substantial plots that are consistent the substantial houses they serve. Carving up the plots like this in a conservation area, raises objection as to the principle of development.

There is strong concern with the fact that the building it set substantially forward of the established building line, as shown by the yellow line in the plan extract below.



With the substantial forward projection of the established building line, of at least half of the depth of the proposed building, it would become an unduly prominent and dominant feature within the streetscene and Conservation Area.

The image below shows the streetscene looking southwest, depicting no's 34 and 36 in the foreground and a positive and verdant treed backdrop and positive walling formed by the beneficial garden of the host property. This character would be substantially changed and indeed harmed by the erection of a new dwelling in this position, let alone one that sits substantially forward of the building line.

On the basis that, if approved, the most prominent and dominant feature within the street scene, by way of its substantial forward projection, would be a new build that is almost certain to be of inferior architectural detailing to that of its high quality early C20 surroundings; leads to a strong presumption to refuse this application on the basis that it would result in harm to the character and appearance of the conservation area.

With further consideration on this matter following my initial comments that objected to and required further information, I am of the view that the principle of this development is not supportable from the standpoint of its unacceptably detrimental impacts on the Bowthorpe Conservation Area and no further information is required.

Proposed dwelling design: Whilst the scale and proportion of the proposed dwelling considered in isolation is not poor, the plans are somewhat limited in necessary detail. The proposed 2 storey dwelling is shown in a 'similar' style to that of the adjacent property on the immediate left (no's 34 and 36). However, it should be borne in mind the dangers of unsuccessful assimilation and sub-par quality of materials presents itself with the early C21 rendition of a 'similar' design opposite, without the necessary detail and quality of materials, should stand as a clear reference point for the importance of correct materials and detailing in conservation areas.

Further to the points raised above that object to the principle of development and associated impacts of a building situated substantially forward of the established building line. I am also of the view that the costs associated with building a dwelling that assimilates acceptably into its setting with substantial use of worked stone, high quality and detailed clay traditional brickwork, natural slate roofs and necessary decorative elements, would make this an unviable scheme in any event. To build in a truly complimentary style that would not stand out as the noticeably poor relation would be hugely expensive.

Conclusion: Following further consideration of this proposal, there is an in-principal objection to the loss of the suitably generous garden that the host building (a non-designated heritage asset) benefits from, the loss of the historic 'designed' layout of the site and surroundings and the harm to the character and appearance of the conservation area that would ensue.

Furthermore, there is a strong objection to the position of the proposed building set substantially forward of the established building line and resulting in an incongruous and dominant feature within the streetscene.

Finally, there is a strong presumption that a suitably detailed dwelling that would not stand out as a particularly inferior quality of appearance, is almost certainly unviable in this instance.

For the reasons set out above, there is a strong objection to the proposal on the basis that it would result in less than substantial harm to the character and appearance of the Bowthorpe Conservation Area (medium on the spectrum). The Council is bound by local and national policy and legislation to conserve and enhance conservation areas. This proposal is considered to do neither in this instance and therefore should meet a strong presumption for refusal in accordance with policy LP18 of the Fenland Local Plan (2014) and in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Finally, there are considered to be limited public benefits of this proposal and cannot be considered to outweigh the harm.

RECOMMENDATION: Refuse – Principle of development, dominant position of the building set forward of the established building line and considerable detrimental impacts on the character and appearance of the Bowthorpe Conservation Area

5.5 **CCC Archaeology**

The development lies in an area of archaeological potential to the east of the historic core of Wisbech. However due to the scale of the development and archaeological potential of the area, we do not consider archaeological intervention to be proportionate. Therefore, we have no objections or requirements for the scheme.

5.6 **CCC Highways**

Recommendation

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

Comments

The development benefits from an existing vehicle access with the highway. The proposed new access includes pedestrian visibility splays. Given the existing access layout of the host dwelling being of a similar nature and the quiet nature of the street, I would have no objects, in this instance.

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

Conditions
HW18A Visibility Splays
Prior to first use the visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the approved plans; The splays shall thereafter be maintained free from any obstruction exceeding 0.9m above the level of the adjacent highway carriageway.

5.7 **Wisbech Society**

No objections

5.8 **Local Residents/Interested Parties**

1 letter of objection has been received with regard to this application from an address point in Clarkson Avenue. The reasons for objection are summarised as follows:

- Impact on Conservation Area
- Out of Character
- Trees
- Water supply

8 letters of support have been received with regard to this application (1 from Tavistock Road, 1 from Waterless Road, 1 from Nelson Gardens, 1 from Blenheim Way, 1 from Hollycroft Road, 1 from Clarkson Avenue, 1 from Lynn Road and 1 from Trafford Park). The reasons for support are summarised as follows:

- Enhance the area

- Garden area
- Enhance the local community
- In keeping with surroundings

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).

6.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

7 POLICY FRAMEWORK

7.1 **National Planning Policy Framework (NPPF) 2024**
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 places
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
Chapter 15 – Conserving and enhancing the natural environment
Chapter 16 - Conserving and enhancing the historic environment

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

7.3 **National Design Guide 2021**
Context
Identity
Built Form

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
LP8 – Wisbech
LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
LP16 – Delivering and Protecting High Quality Environments across the District
LP18 – The Historic Environment
LP19 – The Natural Environment

7.5 **Emerging Local Plan**

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 49 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

LP1: Settlement Hierarchy
LP2: Spatial Strategy for the Location of Residential Development
LP5: Health and Wellbeing
LP7: Design
LP8: Amenity Provision
LP20: Accessibility and Transport
LP22: Parking Provision
LP23: Historic Environment
LP24: Natural Environment
LP25: Biodiversity Net Gain
LP32: Flood and Water Management

8 KEY ISSUES

- **Principle of Development**
- **Heritage and Visual Amenity of the Area**
- **Residential Amenity**
- **Highways and Parking**
- **Flood Risk**
- **Ecology**
- **Trees**
- **Biodiversity Net Gain (BNG)**

9 ASSESSMENT

Principle of Development

9.1 The application site is situated to the northeast of 11 Clarkson Avenue, within the market town of Wisbech. Policy LP3 of the Fenland Local Plan designates Wisbech as a Primary Market Town. The majority of the district's new housing, employment growth, retail growth and wider service provision should take place in these settlements. As such, the broad principle of development on the site is considered to be acceptable subject to further policy considerations outlined in the following assessment section.

9.2 The application site is also situated within a Conservation Area and therefore consideration needs to be given to the heritage impacts of the proposal.

Heritage and Visual Amenity of the Area

9.3 Policy LP16 and LP18 of the Fenland Local Plan support the principle of development subject to development respecting and enhancing the character and identity of the surrounding area and that the development does not have any adverse impacts on the surrounding Conservation Area.

9.4 The proposed dwelling would face onto Tavistock Road. The Tavistock Road frontage is formed by a late C19 wall with an outbuilding behind associated with the host dwelling fronting onto Clarkson Avenue.

9.5 The proposed dwelling on site would be a 2-storey detached dwelling, situated in close proximity to the back edge of the footpath (approximately 1.8 metres). The depth of the application site is approximately 15 metres and therefore it is unlikely that any other arrangement could be accommodated within the site without compromising on the provision of private amenity space to the rear.

9.6 Neighbouring properties to the north-west and north-east of the site also face onto Tavistock Road. These properties all however feature a clearance between the dwelling on site and the back edge of the footpath. The property immediately north-east of the site (No. 34) is situated approximately 5.2 metres from the back edge of the footpath. These surrounding properties are all 2-storey dwellings.

9.7 The FDC Conservation Officer highlights the sites' location within the Bowthorpe Conservation Area and acknowledges the high character significance and buildings of substantial architectural quality and detailing, which is indicative of the status of the area at the time of construction. They further note that the early C20 layout of this part of the Bowthorpe Conservation Area is important to how the area is appreciated, and the substantial plots are consistent with the substantial houses they serve. The proposed dwelling within the existing rear garden space associated with No. 11 would carve up the site, with the loss of the generous garden that the host building benefits from. The existing dwelling on site is a non-designated heritage asset and therefore the loss of the historic layout of the site poses harm to the character and appearance of the Conservation Area.

9.8 Furthermore, as aforementioned the dwelling on site would be situated in close proximity to the back edge of the footpath. The street pattern on the south-eastern side of Tavistock Road is consistent in terms of alignment with the dwellings at No. 34 and No. 36 being situated further back from the back edge of the footpath. The proposed dwelling would sit substantially further forward than the established building line, thus creating a prominent and dominant feature within the streetscene which would appear at odds with the surrounding character. If approved, the dwelling would create a significant incongruous feature which would be out of character with the early C20 surroundings.

9.9 The dwelling immediately opposite the site is acknowledged as having a more modern design with regard to the surrounding properties. However, it should be noted that the north-western side of Tavistock Road does not feature an established building line like that of the south-eastern side. In addition to this, the building is set further back into the site and obscured from view by large existing trees when looking both south-west and north-east. As such, it is not considered that the dwelling immediately opposite the site is comparable to the proposed dwelling on site.

9.10 The existing outbuilding within the site is a well detailed and interesting remnant of how these large dwellings and large gardens were laid out historically. However, considering that there are permitted development rights for the demolition of small out building structures not exceeding 115 cubic metres within conservation area, no objection can be raised to the demolition of the outbuilding.

9.11 To summarise, the introduction of a dwelling in such close proximity to the back edge of the footpath would introduce a visual change within the street and would appear significantly out of character with the street scene, creating a prominent and incongruous feature at odds with the prevailing character along the south-eastern side of Tavistock Road. The location of the proposed dwelling within existing garden land associated with No. 11 results in a loss of suitably generous garden land associated with a non-designated heritage asset and a loss of the historically designed layout of the site. As such, the proposal would fail to make a positive contribution to the local distinctiveness and character of the area and results in less than substantial harm to the character and appearance of the Bowthorpe Conservation Area. The proposal represents limited public benefit given that it is for the erection of a single dwelling and as such does not outweigh the harm introduced upon the Conservation Area.

9.12 The application is therefore considered contrary Policy LP16 and Policy LP18 in this regard.

Residential Amenity

9.13 Neighbouring properties are situated to the north-east (No. 34), south-east (No. 12) and south-west (No. 11) of the application site.

9.14 The proposed dwelling would be situated within existing garden land associated with No. 11, with a clearance of approximately 23.5 metres between the dwellings, which would ensure overbearing or overshadowing impacts are not introduced. There is no fenestration proposed on the south-west facing elevation of the dwelling and therefore no overlooking impacts to consider.

9.15 The rear elevation of the proposed dwelling would face onto private amenity space associated with No. 12. Whilst the proposed dwelling would be visible to the neighbouring property, it is unlikely to introduce any overbearing impacts due to the proposed private amenity space proposed between the dwelling itself and the north-western boundary of No. 12. Similarly, the proposed dwelling would unlikely introduce any adverse overshadowing impacts given the direction of sun travel from east to west. There is one first-floor window proposed to the rear elevation of the proposed dwelling, which would serve a bathroom. This window would be obscure glazed and therefore would not introduce any adverse overlooking impacts. There are also 2 roof lights proposed to the rear roof slope of the dwelling. These roof lights would not overlook the rear garden of No. 12.

9.16 The closest neighbouring property would be No. 34, which would be situated approximately 5.2 metres from the side elevation of the proposed dwelling. The principle elevation of the building would be set further forward than the neighbouring property and thus would be somewhat visible from the front windows of the neighbouring property. However, given the clearance between the properties it is unlikely that any significant overbearing impacts would be introduced. Given the location of the dwelling and the direction of sun travel, there may be some slight overshadowing as a result of the proposed dwelling, however these impacts would predominantly fall upon the highway and therefore would not introduce any significant adverse impacts. One first-floor window is proposed to serve the en-suite, however this would be obscure-glazed and therefore would not introduce any adverse overlooking impacts.

9.17 As such, it is unlikely that the proposed dwelling would introduce any significant impacts upon surrounding residential amenity.

9.18 In terms of residential amenity for future occupiers, Policy LP16 of the Fenland Local Plan states that development should set aside at least 1/3 of the site for private amenity space. The application form states that the site measures 296 square metres. The private amenity space proposed to the rear of the site measures approximately 100 square metres and therefore complies with the requirements of Policy LP16.

9.19 Upon consultation with the FDC Environmental Health team, no objections were raised to the development on site. The comments did recommend conditions should permission be granted, including a working times condition. However, given that the application is for a single dwellinghouse, it is not considered reasonable to include such condition.

9.20 As such, the development is considered to be compliant with Policy LP16 in this regard.

Highways and Parking

9.21 The development would be accessed via a new access which includes pedestrian visibility splays. Upon consultation with CCC Highways, no objections have been raised to the proposed access as it would be of a similar nature to existing vehicle arrangements. A visibility splays condition has been suggested should permission be granted.

9.22 In terms of parking, tandem parking is proposed to the north-east of the dwelling, serving 2 spaces. Appendix A states that 2 on site parking spaces should be provided for dwellings with up to 3 bedrooms. Whilst no on site turning is provided, tandem parking is commonplace within the street scene and therefore is considered to be acceptable in this instance.

9.23 As such, there are no issues to address with regards to Policy LP15.

Flood Risk

9.24 The proposal is located within Flood Zone 1 and issues of surface water disposal will be considered under Building Regulations. The comments raised by the neighbouring property are acknowledged, however water supply would be considered under Building Regulations.

Ecology

9.25 An Ecological Impact Assessment has been submitted as part of this application. Consultations were undertaken with CCC Ecology however no response has been received.

9.26 The submitted report notes that the garage building was assessed as having negligible potential for bats, with no roosting opportunities noted. The outbuilding was classed as having low suitability on the basis that the potential is not negligible because there were raised pantiles. However, there were no signs under lifted tiles when inspected and it is our professional opinion that the risk of potential impact from the proposals upon the conservation status of bats is

negligible. The risk of potential impact of the proposals upon roosting bats is also negligible.

9.27 The Assessment states that works can proceed without further survey, however does suggest that if work has not commenced by October 2026 then further surveys should be undertaken. No other protected species were assessed as being present on site.

9.28 The Assessment also sets out mitigation measures to be adopted within the development which can be conditioned should permission be granted. The Assessment also sets out suggested enhancements (bat tube and bird boxes) which could also be conditioned.

9.29 As such, there are no issues to address with regard to Policy LP19.

Trees

9.30 The application has been accompanied by an Arboricultural Impact Assessment which identifies the tree constraints in relation to the proposal. Upon consultation with the FDC Arboricultural Officer, no objections were raised to the scheme subject to the submission of a tree protection method statement prior to works commencing on site. The comments received from the Arboricultural Officer raise no objection to the removal of T4. The comments also acknowledge no objection to the removal of T1, albeit this is situated outside of the red line boundary of the application site, within the rear garden of No. 11 and therefore would require separate tree works consent given its location within the Conservation Area. The comments suggest that a replacement tree is conditioned to be planted.

Biodiversity Net Gain (BNG)

9.31 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.

9.32 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.

10 CONCLUSIONS

10.1 The introduction of a dwelling in such close proximity to the back edge of the footpath would introduce a visual change within the street and would appear significantly out of character with the street scene, creating a visually prominent and incongruous feature at odds with the prevailing character along the south-eastern side of Tavistock Road.

10.2 The location of the proposed dwelling within existing garden land associated with No. 11 also would result in a loss of suitably generous garden land associated with a non-designated heritage asset and a loss of the historically designed layout of the site, thus adversely impacting upon the character of the Conservation Area.

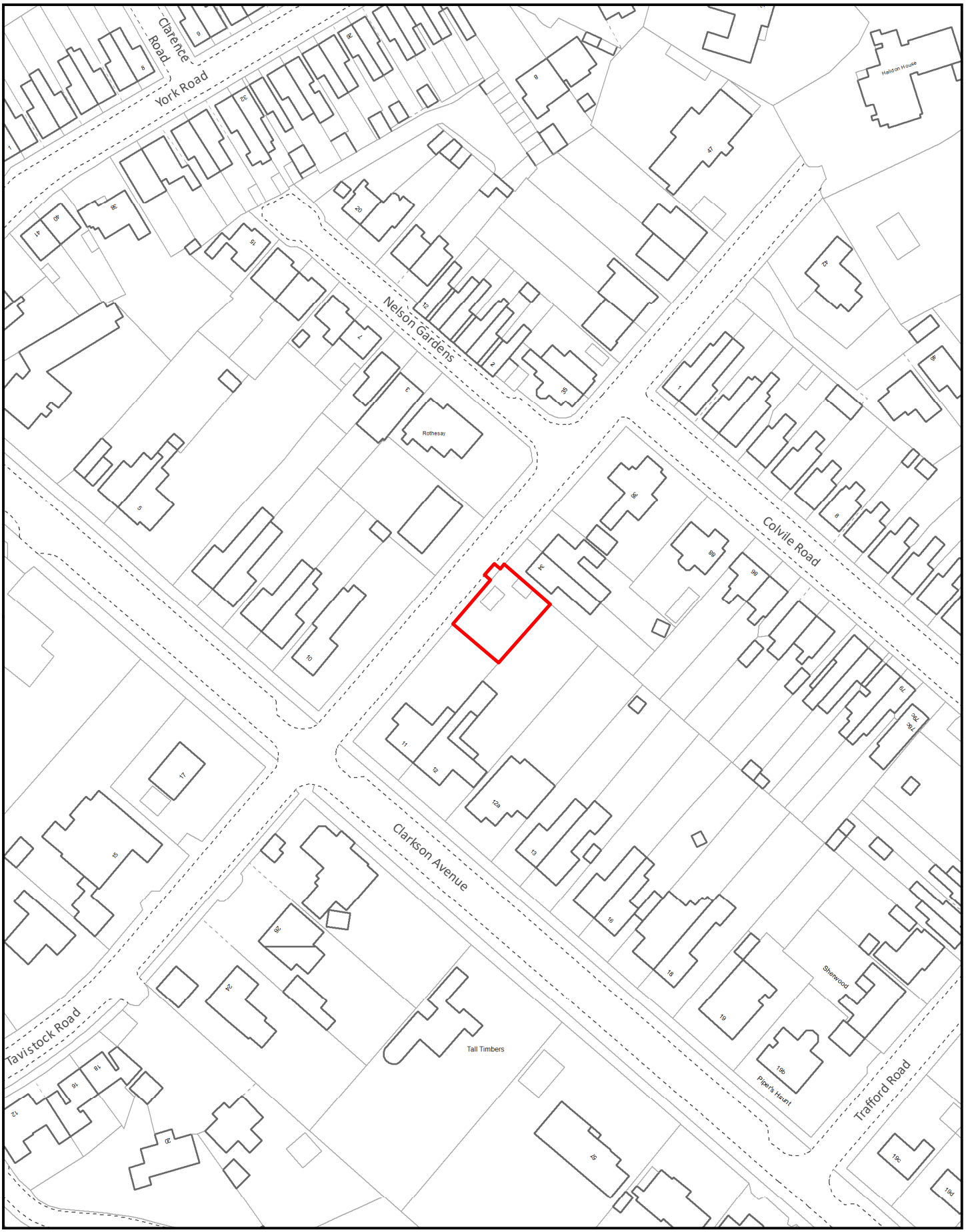
10.3 The proposal represents limited public benefit given that it is for the erection of a single dwelling and as such does not outweigh the harm introduced upon the Conservation Area.

10.4 As such, the proposal would fail to make a positive contribution to the local distinctiveness and character of the area and results in an adverse impact upon the character and appearance of the Bowthorpe Conservation Area and therefore would be contrary Policies LP16 part (d) and LP18 of the Fenland Local Plan 2014.

11 RECOMMENDATION

11.1 **Refuse;** for the following reason:

1	Policy LP16 part (d) and Policy 18 of the Fenland Local Plan 2014 seeks to ensure that proposals make a positive contribution to the local distinctiveness and character of the Conservation Area and that the character of the local built environment informs the layout and features of proposed development. The introduction of a dwelling in such close proximity to the back edge of the footpath would introduce a visual change within the street and would appear significantly out of character with the street scene, creating a visually prominent and incongruous feature at odds with the prevailing character along the south-eastern side of Tavistock Road. The location of the proposed dwelling within existing garden land associated with No. 11 results in a loss of suitably generous garden land associated with a non-designated heritage asset and a loss of the historically designed layout of the site. As such, the proposal would fail to make a positive contribution to the local distinctiveness and character of the area and results in an adverse impact upon the character and appearance of the Bowthorpe Conservation Area and therefore would be contrary Policies LP16 part (d) and LP18 of the Fenland Local Plan 2014.



Created on: 08/05/2024

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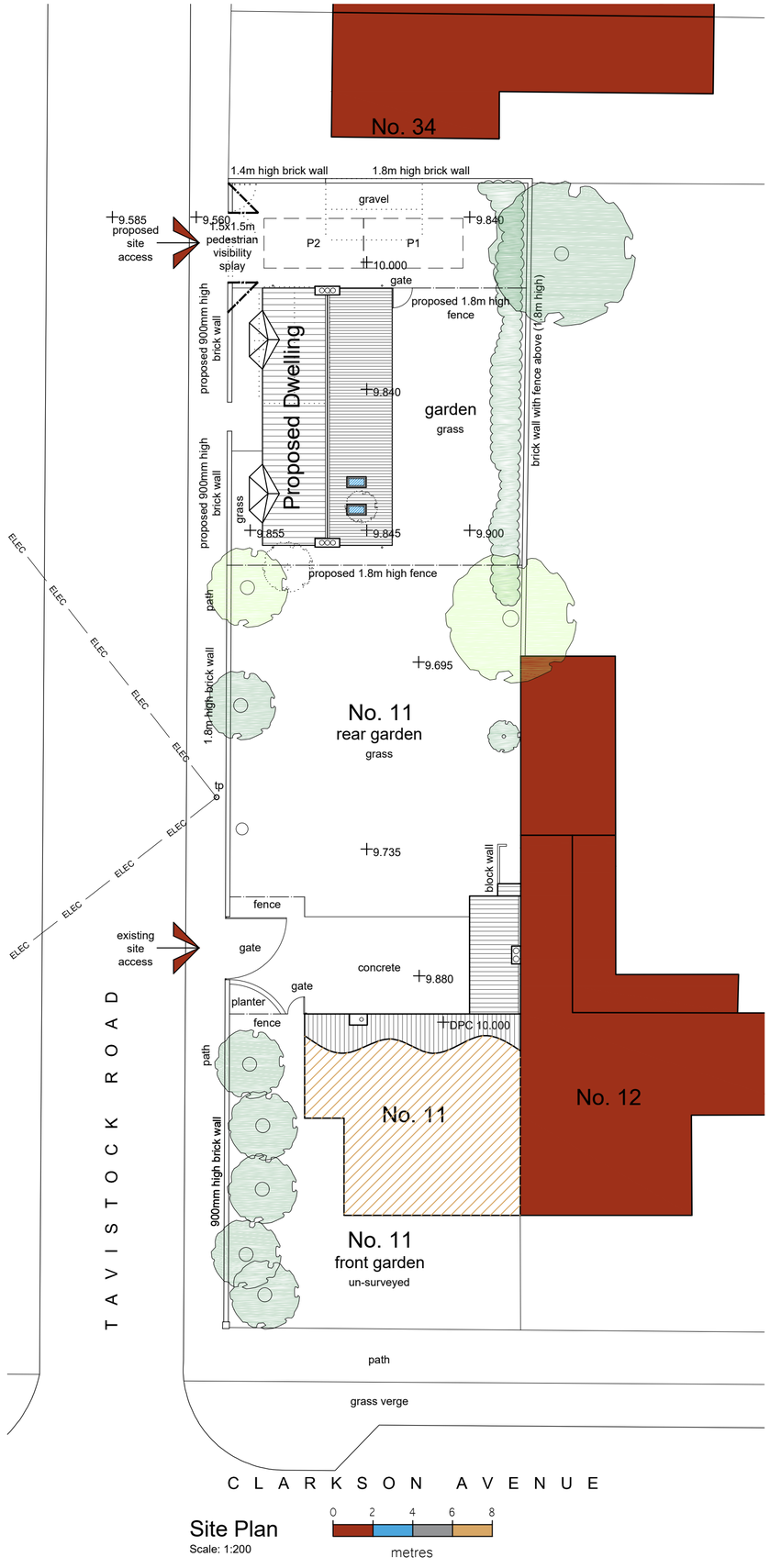
Fenland CAMBRIDGESHIRE

Fenland District Council



Site Plan
Scale: 1:200

Location Plan
Scale: 1:1250

SITE PLAN KEY

- Indicates surveyed buildings
- Indicates features to be demolished
- Indicates un-surveyed buildings on site
- Indicates site access
- Indicates un-surveyed buildings taken from OS map
- Indicates position of surveyed trees, hedging and planting
- Indicates approximate position of un-surveyed trees, hedging and planting

General Notes

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

Status

FOR APPROVAL

SWANN EDWARDS ARCHITECTURE

Swann Edwards Architecture Limited, Black Barn, Fen Road, Guyhirn, Wisbech, Cambs. PE13 4AA
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Job Title
Proposed Dwelling, Land to the Rear of 11 Clarkson Avenue, Wisbech, PE13 2EN
For: Mr Hammond

Drawing Title
Planning Drawing
Site and Location Plan

Date: December 2023	Drawn by: BR
	Checked by: GE
Job No.: SE-2045	Sheet Size: A2
Dwg No.: PP1000	Revision: A

Swann Edwards Architecture Limited ©

Street Scene
Scale 1:100

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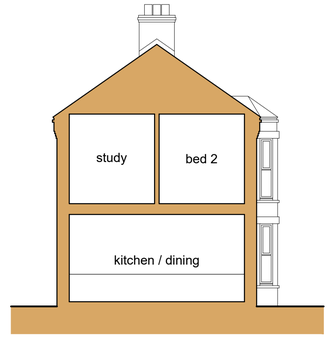
metres



