

AGENDA

PLANNING COMMITTEE

WEDNESDAY, 7 AUGUST 2024

1.00 PM

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

Committee Officer: Jo Goodrum
Tel: 01354 622285
e-mail: memberservices@fenland.gov.uk

- 1 To receive apologies for absence.
- 2 To report additional items for consideration which the Chairman deems urgent by virtue of the special circumstances to be now specified
- 3 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.
- 4 F/YR23/0772/F
The Nags Head Public House, 402 Eastrea Road, Eastrea
Change of use of public house to convenience store (class E(a)) involving the installation of a shop front, a new crossover to the front serving the improved car park with new screening fence to the front and demolition of existing outbuilding and porch (part retrospective) (Pages 3 - 20)

To determine the application.
- 5 F/YR23/0819/F
Land East Of 22 Eastwood Industrial Estate, Eastwood End, Wimblington
Erect a storage building for the storage of fertilisers and provision of hardstanding to serve the building (Class B8) (Pages 21 - 38)

To determine the application.

6 F/YR24/0161/F

Land South Of 4 Hole In The Wall Cottages, Padgetts Road, Christchurch
Erect 1 x dwelling (2-storey 4-bed) in association with existing farm, and formation of an access (Pages 39 - 60)

To determine the application.

7 F/YR24/0254/PIP

Brownlows Yard, 400 Creek Road, March
Permission in principle to erect up to 9 x dwellings (Pages 61 - 76)

To determine the application.

8 F/YR24/0333/F

Land North East Of Horseway Farm Accessed From, Byall Fen Drove, Manea
Erect 1 dwelling (2-storey 3-bed) and formation of a new access (Pages 77 - 88)

To determine the application.

9 F/YR24/0410/F

Land East Of Stores At The Lodge, Fendyke Lane, Leverington
Erect a dwelling (2-storey 5-bed) involving the demolition of existing commercial buildings (Pages 89 - 104)

To determine the application.

10 Items which the Chairman has under item 2 deemed urgent

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

F/YR23/0772/F

Applicant: Mr Raju Goraniya

Agent : Mr Barry Jordan

**The Nags Head Public House, 402 Eastrea Road, Eastrea, Peterborough
Cambridgeshire PE7 2AR**

Change of use of public house to convenience store (class E(a)) involving the installation of a shop front, a new crossover to the front serving the improved car park with new screening fence to the front and demolition of existing outbuilding and porch (part retrospective)

Officer recommendation: Grant

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

Government Planning Guarantee

Statutory Target Date For Determination: 30 October 2023

EOT in Place: Yes

EOT Expiry: 23 August 2024

Application Fee: £462

Risk Statement:

This application has an EOT until 23 August 2024 and should be determined within this timeframe

1. EXECUTIVE SUMMARY

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| <p>1.1 The proposal seeks full planning permission for the change of use of a public house (sui generis use) to a convenience store (E(a)) involving a new shopfront and cross over and formalised parking area for improved access and parking off Eastrea Road and demolition of existing outbuilding (part retrospective).</p> <p>1.2 The application site is a vacant public house located within Eastrea. The application building is in the need of some refurbishment and the use proposed will significantly enhance the local streetscape and the area in which it is situated and would continue to provide a community facility, albeit with a different use.</p> <p>1.3 There are no technical constraints or issues arising in respect of the scheme that would warrant refusal and the proposal is considered to constitute sustainable development and is in accordance with both local and national planning policy.</p> |
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2. SITE DESCRIPTION

- 2.1 The application site comprises a building and associated land known as the 'The Nags Head' Public House. The site is understood to have been vacant for around 2 years and in parts appears in a state of disrepair. The application site has some outbuildings, one of which was previously damaged by a road incident and has subsequently been demolished for safety reasons. There is an informal car park associated to the rear of the unit.
- 2.2 The application site is located adjacent to the Grade II listed building (398-400 Eastrea Road) to the west. The site is not located in any designated conservation area.

3. PROPOSAL

The application seeks full planning permission for the following;

- change of use of public house to convenience store
- installation of a shop front
- demolition of existing outbuilding and porch (part retrospective)
- Formation of a formalised car park to the rear
- new crossover to the front and a new front boundary with the combination of brick wall and iron railings.

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/YR11/0407/F	Change of Use of public house to 2 x 2-bed dwellings and erection of 4 x 2-bed semi-detached houses with associated parking involving partial demolition of public house	Refused 22.07.2011
F/YR10/0300/F	Change of Use of public house to 2 x 2-bed dwellings and erection of 4 x 2-bed semi-detached houses with associated parking involving partial demolition of public house	Refused 15.06.2010
F/YR08/0797/F	Erection of a 2-storey detached building for use as 5 no. holiday let rooms with associated parking	Withdrawn 20.11.2009

5. CONSULTATIONS

5.1 Whittlesey Town Council (17 July 2024)

The Town Council recommended refusal due to highways safety, also the drawings are very confusing and not clear and needs to be addressed by the agent.

5.2 Whittlesey Town Council (06 October 2023)

The town council recommend refusal due to the access from Jones Lane as this is used constantly by breakdown vehicles and farm machinery. Access onto Wype Road has safety issue, along with the access from Springfields on the north side of the A605, as well as the children's play area. There will be limited parking on the site, and the parking on the A605 will be dangerous. There is also a pelican crossing and bus stop close by, all these issues do not make for this to be a safe location for a convenience store. There is also the loss of a community asset, members vote unanimously in favour of rejection.

5.3 Fenland Conservation Officer (24.07.24)

Having had a look at the revised drawing, specifically in relation to the walling and railings, this is a material and visual improvement

5.4 Fenland Conservation Officer (10.07.24)

Apart from needing maintenance, the existing public house is a relatively beneficial building to the character and appearance of the area. It benefits from original window openings and traditional symmetry. The host building is adjacent to a GII listed building and therefore development here would affect its setting. It should be noted from the outset that the plans leave much to be desired in terms of detail and give little confidence or assurance in a positively detailed external appearance of the proposals.

The proposal seeks to remove the whole ground floor frontage to insert a rather clumsy and unrelieved shopfront. From experience, the vast majority of glazed windows to such convenience store shopfronts are filled with brash window advert vinyl in order to cover the appearance of shelving rather than serving a purpose of views and light into the shop. As such, it is considered that the only necessary alteration is creating a wider central door opening, without the side lights and retention of the existing ground floor windows.

The plans appear to detail the insertion of white upvc windows to replace the existing modern timber windows. Details of the replacement windows should be forthcoming if this is indeed the case and should be vertically sliding sashes for which the building was designed to accommodate. The signage details are poor and give no indication as to the make up of the fascia or the illumination. Back lit tray lighting would be inappropriate and therefore further detail should be forthcoming. Applied lettering onto a fascia that no longer than the existing and slim trough lighting would be the most appropriate.

The former pub carpark opening on the right hand side of the frontage appears to be proposed to be blocked up with industrial wire fencing. This is adjacent to the GII listed building and such a solution is considered inappropriate. Timber or traditional metal gates would be most acceptable owing to the proximity to the listed building and that the character is clearly of a driveway opening. The proposals are lacking in necessary detail and overall are considered to result in poorly designed and detailed alterations to a building in a prominent location and a detrimental impact on the setting of the adjacent GII listed building and therefore do not accord with national and local planning policy surrounding design or heritage matters.

5.5 Environmental Health Officer (04.7.24)

The Environmental Health Team note the revised information submitted for the above application. Whilst there were no previous objections raised by this service, the opportunity is however taken to raise the point that whilst no mechanical equipment (e.g. air condition condensing units) can be seen the proposed plans (Drawing Ref's DRG L444.05AR / L444.06C), in the event that any site alterations take place from those currently proposed, it will be necessary to impose the following condition if planning permission is granted in order to protect the amenity of the nearby existing noise sensitive receptors:

No operational plant, machinery or equipment shall be installed until a noise impact assessment and any noise insulation/mitigation as required has been submitted to and approved in writing by the Local Planning Authority. Any required noise insulation/mitigation shall be carried out as approved and retained as such.

5.6 Environmental Health Officer (02.10.23)

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

5.7 Definitive Maps team (16.10.23)

***No objections.** Public Byway 42, Whittlesey runs along the eastern and southern boundary of the site. To view the location of the ROW please view our interactive map online which can be found at;*

<http://my.cambridgeshire.gov.uk/myCambridgeshire.aspx>.

Whilst the Definitive Map Team has no objection to this proposal, the Byway must remain open and unobstructed at all times.

5.8 FDC Economic Growth Team (17.10.23)

Supports this application.

5.9 CCC Highways (24.07.24)

Advises that the amended scheme for the front wall is acceptable.

5.10 CCC Highways (16.04.24)

The Highways Engineer has confirmed that the amended scheme including the removal of proposed outbuilding, removal of the existing porch and revised parking arrangements with the cross over off Eastrea Road is acceptable.

5.11 CCC Highways (14.03.2024): *Insufficient information to determine the above application from the highways perspective Comment: Based on the latest information submitted in support of the above application, the following points require attention to make the development acceptable in highway terms:*

- The submitted parking layout sketch shows an access width of 5m, regarding the proposed parking bays it should be 2.5m x 5m as a minimum however the disabled parking should include a 1.2m buffer. It also appears (based on proposed parking layout drawing) it would be difficult to access some the bays within the proposed parking area (namely the disabled bay, no. 1, 10, 11 and the staff parking bay). For this reason, details of the vehicle parking manoeuvres superimposed on the proposed parking layout drawing would be needed to demonstrate the spaces would function in practice.*

- I did request the applicant provides the LHA with the proposed access with the appropriate pedestrian and inter-vehicular visibility splays and the trip generated*

data needed to facilitate the comparison between the permitted use and the forecast proposed use. This information regarding trip generation and visibility would be fundamental in determining the highway impacts. The applicant has thus far not provided the requested information neither the expected legible standard engineering drawing showing the above visibility splays and the trip generation data for the proposal in comparison with the permitted development. I will therefore await the receipt of the above information and plans to progress this application. If the applicant is unwilling or unable to amend the application or provide additional information with improved clear and legible quality of drawings, please advise me so I may consider making further recommendations, possibly of refusal.

5.12 CCC Highways (19.10.2023):

I am unable to comment on the above application from the highways perspective because of the lack of clarity and the confusion regarding the information and the illegible drawings submitted by the applicant for consideration. This has made it onerous to appreciate what is being proposed in detail and the impacts it may have on the adjacent highway, Comments Clear, legible and comprehensive drawings of the existing and proposed building line with forecourt, with clear laid out parking and delivery bay designated arrangements, drainage, boundary fence and site access details should be provided to advance this application from the highways perspective. A convenience store would likely result in a greater trip generation with trips more likely to be during the daytime. On this basis, the car park access, should comply with current standards i.e., 5m wide with the appropriate pedestrian and inter-vehicular visibility splays. I would also request the applicant provides me with the trip generated data needed to facilitate comparison between the permitted use and the forecast proposed use.