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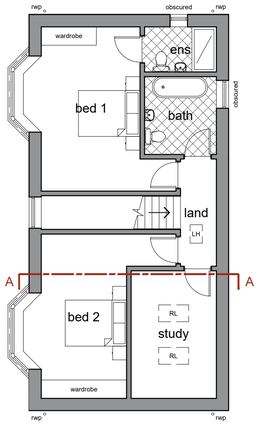

First Floor Plan
Scale 1:100

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Front Elevation (NW)
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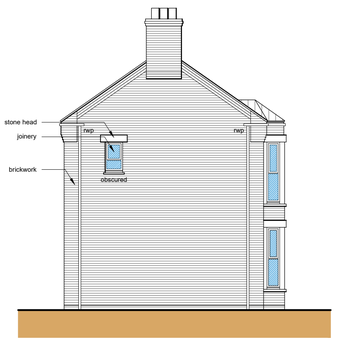
metres



Side Elevation (NE)
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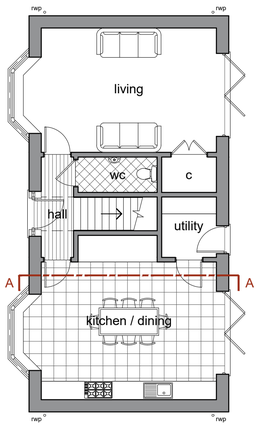
metres



Ground Floor Plan
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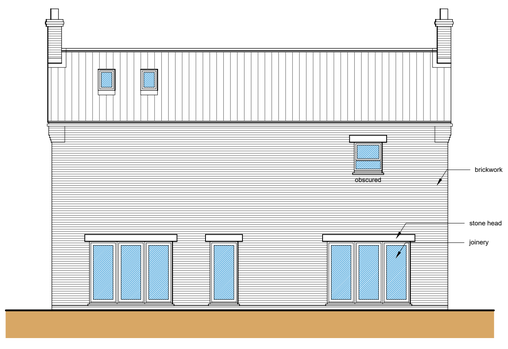

Rear Elevation (SE)
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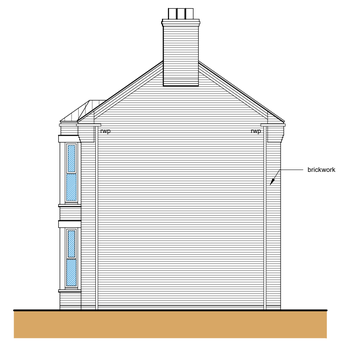
metres



Side Elevation (SW)
Scale 1:100

0 1 2 3 4
metres

General Notes

1. All dimensions are shown in 'mm' unless otherwise stated.
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3. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and specifications.
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Status

FOR APPROVAL

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

Job Title
Proposed Dwelling, Land to the Rear of 11 Clarkson Avenue, Wisbech, PE13 2EN
For: Mr Hammond

Date	Drawn by
December 2023	BR
	Checked by GE

Drawing Title
Planning Drawing
Floor Plans, Elevations and Sections

Job No.	Sheet Size
SE-2045	A1
Dwg No. PP1100	Revision B

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F/YR24/0845/FDC

Applicant: Fenland District Council **Agent : Mrs Rebecca White Rhochi Architecture & Design Ltd**

Land North Of 84 Upwell Road Access From, Smiths Drive, March, Cambridgeshire

Erect 1x dwelling (single-storey 2-bed)

Officer recommendation: Refuse

Reason for Committee: Referred by Head of Planning on advice of Committee Chairman

Government Planning Guarantee

Statutory Target Date For Determination: 16 December 2024

EOT in Place: Yes

EOT Expiry: 19 February 2025

Application Fee: £578

Risk Statement:

This application must be determined by 19th February 2025 otherwise it will be out of time and therefore negatively affect the performance figures.

1 EXECUTIVE SUMMARY

1.1 This application is a full application for the erection of 1 dwelling on Land North of 84 Upwell Road accessed from Smiths Drive, March.

1.2 Due to the constrained nature of the site, the proposal results in a development at odds with the prevailing form of development which consists of 2-storey dwellings. The proposal would consequently create an incongruous and unattractive feature which fails to demonstrate that it makes a positive contribution to the local distinctiveness and character of the area and will ultimately have an adverse impact on the street scene and is therefore contrary to the requirements of policy LP16 of the Fenland Local Plan (2014)

1.3 As such, the application is recommended for refusal.

2 SITE DESCRIPTION

2.1 The application site is a parcel of land 395m^2 in extent, located to the rear of the dental surgery at 84 Upwell Road and to the south of a row of 5 terraced dwellings at Nos. 56 to 64 Smiths Drive, laid out on a north-south axis. The site is presently used as a formal parking area. The site is devoid of any noticeable vegetation and is generally flat.

2.2 A footpath runs along the western side of the site providing pedestrian access from Upwell Road to Smiths Drive. Alongside the northern part of the site is a legal right of way providing access to the rear of the properties at Nos 56 to 64 Smiths Drive.

2.3 There is an electricity substation to the west of the site.

2.4 The site is within Flood Zone 1 (low risk).

3 PROPOSAL

3.1 This application seeks full planning permission for the erection of 1x dwelling (single-storey 2-bed).

3.2 The footprint of the dwelling would be 8 x 9 metres. The roof proposed would be hipped with an eaves height of 2.25 metres and a ridge height of 4.8 metres.

3.3 2 parking spaces are proposed to the north of the dwelling, with turning space to the west. Private amenity space would be situated to the west of the dwelling.

3.4 The materials proposed include a red facing brick and a concrete red profile tile.

3.5 Full plans and associated documents for this application can be found at: https://www.publicaccess.fenland.gov.uk/publicaccess/

4 SITE PLANNING HISTORY

Reference	Description	Decision
F/YR22/1190/FDC	Erect a dwelling (outline application with matters committed in respect of access)	Withdrawn 27/04/2023
21/0058/PREAPP	Erect 1x dwelling	Not favourable 27/05/2021

5 CONSULTATIONS

5.1 March Town Council

Recommendation; Approval

5.2 FDC Environmental Health

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

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

No construction work shall be carried out and no plant or power operated machinery operated other than between the following hours: 08:00 hours and 18:00 hours on Monday to Friday, 08:00 hours and 13:00 hours on Saturday and

at no time on Sundays, Bank or Public Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.

5.3 **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.

Comments

The dwelling is proposed to be located on a private car parking area. As far as can be determined form the site boundary plan there is no works proposed to the highway to facilitate this development. The access road leading to the property is on private land and does not form part of the adopted highway. There has been no information on who uses the car park or if this development is permitted, where any vehicles currently using this area would be dispersed to i.e. on-street parking. As such Fenland District Council is the planning and parking authority they should ensure they are satisfied with the parking arrangements for this property and any vehicles currently parking in this location.

Informatives

Works in the Public Highway This development may involve works to be complete from 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.

5.4 **Local Residents/Interested Parties**

Three letters of objection were received with regard to this application from address points at Elwyn Road, Upwell Road and Smiths Drive. The reasons for objection are summarised as follows:

- Public safety
- Vehicles parking on public highway
- Doesn't overcome reasons for previous refusal
- Access

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) 2024**
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Chapter 12 – Achieving well-designed places

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LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
LP4 – Housing
LP9 – March
LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
LP16 – Delivering and Protecting High Quality Environments across the District

7.5 **March Neighbourhood Plan 2017**
H2 – Windfall Development
H3 – Local Housing Need

7.6 **Emerging Local Plan**
The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 49 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

LP1: Settlement Hierarchy
LP2: Spatial Strategy for the Location of Residential Development
LP4: Securing Fenland's Future
LP5: Health and Wellbeing
LP7: Design
LP8: Amenity Provision
LP12: Meeting Housing Needs
LP20: Accessibility and Transport
LP22: Parking Provision
LP25: Biodiversity Net Gain

8 KEY ISSUES

- **Principle of Development**
- **Impact on Character and Amenity**

- **Residential Amenity**
- **Access and Parking**
- **Flood Risk**
- **Biodiversity Net Gain (BNG)**

9 BACKGROUND

9.1 As detailed within the planning history section, application reference F/YR22/1190/FDC was withdrawn in April 2023.

9.2 The application was an outline application for the erection of a dwelling with matters committed in respect of access only. The application was heard at Planning Committee on 26th April 2023 and was recommended for refusal as per the officer's recommendation. The reason for refusal was as follows:

Policy LP16 (d) of the Fenland Local Plan (2014) requires that development demonstrates that it makes a positive contribution to the local distinctiveness and character of the area, enhancing its local setting, responding to and improving the character of the local built environment and does not adversely impact on the street scene or landscape character of the surrounding area. The proposal is for the construction of a single dwelling on the land, with indicative plans showing a single-storey detached dwelling.

Due to the constrained nature of the site, the proposal results in a development at odds with the prevailing form of development which consists of 2-storey dwellings. The proposal would consequently create an incongruous and unattractive feature which fails to demonstrate that it makes a positive contribution to the local distinctiveness and character of the area and will ultimately have an adverse impact on the street scene and is therefore contrary to the requirements of policy LP16 of the Fenland Local Plan (2014).

9.3 Pre-application advice was also sought in May 2021 for the erection of 1 dwelling. The pre-application response noted that the site does not appear to be of a sufficient size to enable the required amenity space, parking and turning and would therefore fail to achieve a high-quality environment. The pre-application concluded that the scheme was unlikely to receive support from officers.

10 ASSESSMENT

Principle of Development

10.1 The main policy documents which are relevant to the consideration of the application are the Fenland Local Plan 2014 and the March Neighbourhood Plan 2017.

10.2 In terms of the Fenland Local Plan, the scheme will in principle accord with Policy LP3 given that March is identified as one of the market towns where the majority of the district's new housing should be focussed. It is however necessary to demonstrate that there will be no harm arising to the visual amenity of the area or residential amenity with regard to Policy LP16. In addition, it is necessary to demonstrate there is safe access to the site (Policy LP15), that the scheme is acceptable in flood risk (Policy LP14) and that there are no other site constraints which will render the scheme unacceptable.

Impact on Character and Amenity

10.3 Policy LP16 of the Fenland Local Plan (2014) is the primary policy governing the impact of development on its surroundings, requiring proposals to be able to demonstrate that they make a positive contribution to the local distinctiveness and character of the area.

10.4 Given the location of the site, the dwelling will be visible from Smiths Drive which is characterised by 2-storey dwellings. The dwellings immediately north of the application site along Smiths Drive are a row of 2-storey terraced dwellings. The scheme proposes a single-storey dwelling which will, in respect of scale appear at odds with this prevailing character in the immediate vicinity of the site. The overall proportions of the built structure are also at odds with the surrounding area given that the proposed roof would be hipped, whereas the row of terraced dwellings immediately north of the site and the dwellings within the wider street scene along Smiths Drive feature a pitched roof design. The resulting dwelling would consequently appear out of character with its surroundings. Due to the constrained nature of the plot this is considered to be only realistic form of development which could be achieved on the site.

10.5 The proposed site plan acknowledges application reference F/YR24/0372/F which is situated to the south-west of the application site and would be accessed by Upwell Road. This dwelling is single-storey, however has a ridge height of 6.7 metres which isn't significantly lower than the neighbouring dwellings on Upwell Road. As the dwelling faces onto Upwell Road, it is not considered that this application could be comparable to the dwelling proposed under this application.

10.6 The application is therefore considered to be contrary to Policy LP16 given that it fails to make a positive contribution to the local distinctiveness and character of the surrounding area.

Residential Amenity

10.7 Criterion a) of policy H2 of the March Neighbourhood Plan requires that the proposal will not result in unacceptable impact on levels of light, privacy and private amenity space for the occupants of the proposed dwellings. In addition, it states that the impact of proposals on existing neighbouring properties will be assessed against policy LP16 of the Local Plan.

10.8 Policy LP2 of the Local Plan states that development proposals should positively contribute to creating a healthy, safe and equitable living environment by, inter alia, promoting high levels of residential amenity.

10.9 Policy LP16 of the Local Plan requires that development proposals meet, inter alia, the following criteria:

- Does not adversely impact on the amenity of neighbouring users such as noise, light pollution, loss of privacy and loss of light.
- Provides sufficient private amenity space, suitable to the type and amount of development proposed; for dwellings other than flats, as a guide and depending on the local character of the area, this means a minimum of a third of the plot curtilage should be set aside as private amenity space.

10.10 Neighbouring residential properties are situated to the north, east and west of the application site with the dental surgery to the south. Given the single-storey nature of the development, it would unlikely introduce any adverse overlooking impacts. The rear of the site is proposed to be enclosed via a 1.8 metre close boarded fence which would also obscure the view of the proposed windows.

10.11 Similarly, given the single-storey nature of the dwelling and the separation from neighbouring properties, it is unlikely to introduce any adverse overbearing or overshadowing impacts upon neighbouring properties.

10.12 In terms of residential amenity space for future occupiers, the submitted site plan details that the private amenity space would have an area of 128m^2. Compared to the total site area (358m^2), this private amenity space would be in excess of 1/3 of the site.

10.13 Therefore in terms of residential amenity, the scheme is considered to comply with Policy H2 of the March Neighbourhood Plan 2017 and Policy LP16 of the Fenland Local Plan 2014.

Access and Parking

10.14 Access will be achieved by using the existing access from Smiths Drive, an unclassified road to the north. Given that the site, and adjacent site, are used for informal car parking the development of the site to provide one dwelling will lead to a reduction in traffic movements to the site, albeit there could be a displacement of parking due to the loss of the site.

10.15 The proposed site plan details the provision of 2 tandem parking spaces which would have a depth of 10 metres and width of 2.5 metres. Tandem parking is commonplace along Smiths Drive and is therefore not considered to be unacceptable in this location.

10.16 The existing pedestrian access to the rear of properties at Nos. 56 to 64 Smiths Drive will be retained.

10.17 Based on the above there are no matters arising that indicate that planning permission should be withheld on the grounds of Policy LP15 of the Fenland Local Plan and Policy H2 (c) of the March Neighbourhood Plan in so far as they are related to parking, access and highway safety.

Flood Risk

10.18 The application site is situated within Flood Zone 1 and therefore issues of surface water disposal will be considered under Building Regulations.

Biodiversity Net Gain (BNG)

10.19 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.

10.20 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 development is de-minimis for the purposes of BNG.

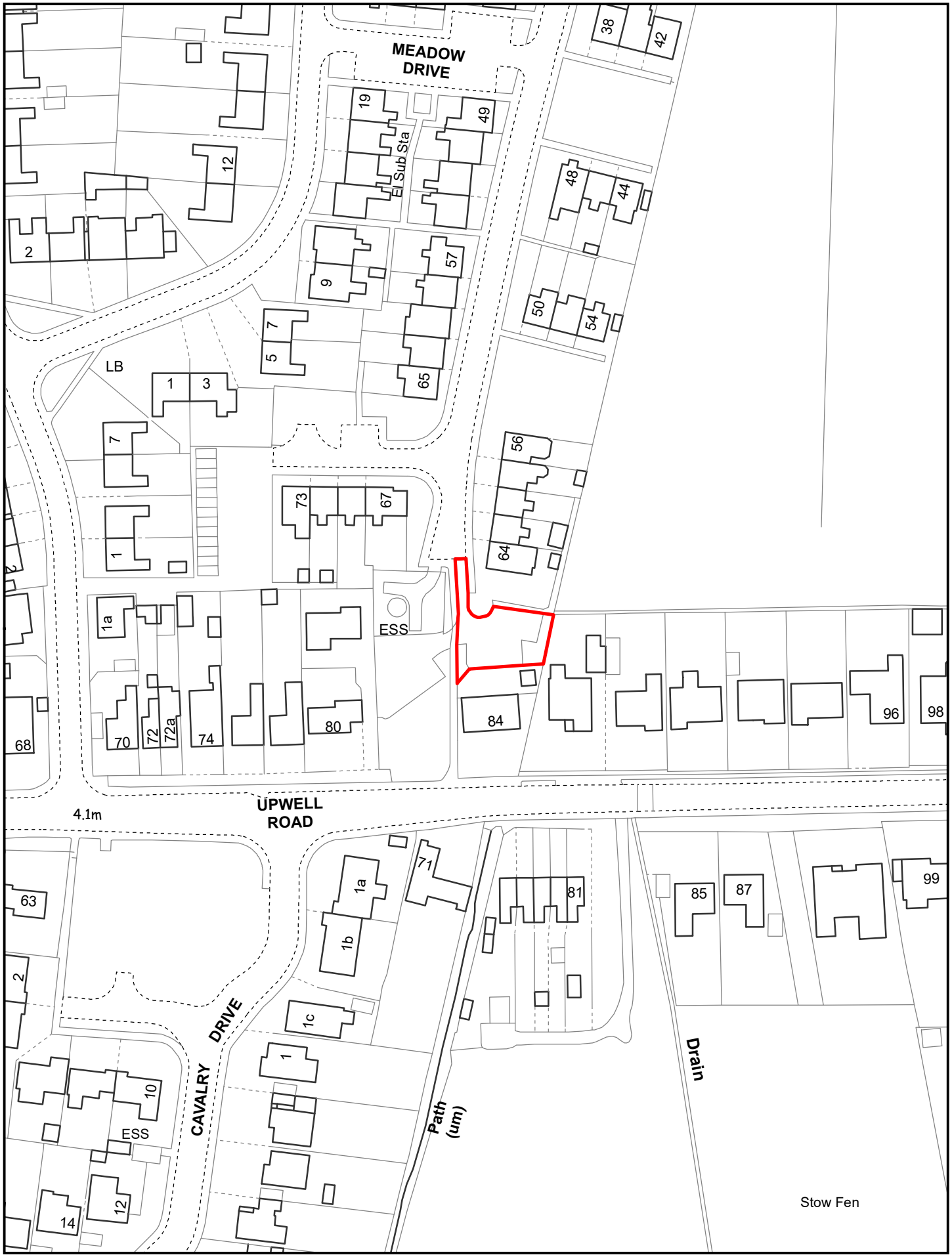
11 CONCLUSIONS

11.1 The proposal is located on a relatively constrained site that would impact on the character and appearance of the proposal to construct a dwelling on the land in such a way that it would detract from the distinctive character and appearance of the surrounding area, contrary to Policy LP16. There are no material considerations that outweigh the harm identified as being caused by the proposal in relation to the above matters sufficient to justify its approval contrary to the aforementioned policy.

12 RECOMMENDATION

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

1	Policy LP16 (d) of the Fenland Local Plan (2014) requires that development demonstrates that it makes a positive contribution to the local distinctiveness and character of the area, enhancing its local setting, responding to and improving the character of the local built environment and does not adversely impact on the street scene or landscape character of the surrounding area. The proposal is for a single-storey detached dwelling. Due to the constrained nature of the site, the proposal results in a development at odds with the prevailing form of development which consists of 2-storey dwellings. The proposal would consequently create an incongruous and unattractive feature which fails to demonstrate that it makes a positive contribution to the local distinctiveness and character of the area and will ultimately have an adverse impact on the street scene and is therefore contrary to the requirements of policy LP16 of the Fenland Local Plan (2014)



Created on: 22/10/2024	F/YR24/0845/FDC	N	Fenland CAMBRIDGESHIRE Fenland District Council
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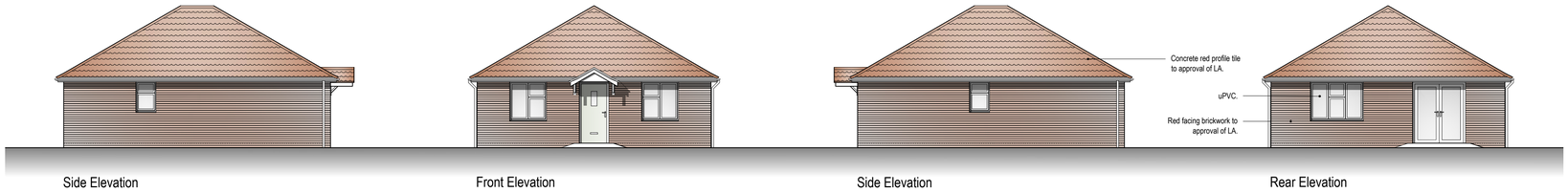
All dimensions to be checked on site and any discrepancies to be reported.
Units shown are in 'mm' unless otherwise stated.



Side Elevation | Front Elevation | Side Elevation | Rear Elevation

Elevations - As Proposed

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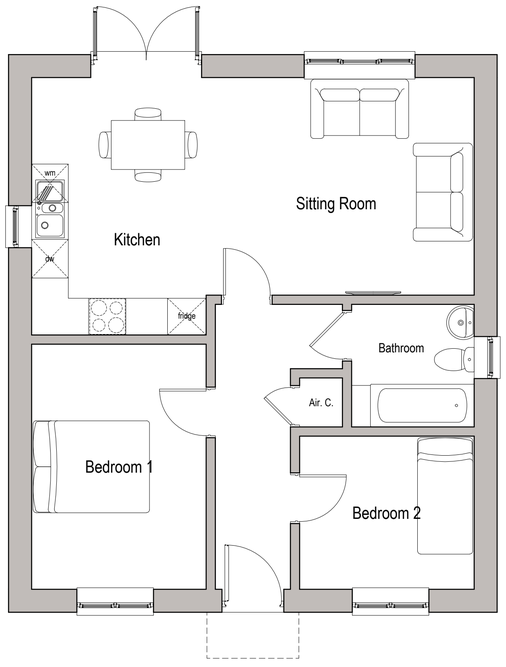
scale - 1:100



Floor Plan - As Proposed

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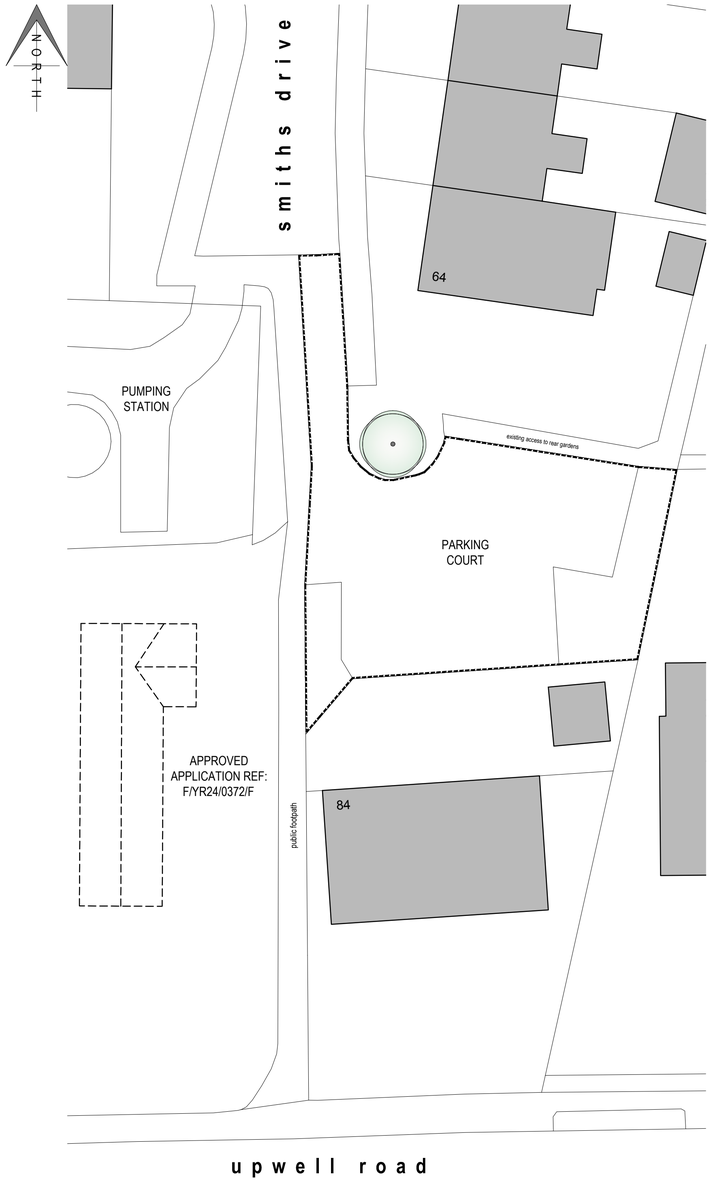
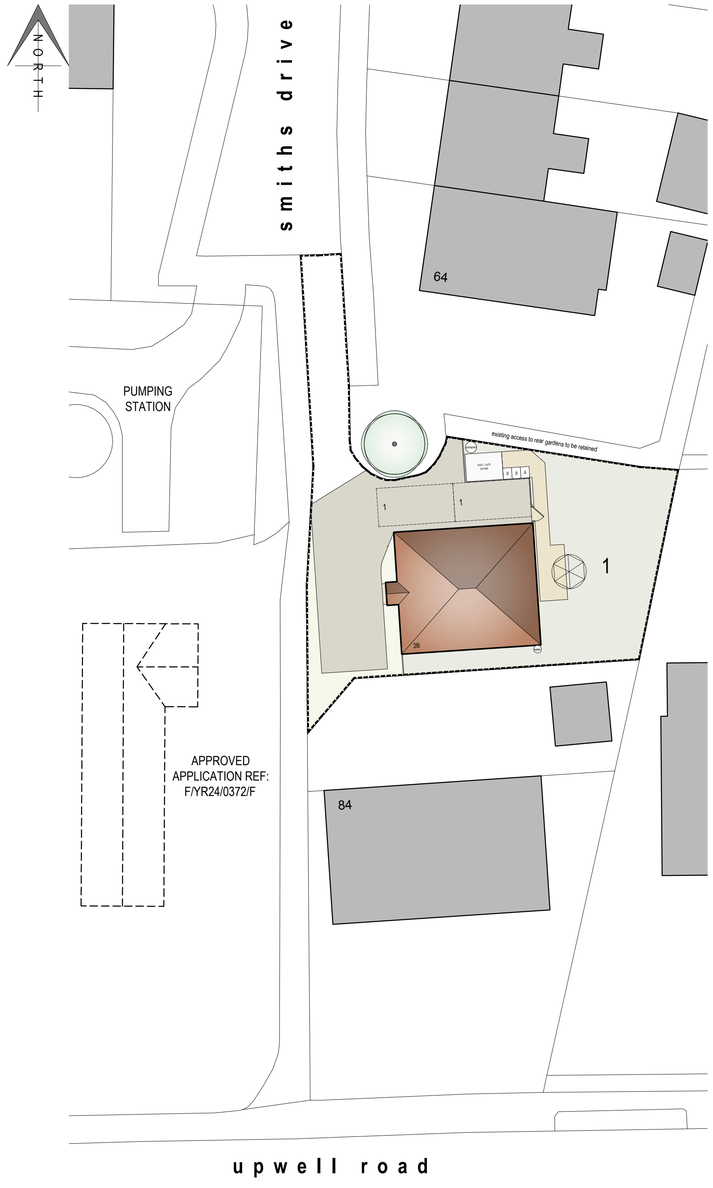
scale - 1:50



Site Plan - As Existing

0 2 4 6 8 10m
scale - 1:200



Site Plan - As Proposed

0 2 4 6 8 10m
scale - 1:200

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Location Plan

0 1 2 5 10 12.5m
scale - 1:250

Key

- Existing access and rights of way retained.
- New driveway and parking.
- New private footpaths and patio.
- Rear garden - turf.
- Front garden - soft landscaping.
- Existing tree - indicative size and location.
- Fencing - 1.8m high close boarded timber fence.
- Fencing - 1.0m high railings.
- Garden - 6' x 8' timber shed with cycle storage.
- Garden - Three wheeled bins inline with LA Refuse Scheme.
- Garden - Compost Bin.
- Garden - Water Butt.
- Garden - Washing Line.

Development Summary

House Type: 2 bed 3 person
Gross Internal Floor Area: 60m²

Site Area: 358m²
Private Amenity: 128m²
Parking: 2 Spaces + Cycle Storage in Shed

P R O J E C T :
Proposed New Dwelling at Land to Rear of 84 Upwell Road, March
for Fenland District Council

D R A W I N G T I T L E :
PLANNING SUBMISSION
As Existing Site Plan and As Proposed Site Plan, Floor Plan and Elevations

D A T E : July 24

S C A L E : Var @ A1

S H E E T : FD-188-P01

R E V : A

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All dimensions to be checked on site and any discrepancies to be reported.
Units shown are in 'mm' unless otherwise stated.

Street Elevation - As Proposed

0 1 2 3 4 5m

scale - 1:100

PROJECT:	DRAWING TITLE:	DATE:	SCALE:	SHEET:	REV:
Proposed New Dwelling at Land to North of 84 Upwell Road, March for Fenland District Council	PLANNING SUBMISSION Proposed Street Elevation	Aug 24	1:100 @ A3	FD-188-P02	-

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F/YR24/0879/O

Applicant: Mr Jack Shepherd

Agent : Swann Edwards
Swann Edwards Architecture Limited

Garden Land At Honeybank, Second Drove, Swingbrow, Chatteris, Cambridgeshire

Erect up to 1no self build dwelling (outline application with all matters reserved)

Officer recommendation: Refusal

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

Government Planning Guarantee

Statutory Target Date For Determination: 27 December 2024

EOT in Place: Yes

EOT Expiry: 12 February 2025

Application Fee: £1156

Risk Statement:

This application must be determined by 12 February 2025 as it will be out of time and therefore negatively affect the performance figures.

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1 EXECUTIVE SUMMARY

1.1 The proposed dwelling is to be located in the open countryside. Policy LP3 of the Fenland Local Plan supports development in the open countryside ('Elsewhere') where it is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. The proposal fails to demonstrate that the development is essential for any of the operations as identified in Policy LP3 and therefore would result in unwarranted residential development in an unsustainable location contrary to Policy LP3 of the Fenland Local Plan (2014).

1.2 The Cambridgeshire Flood and Water SPD 2016 and Policy LP14 (Part B) of the Local Plan requires development in Flood Zone 3 to undergo a sequential test to demonstrate that the development cannot be delivered elsewhere in the area at lower risk areas of flooding. Policy LP2 seeks to deliver high quality environments, ensuring that people are not put at identified risks from development thereby avoiding adverse impacts in the interests of health and wellbeing. The site lies within Flood Zone 3 which is a high risk flood area. The applicant has failed to undertake a substantive and evidenced sequential test and has therefore failed to demonstrate that the development could not be delivered in an area of lower flood risk, thereby failing LP14 (Part B). Consequently, the proposal fails to satisfy policy LP2 of the Fenland Local Plan as it fails to deliver a high quality environment and unjustifiably puts future occupants at higher risk of flooding.

1.3 Policy LP15 requires all development with transport implications to identify deliverable mitigation measures and secure arrangement for their implementation in order to make the development acceptable in transport terms. A swept path analysis is required to demonstrate that the application site can be accessed safely from both directions. The lack of a tracking analysis means that the application fails to demonstrate that a safe and suitable access can be delivered to serve the development and as such the proposal fails to satisfy Policy LP15 of the Fenland Local Plan (2014).

1.4 The Local Planning Authority recommendation is one of **refusal**.

2 SITE DESCRIPTION

2.1 The site is located with the open countryside, off Second Drove and fronting Forty foot Bank . The site at the time of the officer site visit appeared to have been used as a garden and was overgrown and unkempt. Subsequently the site has been cleared, a boundary fence now surrounds the site, and a concrete pad has been constructed to the northern rear of the site with a package treatment plant adjacent. This is a matter which the Council's Planning Enforcement team are aware of.

2.2 There is a small group of historic residential properties located to the west, east and north of the site. Ramsey Forty Foot Drain is located beyond Forty Foot Bank to the south of the site. Beyond the vicinity of the site is open land in arable use. The land levels differ from the road at Forty Foot Bank significantly and are lower into the site. The site lies within Flood Zone 3 and is within a Flood Warning Area. The nearest area of potential surface water flood risk on the Environment Agency mapping, is an area of low flood risk to the east, in the rear garden of 4 Forty Foot Bank.

3 PROPOSAL

3.1 This application seeks outline planning permission (with all matters reserved) for a dwelling on land at Honeybank, Swingbrow, Second Drove, Chatteris. An indicative site plan has been submitted which appears to show a chalet bungalow and a detached garage. No elevational drawings have been supplied. An indicative site access to the property is shown at the south-west corner of the plot.

3.2 The application has been amended to seek to address access concerns expressed by Cambridgeshire County Council Highways.

3.3 Full plans and associated documents for this application can be found at: https://www.publicaccess.fenland.gov.uk/publicaccess/

4 SITE PLANNING HISTORY

Reference	Description	Decision
F/1108/88/O	Erection of one bungalow on garden Adj Honeybank Swingbrow Forty Foot Bank Chatteris	Refused – 10th November 1988
F/1486/89/O	Erection of a bungalow and improvement to access roadway	Approved – 17th October 1990
F/93/0503/O	Erection of a bungalow and improvement to access roadway	Approved – 9th December 1993
F/96/0552/O	Erection of a bungalow and improvement to access roadway	Approved – 4th December 1996
F/99/0641/O	Erection of a bungalow and improvement to access roadway	Approved – 29th November 1999
F/YR02/0856/O	Erection of a bungalow and improvement to access roadway	Approved – 6th September 2002
F/YR04/4240/O	Erection of a bungalow and improvement to access roadway	Approved – 5th January 2005
F/YR16/0157/O	Erection of a dwelling (Outline application with all matters reserved)	Approved – 27th April 2016

5 CONSULTATIONS (summarised)

5.1 Chatteris Town Council – 5th December 2024

Support

5.2 Middle Level Commissioners Internal Drainage Board

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 Commissioners' 20m 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 Commissioners maintained watercourse, or within the Commissioners' maintenance strip, requires the Commissioners' 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. Further information on this and other development control issues can be on our website: Consents & Byelaws – Middle Level

5.3 Environment Agency

We have no objection to the proposed development on flood risk grounds but wish to make the following comments:

We consider that the main source of flood risk at this site is associated with watercourses 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.

5.4 Environmental Health

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

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

No construction work shall be carried out and no plant or power operated machinery operated other than between the following hours: 08:00 hours and 18:00 hours on Monday to Friday, 08:00 hours and 13:00 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.

5.5 Cambridgeshire County Council Highways – 17th December 2024

Recommendation

The applicant is referred to the previous consultation of the Local Highway Authority dated 9th December, which still requires attention.

Comments

Following the previous consultation response, dated 9th December, revised site location and visibility splay drawings have been submitted. It is accepted that the proposed junction arrangement will achieve the acceptable visibility splays, however, whilst egress from the site can be achieved in either direction, it is the responsibility of the applicant to demonstrate that the junction can be accessed from either direction from Forty Foot Bank.

Further consideration will be given to this application following the receipt of swept path analysis which demonstrates that this site can be suitably accessed from either direction from Forty Foot Bank. Should the tracking demonstrate that the access arrangement is unsuitable, it will be the responsibility of the applicant to amend the width and alignment of the access arrangement accordingly.

5.6 **Local Residents/Interested Parties**

Supporters

There have been 13 letters (three from Forty Foot Road and one from Second Drove in the vicinity of the site, with two comments received from residents of March Road and Chapel Lane in Wimblington and further letters from Curf Fen Drove, Farriers Gate, Millfield Close and Pound Road in Chatteris, New Street in Doddington, Glebe Close in Manea and Millfield Close in March) supporting the application on the following grounds:

- There has been no recent flooding in the area.
- The dwelling will transform an area of neglect.
- The land is going to waste.
- The land has being laying dormant for over thirty years.
- The proposed design will contribute positively to the area.
- The proposal will not be out of character as there are houses either side.
- It will complete a line of homes.
- The proposal will benefit my business.
- The dwelling is for a young family.
- This dwelling will help someone get on the property ladder.

Representations

Two representations have been received from Forty Foot Road, Chatteris raising the following issues:

- Manoeuvrability on and around the site.
- Access must not be hampered during construction.

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF) 2024
Chapter 2 - Achieving sustainable development
Chapter 5 – Delivering a sufficient supply of homes
Chapter 9 – Promoting sustainable transport
Chapter 12 – Achieving well-designed places
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

National Planning Practice Guidance (NPPG)
Determining a Planning Application

National Design Guide 2021
Context
Identity
Built Form
Homes and Buildings

Fenland Local Plan 2014
LP1 – A Presumption in Favour of Sustainable Development
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
LP4 – Housing
LP5 – Meeting Housing Need
LP12 – Rural Areas Development Policy
LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
LP16 – Delivering and Protecting High Quality Environments across the District

Delivering and Protecting High Quality Environments in Fenland SPD 2014
DM3 – Making a Positive Contribution to Local Distinctiveness and character of the Area
DM6 – Mitigating Against Harmful Effects

Cambridgeshire Flood and Water SPD 2016

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 49 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
LP13: Custom and Self Build
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

8 KEY ISSUES

- **Principle of Development**
- **Layout and Design**
- **Impact on Residential Amenity / Land Users**
- **Highway Safety and Parking**
- **Flooding Considerations / Drainage**
- **Biodiversity Net Gain (BNG)**

9 BACKGROUND

9.1 A number of outline applications for a dwelling on this site were made and approved between 1988 and 2004. A further application for an outline dwelling was made under reference F/YR16/0157/O. This application was assessed under the current Fenland Local Plan (2014) and was refused due to the site being an Elsewhere Location, lack of a sequential test, lack of a biodiversity study and the need to materially amend the access onto Forty Foot Bank to facilitate adequate access and visibility.

10 ASSESSMENT

Principle of Development

10.1 The site is located within an area known as Swingbrow, which for planning policy purposes is designated as open countryside. Policy LP3 of the Local Plan establishes a settlement hierarchy for the district, defining market towns and various categories of villages. The site falls in none of these, and the Policy states that development elsewhere will be restricted to specified categories of development i.e. agriculture. The proposal would not amount to any of these categories and it therefore follows that the proposal would be in obvious and significant conflict with Policy LP3. It would also conflict with the NPPF (2024), which at Paragraph 83 states: *To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.* There are no local services within walking distance of the site. Paragraph 84 states that:

10.2 *Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
c) the development would re-use redundant or disused buildings and enhance its immediate setting;

d) the development would involve the subdivision of an existing residential building; or

e) the design is of exceptional quality, in that it:

i) is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

ii) would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

10.3 The proposal as submitted meets none of the above criteria. Whilst the site is not physically isolated given the proximity of other dwellings it is functionally isolated as it is located away from established settlement, is not served by a footpath and has no services in the vicinity. Therefore, the principle of development in this location is not supported by local or national planning policy.

Layout and Design

10.4 The application has been made in outline form (with all matters reserved); as such the external appearance and scale have been reserved for subsequent consideration. It is accepted that the principle of developing the site would not have an adverse character impact, due to the nearby dwellings, and there not being a requirement to materially raise finished floor levels. An indicative footprint has been provided, which would appear to suggest an appropriate scale of development for the size of the plot. However, a determination as to whether the external appearance is in keeping with that of the surrounding area cannot be made as no indicative elevational drawings have been provided.

Impact on Residential Amenity / Land Users

10.5 The application has been made in outline form (with all matters reserved); as such the external appearance and scale have been reserved for subsequent consideration. Notwithstanding the principle of developing the site (as discussed above), the site could potentially accommodate a two-storey development. However, careful consideration would be required to provide a development which would be sympathetic to the bungalow at 4 Forty Foot Bank to the east, and the two storey dwelling at 6 Forty Foot Bank to the west. It is considered that the site could accommodate a dwelling without compromising the amenity of neighbouring dwellings, and as such would comply with Policy LP16 in this respect.

Highway Safety and Parking

10.6 Although 'access' has not been committed, the amended location plan shows the red development boundary line around the existing vehicular access which appears to serve 4 and 6 Forty Foot Bank, as well as Bumble Cottage, Second Drove. The speed limit along this section of the Forty Foot Bank is 50mph and there are no footpaths. The Highway Authority has advised that improvements to the existing access and visibility splays (2.4m x 215m) would be required in order to make the development acceptable. The improvements include widening and re-aligning the existing access to ensure that vehicles accessing the site from a westerly direction can do so safely.

10.7 Following amendments to address the above the matters a further response was received from the Highway Authority dated 17th December 2024 stating: *Further consideration will be given to this application following the receipt of swept path analysis which demonstrates that this site can be suitably accessed from either direction from Forty Foot Bank. Should the tracking demonstrate that the access*

arrangement is unsuitable, it will be the responsibility of the applicant to amend the width and alignment of the access arrangement accordingly.

10.8 The applicant's agent confirmed on 2nd January 2025 that they were not prepared to make further amendments if the application was likely to be refused and wished for this matter to be conditioned should the application be approved. This approach is considered unacceptable as Policy LP15 of the Fenland Local Plan (2014) states that any development that has transport implications will not be granted planning permission unless deliverable mitigation measures have been secured which will make the development acceptable in transport terms. Currently the Local Planning Authority has insufficient evidence to demonstrate that the site can be safely accessed and a such planning permission cannot reasonably be granted.

Flooding Considerations / Drainage

10.9 The application site and surrounding area lies entirely within Environment Agency (EA) Flood Zone 3. A Flood Risk Assessment accompanies the application, proposing finished floor levels of 500mm, which has been accepted by the EA. However, they do advise consultation with the Internal Drainage Board and implementation of a Sequential Test.

10.10 As the site is located in Flood Zone 3, the approach of the supporting planning documents is not to rely on mitigation measures in areas at high risk of flooding, but instead to make development safe and therefore direct new development away from such areas. For that reason, the proposal is required to be subjected to the Sequential Test to establish whether there are reasonably available sites with Zone 1 (and Zone 2 if no land is available in Zone 1). The guidance states that the developer should justify, with evidence, what area of search has been used. There is no evidence within the submitted sequential test that an area of search has been identified. The text within the Sequential Test states: *Large parts of Fenland District Council between the River Nene and River Great Ouse, around the towns of March and Chatteris, lie in Flood Zone 3. As such the opportunities to undertake the development at an alternative site within Flood Zone 1 are limited….. The Fenland Local Plan defines the housing distribution for new dwellings across the District. Within the district there is a target of 11,000 new dwellings over the period from 2011 to 2031. The proposed development will provide wider sustainability benefits by meeting the demand for rural housing.*

10.11 The above text is not considered to demonstrate that the application site meets the Sequential Test. The area known as Swingbrow is entirely within Flood Zone 3. The Local Planning Authority stance on developments in the open countryside is that the suitability for development should be assessed district wide under the sequential test. In the absence of the submission of such information the application is clearly contrary to Policy LP14 in this regard and the Sequential Test has not been passed. The submitted FRA Argues that the need to provide 11,000 homes across the district between 2011 and 2031, as well as the need to provide rural housing means that the application delivers wider sustainability benefits which would presumably be deemed to meet the requirements of the exception test. Notwithstanding that the Local Planning Authority can currently demonstrate a Five Year Housing Land Supply, the SPD is clear that to pass the exception test, wider sustainability benefits over and above the delivery of the housing itself should be delivered. No other sustainability benefits are proposed as part of the application. It is therefore considered that this application fails to pass both the sequential and exceptions test.

Self-Build / Custom Build Properties

10.12 Policy LP5, Part C seeks to provide, in appropriate circumstances, housing solutions that meet market expectations including self build homes, which is supported by Para 63 of the NPPF (2024). Under Section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand. Weight would therefore be given to this, the amount dependant on identified demand.

10.13 The proposal is for self/custom build dwellings, however the Council can currently demonstrate that the number of permissions given for self/custom builds exceeds identified demand, and as such very limited weight can therefore be reasonably afforded to the delivery of this form of housing when determining the application.

Biodiversity Net Gain (BNG)

10.14 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.

10.15 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 nature of the development being self / custom build is exempt from statutory net gain.

11 CONCLUSIONS

11.1 The proposed scheme is considered to be unacceptable for a number of reasons. Firstly by virtue of its location in the open countryside, the proposal would not be close to any existing facilities, and the occupant would likely have to rely on private transport to access the nearest facilities and services.

11.2 Secondly, the site is located within Flood Zone 3 and no evidenced argument has been given within the Sequential Test to demonstrate that there are no sequentially preferable sites in the vicinity.

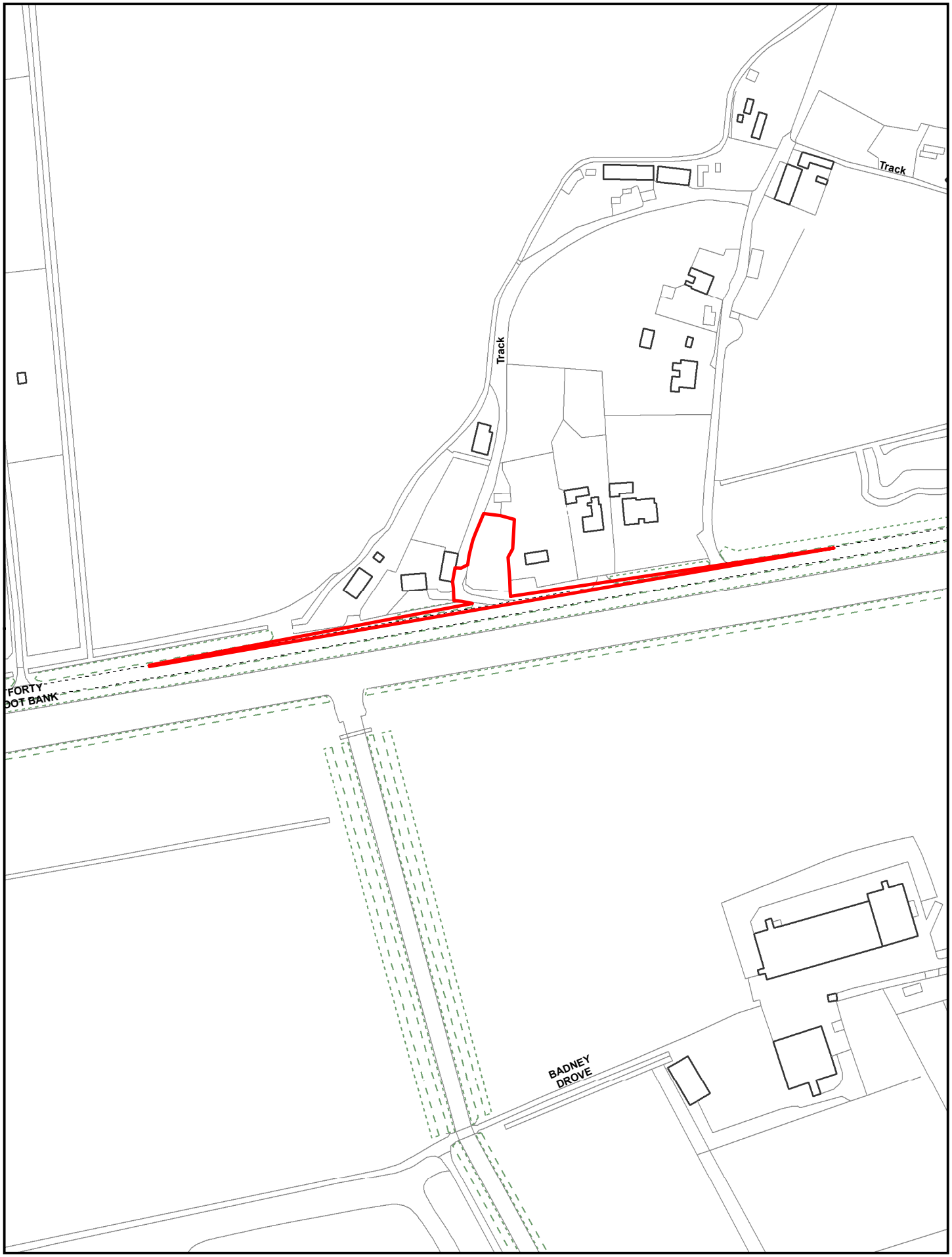
11.3 Finally, the scheme also requires improvements to the existing access to ensure that an acceptable development could be achieved from a highway safety perspective. A swept path analysis has not been submitted to demonstrate that vehicles entering the site from the west will not be encroaching onto the opposite side of highway at Forty Foot Bank.

11.4 The application is therefore not considered to accord with Policies LP1, LP3, LP4, LP5, LP12, LP14, LP15 and LP16 of the Fenland Local Plan (2014), as well as Sections 2, 5, 9, 12 and 14 of the National Planning Policy Framework (2024).

12 RECOMMENDATION

Refuse; for the following reasons:

1	The proposed dwelling is to be located in the open countryside. Policy LP3 of the Fenland Local Plan supports development in the open countryside ('Elsewhere') where it is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. The proposal fails to demonstrate that the development is essential for any of the operations as identified in Policy LP3 and therefore would result in unwarranted residential development in an unsustainable location contrary to Policy LP3 of the Fenland Local Plan (2014).
2	The Cambridgeshire Flood and Water SPD 2016 and Policy LP14 (Part B) of the Local Plan requires development in Flood Zone 3 to undergo a sequential test to demonstrate that the development cannot be delivered elsewhere in the area at lower risk areas of flooding. Policy LP2 seeks to deliver high quality environments, ensuring that people are not put at identified risks from development thereby avoiding adverse impacts in the interests of health and wellbeing. The site lies within Flood Zone 3 which is a high risk flood area. The applicant has failed to undertake a substantive and evidenced sequential test, and has therefore failed to demonstrate that the development could not be delivered in an area of lower flood risk, thereby failing LP14 (Part B). Consequently, the proposal fails to satisfy policy LP2 of the Fenland Local Plan as it fails to deliver a high quality environment and unjustifiably puts future occupants at higher risk of flooding.
3	Policy LP15 requires all development with transport implications to identify deliverable mitigation measures and secure arrangement for their implementation in order to make the development acceptable in transport terms. A swept path analysis is required to demonstrate that the application site can be accessed safely from both directions. The lack of a tracking analysis means that the application fails to demonstrate that a safe and suitable access can be delivered to serve the development and as such the proposal fails to satisfy Policy LP15 of the Fenland Local Plan (2014).