5.13 Local Residents/Interested Parties

10 Objections, 1 support and 3 further representations were received on the original scheme. The comments are summarised as follows:

- The proposed access is not acceptable as it would create more traffic for local residents.
- Parking is not acceptable.
- No plans for deliveries
- Plans are not appropriate as it would eradicate the original character of the building.
- Shop is not required as there are existing shops and super stores.
- Highway safety

Two objections were received after reconsultation on the revised scheme raising the following issues:

- Need of the shop at this location
- Highways Safety

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 Whittlesey Neighbourhood Plan (2023).

- 6.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting.

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

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

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

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

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

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

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

Chapter 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

Movement

7.4 Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

- LP6 - Employment, Tourism, Community Facilities and Retail
- LP12 – Rural Areas Development Policy
- LP13 – Supporting and Managing the Impact of a Growing District
- LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
- LP16 – Delivering and Protecting High Quality Environments across the District
- LP18 – The Historic Environment

7.5 Emerging Local Plan

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

- LP1: Settlement Hierarchy
- LP3: Spatial Strategy for Employment Development
- LP4: Securing Fenland’s Future
- LP5: Health and Wellbeing
- LP7: Design
- LP8: Amenity Provision
- LP10: Shop Frontages, Security Shutters and Canopies
- LP15: Employment
- LP22: Parking Provision
- LP27: Community Facilities

7.6 Whittlesey Neighbourhood Plan 2021 – 2040

- Policy 7: Design Quality
- Policy 8: Historic Environment

8 KEY ISSUES

- Principle of Development
- Design considerations and Impact on the Listed Building
- Impact on residential amenity
- Highways and Parking

9 ASSESSMENT

Principle of Development

- 9.1 The proposal includes a change of use from public house to a retail use (E(a)) that would include the changes to the fabric of the building to include a new shopfront rear parking area and new front boundary. Policy LP3 defines Eastrea as a “small village” and sets out that 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 or a small business opportunity. Policy LP6 of the Fenland Local Plan aims to secure economic growth within the district whilst retaining and maintaining community facilities.
- 9.2 Local Plan Policy LP6 sets out that proposals that would lead to the loss of community facilities (such as a public house) would only be supported where:

1. *it can be demonstrated that:*
 - a. *the retention of the facility is no longer financially viable;*
 - b. *a marketing exercise has been carried out; and*
 - c. *there is a lack of community need for the facility; or*
2. *an alternative facility is provided.*

9.3 It is acknowledged that the proposal would provide a retail unit which is also a community facility on its own (as set out in LP6) and that Policy LP6 supports alternative community facilities. In this regard the demonstration of compliance with Part 1 a) to c) of LP6 is not required, as the alternative option supported through Part 2 of LP6 is engaged with this development.

9.4 Notwithstanding, the applicant has advised that some marketing of its current use has been undertaken but with limited interest and that real estate agents have also shown little interest in marketing the unit in its current use class. It is understood that the pub has been closed for over two years and the applicant has failed to secure any leases or tenants for the pub.

9.5 As such, whilst not a policy requirement, the submission indicates that there is currently no real prospect of the pub successfully re-opening. It is further noted that no application has been made for this building to become an asset of community value.

9.6 Whilst the loss of a public house is unfortunate, the continued viability of a different community facility is considered preferable to its ultimate closure. The convenience store will offer local employment and continued service to residents of Eastrea and the wider community. Thus, it is considered that the scheme complies with Local Plan Policy LP6.

9.7 Concerns have been raised about the location of the proposed shop and its viability due to the existing similar shops in the local vicinity of the proposed unit. In this regard, the onus is on the applicant to be confident with the viability of the proposed development. The development plan policies do not require a proposal of this scale to demonstrate retail impacts or justify viability, or similar evidence. Policy LP6 is clear that this would be a community facility and is thus supported in its own right.

9.8 As such, the principle of development is considered to be in accordance with Policy LP3 and LP6 of the Fenland Local Plan 2014. The principle of the development will be acceptable subject to the compliance with further policy considerations as set out below.

Design considerations and Impact on the Listed Building

9.9 The proposal would result in external alterations to the building and its premises, including a new shopfront installed on the north elevation to facilitate the proposed change of use. The design of the shopfront has been altered during the course of the application to retain some existing fabric and character of the building.

9.10 It is evident that the property has fallen into a state of disrepair over the last two to three years which has, in turn had a detrimental impact on the character of the immediate area. A proposal for the reuse of the building to increase its longevity is therefore welcomed and the general design of the shop front would positively contribute to the character of the area.

- 9.11 The site is located adjacent to a grade II listed building. Policies LP16 and LP18 of the Fenland Local Plan 2014 and Policies 7 and 8 of the Whittlesey Neighbourhood Plan seek to protect and enhance heritage assets (and general character of the area), notwithstanding the duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to protect the setting of such buildings. In this regard, following proactive engagement with the Council's Conservation Officer, the proposed front boundary treatment adjacent to the Listed Building has been amended to a brick wall (using reclaimed brick) and iron railing arrangement which is considered to preserve the setting and respond positively to the historic character of the area. The amendments have overcome initial concerns raised regarding the proposal to use industrial wire fencing which failed to enhance the area or preserve the setting of the listed building. Furthermore, the proposed brick wall along the front boundary would mostly screen the refuse collection point, cycle stands and through-views of the car park from the street scene and therefore, would improve the impact on the street scene.
- 9.12 It is noted that a number of outbuildings and extensions are to be removed to facilitate the development, which currently detract from the character of the area, or are not considered to be important features against the backdrop of the main building. It is considered that the proposal would generally improve the appearance of the building and its surrounding premises and would have positive impact on the character and appearance of the area. Notwithstanding and responding to the Conservation Officer's concerns, the detail provided in respect of replacement windows, doors and the shop front is limited and therefore requires clarification in respect of materials, profiles and external finishes. This detail can be reasonably secured by planning condition.
- 9.13 In summary, it is considered that the proposal would respond positively to the street scene and would preserve the setting of the Grade II listed building and comply with policies LP16 and LP18 of the Fenland Local Plan and Policies 7 and 8 of the Whittlesey Neighbourhood Plan.

Impact on residential amenity

- 9.14 Local Plan Policies LP2 and LP16(e) seek to ensure that development does not adversely affect the amenity of neighbouring or future occupiers. Owing to the lack of external changes to the building, there are no issues to reconcile with regard to overlooking or overshadowing as a result of the scheme.
- 9.15 Given the current use of the site it is not considered that the proposed development would be likely to generate any significant additional amenity impacts. No objection was received from statutory consultees relating to issues pertaining to residential amenity. A condition has been recommended for any future AC units to be fitted for the retail unit and that it would require Noise assessment and further planning permission. As such, the proposal complies with Policies LP2 and LP16 in this regard.

Highways and Parking

- 9.16 Policy LP15 of the Fenland Local Plan requires that development be located and designed to maximise accessibility and provide safe and convenient access for all.
- 9.17 Appendix A of the Local Plan sets out the parking standards for development proposals. The parking requirements for the proposed retail unit are for each shop unit; two spaces plus one additional space for every 25 sq. metres of floor space

over 50 sq. metres of floor space. The existing use of the application site as public house requires one space for every three sq. metres of floor area.

- 9.18 The proposed development would create approx. 278 sq. metres of retail area and as per the parking standards above, approx. 11 spaces would be required for the proposed use. 13 parking spaces have been provided within the existing car park, including disabled parking, plus cycle parking and delivery bay, all accessed off Eastrea Road to the front. The existing parking would be improved by removing some outbuildings and new footway would be laid out with an improved parking layout. Precise details of the hardstanding finishes can be reasonably secured via planning condition.
- 9.19 The applicant has indicated that small Transit type vans would be used for main stock deliveries in early mornings, with up to 7.5 tonne vehicles for deliveries post 7am. Turning facilities are available within the application site to allow these vehicles to enter and exit the public highway in forward gear. The Highways Engineer has confirmed that if the parking is laid as per the submitted details, the delivery vehicles would not result in any maneuvering issues detrimental to highway safety. The condition to lay and retain the parking arrangements have been appended to the recommendations.
- 9.20 It is considered that the amended scheme with new cross over to the front would provide adequate parking for the proposed development and as such, would not result in any adverse impact on the highway safety. The amended scheme is supported by the Local Highways Authority who have not raised any further queries or concern. Accordingly, the proposal satisfies Policy LP15 of the Fenland Local Plan and a refusal on these grounds.

10 CONCLUSIONS

- 10.1 The proposal will facilitate the renovation and effective reuse of a community facility which raises no technical issues and would provide opportunities to improve the visual appearance of the building and therefore enhance the character of the street scene. Whilst the conversion of the building to a retail unit will result in the change of use of a community facility (public house), the submitted information complies with policy and allows for a recommendation of approval.

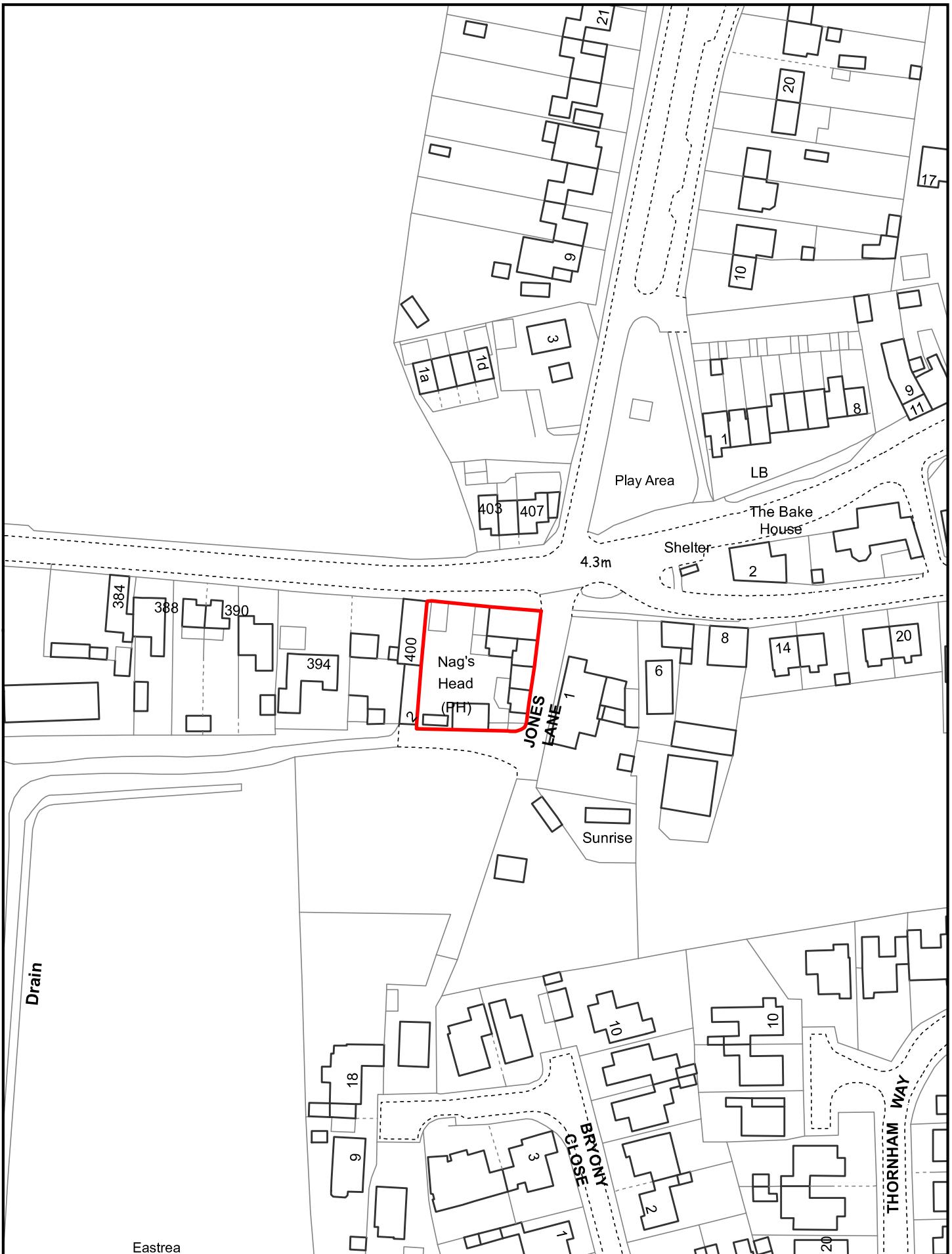
11 RECOMMENDATION

Grant; subject to the following conditions.