Created on: 12/11/2024

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Scale = 1:2,500

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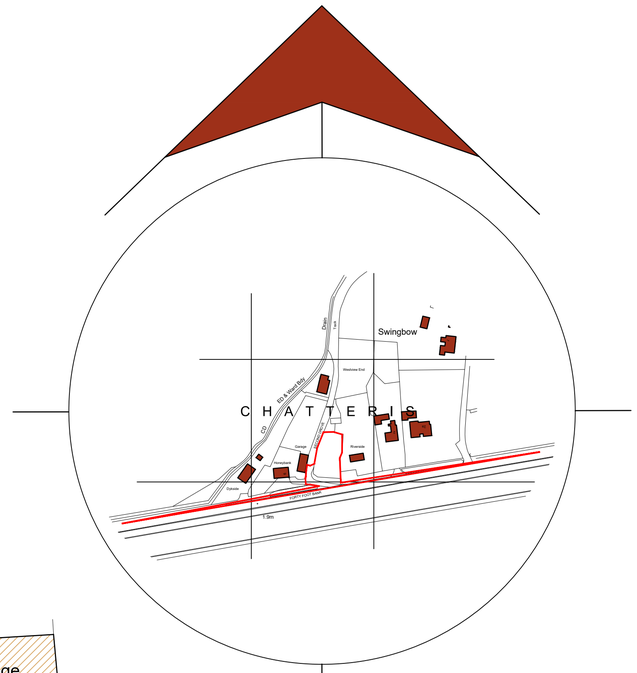
Fenland
CAMBRIDGESHIRE
Fenland District Council

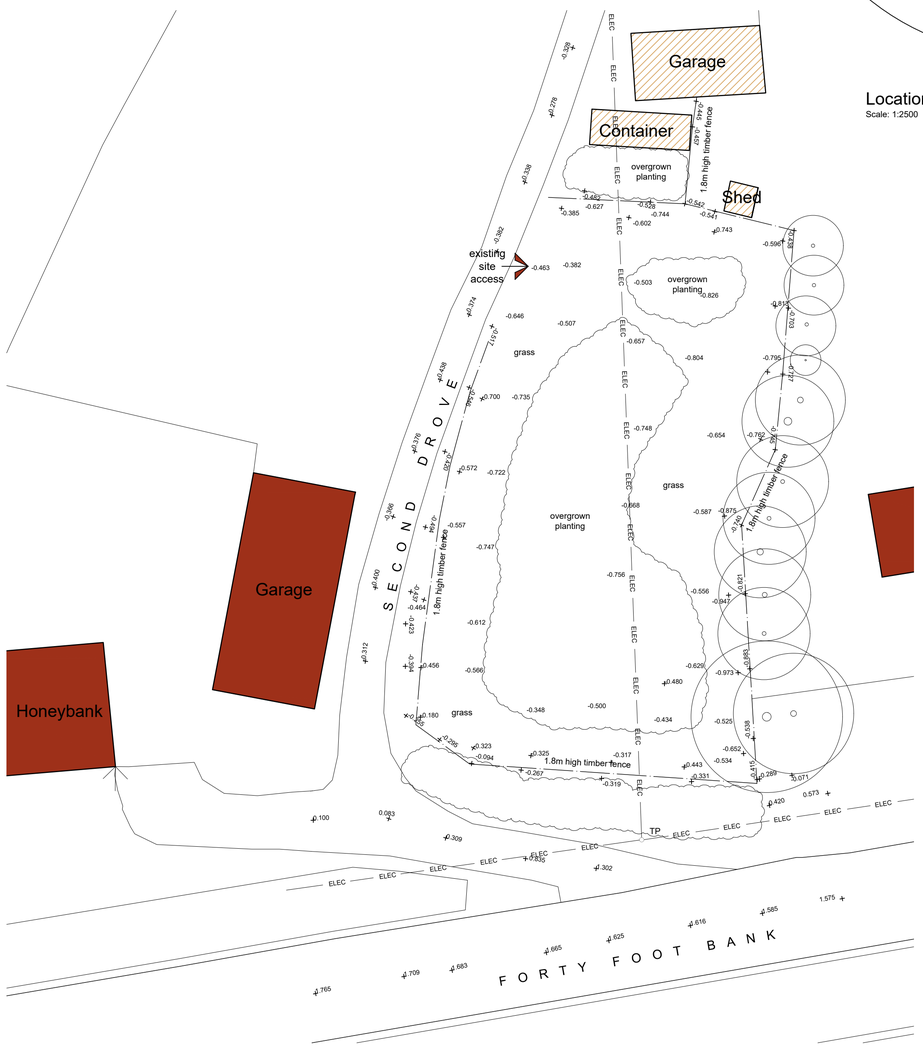


Location Plan
Scale: 1:2500

0 25 50 75 100
metres

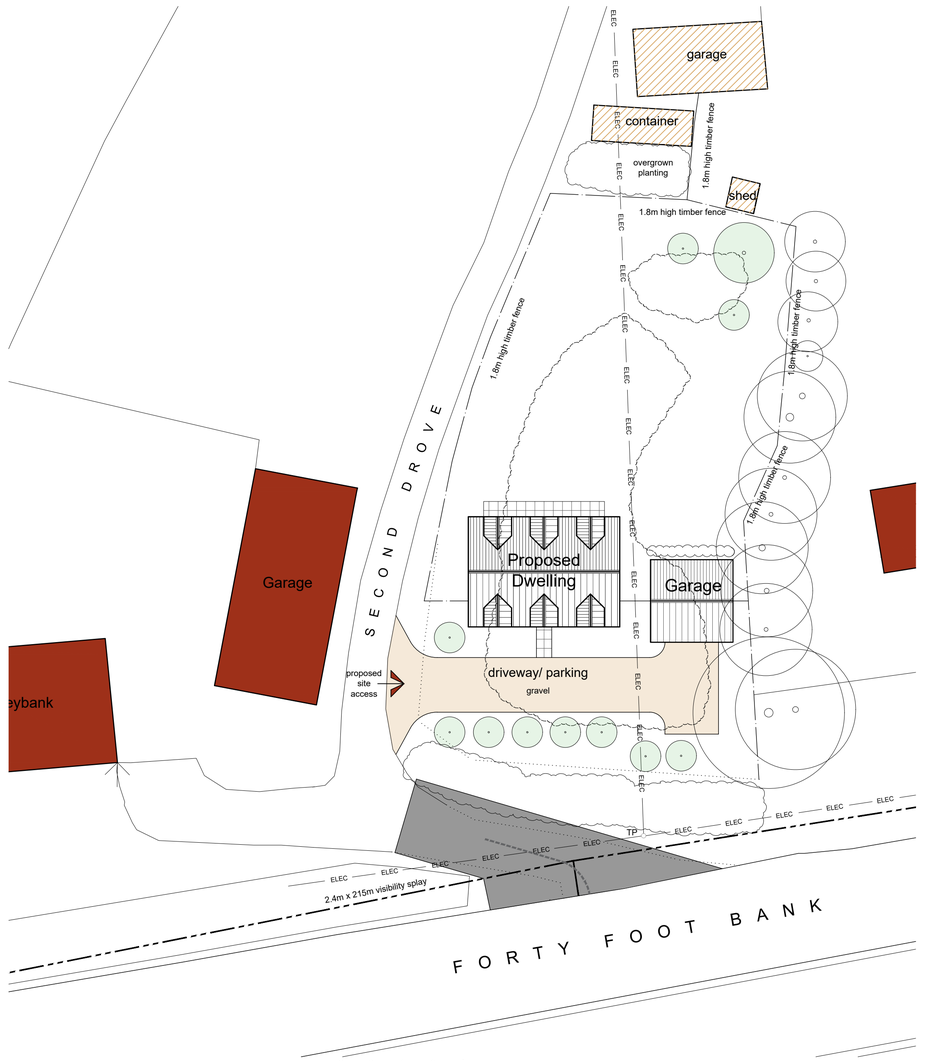
SITE PLAN KEY

- Indicates proposed dwelling
- Indicates surveyed buildings
- Indicates un-surveyed buildings taken from OS map
- Indicates position of surveyed trees, hedging and planting
- Indicates site access
- Indicates levels on site taken from datum (e.g. -0.557, -0.747)
- Indicates proposed trees, hedging and planting
- Indicates proposed gravel
- Indicates proposed paving
- Indicates features to be demolished
- Indicates widening at entrance 5m wide x 10m long. Construction to be to Cambridgeshire County Council Construction Specification. Drained away from highway



Existing Site Plan
Scale: 1:200

0 2 4 6 8
metres



Proposed Indicative Site Plan
Scale: 1:200

0 2 4 6 8
metres

General Notes

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

Revisions

A	NOV 2024	Location plan amended
B	NOV 2024	Entrance widened
C	DEC 2024	Entrance realinged and visibity splay amended

Status

PLANNING

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Job Title
Proposed New Dwelling
Honeybank, Swingbow,
Chatteris, PE16 6UQ
For: Mr J Shepherd

Date: August 2024
Drawn by: BR
Checked by: IG

Drawing Title
Planning Drawing
Existing Site Plan and
Proposed Indicative Site Plan

Job No.: SE-2143
Sheet Size: A1
Dwg No.: P1000
Revision: C

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F/YR24/0968/O

Applicant: Mr Heval Sevhat

Agent : Mr Nigel Lowe
Peter Humphrey Associates Ltd

Land South West Of The Orchards, Gull Road, Guyhirn, Cambridgeshire

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

Officer recommendation: Refuse

Reason for Committee: Parish Council comments contrary to Officer recommendation

1 EXECUTIVE SUMMARY

1.1. The proposal seeks outline planning permission with all matters reserved for the erection of 4no. dwellings.

1.2. As per previous applications on the site, the proposal is considered to be unacceptable in principle by virtue of it resulting in the loss of an important green space in the village. This would subsequently result in a detrimental impact on the landscape character of the area.

1.3. Further this, the application is not supported by sufficient information to fully and positively assess the ecological implications of the development, by virtue of the absence of additional surveys suggested by the Preliminary Ecological Appraisal.

1.4. Notwithstanding this, the application is considered to be acceptable in other regards.

1.5. Overall, the proposal is considered to be unacceptable in planning terms for the aforementioned reasons, contrary to Policies LP12, LP16 and LP19 of the Fenland Local Plan. It is accordingly recommended that planning permission is refused in this instance.

2 SITE DESCRIPTION

2.1. The application relates to a 0.49-hectare (approx.) site, which forms part of a parcel of green space, situated to the west of the B1187 (Gull Road) and segregated as an ‘island’ bounded by Gull Drove to the south, west and north. The site has previously been used for the dumping of waste materials, which have subsequently been covered. More recently, the site has been left as grassland/paddock area.

2.2. The site is an area of rough grass land with a number of trees and hedges present around its boundary. There is residential development present on the other side of Gull Drove.

2.3. The site is located in Flood Zone 1 and is at very low risk of surface water flooding.

3 PROPOSAL

3.1. The proposal seeks outline planning permission with all matters reserved for the erection of 4no. dwellings.

3.2. The application is supported by an indicative site layout plan identifying the dwellings as fronting onto Gull Road with access onto Gull Road provided by a new access located centrally within the site. A new footpath is also shown indicatively, beginning at the access point and extending south to connect with Gull Drove.

3.3. Further to this, additional paddock areas are shown to be provided for plots 2, 3 & 4 within the blue lined land area, immediately to the south and west of the application site.

4 SITE PLANNING HISTORY

F/YR17/0203/O	Erection of 7no dwellings (Outline with all matters reserved)	Refused 21.06.2017
F/YR17/0974/O	Erection of up to 5no dwellings (Outline with all matters reserved)	Refused 07.12.2017
F/YR18/0653/O	Erection of up to 3 x dwellings (outline application with all matters reserved) including the formation of 3 x new accesses	Refused 13.09.2018
F/YR22/0739/F	Erect 1x dwelling (3-storey 5-bed) and poly-tunnel	Refused 13.10.2022

5 CONSULTATIONS

5.1. Wisbech St Mary Parish Council

Approval - subject to a 40 MPH speed limit being implemented from the current 40 MPH limited and extended past Gull Road to encompass this development. Cllrs would also like to see a footpath created as part of this approval to allow residents to safely access public transport in Guyhirn and the school. Finally, as part of the approval Cllrs advised there should be suitable flood measures put in place as recommended in the reports provided

5.2. Environment & Health Services (FDC)

No objections subject to conditions

5.3. North Level Internal Drainage Board

The Board has no objections in principle to the above planning application.
It has been noted that soakaways are indicated as the preferred method of surface water disposal and the applicant is asked to show that soakaway drainage would be effective.

5.4. Cambridgeshire County Council Highways Authority

No objections in principle, subject to suitable detail being provided at Reserved Matters stage

5.5. Natural England

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

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.

5.6. Local Residents/Interested Parties

Objectors

One letter of objection was received from a resident of Gull Road in Guyhirn, raising the following points:

- The previous use of the site was landfill, but it has not been possible to determine the exact nature of materials disposed of at the site.
- Concerns that the tests required to determine nature of contamination would pose a risk to the neighbourhood.
- Several applications on the site have been refused previously.
- The site is prone to flooding.
- The proposal would have an impact on the character of the local environment.
- Precedent for further development on the site.

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 S (2021).

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF) 2024
Chapter 2 - Achieving sustainable development
Chapter 4 – Decision-making
Chapter 5 – Delivering a sufficient supply of homes
Chapter 8 – Promoting healthy and safe communities
Chapter 9 – Promoting sustainable transport
Chapter 11 – Making effective use of land
Chapter 12 – Achieving well-designed 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

Nature
Uses
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
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

Delivering and Protecting High Quality Environments in Fenland SPD 2014
DM3 – Making a Positive Contribution to Local Distinctiveness and character of the Area

Cambridgeshire Flood and Water SPD 2016

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 49 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
LP20: Accessibility and Transport
LP22: Parking Provision
LP24: Natural Environment
LP32: Flood and Water Management
LP33: Development on Land Affected by Contamination
LP61: Residential site allocations in Guyhirn

8 KEY ISSUES

- **Principle of Development**
- **Character and Appearance**
- **Residential Amenity**
- **Flood Risk and Drainage**
- **Biodiversity Impact**
- **Contamination**
- **Highway Safety and Parking Provision**
- **Biodiversity Net Gain (BNG)**

9 BACKGROUND

9.1. The site has been subject to a number of applications historically, as detailed in section 4 of this report. Most of these applications have been outline in nature, with the exception of the most recent application in 2022 which sought full planning permission.

9.2. The 2017 scheme detailed a 7 dwelling proposal covering the entire parcel of land, which was refused on the following grounds:

- Contrary to LP3 as not infilling and not small scale
- Contrary to LP12 as scheme would not contribute to local distinctiveness, would result in the loss of an important green space which provides visual amenity and affecting the transition between the village and the open countryside and increase urbanisation of this part of Guyhirn to the detriment of visual amenity and the character of the area.

9.3. Similarly, a further scheme for 5 dwellings was submitted in 2017, proposed reducing the number of dwellings and focusing the development to the eastern part of the site. Even against the backdrop of a lack of 5-year housing land supply was refused on the following grounds:

- Unsustainable development within a location that has no direct correlation with any main settlement resulting in the new households being largely reliant on the private car.
- Contrary to Policy LP12 by reason of adverse impact on visual amenity and character.

9.4. The 2018 scheme further reduced the number of dwellings to 3 and relocated the development to the western part of the site. This scheme was refused as remaining contrary to LP3. Whilst it was of a more modest scale, it still did not represent an infill opportunity and was still considered detrimental to the visual amenity and the character of the area.

9.5. The 2019 scheme detailed a 6 dwelling proposal and the creation of natural open space. The proposal located the development to the northern, western and southern parts of the site, with an area of natural open space proposed centrally. This scheme was also subject to a refusal as it was contrary to LP3, did not represent infill, and the proposed urbanisation resulting in a loss of important green space within the village in detriment to its character.

9.6. The most recent application in 2022 was an application for full planning permission for the erection of 1no. dwelling situated on the northern part of the site, with a polytunnel erected outside of the domestic curtilage of the residential property. Notwithstanding the reduced amount of development proposed, this application too was refused as being contrary to LP3 (not infill) and LP12 due to the loss of an important green open space in the area.

10 ASSESSMENT

Principle of Development

10.1. Paragraph 47 of the NPPF requires that applications for planning permission must be determined in accordance with the development plan unless materials considerations indicate otherwise. Policy LP3 of the Fenland Local plan remains

relevant to this scheme as it outlines the settlement hierarchy for the district. In this regard it is clear that Guyhirn is considered a small village where only limited residential infilling will be supported.

10.2. Whilst it is acknowledged that the site is included within the Draft Emerging Local Plan as an allocated site for residential development under policy reference LP61.01, the draft plan is at such an early stage that minimal weight can be given to its policies and allocations.

10.3. The proposed development seeks outline planning permission for the erection of up to 4no. dwellings. Much like the previous applications on the site for multiple dwellings, it is not considered that this site represents an infill opportunity for development. This conclusion corresponds with the previous applications on the site. The definition of 'infill' as set out in the Fenland Local Plan is the "Development of a site between existing buildings." This definition is further reinforced by the Planning Portal definition as being "The development of a relatively small gap between existing buildings".

10.4. The site is within an area of important green space within the village and is surrounded by frontage development along Gulls Drove and Gull Road. However, the site is separated from the existing development by the public highway and as such cannot be considered to constitute infill development, in line with the definition provided by the Planning Inspector. There, the proposed development is considered to remain in conflict with Policy LP3.

Character and visual amenity harm

10.5. LP16 refers to development making a positive impact to local distinctiveness and the character of the area. Further, it should not result in an adverse impact on landscape character. It is one of the core planning principles as set out in the NPPF that recognises the intrinsic value of the countryside. Therefore, consideration should be given to any harm caused. LP12 includes criteria for development in villages and refers to Part A (h) requiring proposals to not result in the loss of important spaces within villages.

10.6. The site, which has a 'D' shaped footprint, includes trees and rough grassland. Whilst the site is not in public use, it is still considered to be an area of green space that provides visual amenity to nearby dwellings in the wider street scene. The land to the west and north-east of the site is characterised by open countryside. As such, the site in its existing form offers a transition from the developed part of the settlement into the open countryside. Therefore, the site is considered to be an area of some importance to the village in terms of its landscape and character value.

10.7. The application is submitted in outline format with all matters reserved. As such, no detailed drawings have been submitted for consideration. An indicative site plan has been submitted identifying the four dwellings fronting onto Gull Road with amenities spaces located to the rear. However, no indication has been given as to whether these are likely to be single storey or two storey properties. The indicative site plan shows dwellings set back approximately 20m from the public highway with soft landscaping features proposed along the frontage of the site to provide screening from public vantage points.

10.8. Notwithstanding any mitigation measures that could be incorporated into the scheme to manage its visual and landscape impact, it is considered that the creation of dwellings on this site would inherently result in a detrimental impact on

the landscape character of the area when approaching the site either from the north or south. As previously highlighted, the site currently offers a gateway between the open countryside and the settlement of Guyhirn, and the development of the site would erode this and likely result in prominent features within the landscape to the detriment of the visual amenity value of the site.

10.9. As such, the proposal remains contrary to Policies LP12(h) and LP16(d) of the Fenland Local Plan in that it results in the loss of an important village space, fails to contribute to local distinctiveness and the character of the area, and results in adverse impacts to the scene, settlement pattern and character of the surrounding area. It is considered that a development of the green space, when factoring boundary treatments, outbuildings and any boundary screening features is likely to lead to harm to the character of this part of Guyhirn and is therefore contrary to Policy LP16(d).

10.10. In addition, the scheme fails to accord with the National Design Guide (NDG) which highlights the importance of context and the need to ensure that development responds positively to the surrounding context, based on an understanding of the existing situation – which includes landscape character (C1). Further, the NDG cites the importance of 'Identity', recognising that local identity is made up of the pattern of housing and special features which are distinct from their surroundings. Such special features can include their physical form and design. The green space which is the subject of this application is a long-established feature of this area and as identified above is an important feature in terms of both context and identity. Accordingly, the scheme fails to accord with the principle of the NDG.

Residential Amenity

10.11. As the application is submitted in outline form, no detailed plans have been submitted in support of the application. However, when considering the size of the site at 0.49 hectares, and number of dwellings proposed at four, it is considered that the density of the site would be such that the dwellings could be accommodated on site in a spacious manner and allowing generous private amenity provision for each property.

10.12. Furthermore, the nearest neighbouring residential properties are located approximately 50m away from the locations of the dwellings indicatively shown on the site plan. As such, it is not considered that the development of the site would present any issues in terms of the preservation and provision of residential amenity. The proposal is therefore considered to comply with the requirements of Policy LP2 and LP16(e) of the Fenland Local Plan.

Flood Risk and Drainage

10.13. The built element of the proposed development would be accommodated within land with Flood Zone 1 and is at very low risk of surface water flooding. Accordingly, it is considered that there are no matters to reconcile with regard to Policy LP14.

Biodiversity Impact

10.14. The application is supported by a Preliminary Ecological Appraisal to assess the ecological implications of the scheme. For the most part, the Appraisal concludes that enhancement and mitigation measures will be sufficient to make the scheme acceptable in biodiversity terms. However, in respect of the impact on

amphibians, further surveys are suggested due to the loss of an area of optimal foraging habitat in close proximity to a number of ponds. It does not appear that the application has been supported by further surveys in this respect, and therefore it is not possible to positively determine the ecological impact of the development.

10.15. Comments have been received from Natural England raising an objection to the scheme on the basis that insufficient information to fully assess the impacts of the development on designated sites, namely the Nene Washes SSSI.

10.16. The comments centre around the impact of the development on existing areas of importance, mainly through increased visitor numbers, which may be to the detriment of their quality. In this regard, it must be noted that the development would result in 4no properties which would likely yield low occupant numbers that may choose to visit those areas. Furthermore, it is noted that Natural England raised no objections to the previous application on site, or 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. It was concluded on one scheme of up to 175 dwellings that it would not have significant adverse impacts on designated sites.

10.17. With the above in mind, it is considered that it would be disproportionate to require any further evidence of impacts through this latest proposal for 4 dwellings.

10.18. Notwithstanding this, in the absence of the full suite of reports and surveys suggested by the Preliminary Ecological Appraisal, it is considered that the proposal fails to fully assess its ecological implications and is therefore considered to be contrary to Policy LP19 of the Fenland Local Plan in this regard.

Contamination

10.19. Given the historical use of the site, as pits and made land, it is necessary to ensure that the land is suitable for residential development and will not subject future or neighbouring occupiers to risks resulting from contamination or landfill gas as set out in Policy LP16(l) and (m).

10.20. The application was supported by Phase 1 and 2 environmental assessments which concluded that the site would be sufficient for residential development subject to the inclusion of remediation and has protection measures. The Environmental Health team reviewed and accepted the information submitted and consider the remediation strategies appropriate, subject to final conditions in respect of the proposed remediation works to be carried out in full and a validation/closure report to ensure longer-term protection and monitoring.

10.21. Accordingly, it is considered that the scheme is acceptable with respect to the aforementioned policy, subject to compliance with the necessary conditions.

Highway Safety and Parking Provision

10.22. Notwithstanding the fundamental issues relating to harm to the overall landscape character considered above, the proposal to include access points to the site off Gull Road is acceptable in principle. Consultations with the Highway Authority resolved to offer no objection to the scheme, subject to a suitably detailed access scheme being provided as part of the Reserved Matters submission.

10.23. It is considered that sufficient space exists on-site to provide suitable parking and turning provision for each of the proposed dwelling. Therefore, it is considered that the proposal is acceptable with respect to Policy LP15, subject to a suitable detailed scheme being provided at Reserved Matters stage.

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. In this instance a Biodiversity Gain Condition would be required to be approved before development is begun, should planning permission be granted.

11 CONCLUSIONS

11.1. The proposal seeks outline planning permission with all matters reserved for the erection of 4no. dwellings.

11.2. As per previous applications on the site, the proposal is considered to be unacceptable in principle by virtue of it resulting in the loss of an important green space in the village. This would subsequently result in a detrimental impact on the landscape character of the area. Further, the site is also not considered to represent infill development, therefore failing to comply with Policy LP3 of the Fenland Local Plan.

11.3. Further this, the application is not supported by sufficient information to fully and positively assess the ecological implications of the development, by virtue of the absence of additional surveys suggested by the Preliminary Ecological Appraisal.

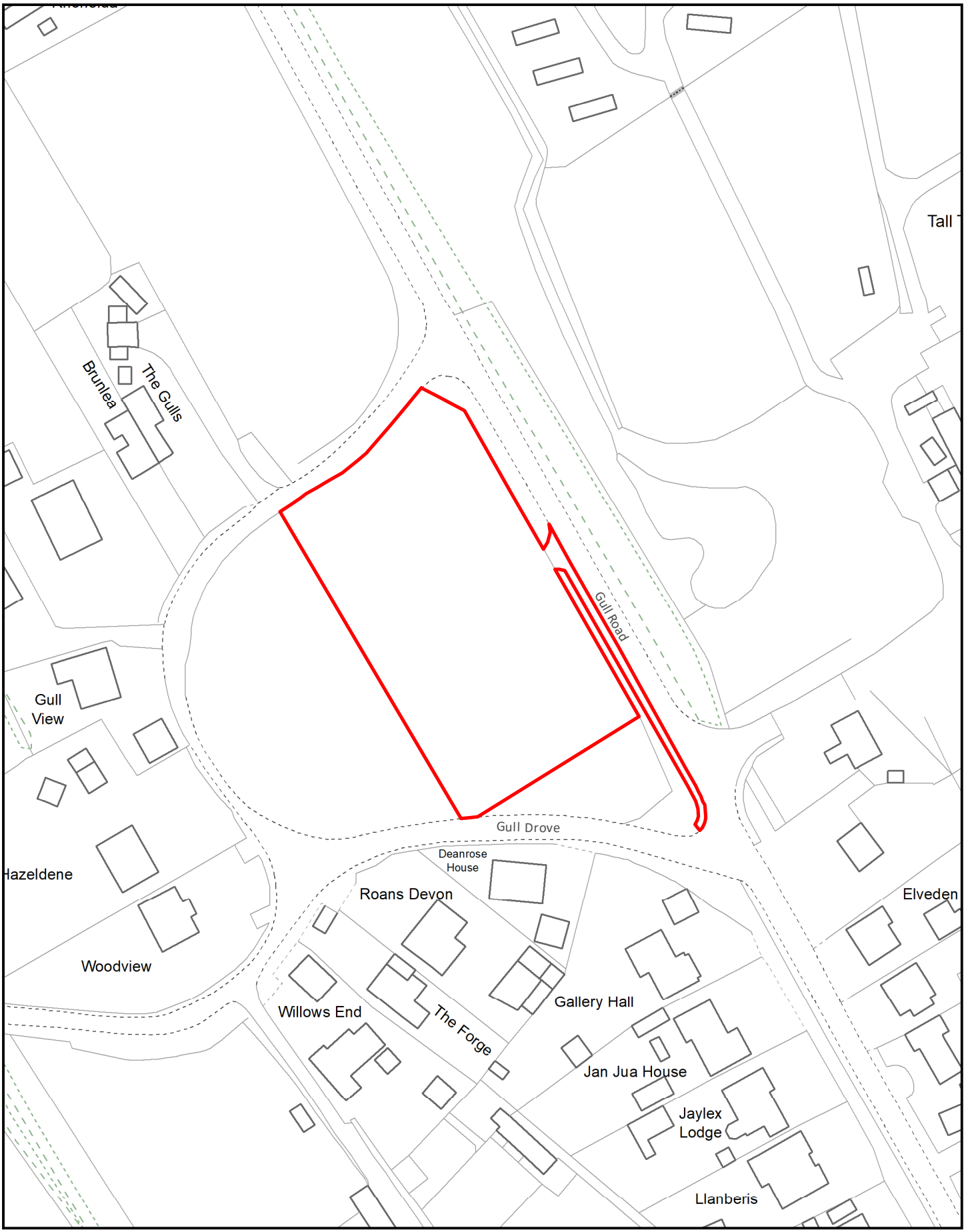
11.4. Overall, the proposal is considered to be unacceptable in planning terms for the aforementioned reasons, contrary to Policies LP2, LP12, LP16 and LP19 of the Fenland Local Plan. It is accordingly recommended that planning permission is refused in this instance.

12 RECOMMENDATION

Refuse; for the following reasons:

1.	Policy LP3 of the Fenland Local Plan (2014) identifies that Guyhirn is a 'small village' where development will normally be limited in scale to residential infilling or a small business opportunity. The location of the site is such that it fails to satisfy this requirement and by default Policy LP12 (a), noting the absence of adjoining development immediately adjacent to the application site. This is the clearly at odds with Policy LP3 and LP12 of the Fenland Local Plan and the proposal must be resisted on these grounds.
2.	Policy LP12(h) of the Fenland Local Plan seeks to protect important spaces in villages. Policy LP16(d) requires development to contribute to local distinctiveness and the character of the area, and would not allow

	development that adversely impacts on the street scene, settlement pattern or the landscape character of the surrounding area. The application site forms an important green space providing visual amenity and effecting the transition between the village and the open countryside. The development proposal would result in the loss of a substantial part of this green space and the increased urbanisation of this part of Guyhirn to the detriment of visual amenity and the character of the area. Therefore the proposal is contrary to Policies LP12(h) and LP16(d) of the adopted Fenland Local Plan and as such would conflict with the aims and objectives of the NPPF and the National Design Guide (2019).
3.	The application is not supported by sufficient information to fully and positively assess the ecological implications of the development, by virtue of the absence of additional surveys suggested by the Preliminary Ecological Appraisal. It is considered that the proposal fails to fully assess its ecological implications and is therefore considered to be contrary to Policy LP19 of the Fenland Local Plan.



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Fenland CAMBRIDGESHIRE
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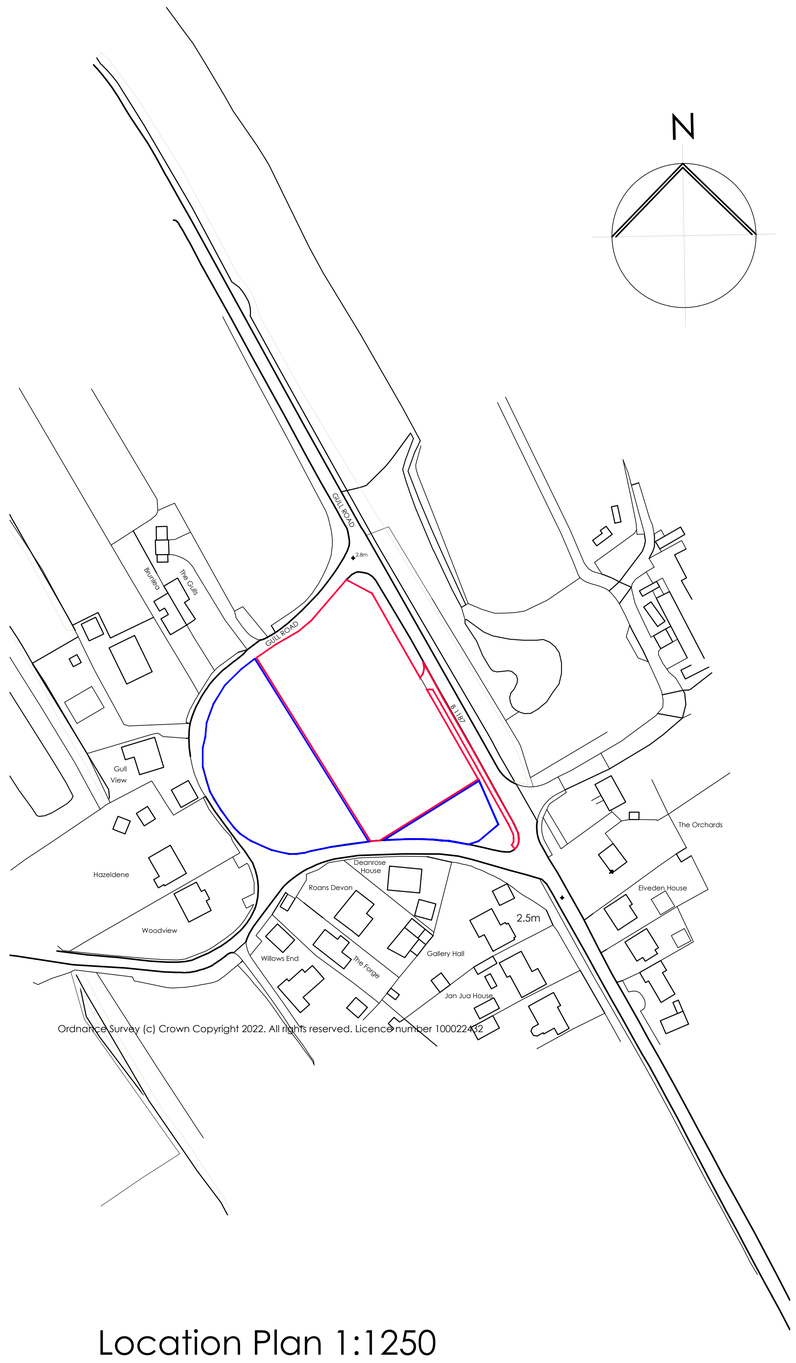
Existing Site Plan 1:500



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Location Plan 1:250

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Proposed Indicative Site Plan 1:500
Site Area 0.490Ha

A -
REVISIONS

PETER HUMPHREY
ASSOCIATES
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CLIENT
MR H SEVHAT

PROJECT
PROPOSED RESIDENTIAL DEVELOPMENT

SITE
LAND SOUTH WEST OF THE ORCHARDS
GULL ROAD
GUYHIRN
WISBECH
CAMBS
PE13 4ER

DRAWING
PLANNING DRAWING 01

JOB NO.	PAPER SIZE	DATE
6968 PL01	A0	MARCH 2024

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

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

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F/YR24/0627/F

Applicant: Christian Cooper
James Development Company Limited

Agent :

Lavender Mill Bungalow, Fallow Corner Drove, Manea, March PE15 0LT

Erect 5 x dwellings (1 x single-storey 2-bed and 4 x 2-storey 2-bed), involving the demolition of existing dwelling and garage

Officer recommendation: Refusal

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

Government Planning Guarantee

Statutory Target Date For Determination: 23 September 2024

EOT in Place: Yes

EOT Expiry: 30th June 2025

Application Fee: £2890

Risk Statement:

This application must be determined by the 30th of June 2025 otherwise it will be out of time and therefore negatively affect the performance figures.

1 EXECUTIVE SUMMARY

1.1 The application seeks permission to demolish an existing bungalow and to erect five dwellings with a quadrant block of four, two-storey dwellings and a bungalow. Policy LP16 (d) of the Fenland Local Plan 2014, DM3 of supplementary Planning Document: Delivering and Protecting High Quality Environments in Fenland (2014) seek to ensure that proposals make a positive contribution to the local distinctiveness and character of the area and that the character of the local built environment informs the layout and features of proposed development. The amount of development taking place on the site, its scale, form and appearance would result in a development at odds with the prevailing pattern of development and adversely impacting on the character and appearance of the area

1.2 There is considered to be a material overlooking impact on the fenestration and private amenity space of Coolruss Lodge to the east contrary to policies LP2 and LP16 of the Fenland Local Plan (2014) and paragraph 135 of the National Planning Policy Framework (2024). Additionally the submitted details of Plot 5 are not consistent, and do not allow for a proper assessment of the impact of this dwelling on neighbouring amenity.

1.3 The proposed development would provide a substandard level of private

outdoor amenity space for future occupiers of the proposed Plots 1 and 2, due to the very modest size of the garden space. The proposal fails to devote a minimum of one third of the plot size to private amenity space in accordance with LP16(h) of the Fenland Local Plan (2014). Additionally there would be overlooking of the rear garden of Plot 5 from Plot 3. The proposed development would therefore provide a sub-standard level of residential amenity for future occupiers contrary to policies LP2and LP16(h) of the Fenland Local Plan (2014).

1.4 Policy LP14 (Part B) of the Local Plan requires development in Flood Zones 2 and 3 to undergo a sequential test to demonstrate that the development cannot be delivered elsewhere in the district at lower risk areas of flooding. Policy LP2 seeks to deliver high quality environments, ensuring that people are not put at identified risks from development thereby avoiding adverse impacts in the interests of health and wellbeing. The site predominately lies within Flood Zones 2 and 3 which are high risk flood areas. The applicant has failed to undertake a sequential test and has therefore failed to demonstrate that the development could not be delivered in an area of lower flood risk, thereby failing LP14 (Part B) and conflicting with the NPPF and the Flood and Water SPD.

1.5 The submitted information identifies the potential to impact a bat roost and recommends further survey work is carried out. In the absence of these surveys the impact of the scheme cannot be determined, nor what mitigation / compensation is required to address these impacts, contrary to Policies LP16 (b) and LP19 of the Fenland Local Plan (2014) and Paragraph 187 of the NPPF (2024)

1.6 The application is also not supported by sufficient detail to establish that the proposed development will be able to meet the BNG requirements for the site and the application lacks sufficient ecology information relating to the demolition of the existing building. The application therefore fails to demonstrate that the development can achieve the BNG measures for the site contrary to Policy LP16 and LP19 of the Fenland Local Plan 2014.

1.7 Additionally, the application indicates a link to an adjoining site in terms of providing a financial contribution. However no full viability assessment has been carried out as per Policy LP5 of the Local Plan and as such this issue cannot be accurately assessed.

1.8 For the reasons given above this application is recommended for **refusal**.

2 SITE DESCRIPTION

2.1 The proposal site is located to the north of Fallow Corner Drove, which is largely characterised by a linear pattern of development with dwellings of varying scales fronting onto the road. These properties are largely set within relatively spacious plots and in the immediate vicinity of the site with substantial areas of frontage. A two-storey detached property named Hadleigh is sited to the west, with a detached bungalow named Coolruss Lodge to the east. Beyond Fallow Corner Drove to the south is arable fields, with a development by the same applicant for 29 bungalows on the site of the former Lavender Mill approved under reference F/YR23/0423/RM

currently under way to the north. This development shares an access with the proposal site, toward the western boundary of the site.

2.2 The site is currently overgrown and contains a derelict bungalow and garage. There are no trees on site. There is a fall from back to front of the site of approximately 1.5 metres.

2.3 Approximately 80% of the site is within Environment Agency Flood Zones 2 and 3, with the northernmost extent of the site in Flood Zone 1. There is no predicted surface water impact for the site, with a line of low extent on an east / west axis along Fallow Corner Drove beyond the southern boundary.

3 PROPOSAL

3.1 This full planning application seeks permission to erect 5 dwellings consisting of 1 single-storey, 2 bed bungalow, and 4 two-storey, 2 bed maisonettes. The existing dwelling and detached garage on site are to be demolished to facilitate the proposal. The 4 maisonettes will be positioned forwards of the footprint of the existing dwelling, with the bungalow to the rear, adjacent to the northern boundary. The maisonettes will form a rectangular quadrant with enclosed gardens to the south of Plots 1 and 2, and to the north of Plots 3 and 4. Car parking will be sited forward of the maisonettes within the southern frontage of the site. A single garage and off-road parking space will be provided for the detached bungalow. Cycle storage for the maisonettes is to be provided behind the rear garden wall of Plot 3 adjacent to a bin store.

3.2 The proposed facing materials are predominantly Elgin Blend bricks by Crest with roof tiles being Crest Cotswold Red pantiles. The quadrant block has first floor balconies to the front and projecting first floor bay windows to the front and west elevations which would be faced in green weatherboarding (Hardie Plank Parkside Pine) which would also be used on the west and east elevations of the proposed bungalow. These listed materials are intended to match with the materials to be utilised for the 29 bungalows approved under reference F/YR23/0423/RM to the north, albeit that a range of cladding colours was to be used within this.

3.3 The proposal will utilise the existing access toward the western boundary that is also to serve the 29 dwellings to the north, approved under reference F/YR23/0423/RM. The existing frontage access to Lavender Mill Bungalow is to be removed and reinstated. The proposed boundary treatment is 1.8 metre close boarded fencing and brick walls.

3.4 The block of maisonettes is indicated as having a finished floor level (FFL) approximately 1.5 metres above existing ground level at its front, with the bungalow being shown with a FFL of 2.4AOD which is similar to the indicated ground levels on the site plan, although elevational drawings show this being built up by approximately 0.7m and accessed via several steps, with the Flood Risk Assessment setting out this unit would be 0.55m above existing levels.

3.5 The agent proposed in a letter dated December the 18th that foul water is addressed by condition given Anglian Water capacity issues in the Manea area. Surface water is to discharge to an existing water course via private surface water drains that will discharge to two surface water control chambers sited in the access road at the west of the application site.

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

No pertinent history on application site.

5 CONSULTATIONS (summarised)

5.1 Manea Parish Council

No Objection – Note: No Local S106 contribution.

5.2 Natural England – 23rd September 2024

Natural England has previously commented on this proposal and made comments to the authority in our response dated 23/08/2024, ref – 485332. The advice provided in our previous response applies equally to this amendment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

The comments from the 23rd of August 2024 states:

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES *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's statutory advice on these potential impacts is set out below.*

Designated sites

Further information required - potential recreational pressure impacts to Sites of Special Scientific Interest (SSSIs) in Cambridgeshire and Peterborough.

This development site is within the zone of potential risk for publicly accessible Sites of Special Scientific Interest (SSSIs) sensitive to the effects of recreational pressure.

Within this zone, proposals for any net increase in residential units may affect the notified features of the SSSI(s) through increased recreational pressure.

Natural England advises that such developments require a ***proportionate assessment*** *of recreational pressure impacts on the notified features of the SSSI(s) and measures to mitigate adverse impacts eg alternative open space provision.*

Please refer to Natural England's letter dated 12 July 2019 (attached) for further information.

Discretionary Advice

Natural England may provide further advice to the applicant through the discretionary advice service (DAS). Refer to Developers: get environmental advice on your planning proposals - GOV.UK (www.gov.uk) for more information.

***Impact Risk Zones for Sites of Special Scientific Interest** We publish Impact Risk Zones for Sites of Special Scientific Interest (SSSI IRZs), a GIS-based tool designed for use during the planning application validation process to help local planning authorities to determine if a proposed development is likely to affect a terrestrial SSSSI and when to consult Natural England. For more information and to access the SSSI IRZs and user guidance, please visit the Natural England Open Data Geoportal.*

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

5.3 FDC Environmental Health – 19th September 2024

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

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

A Phase 2 contaminated land investigation has been undertaken by Ground Engineering, the report (ref: C15958A) dated July 2023 for which has been submitted, and the findings noted and accepted by Environmental Health. The findings of the report detailed elevated concentrations of two PAHs (benzo[b]fluoanthene and dibenzo[a,h]anthracene) where found that exceeded the soil screening values (SSV's) for a residential with home grown produce end use. Therefore, this service would recommend that the remaining suite of contaminated land conditions are imposed to protect the interests of future site users.

The report indicates that there is a moderate risk that a pathway could develop affecting groundworkers during the construction phase of the redevelopment. Therefore, we would ask that the requirements outlined on page 13 of the report are followed during the construction phase.

At the time of the report the proposed site layout was unknown, but as the site layout plan has now been submitted, all proposed landscaped areas where soil will be exposed at the surface should be replaced with a suitably thick cover or barrier layer in order to break the pathway between the underlying made ground and the end site users. We would request that this remediation work, that are detailed on page 15 and 16 of the report are carried out and a validation/closure report is submitted to and approved by the LPA for approval following the completion of the remediation works on site.

5.4 Environment Agency – 18th September 2024

Thank you for your reconsultation, please refer to our letter ref AC/2024/132297/01 dated 11 September 2024 for our comments that still stand.

The comments from 11 September 2024 stated:

We object to the submitted application as insufficient information has been provided relating to water quality.

Water Quality
The proposed development is located within the catchment of the Manea – Town Lots Waste Water Treatment Works (WWTW) which is currently exceeding its permitted volume of discharge to the watercourse. The development of further housing will increase foul water flows to the WWTW and in turn the volume of discharge. This poses an unacceptable risk of pollution. We therefore object to this application as it is currently submitted and recommend that planning permission should be refused on this basis.

Reasons
The Manea – Town Lots WWTW is exceeding the limits set for its environmental permit to discharge treated flows to a surface waterbody which in this case is the drain under the jurisdiction of the Manea and Welney Internal Drainage Board which forms part of the Old Bedford and Middle Level catchment. The Middle Level is at 'moderate' classification and required under the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 to reach 'good' by 2027. The River Basin Management Plan for this catchment cites challenges caused by pollution from the water industry as a reason for not achieving 'good'. We note that Anglian Water Services (AWS) have not identified actions to increase capacity at this WWTW in their published Drainage and Wastewater Management Plan.

The limits in the environmental permit issued for this WWTW are set to prevent harm to the waterbody into which the treated flows discharge. Exceedance of this presents a risk of causing deterioration. The Manea WWTW has frequently exceeded the set permit limit since 2017. This situation is likely to be exacerbated by increased foul water flows from new development, especially if this occurs in a similar timeframe to other consented developments but there appears to be no discussion in the submitted documents of how the proposed development would affect this.

Paragraph 187 of the National Planning Policy Framework (December 2024) states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of water pollution.

The Water Framework Directive places an obligation on all public bodies in their decision making to ensure that decisions do not lead to a reduction in the water framework classification status.

For these reasons we consider that the applicant has not provided sufficient information to assure the Local Planning Authority that if consented, this development will not cause pollution and unacceptable harm to the water environment.

Overcoming our objection
We recommend that the applicant, in consultation with AWS, shall submit a foul water strategy that:

• Includes analysis of forecasted flows arising from the site when operational with expected capacity of the receiving WWTW (once necessary works are undertaken) to demonstrate that the flows can be treated whilst remaining compliant with current or new environmental permits;
• Includes an assessment of the cumulative impacts on foul water treatment and water quality for this WWTW catchment;
• Includes plans for appropriate phasing or timing of construction to ensure that it becomes operational in line with available capacity and not before.

Submission of a foul water strategy which addresses the above concerns will not in itself overcome our objection. We will provide bespoke comments upon receipt of reconsultation. Depending on the evidence submitted and circumstances at the time we reserve the right to reconsider our position.

Should the LPA be minded to approve this application, contrary to our advice, we request that you contact us to discuss further prior to any decision being made.

Notwithstanding and without prejudice to the above objection, we have attached an Appendix, which details the additional comments that we wish to raise in relation to consultation on this planning application. If the above objection is resolved then these comments would likely be applicable.

Appendix 1 – Flood Risk
National Planning Policy Framework Sequential Test
In accordance with the National Planning Policy Framework (NPPF) paragraph 174, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. It is for the Local Planning Authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the NPPF. Our flood risk standing advice reminds you of this and provides advice on how to do this.

By consulting us on this planning application we assume that your Authority has applied and deemed the site to have passed the NPPF Sequential Test. Please be aware that although we have raised no objection to this planning application on flood risk grounds, this should not be taken to mean that we consider the proposal to have passed the Sequential Test.

Review of Flood Risk Assessment (FRA)
We have no objection to the proposed development, but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) (Engineering Support Practice Ltd) are adhered to. In particular, the FRA recommends that:
• Finished floor levels of the proposed single storey dwelling will be set no lower than 500mm above existing ground levels.
• Finished floor levels of the proposed two storey semi-detached dwellings will be set no lower than 1.0m above existing ground levels.
• Flood resilient measures will be incorporated up to 600 mm above finished floor levels.

Exception Test
With regard to the second part of the Exception Test, your Authority must be satisfied with regards to the safety of people (including those with restricted mobility), the ability of people to reach places of safety, including safe refuges within

buildings, and the ability of the emergency services to access buildings to rescue and evacuate people. 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.

We strongly recommend that you consult your Emergency Planner on the above issues.

Other Sources of Flood Risk
We have reviewed the submitted FRA with regard to tidal and main river flood risk sources only. The Internal Drainage Board should be consulted with regard to flood risk associated with their watercourses and surface water drainage proposals.

Advice for the Applicant
Any proposed flood resilient measures should follow current Government Guidance. For more information on flood resilient techniques, please see the Department for Communities and Local Government (DCLG) guidance document "Improving the Flood Performance of New Buildings – Flood Resilient Construction", which can be downloaded from the following website:
https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings

The Environment Agency operates a flood warning system for existing properties currently at risk of flooding to enable householders to protect life or take action to manage the effect of flooding on property. Flood Warnings Service (F.W.S.) is a national system run by the Environment Agency for broadcasting flood warnings. Receiving the flood warnings is free; you can choose to receive your flood warning as a telephone message, email, fax or text message. To register your contact details, please call Floodline on 0345 988 1188 or visit https://www.gov.uk/sign-up-for-flood-warnings

Registration to receive flood warnings is not sufficient on its own to act as an evacuation plan. We are unable to comment on evacuation and rescue for developments. Advice should be sought from the Emergency Services and the Local Planning Authority's Emergency Planners when producing a flood evacuation plan.

5.5 Cambridgeshire County Council - Highways

On behalf of the Local Highway Authority, I raise no objections to the proposed development, subject to the condition(s) set out below.

Comments

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

Conditions

Non-standard condition

All planting to the boundary of the development will need to be within the remit of the applicant's site no planting should be placed on the public highway. The

Highway Authority would request that the landscaping be planted so that at a reasonable level of maturity it does not overhang the public highway.

Reason: In the interests of highway safety

Closure of Access

The existing access to Lavender Mill Bungalow shall be permanently and effectively closed and the footway / highway verge shall be reinstated in accordance with a scheme to be Place and Sustainability Highway Development Management East Highways Depot Stirling Way Witchford Ely CB6 3NR agreed with the Local Planning Authority within 28 days of the bringing into use of the new access.

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

5.6 Middle Level Commissioners (Internal Drainage Board)

Thomas Consulting's Drainage Strategy report and calculations provided for the Phase 1 development (F/YR19/0958/O) showed that the proposed development will store surface water in permeable paving in the private drive areas and under the entrance road, discharging at an attenuated rate of 5 l/s. The Board awaits further details of the drainage strategy of Phase 2 from the applicant, including details of storage volumes, flow controls etc. to show that the Phase 2 proposals can also provide a volume suitable to cater for a 1-in-100-year storm plus an allowance for climate change.

With regards to treated foul water disposal, as the Manea Town Lots WWTW discharges into the Manea & Welney DDC area, a Discharge Consent application would therefore be required from this Board for a discharge via Anglian Water Services. However, the comments from the Environment Agency to the above planning application of 11th September are noted, regarding their objection to the proposed disposal of treated foul effluent to Manea & Welney DDC via the AWS Manea - Town Lots WWTW. Please note that neither the Curf & Wimblington Combined IDB or the Manea & Welney District Drainage Commissioners will consent to the discharge of treated foul effluent into watercourses in their districts, if requested due to the capacity issues with Anglian Water Services Ltd.

The Boards look forward to receiving further details from the applicant in due course.

5.7 Cambridgeshire County Council – Principal Ecology Officer

The application has the potential to impact Nene Washes SSSI / SAC / SPA and Ramsar site as a result of recreational pressure. In addition, the scheme is likely to result in the loss of a bat roost. However, no details assessment has been undertaken on these features and as such the level of adverse impact of the scheme cannot be determined, not what mitigation / compensation is required to address these impacts.

In light of the above, the scheme will potentially conflict with Fenland Local Plan 2014 policies LP16 & LP19 which seek to conserve, enhance and promote the biodiversity interest and National Planning Policy Framework (Dec 2024). Nor, whether the LPA will meet its statutory duties to conserve biodiversity (Section 40,

Natural Environment and Rural Communities Act 2006) and European protected species (Conservation of Habitats and Species Regulations 2017).

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

• completion of further survey work (bat) recommended in the Preliminary Ecological Appraisal
• appraisal of recreational impact on national and international nature conservation sites
• shadow stage 1 Habitat Regulations Assessment (if required)
• Biodiversity Net Gain assessment using full Statutory Metric and completed by a suitably qualified ecologist. All new habitats within a private dwelling should be recorded as 'vegetated' or 'unvegetated' garden.