1	The development permitted shall be begun before the expiration of 3 years from the date of this permission. Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
2	The front boundary wall hereby approved shall be finished externally in reclaimed bricks and wrought iron railings as stated on the approved plan L444/7RSY revision 1, notwithstanding the provisions of schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

	<p>Reason - To safeguard the visual amenities of the area and the setting of adjacent heritage assets in accordance with Policies LP16 and LP18 of the Fenland Local Plan (2014) and Policies 7 and 8 of the Whittlesey Neighbourhood Plan.</p>
3	<p>Notwithstanding the approved plans, no shop front, doors or fenestration shall be installed to northern elevation of the proposed shop until full details of the materials, profile sections and external finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained as such in perpetuity.</p> <p>Reason - To safeguard the visual amenities of the area and the setting of adjacent heritage assets in accordance with Policies LP16 and LP18 of the Fenland Local Plan (2014) and Policies 7 and 8 of the Whittlesey Neighbourhood Plan.</p>
4	<p>Prior to the first use of the retail unit hereby approved, a scheme for the provision of external lighting shall be submitted to and approved in writing by the Local Planning Authority. Such approved details shall be installed prior to commencement of use of the retail store and associated car park and retained thereafter in perpetuity.</p> <p>Reason: In order to ensure that the site meets the crime prevention guidelines and in the interests of the visual amenity of the area as required by Policies LP16, LP17 and LP18 of the Fenland Local Plan (2014) and Policies 7 and 8 of the Whittlesey Neighbourhood Plan.</p>
5	<p>The retail use hereby approved shall only open between the hours of 07:00 and 22:00 daily and shall be closed at all other times, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To safeguard the amenities currently enjoyed by the occupants of adjoining dwellings in accordance with Policy LP2 and LP16 of the Fenland Local Plan (2014).</p>
6	<p>Details of the surfacing for the parking area and pedestrian footways shall be submitted to and approved in writing before said areas are laid.</p> <p>Reason: To safeguard the visual and residential amenities of the area in accordance with policies LP2 and LP16 of the Fenland Local Plan (2014) and Policy 7 of the Whittlesey Neighbourhood Plan.</p>
7	<p>Prior to the first use of the development, the proposed on-site parking, turning, loading, unloading areas shall be laid out, demarcated, levelled, surfaced and drained fully in accordance with approved plans and thereafter retained for that specific use.</p> <p>Reason: To ensure the permanent availability of the parking/maneuvering area in the interests in highway safety in accordance with Policies LP2 and LP15 of the Fenland Local Plan (2014).</p>
8	<p>The development shall not be brought into use until its related means of vehicular access has been constructed fully in accordance with the approved plans.</p>

	<p>Reason: In the interests of highway safety and to ensure satisfactory access into the site in accordance with Policy LP15 of the Fenland Local Plan (2014).</p>
9	<p>No external operational plant, machinery or equipment shall be installed unless a noise impact assessment and any noise insulation/mitigation as required has been submitted to and approved in writing by the Local Planning Authority. Any required noise insulation/mitigation shall be carried out as approved and retained as such.</p> <p>Reason: To safeguard the amenities currently enjoyed by the occupants of adjoining dwellings in accordance with Policy LP2 and LP16 of the Fenland Local Plan (2014).</p>
10	<p>The ground floor of the building hereby approved shall be used for retail purposes only as defined in Class E(a) and for no other purpose (including any other purpose in Class E to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).</p> <p>Reason: In granting this permission the Council has had regard to the particular circumstances of this case and considers that unrestricted use within Use Class E may be unacceptable in view of existing residential properties nearby having regard to Policies LP2 and LP16 of the Fenland Local Plan (2014).</p>
11	<p>The development hereby permitted shall be carried out in accordance with the approved plans and documents.</p>



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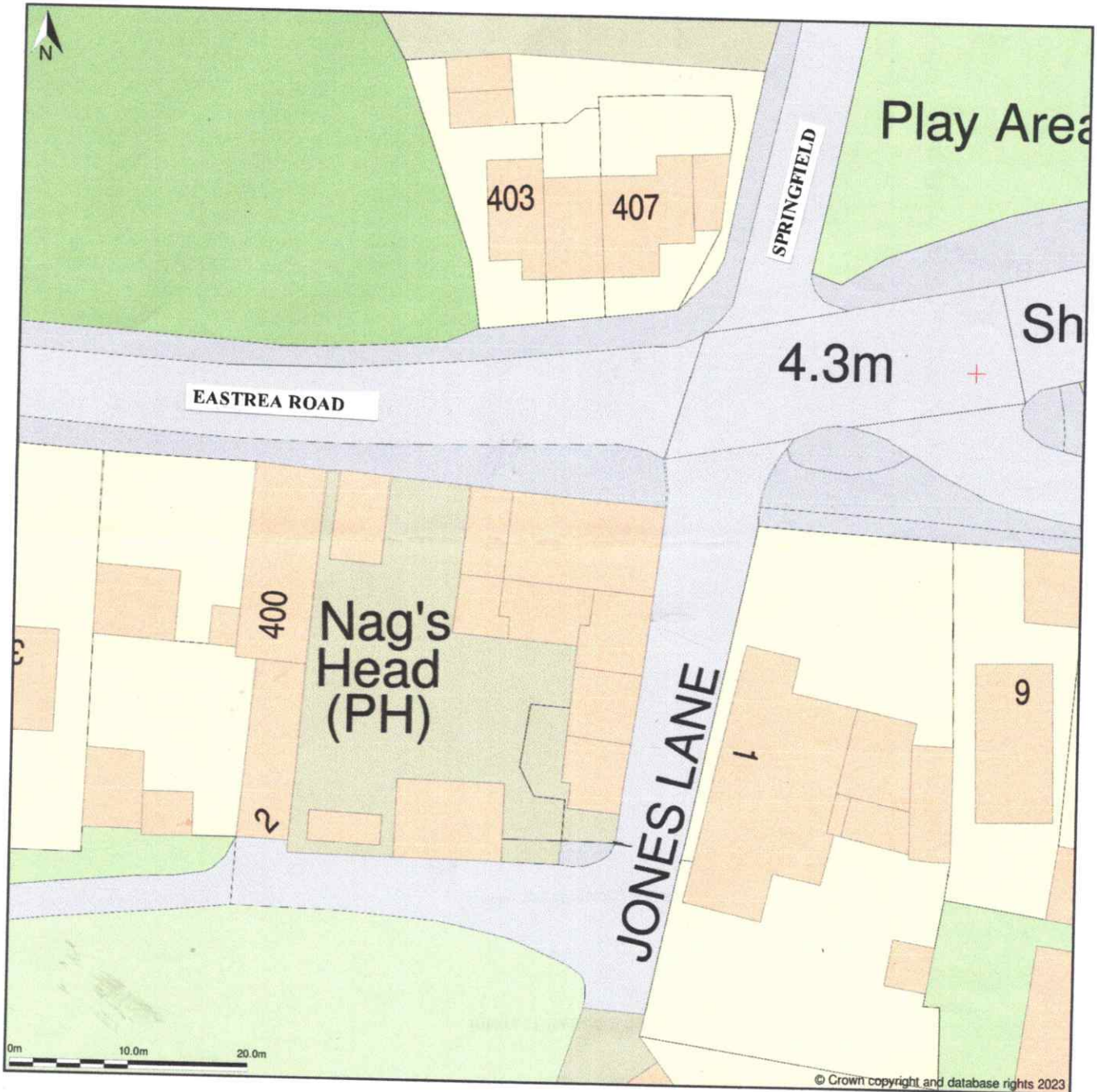
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Scale = 1:1,250



The Nags Head Public House, 402, Eastrea Road, Eastrea, Cambridgeshire, PE7 2AR



Site Plan (also called a Block Plan) shows area bounded by: 529264.16, 297129.73 529354.16, 297219.73 (at a scale of 1:500), OSGridRef: TL29309717. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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Please Refer in tandem all Drawings Plans Elevations and Details for this Change of use Application Drg's No's L444/01,02,03,04,05,06,07,08, and LNH/1Xpge1LNH/1Xpge2 & LNH/Y For Drawing Titles and Validation Items, particular to this Application, refer Design/Access Statement 1st June 2023

All specialist designed item the expert designer installer To provide Plans/Details for Approval to Fenland Planning

Profile tiles

White upvc windows

Painted red brickwork

Existing Sign Post retained to Eastrea Convenience Store

New Store - Illuminated Signs

EASTREA CONVENIENCE STORE

Defibrillator

PROPOSED FRONT NORTH ELEVATION

Ramp Up to allow Wheel Chair Access

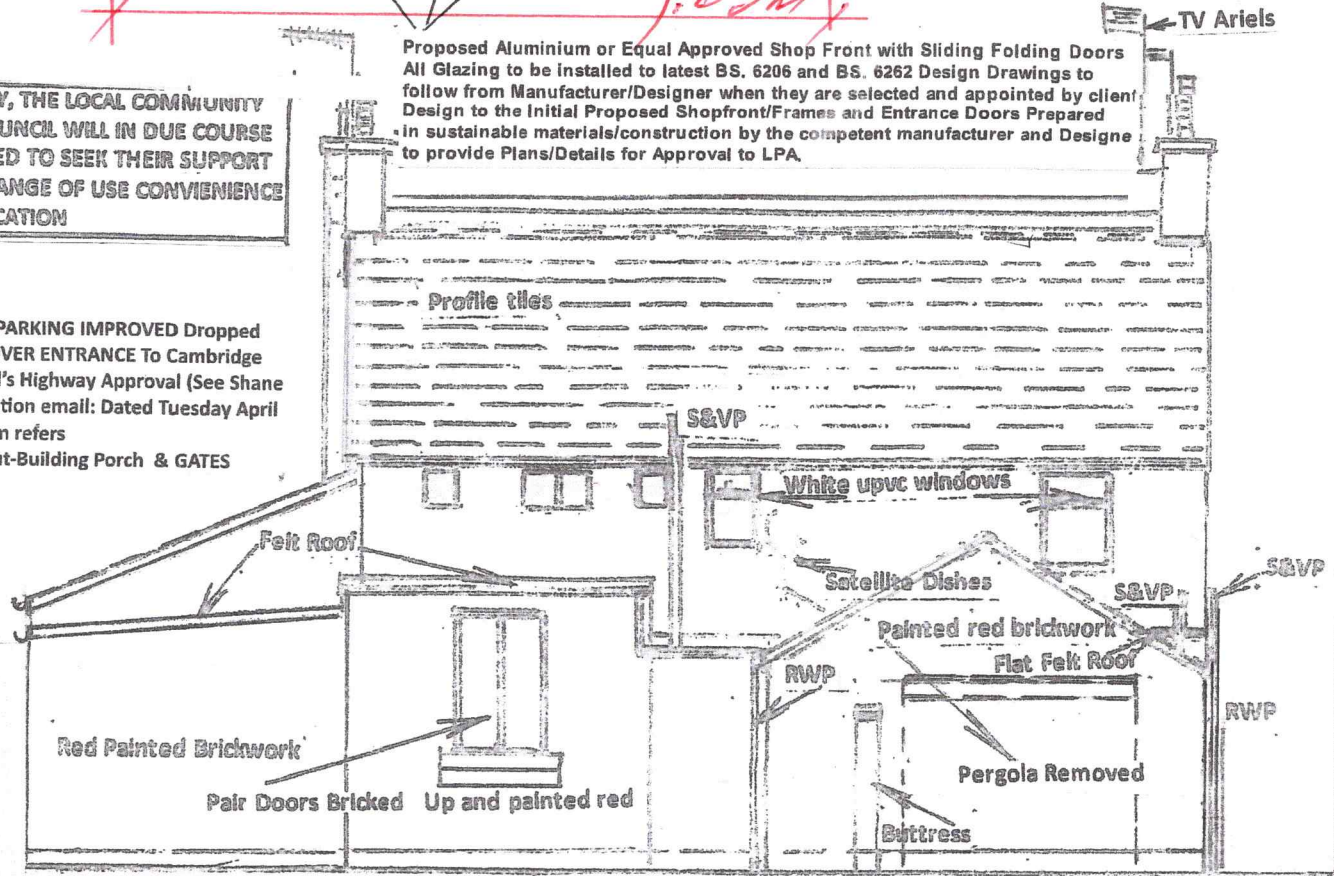
9.05M

IF NECESSARY, THE LOCAL COMMUNITY & PARISH COUNCIL WILL IN DUE COURSE BE CONTACTED TO SEEK THEIR SUPPORT FOR THIS CHANGE OF USE CONVENIENCE STORE APPLICATION

Proposed Aluminium or Equal Approved Shop Front with Sliding Folding Doors All Glazing to be installed to latest BS. 6206 and BS. 6262 Design Drawings to follow from Manufacturer/Designer when they are selected and appointed by client Design to the Initial Proposed Shopfront/Frames and Entrance Doors Prepared in sustainable materials/construction by the competent manufacturer and Designer to provide Plans/Details for Approval to LPA.

F/YR 23/0772 PARKING IMPROVED Dropped Kerbs CROSS OVER ENTRANCE To Cambridge County Council's Highway Approval (See Shane Lucks confirmation email: Dated Tuesday April 16 2024 4.45pm refers Removal of Out-Building Porch & GATES

Please Note the Porch & Out-Building have or will be removed New Side Entrance Door



EXISTING REAR SOUTH ELEVATION

Refer to further Notes on Red Line Block Plan Drg No. L444/01 Revised

Please also refer to revised Design & Access Statement dated 25.07.2023

Please Refer to Drg No. L444/08 For Scale Bars and further Notes concerning "Every care has been taken ..." and due diligence has been applied to achieve compliance where possible with the allocated Validation Policy Items applicable to this Change of Use set of Drawings/Plans/Documents and Application Forms

REVISED 2/10/24

SCALE 1:100

PROPOSED FRONT NORTH & REAR SOUTH ELEVATIONS

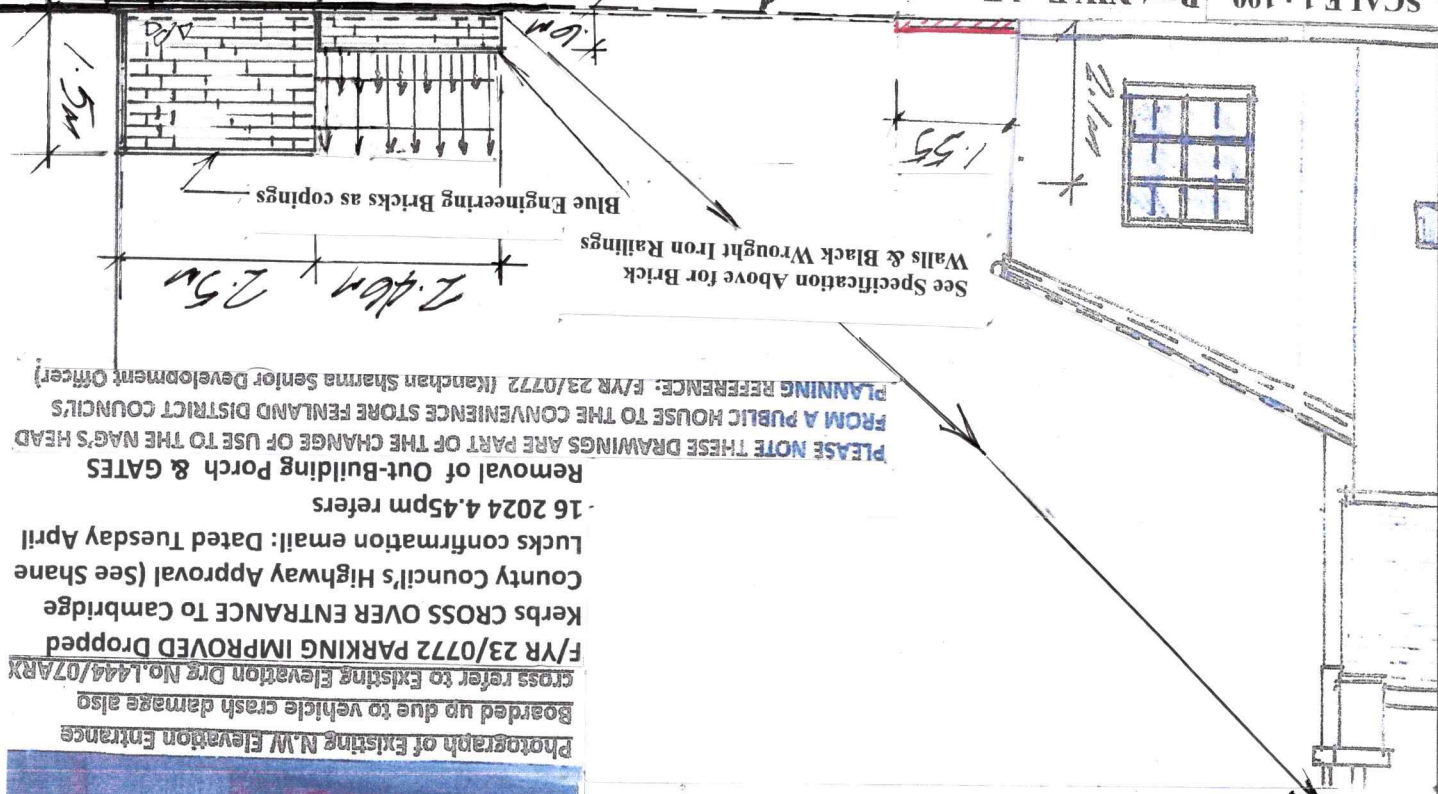
DRG No. L444/05AR

For Mr. Raju Goraniya c/o Nags Head 402 Eastrea Rd, EASTREA, PE7 2AR

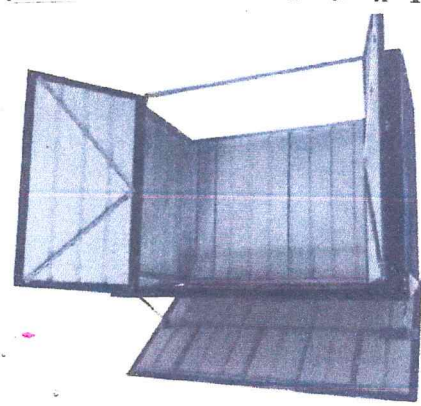
(C) First 2.5m Reclaimed Stock Bricks from demolished Out Building to be 215 wide 2m high the junction between the Listed Building No. 400 Eastrea Rd to be left open by at least 25mm and sealed with suitable movement mastic by a specialist. The remaining 2.46 long .600mm high stock bricks also reclaimed to have Black Wrought Iron Railings as shown below by L.P. FABRICATIONS or Equal



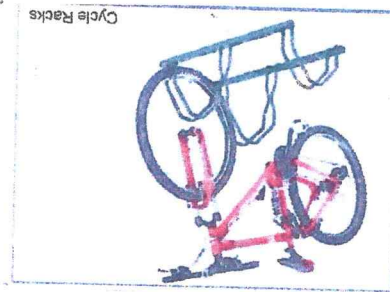
Photograph of Existing N.W. Elevation Entrance boarded up due to vehicle crash damage also cross refer to Existing Elevation Drg No. L444/07ARX F/YR 23/0772 PARKING IMPROVED Dropped Kerbs CROSS OVER ENTRANCE To Cambridge County Council's Highway Approval (See Shane Lucks confirmation email: Dated Tuesday April 16 2024 4.45pm refers Removal of Out-Building Porch & GATES PLEASE NOTE THESE DRAWINGS ARE PART OF THE CHANGE OF USE TO THE NAG'S HEAD FROM A PUBLIC HOUSE TO THE CONVENIENCE STORE FENLAND DISTRICT COUNCILS PLANNING REFERENCE: F/YR 23/0772 (Kanchan Sharma Senior Development Officer)



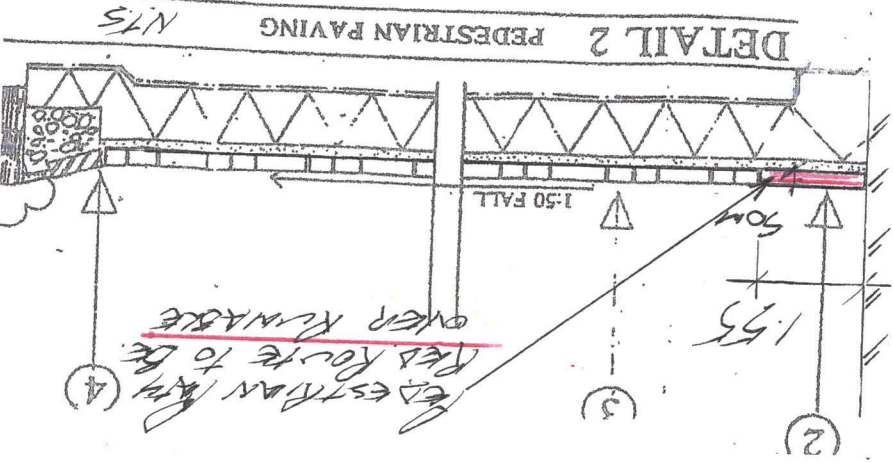
SCALE 1 : 100 Part NW End Front Elevation with Cross Over (Please see Illustrations above) my Mastic movement joints



Indicative Perspective of Waste Bin Storage.