Please find further information below

International and nationally important sites of nature conservation

The site falls within Natural England's Site of Special Scientific Interest Impact Risk Zone. Their standing advice for this land is:

Natural England Site of Special Scientific Interest Impact Rizk Zone – (MAGIC.gov.uk)

Further information required - potential recreational pressure impacts to Sites of Special Scientific Interest (SSSIs) in Cambridgeshire and Peterborough

This development site is within the zone of potential risk for publicly accessible Sites of Special Scientific Interest (SSSIs) sensitive to the effects of recreational pressure. Within this zone, proposals for any net increase in residential units may affect the notified features of the SSSI(s) through increased recreational pressure.
Natural England advises that such developments require a proportionate ***assessment of recreational pressure impacts*** *on the notified features of the SSSI(s) and measures to mitigate adverse impacts eg alternative open space provision.*
Please refer to Natural England's letter dated 12 July 2019 for further information.

The proposed scheme will result in the construction of new dwellings and has the potential to affect SSSI (particularly in combination with other projects) as a result of recreation, and therefore the above requirement is applicable. This is further confirmed by Natural England's consultation response.

The applicant has not provided any assessment of the recreational impact, particularly on the Nene Washes SSSI / Special Area of Conservation / Special Protection Area and Ramsar site. Nor considered what mitigation measures are appropriate to advice impact.

Furthermore, if there is potential impact on an international site (habitat site), the LPA has insufficient information provided to be able to write a stage 1 Habitat Regulations Assessment report (if applicable).

We therefore recommend ***refusal*** *until the following information is provided:*

• A proportional assessment of recreational impact on the notified features of the SSSI and measures to mitigated adverse impacts
• If potential impact on habitat site (including SPA, SAC or Ramsar) that the applicant should provide a shadow stage 1 Habitat Regulations Assessment report.

We recommend the allocation seek further guidance on this matter through the Natural England's discretionary advice service (DAS). Please refer to Natural England consultation response for more info.

Protected Species - bats

The Preliminary Ecological Appraisal recorded bat droppings within the property. The building is scheduled for demolition and therefore the PEA recommends further surveys to determine the type of roost, level of impact of the scheme and what mitigation is required.

However, the applicant has not submitted these surveys and therefore, the LPA is unable to determine the impact of the scheme on protected species, including European protected species (bats).

The impact of a development on protected species is a material consideration in the planning process. We refer the LPA to Natural England's standing advice for protected species and development. Section 2 states "you can refuse planning permission if surveys….. do not provide enough evidence to assess the likely negative effects on protected species".

European Protected Species

The proposed demolition works are likely to require a licence to undertake works to damage a bat roost.

As a competent authority, the Council also has a statutory duty to protect the favourable conservation status of European protected species (e.g. bats, otter, great crested newt) under the Conservation of Habitats and Species Regulations 2017 (as amended). As part of this duty, the LPA must consider whether a licence (from Natural England) is likely to be granted for the proposed development. The further bat survey work is required to determine if (a) a licence is likely to be required and if yes, (b) will Natural England's 3 licensing tests for EPS (required to grant a licence) likely to be met.

*We therefore recommend **refusal** unless the following recommended survey / assessment is completed:*

• Protected Species surveys (bats) recommended in the ecology report

Biodiversity Net Gain
The applicant has submitted Biodiversity Net Gain values calculated using the Small Sites Metric. However, the Small Sites Metric cannot be used on sites were European protected species are present (see page 7, The Small Sites Metric (Statutory Biodiversity Metric) User Guide).

Therefore, if a bat (protected species) roost is confirmed to be present during further survey work, then a full version of a Statutory Metric will need be completed by a competent ecologist. Therefore, the BNG assessment cannot be agreed until the bat work has been completed.

Biodiversity Net Gain Analysis & Proposals 1104-13

The Biodiversity Net Gain Analysis & Proposals 1104-13 drawing of existing habitat shows the location of seven 'BNG photos', however BNG photos 6 & 7 are missing from the document. Please provide.

The post-development drawing maps newly created hedgerows, scrub and trees have been recorded within private gardens (garden within curtilage of a privately owned or tenanted dwelling house). This is in direct conflict with the Small Sites Metric User Guide (see extract below). All new habitats within the curtilage of a dwelling can only be allocated as either vegetated garden or unvegetated garden. Please update.

The Small Sites Metric (Statutory Biodiversity Metric) User Guide, page 27:

Recording residential development (at post-development) - private gardens

The post-development private garden has no public access, and biodiversity net gains cannot be legally secured. As these gains cannot be secured you should only record created private gardens as either:
• 'urban – vegetated garden'; or
• 'urban - unvegetated garden'

You should not:
• record the creation of any other new habitats within private gardens
• record enhancement of any habitat within private gardens

BNG loss

The Statutory Biodiversity Metric calculations record an increase in BNG. However, this is inaccurate….and the scheme is likely to result in a net loss due to loss of habitat of biodiversity value, and only 'vegetated garden' (which has a low BNG score) can be created within the curtilage of dwellings.

*In light of the above, we recommend **refusal** until the following information is provided:*

• Updated Biodiversity Net Gain assessment using full metric (if bat roost is confirmed) to be completed by a suitably qualified ecologist
• Update post-development habitats to reflect type of development – all new habitat within private gardens to be classified as vegetated / unvegetated garden.

Planning conditions

If the applicant submits the above information and addresses our concerns, it is anticipated that biodiversity compensation / mitigation measures and enhancements recommended within the ecological report(s) should be secured through a suitable worded condition(s) to ensure compliance with Fenland Local Plan 2014 policies LP16 and LP19 that seek to conserve, enhance and protect biodiversity through the planning process:

1. *Construction Environment Management Plan (CEMP: biodiversity)*
2. *Landscape and Biodiversity Enhancement Scheme*
3. *Natural England licence (bats)*
4. *Detailed lighting scheme sensitively designed for wildlife*
5. *Time limit until update ecological surveys required*

The mandatory Biodiversity Gain condition would apply (please note, this there are two versions – a standard condition and a condition for phased development).

If "significant on-site Biodiversity Net Gain" or any "off-site BNG" is proposed, the management and monitoring of the scheme for 30 years must be secured through a suitably worded planning condition / obligation.

5.8 Local Residents/Interested Parties

Objectors

Two letters of objection have been received from two properties on Fallow Corner Drove, Manea. They have expressed concerns regarding:

- Overlooking
- Design
- Out of keeping

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

National Planning Policy Framework 2024 (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

National Planning Practice Guidance (NPPG)
Determining a Planning Application

National Design Guide 2021
Context
Identity
Built Form
Homes and Buildings

Fenland Local Plan 2014
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
LP4 – Housing
LP5 – Meeting Housing Need
LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland
LP16 – Delivering and Protecting High Quality Environments Across the District
LP19 – The Natural Environment

Delivering and Protecting High Quality Environments in Fenland SPD 2014
DM3 – Making a Positive Contribution to Local Distinctiveness and character of the Area

DM6 – Mitigating Against Harmful Effects

Cambridgeshire Flood and Water SPD 2016

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
LP27: Trees and Planting
LP28: Landscape
LP32: Flood and Water Management
LP33: Development on Land Affected by Contamination
LP49: Residential site allocations in Manea

8 KEY ISSUES

- **Principle of Development**
- **Layout and Design**
- **Impact on Residential Amenity / Land Users**
- **Highway Safety and Parking**
- **Flooding Considerations / Drainage**
- **Ecology**
- **Voluntary Section 106 Contributions**
- **Biodiversity Net Gain (BNG)**

9 BACKGROUND

9.1 There have been no previous applications for residential development on this site. The site immediately to the north was a former mill and latterly a grain store and has had the benefit of permission for residential development since 2016 with a reserved matters application for 29 single storey dwellings approved under reference F/YR23/0423/RM. That application was submitted by the same applicant as this application and utilises similar materials of construction, with the current application using the approved access.

10 ASSESSMENT

Principle of Development

10.1 The site is located within the settlement of Manea; which is identified within Policy LP3 of the Fenland Local Plan (2014) and the settlement hierarchy within this as

being a Growth Village where the broad principle of new residential development is considered acceptable, subject to detailed policy considerations.

Layout and Design

10.2 The proposed development is located off Fallow Corner Drove which is predominantly characterised by detached dwellings, of varying forms, which are in a linear pattern. The dwellings either side of the application site are, to the west, a two-storey detached dwelling, one of a broadly matching pair, with a one and a half storey front projecting garage, while to the east is a detached bungalow. Both of these properties are set back from the road with relatively open frontages.

10.3 The application proposes to erect a quadrant block of dwellings which would sit forward of the current bungalow on site and the adjacent bungalow and in line with the lower 1.5 storey elements of the neighbouring houses to the west. Given the scale and mass of the proposed building at two-storeys and with raised floor levels it is considered that this would form a highly prominent and incongruous feature within the streetscene.

10.4 This impact would be exacerbated by the design and appearance of the proposed development with overly fussy and unattractive elevations containing first floor balconies and projecting first floor bay windows clad in green weatherboarding and with a clock feature incorporated at the apex of the roof.

10.5 The appearance of the development, and indeed its form in terms of being a quadrant block of maisonettes is untypical of anything found along Fallow Corner Drove and is not considered to be sympathetic to a location at the edge of a village being more typical of a form of development found in more intensively developed urban areas.

10.6 Further visual and character harm would also arise from the amount of hard surfacing indicated to the front of the development to provide six car parking spaces to serve the four dwellings as well as the use of 1.8m walls to screen the garden areas for plots 1 and 2. This would all sit adjacent to the landscaped open front garden of Coolruss Lodge to the east.

10.7 In terms of the bungalow proposed on the rear portion of the site, this would be largely screened from wider public view and its design and appearance in itself is considered acceptable. However, the presence of this tandem form of development would be noticeable from the street and again this is not typical of any form of development on Fallow Corner Drove and would further adversely impact upon the character of the area.

10.8 While it is accepted that there is an in-depth development taking place to the rear of the site on previously developed land this is considered to be viewed as distinctly separate to the frontage of Fallow Corner Drove. Given the distance from the road and boundary treatments to the development and the frontage properties and that this is single storey would consequently result in this largely being screened from wider view from Fallow Corner Drove.

10.9 Overall, it is considered that the amount of development taking place on the site, its layout, scale, form and appearance would result in a development at odds with the prevailing pattern of development and unsympathetic to its surroundings, adversely impacting on the character and appearance of the area contrary to Policy LP16 (d)

of the Fenland Local Plan (2014), and DM3 of Supplementary Planning Document: Delivering and Protecting High Quality Environments in Fenland (2014).

Impact on Residential Amenity / Land Users

10.10 Firstly, when considering this matter, the amenity of future occupiers of the development must be considered.

10.11 All four of the quadrant maisonettes have their own garden space indicated. However, the areas provided for Plots 1 and 2 fall significantly below the third of a plot required by LP16(h) of the Fenland Local Plan (2014) and measuring 6.05 metres by 2.7 metres and 4.9 metres by 1.6 metres respectively would not constitute usable garden spaces and would provide inadequate amenity.

10.12 The garden areas for Plots 3, 4 and 5 are considered to be acceptable as they accord with Policy PL16(h).

10.13 The distance from the main elevation of Plot 3 to the proposed bungalow to the rear is 8.4 metres. While the bungalow's garage would be located on part of the boundary there would still be views of the rear garden of the bungalow from the upper floor windows of Plot 3 which would result in substandard levels of privacy for the occupiers of the proposed bungalow.

10.14 As the development is located within a residential area it is not considered that there would be any adverse noise or other environmental impacts affecting amenity or arising from the development to impact on existing residents in the vicinity.

10.15 To address further the impact of the development on the amenity of neighbouring residents the relationships between the proposed dwellings and existing properties must also be considered.

10.16 A key element in this consideration is the raising of the finished floor levels above existing ground levels and the consequent use of steps to access the properties. This results in overlooking concerns to existing properties.

10.17 Plots 2 and 3 within the quadrant block have their entrances, accessed via several steps, on the east elevation facing towards the neighbouring property Coolruss Lodge. This would introduce activity at a higher level and consequent overlooking to the frontage, and more importantly the side, including windows, of the neighbouring property. This would not be mitigated by the use of a 1.8m close boarded fence along the boundary. Additional overlooking of Coolruss Lodge would also take place from the northern elevation of Plot 3, including of the rear garden area from the first floor. As such the development would result in a loss of privacy and amenity for the occupiers of this neighbouring dwelling.

10.18 It is not considered that the west elevation of the quadrant block would have any undue overlooking issues for the neighbour on that side owing to the largely blank elevation, or obscure glazed windows, of Hadleigh facing this element of the development .

10.19 Given the conflicting details submitted regarding Plot 5 (the bungalow) it is difficult to fully assess the impacts which this may have on neighbouring dwellings. If the dwelling is to be raised 0.55 or 0.7 m above existing ground level, which the elevation plans and FRA indicate, then there is the potential for some overlooking of

both Coolruss Lodge to the east and the dwelling approved to the north on the Lavender Mill site to occur. However, if, as the site plan seems to indicate, development is to take place at existing ground level then these relationships may be more acceptable. With regards to the relationship with Hadleigh this is considered likely to be acceptable given the separation distance between the frontage of the bungalow and the boundary with this property.

10.20 It is not considered that there would be any adverse impacts arising on neighbouring properties in terms of overshadowing or overbearing on neighbouring properties owing to the separation distances involved.

10.21 In summary it is considered that the application affords substandard levels of amenity for future occupiers of the development as well as resulting in loss of privacy for neighbouring residents to the detriment of their amenity. The application has, additionally, provided insufficient information to allow for the full and proper assessment of other relationships with neighbouring dwellings. Therefore, the proposal is not considered to accord with Policy LP16 of the Fenland Local Plan and Section 12 of the National Planning Policy Framework, which seek to ensure that future occupiers and existing properties are not subject to a material amenity impact arising from a proposed development.

Highway Safety and Parking

10.22 With regard to highway safety, there is good visibility to the east and west at the junction with Fallow Corner Drove to the south. The accesses to the parking areas meet the required visibility splays for 20mph and 30mph roads when assessed against the distance requirements contained within the Manual for Streets document.

10.23 With regard to parking spaces, the Planning Statement states: *The proposed scheme has been designed in accordance with the requirements of the 2014 Local Plan. Parking is available on the basis of 2 cars for the bungalow, and one car for each 1 2-bedroom starter home. There also a further two parking spaces for visitors.*

10.24 The car parking standards of Appendix A of the Local Plan regarding maisonettes states that for units of more than one bedroom 1.5 spaces must be provided. The proposal meets this requirement. With regard to the proposed bungalow, 2 spaces are provided, which also meets the requirements.

10.25 The County Highways Officer has no objections to the submitted details and has requested a visibility condition, closure of access condition and works in the public highway informative. There is not considered to be a materially significant parking or highways impact from the proposal.

Flooding Considerations / Drainage

10.26 The NPPF and Policy LP14 of the Fenland Local Plan, reinforced by the Cambridgeshire Flooding and Water SPD 2016, state that development should be avoided in areas of high flood risk however where development is necessary it should be safe from flood risk for its lifetime without increasing flood risk elsewhere. The application site is predominantly in Flood Zone 3 with a small proportion in FZ2 and FZ1. As such the application is required to pass the sequential test and if deemed sequentially acceptable the exception test.

10.27 The submitted Flood Risk Assessment states that because of the adjacent development site it is considered unnecessary to apply the Sequential and Exception Tests. Predominantly the approved development is in FZ1. It is not accepted that this development in any way results in a situation whereby the current application does not need to be considered sequentially. As no sequential information has therefore been provided as part of the FRA the sequential test is considered to be failed.

10.28 In relation to the exception test this is a full application, and no wider sustainability benefits have been identified as part of this. As such it is also deemed that the exception test is failed. As such the development conflicts with the NPPF, Policy LP14 of the Local Plan and the Flood and Water SPD.

10.29 With regards to surface water drainage, the site is intending to tie into the drainage system for the neighbouring development, which is considered to be a broadly acceptable approach. MLC have commented regarding a requirement for final discharge rates to be clarified, however it is considered that surface water matters could be dealt with through an appropriately worded condition.

10.30 An objection has been received in relation to foul water from the EA concerning the capacity at the Manea – Town Lots Waste Water Treatment Works (WWTW) which is currently exceeding its permitted volume of discharge. No comments have been received from Anglian Water (AW) who are the operators of the WWTW. Officers are aware that AW and the EA have been seeking to resolve these matters, and it may be that a suitably worded condition requiring a foul water drainage strategy is an appropriate way forward. However, given the various other issues which officers have identified with this application no further work has been undertaken in respect of exploring this.

Ecology

10.31 The submitted Preliminary Ecological Appraisal identifies that evidence of bats was found in the roof space of the bungalow to be demolished and that further surveys should be carried out in this regard. No further surveys have been submitted and as such the Council's ecology advisor objects to the application on the basis that it is not currently possible to assess the impact of the development on protected species or to consequently assess any appropriate mitigation. The application is therefore in conflict with Policy LP19 of the Local Plan.

10.32 The Ouse Washes Site of Special Scientific Interest, Special Area of Conservation, Special Protection Area and Ramsar is located approximately 1.5km from the application site and both Natural England and the Council's ecologist have identified the need to assess the impact of the development in terms of recreational pressures arising from additional residential development on this area. It is not considered that a development resulting in a net of four additional dwellings, in the context of the wider population of Manea, would create any significantly undue additional pressures from a recreational point of view and as such any further detailed assessment would be unnecessary and unreasonable.

'Voluntary' Section 106 Contributions

10.33 As the application is only for four additional dwellings it falls below the normal thresholds for section 106 contributions to be sought. However, the applicants have sought to link the scheme to their development at the rear for 29 houses and also to

a potential future application on a separate parcel of land to the east (which does not currently have planning permission) . The development of 29 dwellings was assessed as being unviable to provide any contributions at the time that outline permission was granted.

10.34 The Planning Statement submitted with the application suggests that a 'voluntary' sum of £8,149 could be provided as part of this application to in part address the request made by the NHS at the time of the Reserved Matters application for the 29 dwellings being approved in 2023 (notwithstanding that no such request was made in relation to the outline application) and the currently proposed development.

10.35 Policy LP5 of the Local Plan sets out that:

If a development scheme comes forward which in accordance with Part A of this Policy does not require the provision of affordable housing, but the scheme is followed by an obviously linked subsequent second development scheme at any point where the original permission remains extant, or up to 5 years following completion of the first scheme, then if the combined total of dwellings provided by the first scheme and the second or subsequent scheme provides 5 or more dwellings, then the above thresholds will apply cumulatively.

The policy goes on to state that:

Development viability will be assessed on the entire scheme(i.e. both application sites), not the second in isolation.

10.36 While the Local Plan clearly allows for assessment of linked sites such as this, the policy only references affordable housing rather than any other contributions. As such it is not considered that there is any policy basis to secure a contribution towards health as set out within the application. Consideration could be given towards using the proffered monies towards wider affordable housing delivery. However, the policy also makes clear that there should be a full viability assessment of both of the schemes to ensure that the Council is securing the optimum level of contributions. No such assessment has been submitted and it is therefore not possible to conclude that the £8,149 represents an appropriate level of contribution across the linked sites.

10.37 Notwithstanding that the delivery of such a financial contribution is not considered to outweigh the harm identified elsewhere within this report arising from the development this lack of comprehensive viability assessment and the conflict with policy represents further grounds to refuse the application.

Biodiversity Net Gain (BNG)

10.38 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.

10.39 The Council's Ecology advisor (CCC) objects to the submitted Biodiversity Net Gain details, stating "*The applicant has submitted Biodiversity Net Gain values calculated using the Small Sites Metric. However, the Small Sites Metric cannot be used on*

sites where European protected species are present….Therefore, if a bat (protected species) roost is confirmed to be present during further survey work, then a full version of a Statutory Metric will need be completed by a competent ecologist. Therefore, the BNG assessment cannot be agreed until the bat work has been completed.

In light of the above, we recommend ***refusal****"*

10.40 Given the above comments it is not considered that the application can currently demonstrate that the proposed development provides a biodiversity net gain and as such it would not be appropriate to grant the application with a bio diversity gain condition.

11 CONCLUSIONS

11.1 The proposed development by virtue of its amount, layout, form, design and scale would appear incongruous, unattractive and dominant in the streetscape to the significant detriment of the character and visual amenity of the area.

11.2 There is considered to be a material overlooking impact on the fenestration and private amenity space of Coolruss Lodge to the east as a result of the proposed development. Inadequate details have been provided to allow full assessment of other relationships arising from the development. The proposed scheme would also afford inadequate amenity for future residents of the development itself in terms of lack of amenity space and internal overlooking.

11.3 No information has been submitted to demonstrate that the site is sequentially acceptable in terms of flood risk or to demonstrate how the exception test would be passed. Additionally, there is a lack of appropriate assessment of the impact on protected species or a demonstration that, as a consequence, the development would deliver Bio-diversity Net Gain.

11.4 Finally, while the applicant has sought to link the application to the development of that of the neighbouring site in terms of making a 'voluntary' financial contribution, no comprehensive viability assessment has been submitted to demonstrate that this is an appropriate level of contribution. Notwithstanding this, the contribution is not considered to outweigh the harm and clear policy conflicts identified.

11.5 Due to the material concerns detailed in this report, the application is considered to be contrary to Policies LP2, LP5, LP16, LP14 and LP19 of the Fenland Local Plan (2014), Chapters 5, 12 and 14 of the National Planning Policy Framework (2024), the Cambridgeshire Flood and Water SPD (2016) and the Supplementary Planning Document: Delivering and Protecting High Quality Environments in Fenland (2014).

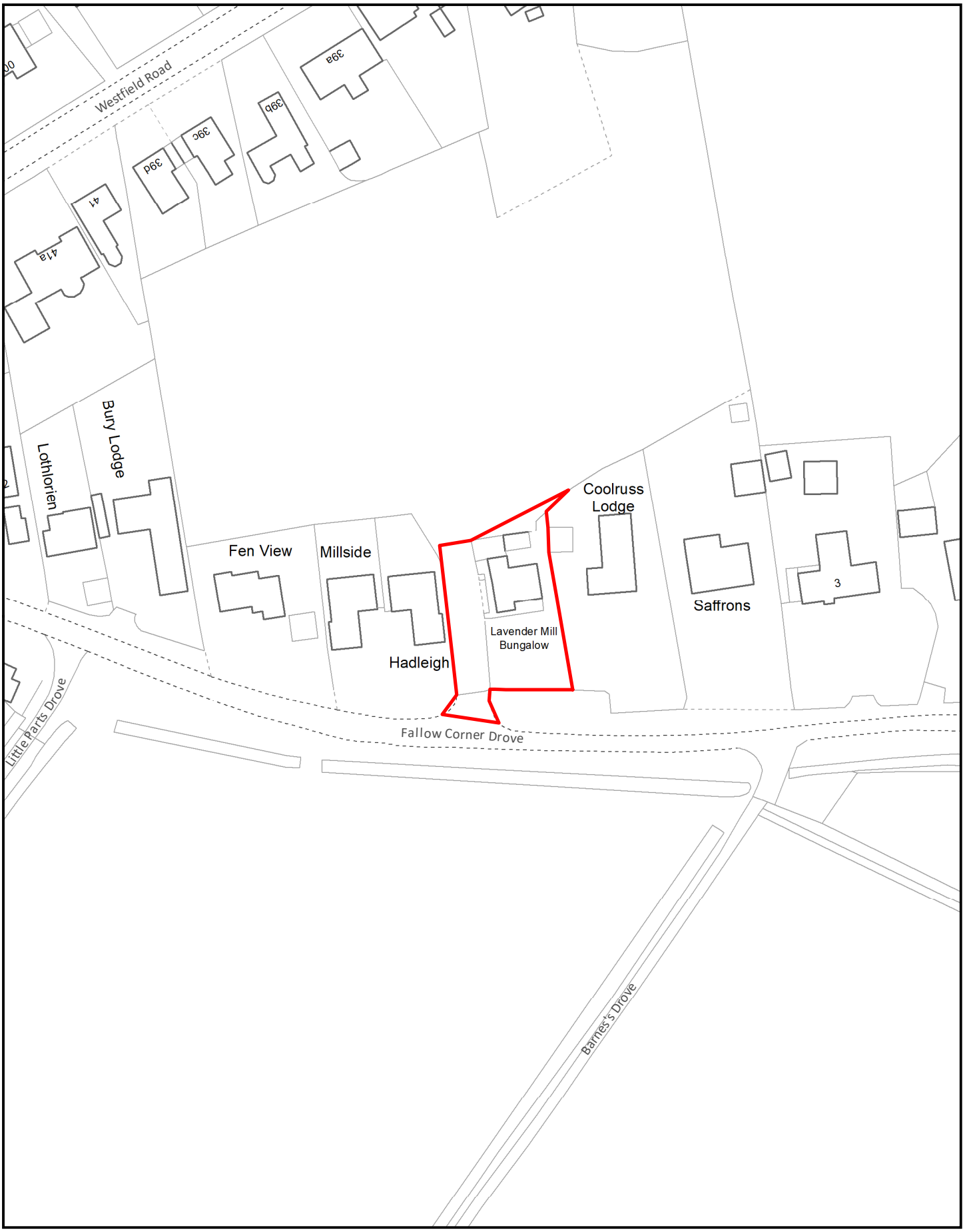
12 RECOMMENDATION

REFUSE; for the following reasons:

1	The amount of development taking place on the site, its layout, scale, form and appearance would result in a development at odds with the prevailing pattern of development and general character in the locality with a consequent adverse and detrimental impact on the character and appearance of the area contrary to Policy LP16 (d) of the Fenland Local

	Plan (2014), and Policy DM3 of Supplementary Planning Document: Delivering and Protecting High Quality Environments in Fenland (2014).
2	The development would result in overlooking of the side and rear of the neighbouring bungalow, Coolruss Lodge. This loss of privacy would be to the detriment of the amenity of the residents of this property and if permitted the development would be contrary to Policy LP16 of the Fenland Local Plan (2014) and paragraph 135 of the National Planning Policy Framework (2024).
3	Inadequate information has been submitted within the application to allow for the full and comprehensive assessment of the relationships between Plot 5 and neighbouring dwellings in terms of amenity with conflicting details provided regarding the raising of floor levels. To grant planning permission would therefore be contrary to Policy LP16 of the Fenland Local Plan (2014) and paragraph 135 of the National Planning Policy Framework (2024).
4	The development proposed by virtue of the substandard garden areas to Plots 1 and 2 and the overlooking from Plot 3 to the garden area of Plot 5 would afford an inadequate level of amenity for future residents of the development. This would be contrary to Policy LP16 of the Fenland Local Plan (2014) and paragraph 135 of the National Planning Policy Framework (2024).
5	The Cambridgeshire Flood and Water SPD 2016 and Policy LP14 (Part B) of the Local Plan requires development in Flood Zone 3 to undergo a sequential test to demonstrate that the development cannot be delivered elsewhere in the area at lower risk areas of flooding. Policy LP2 seeks to deliver high quality environments, ensuring that people are not put at identified risks from development thereby avoiding adverse impacts in the interests of health and wellbeing. The site lies within Flood Zone 3 which is a high-risk flood area. The applicant has failed to undertake a substantive and evidenced sequential test and has therefore failed to demonstrate that the development could not be delivered in an area of lower flood risk, thereby failing LP14 (Part B). Consequently, the proposal fails to satisfy policy LP2 of the Fenland Local Plan as it fails to deliver a high quality environment and unjustifiably puts future occupants at higher risk of flooding.
6	The Preliminary Ecological Appraisal submitted with the application identifies the potential for a bat roost to exist at the site and recommends further survey work needs to be carried out. No such surveys have been undertaken and, in their absence, it is not possible to adequately assess the impacts upon protected species or to identify appropriate mitigation. Policies LP16 (b) and LP19 of the Fenland Local Plan (2014) and Paragraph 187 of the NPPF (2024) seek to conserve, enhance and promote biodiversity and, if permitted, the application would be in conflict with these policies.
7	The application is not supported by adequate information to establish that the proposed development will be able to meet the BNG requirements for the site and to grant planning permission would consequently be contrary to Policies LP16 and LP19 of the Fenland Local Plan 2014.