Indicative Perspective of Cycle Racks



600 x 600 x 50mm DEPTH MARSHALLS PERFECTA NIBBED CHAMFERED PAVING. COLOUR BUFF LAIN ON 30mm MEDIUM COARSE SAND AS DETAIL NO 1 WITH JOINTS AS DETAIL NO 1 SUB-BASE 150mm DEPTH MOT TYPE 1 GRANULAR SUB-BASE AND LAYER OF TERRAM 1000 TO ENGINEERS SPECIFICATION. DELIVERY VEHICLES SIZE/TIMES COMMODITIES CARRIED ETC. Newspapers Small Transit Van Time 6am to 7am All other deliveries after 7am to 10am Milk, Grocery, Chill Food and Bread Standard Size lorry 7.5 tone

PLEASE CROSS REFER TO PLAN LAYOUT ON DRG No. L444/7RSX Rev 1

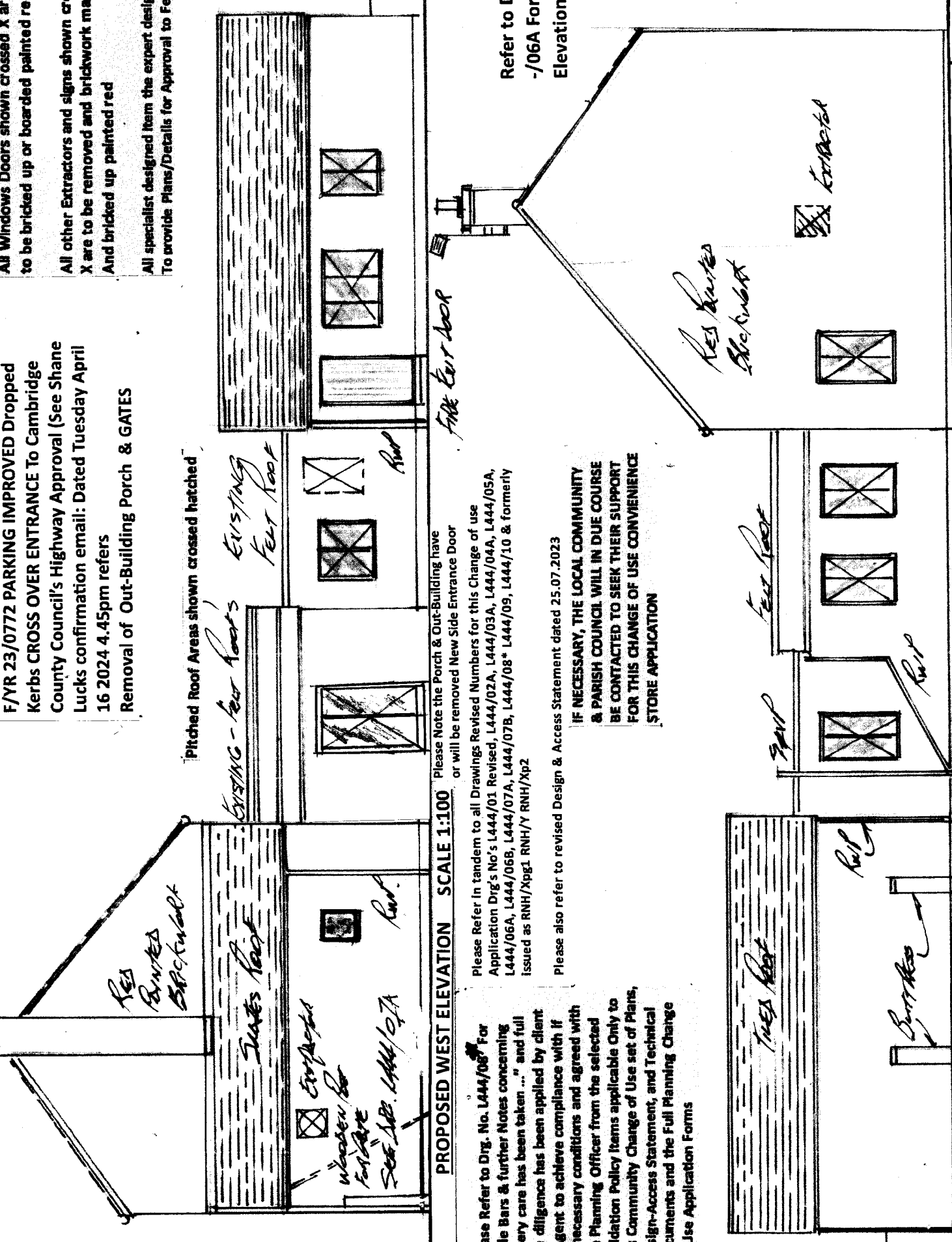
PROPOSED REVISED FRONT N.W. ENTRANCE & DETAILS

DATE 23/07/2024

F/YR 23/0772 PARKING IMPROVED Dropped
Kerbs CROSS OVER ENTRANCE To Cambridge
County Council's Highway Approval (See Shane
Lucks confirmation email: Dated Tuesday April
16 2024 4.45pm refers
Removal of Out-Building Porch & GATES

All Windows Doors shown crossed X are
to be bricked up or boarded painted red
All other Extractors and signs shown crossed
X are to be removed and brickwork made good
And bricked up painted red
All specialist designed item the expert designer installer
To provide Plans/Details for Approval to Fenland Planning

Pitched Roof Areas shown crossed hatched



PROPOSED WEST ELEVATION SCALE 1:100

Please Refer to Drg. No. L444/08 For
Scale Bars & further Notes concerning
"Every care has been taken ..." and full
due diligence has been applied by client
& Agent to achieve compliance with if
as necessary conditions and agreed with
The Planning Officer from the selected
Validation Policy Items applicable Only to
this Community Change of Use set of Plans,
Design-Access Statement, and Technical
Documents and the Full Planning Change
of Use Application Forms

Please Refer in tandem to all Drawings Revised Numbers for this Change of use
Application Drg's No's L444/01 Revised, L444/03A, L444/04A, L444/05A,
L444/06A, L444/06B, L444/07A, L444/07B, L444/08* L444/09, L444/10 & formerly
issued as RNH/Xog1 RNH/Y RNH/Xp2

Please also refer to revised Design & Access Statement dated 25.07.2023

**IF NECESSARY, THE LOCAL COMMUNITY
& PARISH COUNCIL WILL IN DUE COURSE
BE CONTACTED TO SEEK THEIR SUPPORT
FOR THIS CHANGE OF USE CONVENIENCE
STORE APPLICATION**

Please Note the Porch & Out-Building have
or will be removed New Side Entrance Door

Refer to Drg. No.
-/06A For Existing
Elevations/Details

THESE ELEVATIONS with Items shown X blanked
off or Bricked up/red painted and to match

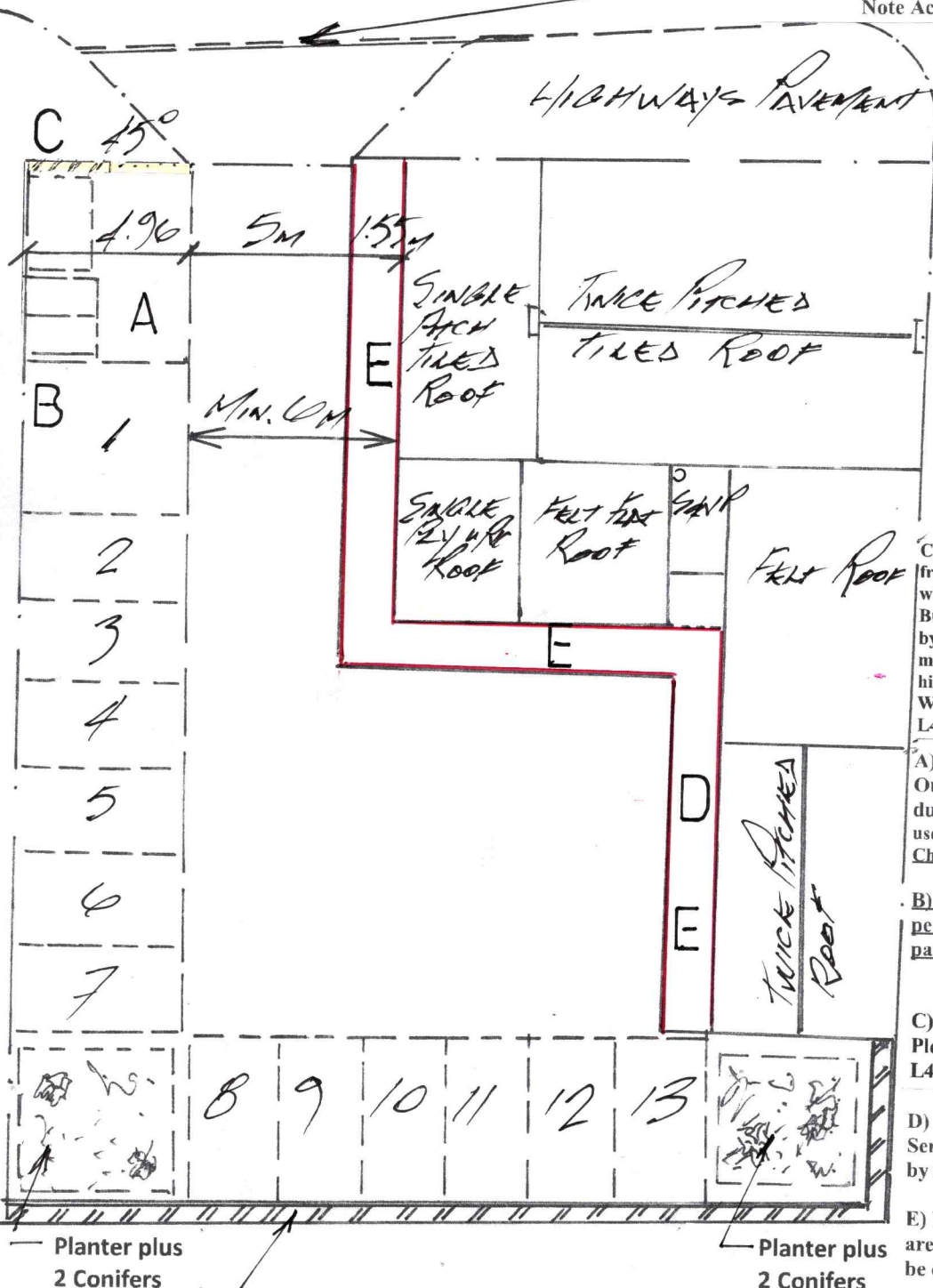
PROPOSED EAST ELEVATION SCALE 1:100

Rev. Date 19.6.24 Drg No. L444 /06C

Removal of Out-Building Porch & GATES
 600mm high Reclaimed Stock Bricks from Demolished Out
 Building with Wrought Iron Black Railings as illustrated or equal

EASTREA ROAD

Note: Drop Kerbs by Highway Authority
 & New Tactile Paving for Compliance
 Note Acco Drain or Equal



C) First 2.5m Reclaimed Stock Bricks from demolished Out Building to be 215 wide 2m high the junction between Listed Building No. 400 Eastrea Rd to be left open by at least 25mm and sealed with suitable movement mastic by a specialist. The .600mm high stock bricks also reclaimed to have Black Wrought Iron Railings as shown on Drg No. L444/7RSY Rev 1 Dated 23/07/2024

A) Please note Original Existing Out Building Demolished (Unsafe due to Car Crash) Area now to be used for Bicycles/Waste Bins & Vehicle Charging Points & Waste

B) Area 1 Parking Bay for Disabled persons vehicle 5m x 3.6m with tactile path ways to and from Main Entrance

C) FOR SPECIFICATION & DETAILS Please refer to above and Drawing No. L444/7RSY Rev 1 Dated 23/07/24

D) Area left vacant for Delivery Services & to be supervised regularly by Store Manager.