8	The application proposes a ‘voluntary’ financial contribution linked to the residential development of the site to the north (Lavender Mill). No comprehensive viability assessment covering both development sites, as required under Policy LP5 of the Fenland Local Plan 2014, has been submitted and as such it is unknown whether the contribution offered is the optimum amount which could be delivered from the linked developments. As such, to grant the application would be contrary to the aforementioned policy.



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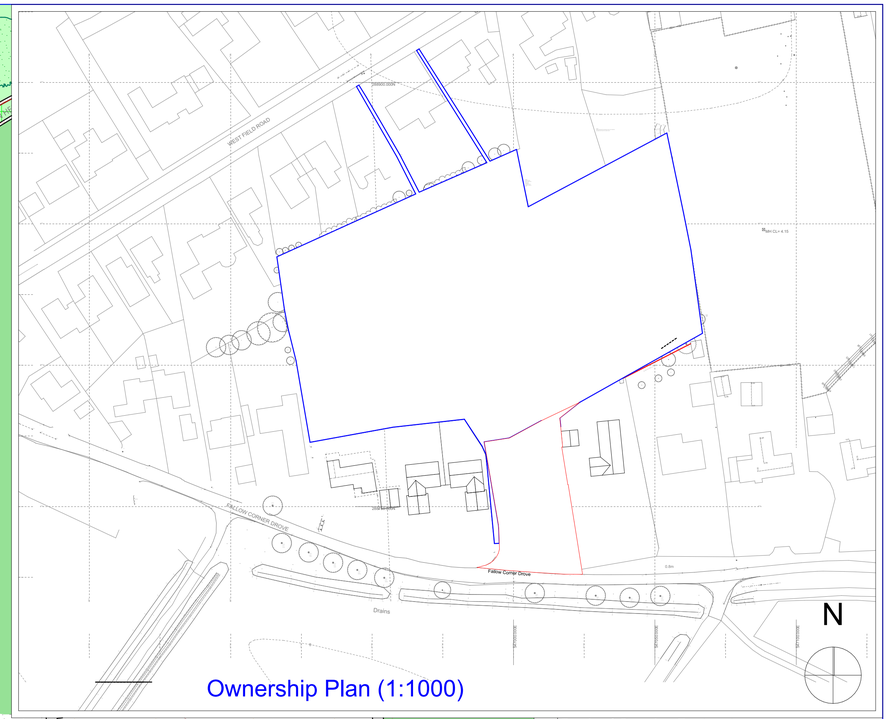
N

Fenland CAMBRIDGESHIRE

Fenland District Council

CGI of Propoased Development



Ownership Plan (1:1000)

Fallow Corner Drove

Millside

Hadleigh

Coolruss Lodge

Line of C/B Fence & Red Line Boundary as per Consent F/YR23/0423/RM

Line of C/B Fence & Red Line Boundary as per Consent F/YR23/0423/RM

Electricity Sub-station as per Consent F/YR23/0423/RM

Close Hatched area annoted 'Area 2' Land Owned by the Applicant (BDCC) which is to be surveyed with the rest of Plot 2B or adjacent phase of the consented under F/YR20/0423/RM

Area 2

A

B

C

E

TAC

5

FFL 2.40m

FFL 1.85m

Bins Plot 3

Bins Plot 4

Secure Cycle & Bin Storage

TBP

4

3

FFL 2.80m

1

2

Shared Private Drive (turning area in excess of DB32 requirements)

1800 Brick Wall

Bin Day Collection Point (plots 1-4)

(Visitor)

existing accessway from Fallow Corner Drove to be removed

01

04

0.71

0.70

0.71

N

Layout Plan (1:100)

0 2000 4000 6000 8000 10000 12000mm

Fencing & Boundary Treatments:
All boundary fencing to be 1800mm high close boarded timber or 1800mm high brick walling as per this drawing. Plots 1,4 & 5 to have low level hardwood 800mm high 100x100mm posts c/w 2no.75x25mm rails at 300mm centres).

Notes on Trees:
No trees in rear garden to be planted within 150mm of rear boundary fence or wall.
Tree Type 1: 'TBP' - Betula Pendula (Silver Birch)
Tree Type 2: 'TAC' - Acer Campestre 'Louisa Redshine' (Field Maple)
Tree Type 3: 'TTB' - Taxus Baccata Fastigiata Robusta Column Yew

Notes on Side Gates:
All side gates to be lockable from both sides with self-closing mechanisms.

Notes on Refuse Collection:
All plots to have dedicated space within each plot curtailag efor secure stoarge of 3no. 240 litre Full/Height FDC issued Wheelie Bins.
'Bin Day Collection Points' as delmaracted on plan by 'BDCP'.

Notes on Parking:
Plots 1-4: all provided with 1 dedicated off-street parking space accessed by shared private drive.
Plot 5: provided with 1 garage space with clear internal size of 7m x 3m and 1 off-street parking space.

S1 S2 S3 S4 S5

Landscaping (Shrub Schedule)

Shrub Type 1: 'S1' -Cortaderia Selloana Alba - Pampass Grass

Shrub Type 2: 'S2' Hydrangea Paniculata

Shrub Type 3: 'S3' Rosacea 'Alecs Red'

Shrub Type 4: 'S4' Tamarix Terandra 'Salt Cedar'

Shrub Type 5: 'S5' Ulex 'Gorse Scrub'

Site Data:
Dwellings Proposed = 5
Site Area = 0.0745 hectcres / 0.184 acres

Gross Internal Areas:
Plot 1 - QMS - 66.65sq.m or 718sq.ft.(yes projection, yes bay)
Plot 2 - QMS - 57.33sq.m or 620sq.ft (yes projection, no bay)
plot 3 - QMS - 55.32sq.m or 596 sq.ft (no projection, no bay)
Plot 4 - QMS - 64.34sq.m or 693 sq.ft (no projection, yes bay)
Plot 5 - CB14P2
Bungalow - 61.41sq.m or 660sq.ft.
Garage - 23.41sq.m or 251sq.ft

Overall Total - 314.64sq.m or 3382sq.ft.

C - Changes done to Patio and back garden of Plot 5 SU 21-01-25
B - Increase in height FFL done according to the flood risk report by Ben horinglod, Engineering Support Praactice SU 15-07-24
A - Amendments to parking configuration and bin / cycle storage CC 22-04-24

Revision:	Drawing Number:	Scale:	Date:
C	1104-02	1:100 & 1:1000	26-03-24

Paper Size: Custom 01 - 911x690mm (nett printable 900.8x679.8mm)

Drawing:
Lavender Mills, Manea Phase 2:
Site Layout with Floor Plans & Site Ownership Plan

Project:
Lavender Mills Phase 2
Fallow Corner Drove
Manea
Cambridgeshire PE15 0LT

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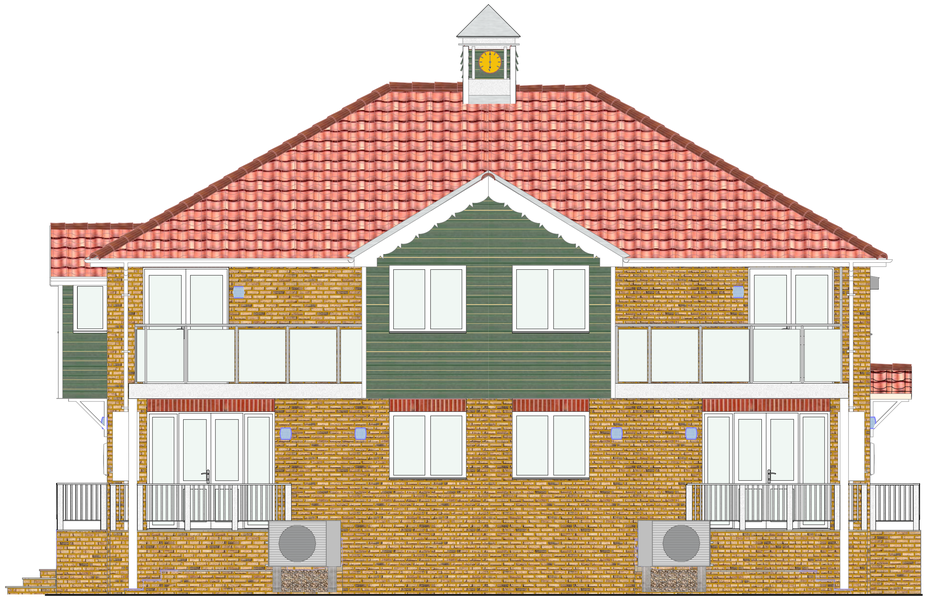
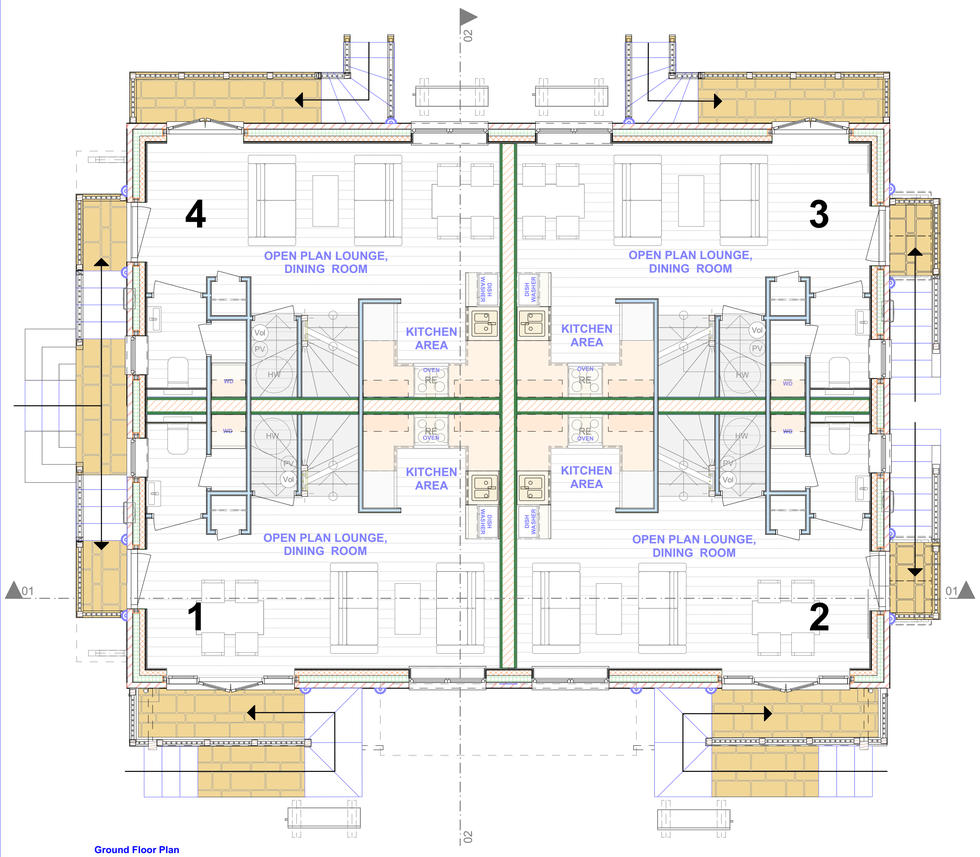


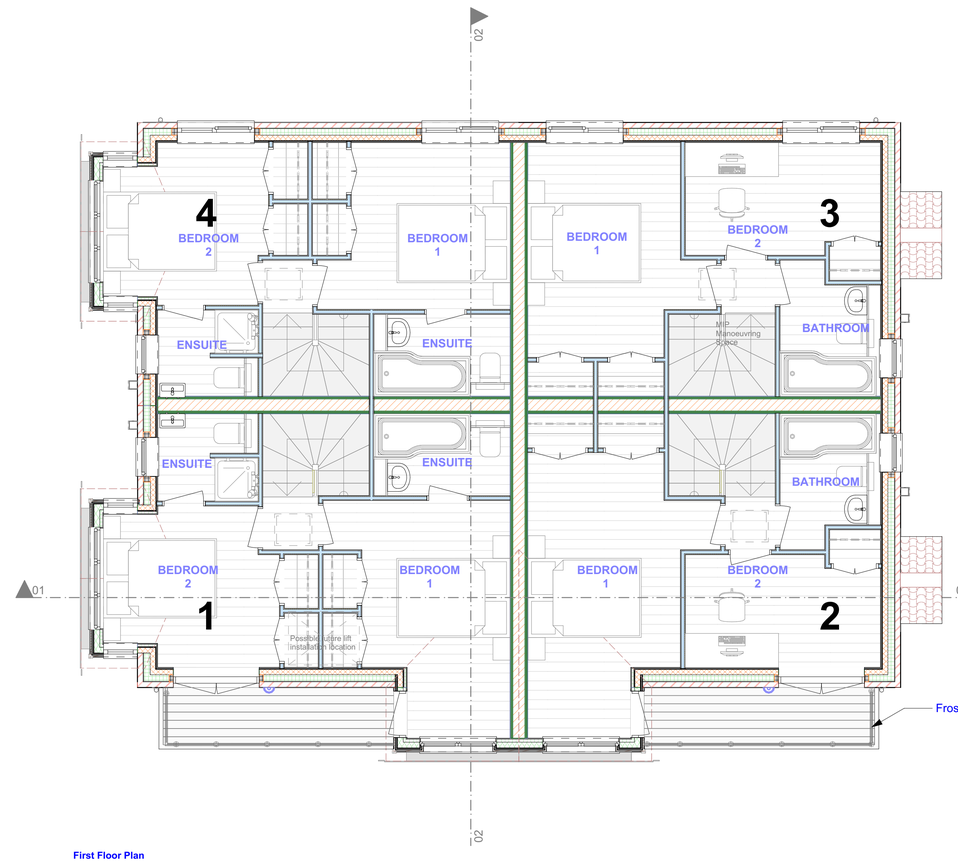
South Elevation
See site elevations for gradient of site

West Elevation
See site elevations for gradient of site

Perspective - Front Right



Ground Floor Plan
DPC level 2.80m



First Floor Plan

Perspective - Front Left

Plot 1 area - 2 Bedroom 66.65 Sqm which is 718 Sqft
Plot 2 area - 2 Bedroom 57.33 Sqm which is 620 Sqft
Plot 3 area - 2 Bedroom 55.32 Sqm which is 596 Sqft
Plot 4 area - 2 Bedroom 64.34 Sqm which is 693 Sqft

NOTE
To satisfy Lifetime Homes internal criteria, the Ajg will have:
5 - n/a
6 - All doors of minimum clear opening of 750mm and entrance level doors with 300mm nib to opening pull side
7 - Minimum clear circulation space as shown on floor plan
8 - Living room and kitchen on entrance level
9 - Double bedroom space on entrance level in MIP annex
10 - Entrance level WC fitted with shower, sloping floor & drainage in MIP annex
11 - Bathroom & WC walls ready for future grab rail fitment
12 - Staircase appropriate for stair lift installation
13 - MIP annexe ceiling designed to accommodate weight of MIP hoist to line shown on floor plan and no partitions on route to be structural
14 - MIP annex shower room offering accessible access for MIP use
15 - Windows to living room allowing seated occupants to see out with at least one openable light with handle no higher than 1200mm
16 - All service controls located between 450mm and 1200mm above floor level

0 1500 3000 4500mm

C- Partition added on plot 2 balcony SU 06-09-24
B - Floor slab raised by 1m further to flood risk assessment by Ben Hornigiod, Engineering Support Practices Ltd. SU 11-07-24
A - Minor Modifications for Floor Plans and Elevations 19-04-23 SU

Revision:	Drawing Number:	Scale:	Date:
C	1104-04	1:50	27-03-24

Paper size: Custom 1 - 911x690mm (nett printable 900.8x679.8)

Drawing:
Q-Block Type QSM
General Arrangement
Floor Plans, Front & Rear Elevations
(Plots 1,2,3,4)

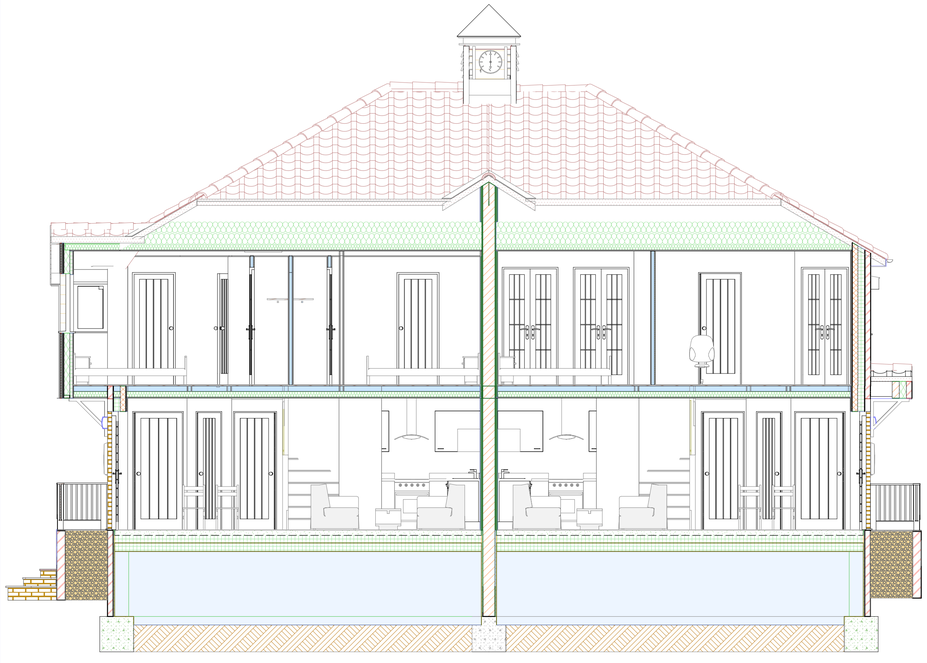
Project:
Lavender Mills Phase 2
Fallow Corner Drove
Manea
Cambridgeshire PE15 0LT

James Development Co Ltd
123 Victoria Road
Romford
Essex RM1 2NL
01708 743796 www.jdhomes.co.uk

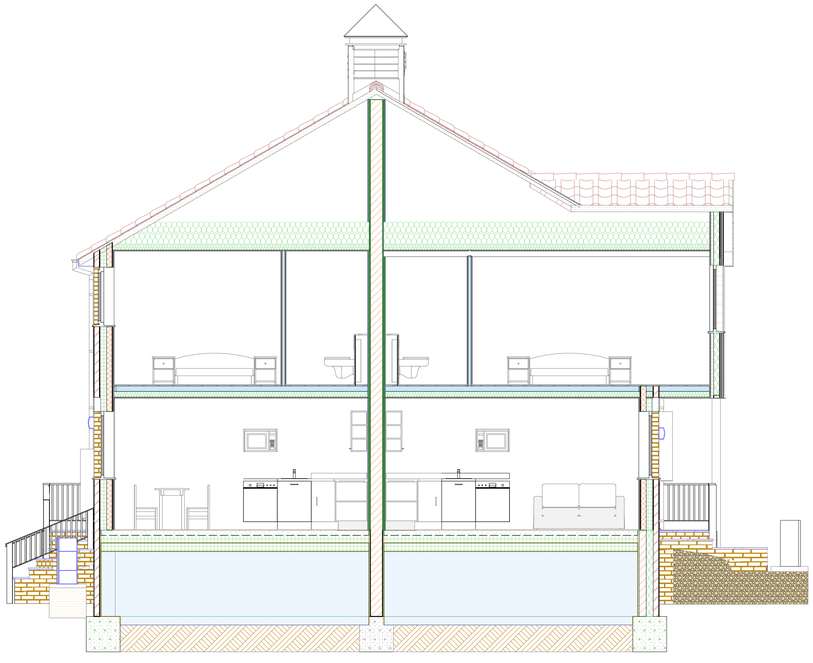
East Elevation
See site elevations for gradient of site

North Elevation
See site elevations for gradient of site

Perspective - Rear Right



Section 01



Section 02

Perspective - Rear Right

Closeup Elevation showing the partition on the Plot 2 Balcony

Perspective showing the partition on the Plot 2 Balcony

C- Partition added on plot 2 balcony SU 06-09-24
B - Floor slab raised by 1m further to flood risk assessment by Ben Hornigold, Engineering Support Practices Ltd. SU 11-07-24
A - Minor Modifications for Floor Plans and Elevations 19-04-23 SU

Revision:	Drawing Number:	Scale:	Date:
C	1104-05	1:50	27-03-24

Paper size: Custom 1 - 911x690mm (nett printable 900.8x679.8)

Drawing:
Q-Block Type QSM
General Arrangement
Floor Plans, Front & Rear Elevations
(Plots 1,2,3,4)

Project:
Lavender Mills Phase 2
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Manea
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Plot 1 area - 2 Bedroom 66.65 Sqm which is 718 Sqft
Plot 2 area - 2 Bedroom 57.33 Sqm which is 620 Sqft
Plot 3 area - 2 Bedroom 55.32 Sqm which is 596 Sqft
Plot 4 area - 2 Bedroom 64.34 Sqm which is 693 Sqft
NOTE
To satisfy Lifetime Homes internal criteria, the Ajg will have:
5 - n/a
6 - All doors of minimum clear opening of 750mm and entrance level doors with 300mm nib to opening pull side
7 - Mimimum clear circulation space as shown on floor plan
8 - Living room and kitchen on entrance level
9 - Double bedroom space on entrance level in MIP annex
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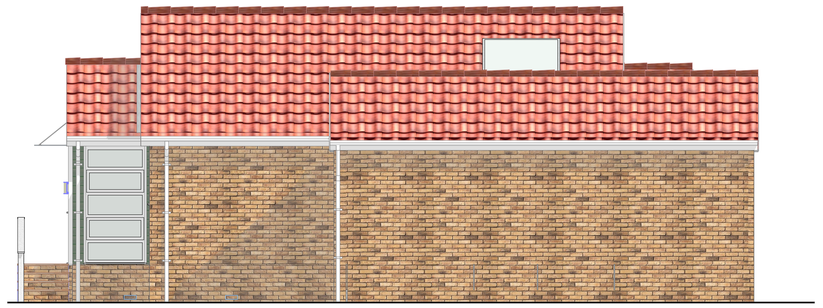
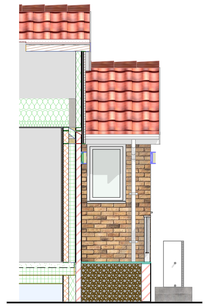
16 - All service controls located between 450mm and 1200mm above floor level

0 1500 3000 4500mm

East Elevation



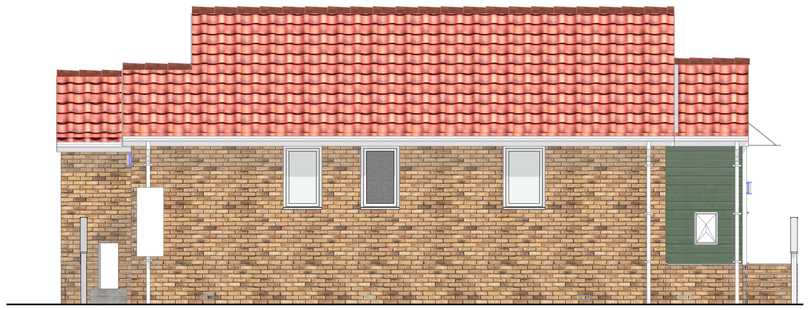
South Elevation



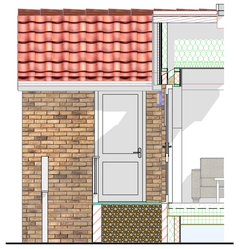
Sectional Elvation A-A
Rear Bedroom Window Elevation

Perspective - Front Right

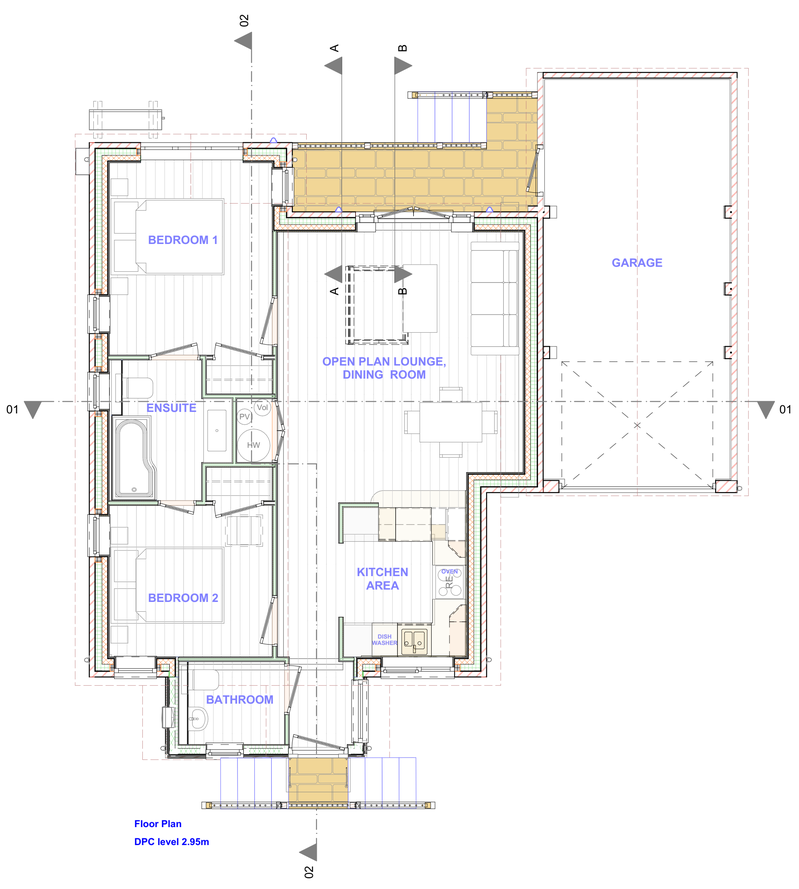
West Elevation



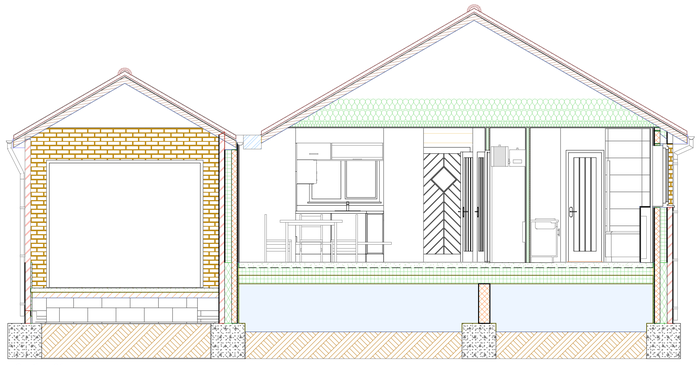
North Elevation



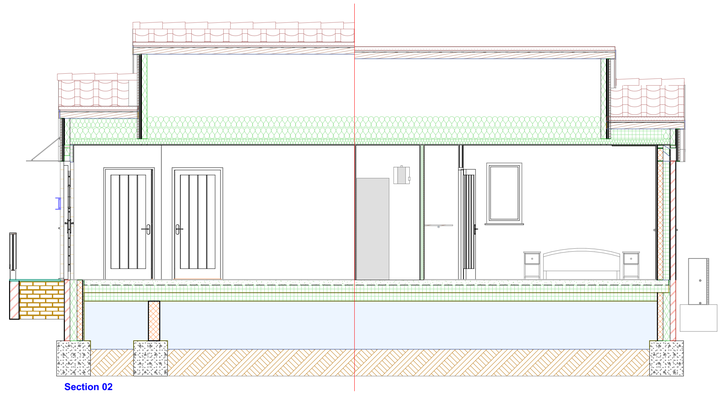
Sectional Elvation B-B
Garage Rear Door Elevation



Floor Plan
DPC level 2.95m



Section 01



Section 02

Perspective - Rear Left

Perspective - Rear Right

Plot 5 area - 61.41 Sqm which is 660 Sqft
Garage area - 23.41 Sqm which is 251 Sqft

NOTE
To satisfy Lifetime Homes internal criteria, the Ajg will have:
5 - n/a
6 - All doors of minimum clear opening of 750mm and entrance level doors with 300mm nib to opening pull side
7 - Minimum clear circulation space as shown on floor plan
8 - Living room and kitchen on entrance level
9 - Double bedroom space on entrance level in MIP annex
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14 - MIP annex shower room offering accessible access for MIP use
15 - Windows to living room allowing seated occupants to see out with at least one openable light with handle no higher than 1200mm
16 - All service controls located between 450mm and 1200mm above floor level

0 1500 3000 4500mm

C - Elevations ammended part sectional elevation further to invalidation letter SU 16-07-24
B - Floor slab raised by 0.550m further to flood risk assessment by Ben Horinglod, Engineering support practices Ltd. SU 15-07-24
A - Minor amendment to the kitchen plan SU 11-04-24

Revision:	Drawing Number:	Scale:	Date:
C	1104-06	1:50	27-03-24

Paper Size: Custom 01 - 911x690mm (nett printable 900.8x679.8mm)

Drawing:
Bungalow Type CB14 P2
General Arrangement
Floor Plans, Front & Rear Elevations
(Plot 5)

Project:
Lavender Mills Phase 2
Fallow Corner Drove
Manea
Cambridgeshire PE15 0LT

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123 Victoria Road
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01708 743796 www.jdhomes.co.uk

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F/YR24/0891/O

Applicant: Mr & Mrs R Brownlow **Agent : Mr Gareth Edwards Swann Edwards Architecture Limited**

Land North Of Meadow Cottage, Allens Drove, Gorefield, Cambridgeshire

Erect 1 x dwelling (outline application with all matters reserved)

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to Officer recommendation

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Government Planning Guarantee

Statutory Target Date For Determination: 30 December 2024

EOT in Place: Yes

EOT Expiry: 13 February 2025

Application Fee: £578

Risk Statement:

This application must be determined by 13.02.2025 otherwise it will be out of time and therefore negatively affect the performance figures.

---

1 EXECUTIVE SUMMARY

1.1. The proposal seeks outline permission with all matters reserved for the erection of 1no. dwelling.

1.2. It is considered that the proposal is unacceptable in principle having regard to Policies LP3, LP12, and Paragraph 84(a) of the NPPF on the basis that it has not been sufficiently justified that the proposal is essential for agriculture and the site is otherwise considered to be in an unsuitable and unsustainable location.

1.3. It is considered that the development of the site would result in an adverse landscape character impact by virtue of the development of a greenfield site in a currently rural and largely undeveloped area, contrary to Policies LP12 and LP16.

1.4. The application site is located entirely within Flood Zone 3 and fails to meet the sequential test by virtue of alternative sites being available elsewhere in the district to accommodate the development that are at lower risk of flooding. The proposal is therefore considered to be contrary to Policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF.

1.5. It is therefore considered that the proposal is not acceptable in planning terms

and is accordingly recommended for refusal for the reasons listed above.

2 SITE DESCRIPTION

2.1. The application site is located on undeveloped agricultural land to the north of an existing residential property known as Meadow Cottage. The site fronts onto the public highway known as Allen's Drove, which is a relatively narrow highway, at approximately 4m in width at the application site.

2.2. The site lies entirely within Flood Zone 3 and is at very low risk of surface water flood risk.

2.3. The area surrounding the site is largely characterised by undeveloped agricultural land with sporadic parcels of residential development.

3 PROPOSAL

3.1. The proposal seeks outline planning permission with all matters reserved for the erection of one dwelling.

3.2. The indicative site plan submitted with the application identifies a dwelling located centrally with a new access to be created in the northern corner of the site.

3.3. Full plans and associated documents for this application can be found at: https://www.publicaccess.fenland.gov.uk/publicaccess/

4 SITE PLANNING HISTORY

F/YR18/0044/O	Erection of up to 2no. dwellings (outline application with matters committed in respect of access)	Refused 09.03.18

5 CONSULTATIONS

5.1. **Parish/Town Council**
Object - It is situated in open countryside with no justification

5.2. **Environment & Health Services (FDC)**
No objection subject to conditions

5.3. **North Level Internal Drainage Board**
No objection

5.4. **Cambridgeshire County Council Highways Authority**
No objection

5.5. **Environment Agency**
No objection subject to conditions

5.6. **Local Residents/Interested Parties**

Supporters
A total of 7 letters of representation were received in support of the application from residents of High Road, Back Road & Cattle Dyke in Gorefield, raising the following material planning considerations:

- The site is between two properties and would allow easy access to services.
- There is a shortage of houses in rural areas.

The comments also raised the following non-material planning considerations:
- The applicant and his family are local, having lived in Gorefield for a long time.
- The applicant has supported local charities, services and facilities.
- The applicants wish to downsize due to advancing age.
- The precedent of a new build granted elsewhere on the road.

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

National Planning Policy Framework (NPPF) 2024
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 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
LP5 – Meeting Housing Need
LP12 – Rural Areas Development Policy
LP14 – Responding to Climate Change and Managing the Risk of Flooding in

Fenland
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
LP16 – Delivering and Protecting High Quality Environments across the District
LP19 – The Natural Environment

Delivering and Protecting High Quality Environments in Fenland SPD 2014
DM3 – Making a Positive Contribution to Local Distinctiveness and character of the Area

Cambridgeshire Flood and Water SPD 2016

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 49 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
LP3: Spatial Strategy for Employment Development
LP7: Design
LP8: Amenity Provision
LP12: Meeting Housing Needs
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
LP32: Flood and Water Management

8 KEY ISSUES

- **Principle of Development**
- **Character and appearance**
- **Residential Amenity**
- **Flood Risk and Drainage**
- **Biodiversity Impact**
- **Parking Provision and Highway Safety**
- **Biodiversity Net Gain (BNG)**

9 BACKGROUND

9.1. The site was previously subject to a planning application under reference number F/YR18/0044/O which sought permission for the erection of up to 2no. dwellings.

9.2. This application was submitted at a time when the Council were unable to demonstrate a 5-year housing land supply. As such, the proposal was assessed against the three objectives of sustainable development as set out in the NPPF.

9.3. Notwithstanding this, the application was refused on the basis that it was not deemed to constitute sustainable development and would be harmful to the character of the open countryside. It was also refused on the basis that the site was located in Flood Zone 3 and was therefore at a high risk of flooding.

10 ASSESSMENT

Principle of Development

10.1. The application seeks outline permission with all matters reserved for the erection of 1no. residential dwelling.

10.2. The site is located within an area of open countryside between the main settlements of Gorefield and Wisbech St Mary. Policy LP3 considers the site to be an 'elsewhere' location within open countryside where development is restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport and utility services.

10.3. The design and access statement submitted in support of the application states that the application is submitted under paragraph 84(a) of the NPPF, which states that planning decisions should avoid the development of isolated homes in the countryside unless there is an essential need for a rural worker.

10.4. In relation to the definition of "isolated homes", the Court of appeal decision on 'City & Country Bramshill Ltd v Secretary of State for Housing, Communities and Local Government [2021] concluded the proximity of a site to other dwellings does not constitute a site being isolated. Rather, it is the functional relationship of a site to settlements due to a lack of connectivity that would be the determining factor.

10.5. The statement goes on to state that the applicant's current farmhouse has no agricultural occupancy tie and is no longer fit for purpose for the applicants, hence the need for a new property to allow them to continue to reside in close proximity to their agricultural business.

10.6. However, no details have been provided to support this justification in respect of the location of the current farmhouse, the nature and scale of the agricultural business, and the roles of the applicant within the business that necessitates an on-site presence.

10.7. As such, it cannot be confirmed that there is an "essential need" for a rural worker to live on site, as specified by paragraph 84(a) of the NPPF, and therefore it is not considered that this exception applies to the development to justify the erection of a dwelling in this isolated location.

10.8. On the basis of the previous assessment, it is considered that the proposal conflicts with Local and National Planning Policy and is accordingly considered to be unacceptable in principle.

Character and Appearance

10.9. The proposal is submitted in outline form with all matters reserved. As such, no detailed plans have been submitted in support of the application.

10.10. Notwithstanding this, the proposal would result in the development of a parcel of currently undeveloped agricultural land. Whilst there is an existing residential property immediately adjacent to the southern boundary of the site and a further property approximately 45m to the north of the site, it is considered that the development of the site would inherently result in a detrimental impact on the open landscape character of the area, that currently benefits from largely uninterrupted views.

10.11. Whilst no detailed plans have been submitted in support of the application, it is acknowledged that a suitably designed scheme could be provided that would be in keeping with the visual appearance of the existing dwellings in the surrounding area. However, this is not sufficient to outweigh the landscape character harm that would inherently arise from the development of the site.

10.12. It is overall considered that the proposal would result in unacceptable changes to the area that would fail to enhance its local setting and adversely impact the landscape character of the area contrary to Policy LP16 of the Fenland Local Plan.

Residential Amenity

10.13. The application site is sufficiently sized to accommodate a dwelling and provide sufficient private amenity space for future occupants.

10.14. Further, the relationship between the site and nearby dwellings is considered to be sufficient to avoid any detrimental impacts in terms of overlooking, over-dominance or overshadowing.

10.15. Whilst the plot immediately south of the application site is a residential property, the dwelling to the south is approximately 40m away from the boundary of the site. Again, the property to the north is approximately 70m away from the application site, therefore confirming that a suitably designed scheme could be provided at Reserved Matters stage to ensure no detrimental amenity impacts.

10.16. The proposal is therefore considered to satisfy the requirements of Policy LP16 of the Fenland Local Plan in respect of its residential amenity impacts.

Flood Risk and Drainage

10.17. The application site is located within Flood Zone, and is at very low risk of surface water flooding.

10.18. Policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF seeks to direct development away from areas at high risk of flooding, unless the sequential and exception test can be met.

10.19. The application is supported by a Flood Risk Assessment which has been considered by the Environment Agency, with no objections raised by this body.

10.20. The Flood Risk section of the Design and Access Statement states that the sequential test is met by virtue of the development proposal being a solution for

the site, meaning that there are no other parcels of land available to accommodate the proposal.

10.21. As set out in the 'Principle of Development' section above, the site is considered to be located in an 'Elsewhere' location, as defined by Policy LP3. As per the conclusions of this section of the report, it is not considered that Policy LP3 of the Fenland Local Plan, or Paragraph 84(a) of the NPPF is met on the basis that there is insufficient evidence to demonstrate that the proposal is essential for agricultural purposes.

10.22. The Council's adopted approach to the Sequential Test states that the area of search will be "determined by considering the proposal's objectives, linked to the spatial policies of the Local Plan. For proposals that demonstrate a clear objective to sustain particular settlements or the countryside, the area of search will be:

A) Developments in the countryside – The whole of the rural area

B) Developments in towns and villages – The town/villages that the proposal would sustain."

10.23. As the application site is located in an 'Elsewhere' location with insufficient justification, it is considered that the search area for the sequential test must cover the whole of the rural area. Accordingly, the sequential test is deemed to be failed.

10.24. As the sequential test has been failed, it is not necessary to consider the exception test. Notwithstanding this, the site does not offer any wider sustainability benefits, and it is therefore considered that the exception test would be failed in any event.

10.25. Overall, on the basis of the site's location in Flood Zone 3 and considering that the sequential test is not met, it is not considered that the development is in a suitable location in flood risk terms, and therefore the application is considered contrary to Policy LP14 of the Fenland Local Plan (2014) and Chapter 14 of the NPPF (2024).

Biodiversity Impact

10.26. Based on the information submitted alongside the application, there is no indication that any protected species would be impacted or at risk as a result of the development.

10.27. Given the current condition of the site as an undeveloped, but worked, agricultural field, it is considered unlikely that the site would be a suitable habitat for any protected species, nor would it have any significant biodiversity value.

10.28. As such, it is not considered that the development of the site would give rise to any detrimental biodiversity impacts, and therefore the proposal is considered to satisfy the requirements of Policy LP19 in this regard.

Parking Provision and Highway Safety

10.29. The size of the site is such that there will be ample space for a Reserved Matters scheme to incorporate sufficient parking and turning provision on site.

10.30. Whilst Allen's Drove is a narrow highway, it is not considered that the increase of traffic movements associated with the creation of one additional dwelling would have a detrimental impact on highway safety in this location.

10.31. The geometry of Allen's Drove is such that good visibility could be achieved in each direction from an access created anywhere along the frontage of the site, therefore ensuring that safe access and egress could be achieved.

10.32. Whilst access is not a matter for consideration in this instance, it is considered that a safe and suitable scheme could be provided at Reserved Matters stage to render the scheme acceptable in highway safety terms. This view is echoed by the Highway Authority who considered the principle of the development acceptable in highway safety terms, subject to a suitable detailed scheme being provided at Reserved Matters stage.

10.33. Overall, it is considered that the proposal is acceptable in terms of the principle of highway safety, having regard to Policy LP15 of the Fenland Local Plan.

Biodiversity Net Gain (BNG)

10.34. 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.

10.35. In this instance a Biodiversity Gain Condition is required to be approved before development is begun.

11 CONCLUSIONS

11.1. The proposal seeks outline permission with all matters reserved for the erection of 1no. dwelling.

11.2. It is considered that the proposal is unacceptable in principle having regard to Policies LP3, LP12, and Paragraph 84(a) of the NPPF on the basis that it has not been sufficiently justified that the proposal is essential for agriculture and the site is otherwise considered to be in an unsuitable and unsustainable location.

11.3. It is considered that the development of the site would result in an adverse landscape character impact by virtue of the development of a greenfield site in a currently rural and largely undeveloped area, contrary to Policies LP12 and LP16.

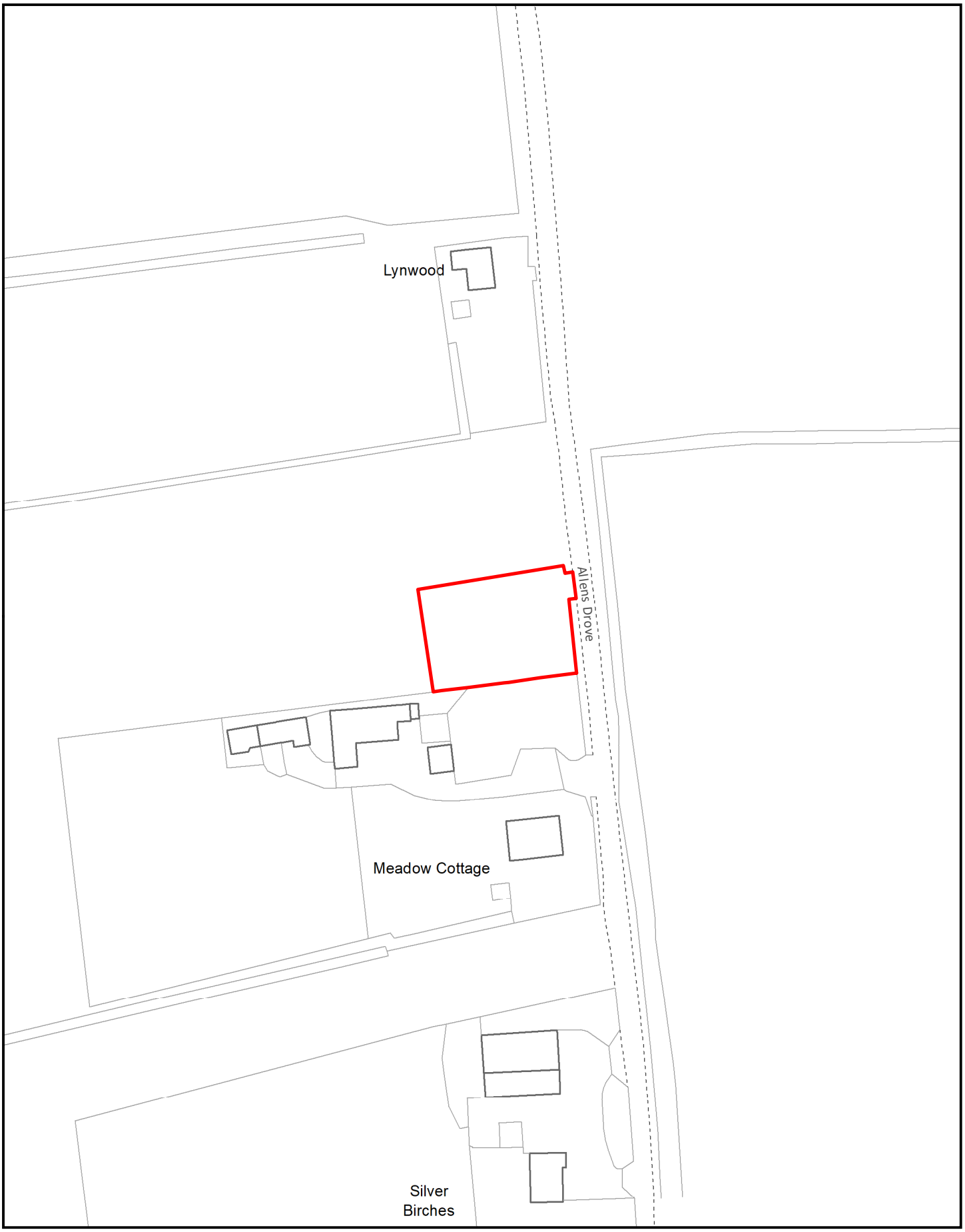
11.4. The application site is located entirely within Flood Zone 3 and fails to meet the sequential test by virtue of alternative sites being available elsewhere in the district to accommodate the development that are at lower risk of flooding. The proposal is therefore considered to be contrary to Policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF.

11.5. It is therefore considered that the proposal is not acceptable in planning terms and is accordingly recommended for refusal for the reasons listed above.

12 RECOMMENDATION

Refuse; for the following reasons:

1.	The application site is located in an 'Elsewhere' location as identified in Policy LP3, where development is restricted to that which is essential for agriculture, or other uses requiring a rural location. The proposal is supported by insufficient justification to demonstrate that there is an essential agricultural need for the development as required by Policy LP12 of the Fenland Local Plan (2014) and Paragraph 84(a) of the NPPF 2024. The proposal would therefore result in unwarranted development in an unsustainable rural location contrary to the aforementioned policies.
2.	The proposal, by virtue of the development of a greenfield site in a rural location, would be harmful to the character of the open countryside, contrary to Policies LP12 and LP16 of the Fenland Local Plan.
3.	The application site is located within Flood Zone 3 and fails to meet the sequential or exception test. It is considered that the proposal is at an unacceptable risk of flooding that would fail to be suitably mitigated against. The proposal is therefore considered to be contrary to Policy LP14 of the Fenland Local Plan (2014) and Chapter 14 of the NPPF (2023).



Created on: 07/11/2024

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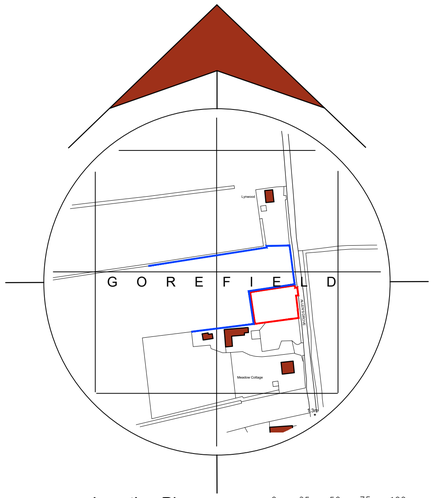
F/YR24/0891/O

Scale = 1:1,250

N

Fenland
CAMBRIDGESHIRE
Fenland District Council



Location Plan
Scale: 1:2500

0 25 50 75 100
metres

Indicative Site Plan
Scale: 1:200

0 2 4 6 8
metres

General Notes

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

SITE PLAN KEY

- Indicates un-surveyed OS buildings
- Indicates proposed indicative dwelling
- Indicates existing vegetation
- Indicates proposed indicative soft landscaping
- Indicates proposed indicative pond
- Indicates proposed indicative driveway
- Indicates proposed indicative grassed areas
- Indicates existing site access to be utilised with any future application

Status

FOR APPROVAL

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

Job Title
Proposed Dwelling
Land Adj. Meadow Cottage
Allens Drove, Gorefield, Wisbech
For: Mr and Mrs Brownlow

Date: September 2024
Drawn by: GT
Checked by: G.E.

Drawing Title
Outline Planning Drawing
Indicative Site Plan

Job No.: SE-2047
Sheet Size: A1
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