E) New 1.55wide (Spec 2) Pedestrian areas laid Flat on red routes allow to be over-run

Cross refer to particular Drg L444/7RSY Rev 1

Please read all Drawings Prefixed L444/- In tandem & with Design & Access Statement

The outlined in RED is the Turning Area for Vehicles & Delivery Vans etc.

Contact to Mr Shane Luck Principal Highway Development Management Engineer can be made by email: Shane.Luck@cambridgeshire.gov.uk and or the Fenland Planning Officer Kanchan Sharma email KSharma@fenland.gov.uk

Note: Proposed Sustainable Drainage is required throughout the parking areas except for the Yellow shaded area to be laid in hydraulic pressed paving slabs or Marshalls Perfecta Flat range or equal to accommodate disabled persons safe wheelchair and pedestrian access & at the main Entrance on Eastrea Road Pavement the Entrance Access be formed to the Approved Document Building Regs PART M

DELIVERY VEHICLES SIZE/TIMES COMMODITIES CARRIED ETC.

Newspapers Small Transit Van Time 6am to 7am All other deliveries after 7am to 10am Milk, Grocery, Chill Food & Bread Standard Size lorry 7.5 tone

Cross refer to particular Drg L444/7RSY Rev 1

PROPOSED PARKING LAYOUT AS APPROVED BY SHANE LUCK HIGHWAYS

For Mr. Raju Goraniya % Nags Head 402 Eastrea Rd, Eastrea, Whittlesey, PE7 2AR

DATE 23/07/2024
 Drg No. L444/7RSY Rev 1

F/YR23/0819/F

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

Agent: N/A

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

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

Officer recommendation: Grant

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

1 EXECUTIVE SUMMARY

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

2 SITE DESCRIPTION

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

3 PROPOSAL

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

4 SITE PLANNING HISTORY

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

5 CONSULTATIONS

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

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

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

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

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

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

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

5.4. CCC Highways (16/11/2023)

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

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

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

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

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

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

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

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

5.5. CCC Highways (19/02/2024)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5.9 LLFA (21/3/24)

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

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

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

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

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

LLFA (04/06/24)

We have reviewed the following documents:

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

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

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

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

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

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

Informatives

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

Local Residents/Interested Parties

5.10 Objectors

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

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

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

7.1. National Planning Policy Framework (NPPF)

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

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

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

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

7.2. National Planning Practice Guidance (NPPG)

Determining a Planning Application

7.3. **National Design Guide 2021**

Context
Identity
Built Form
Resources

7.4. **Fenland Local Plan 2014**

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

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

Policy 5: Mineral safeguarding Areas

7.6. **Emerging Local Plan**

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

LP1: Settlement Hierarchy
LP3: Spatial Strategy for Employment Development
LP4: Securing Fenland's Future
LP5: Health and Wellbeing
LP7: Design
LP15: Employment
LP16: Town Centres
LP22: Parking Provision
LP28: Landscape
LP32: Flood and Water Management

8 **KEY ISSUES**

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

9 **ASSESSMENT**

Principle of Development

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

Character and visual amenity and associated amenity impacts

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

Highways

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

Minerals and Waste

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

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

Flood risk/Drainage

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

Biodiversity

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

10 CONCLUSIONS

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

11 RECOMMENDATION

Grant; subject to conditions.

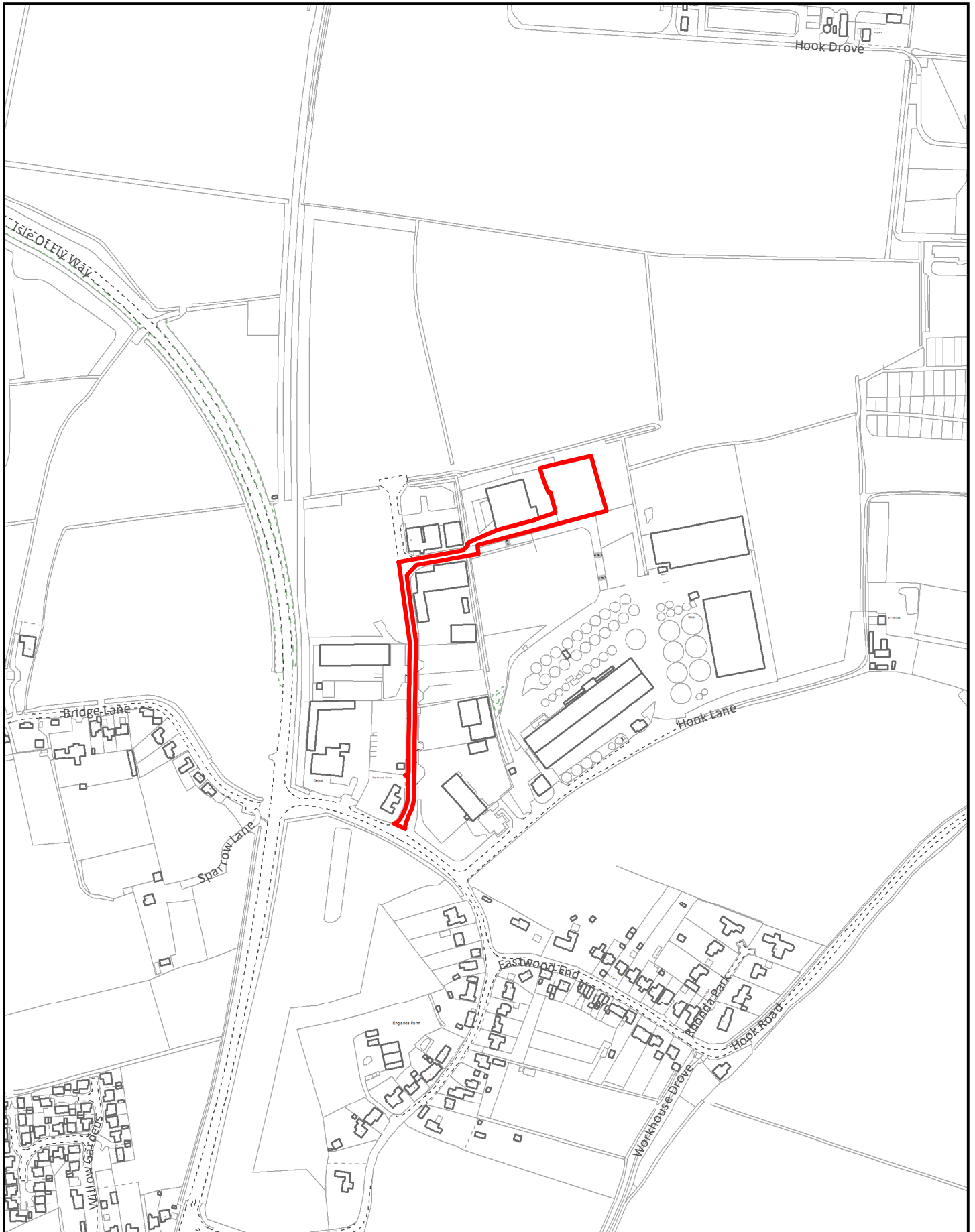
11.1 Section 100ZA(5) of the Town and Country Planning Act 1990 provides that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition (except in the circumstances set out in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

11.2 The proposed conditions are as follows;

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

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

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



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F/YR23/0819/F

Scale = 1:5,000



 **Fenland**
CAMBRIDGESHIRE
Fenland District Council



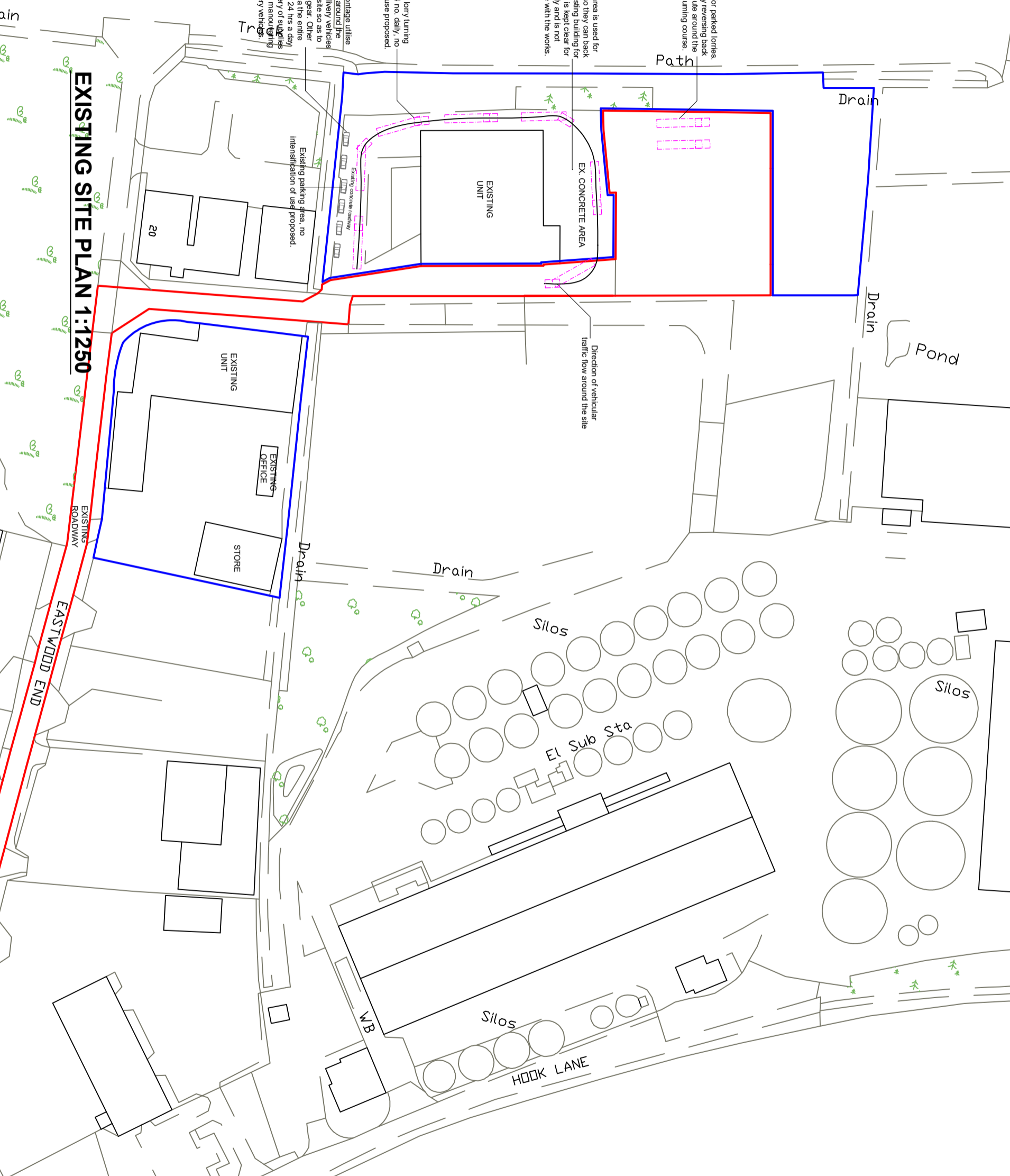
Area is designated for parked lorries. Turning possible by reversing back to the vehicular route around the front unit, and resuming course.

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

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

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

Existing parking area, no intensification of use proposed.



EXISTING SITE PLAN 1:1250

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

Title :
SITE PLAN
(AS EXISTING)

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Revisions :

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

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ARCHITECTURAL DESIGN CONSULTANCY
Tom's Hole Barn, Branch Bank, Pritchwillow, Ely, Cambridgeshire, CB7 4UR
Tel/Fax : 01353 687999
Email : greg@gregsabertondesign.co.uk

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

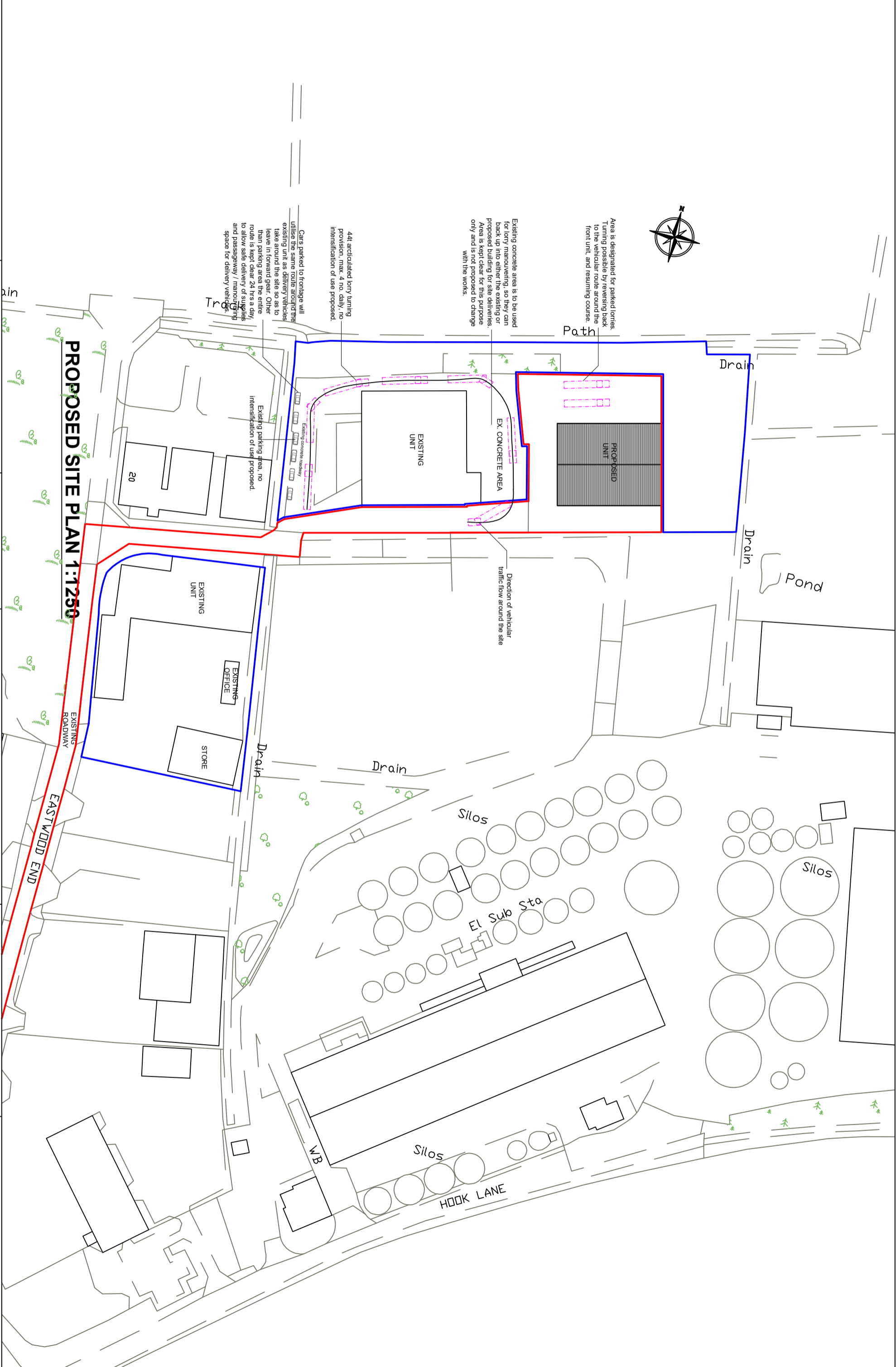
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 SITE PLAN
 (AS PROPOSED)

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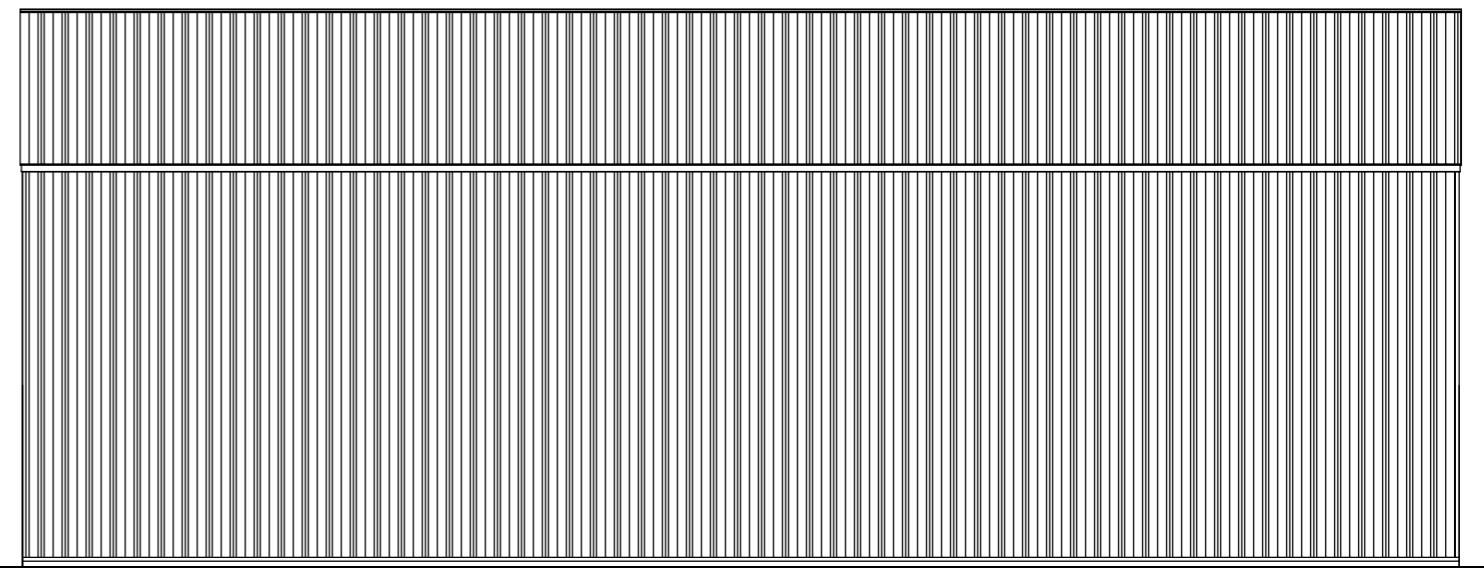
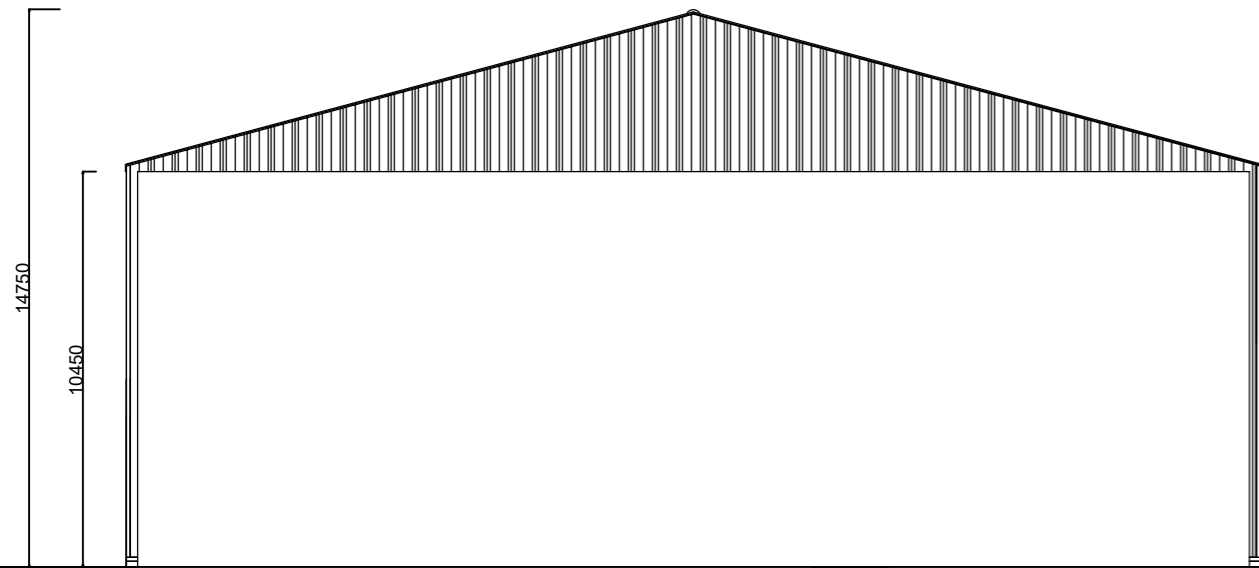
Revisions :
 A. vehicular parking and turning arrangements clarified (06-02-24)

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

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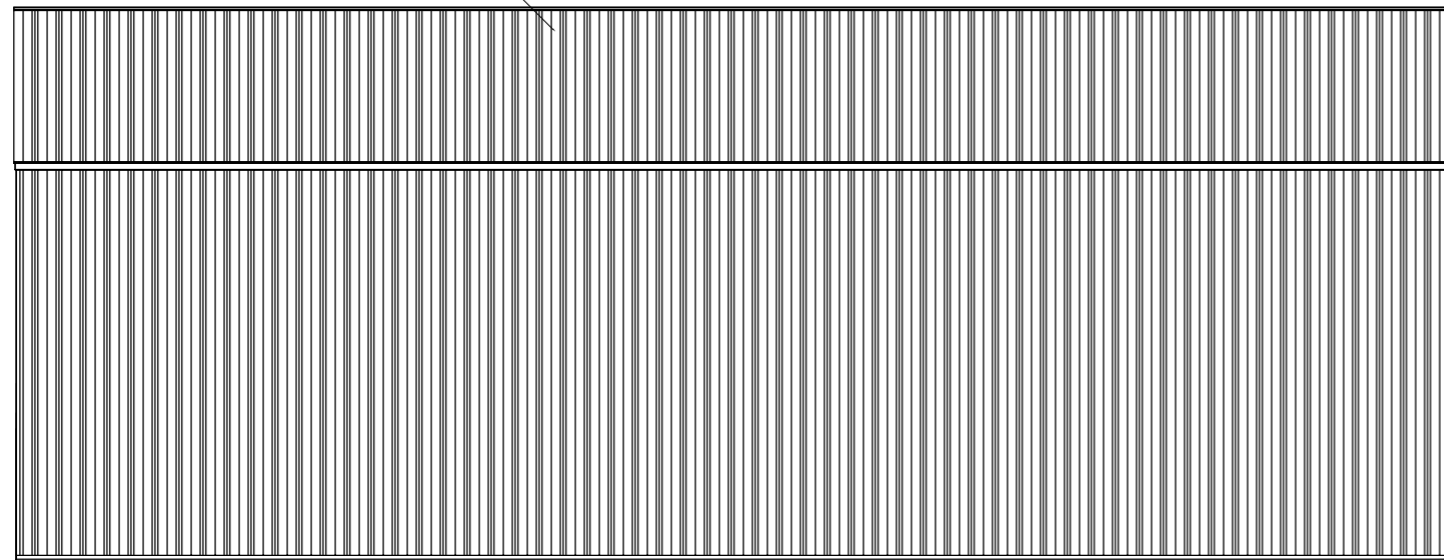
PROPOSED SITE PLAN 1:1250



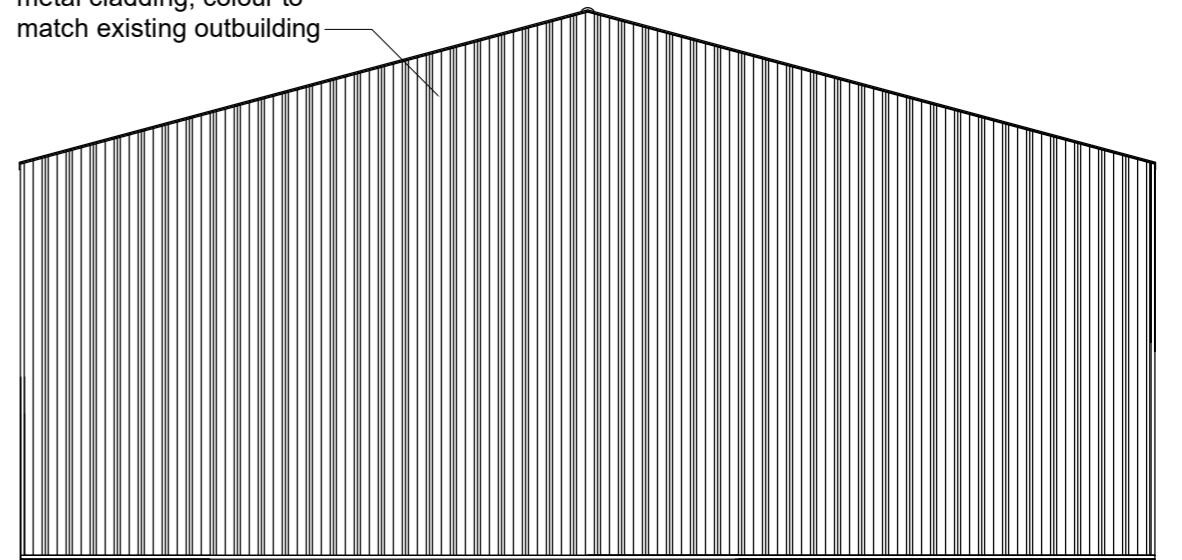
FRONT
ELEVATIONS 1:200

SIDE

metal cladding, colour to match existing outbuilding



metal cladding, colour to match existing outbuilding



SIDE

REAR



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

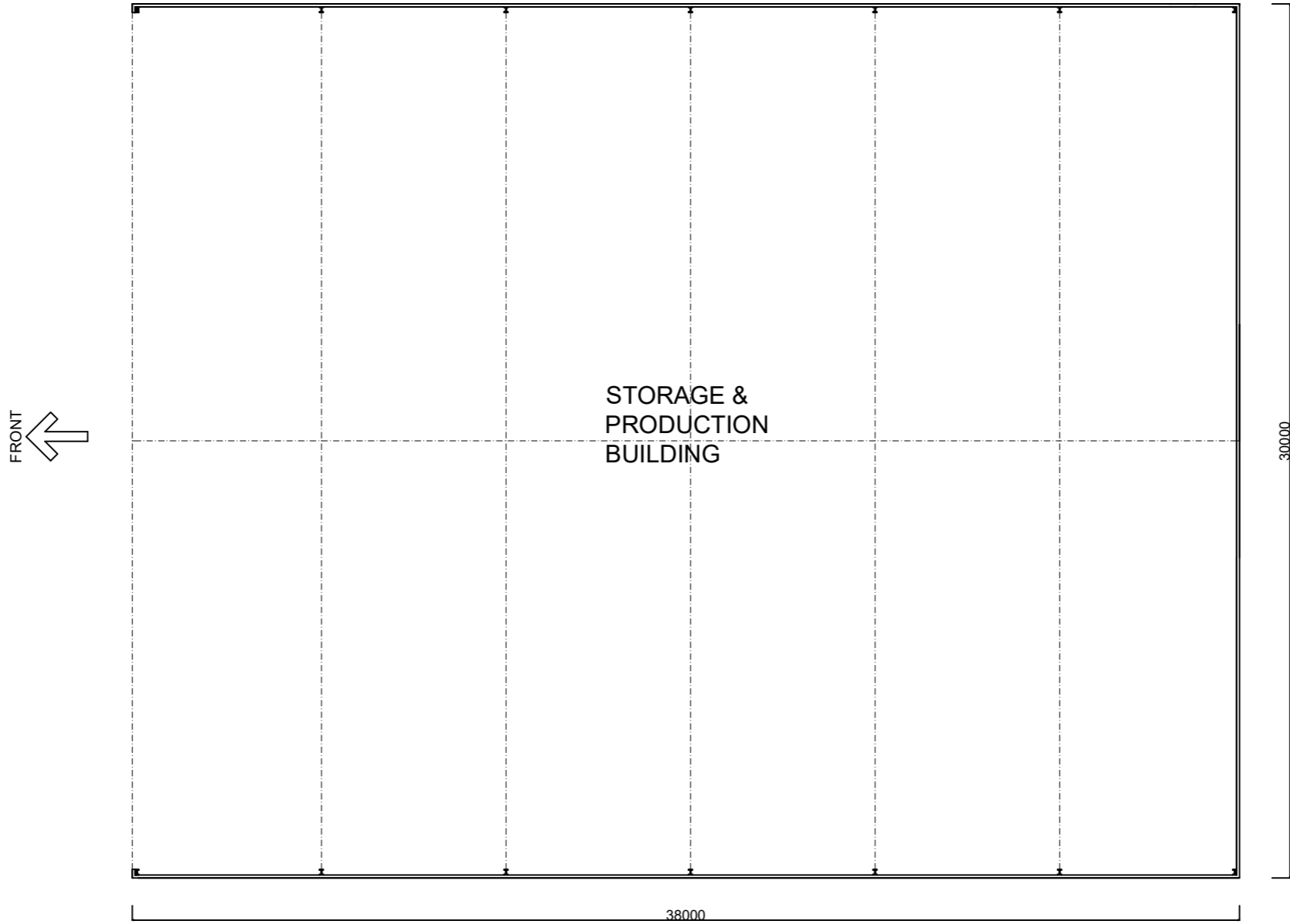
Title :
ELEVATIONS
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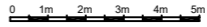
Revisions :
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GROUND FLOOR PLAN AS
PROPOSED 1:200



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GROUND FLOOR PLAN
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F/YR24/0161/F

Applicant: Mr Roger Gladwin

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

Land South Of 4 Hole In The Wall Cottages, Padgetts Road, Christchurch,

Erect 1 x dwelling (2-storey 4-bed) in association with existing farm, and formation of an access

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to officer recommendation

Government Planning Guarantee

Statutory Target Date For Determination: 16 April 2024

EOT in Place: Yes

EOT Expiry: 16 August 2024

Application Fee: £578

Risk Statement:

This application must be determined by 16th August 2024 otherwise it will be out of time and therefore negatively affect the performance figures.

1 EXECUTIVE SUMMARY

- | |
|--|
| <ol style="list-style-type: none">1.1. This application seeks full planning approval for the erection of 1no, 2-storey, 4-bed agricultural workers dwelling in association with the existing Hole in the Wall Farm, and the formation of an access of Padgett's Road.1.2. In order to maintain a sustainable supply of homes FLP policy LP3 seeks to restrict growth in areas away from those settlements defined within it. The restriction is set out through a strict test which requires a demonstration that such development is demonstrably essential for the effective operation of (in this case) local agriculture. Such demonstration is assessed via the criteria as set out under FLP policy LP12 Part D.1.3. It is considered that this application fails to demonstrate that the agricultural operations warrant an additional permanent dwelling - as the operations are not of a scale to justify the nearby presence of an additional full-time agricultural worker on-site – the recognised assessment method to determine a functional need. In addition, the application fails to fully consider the availability of existing accommodation at the site for occupation by an additional rural worker. Thus, the scheme is contrary to Policy LP3, having regard the assessment criteria as set out under LP12 part D (a) – (d). |
|--|

- 1.4. In addition, it is considered that the proposed design, scale and massing of the intended dwelling, would adversely impact the street scene, settlement pattern and landscape character of the area, contrary to Policies LP12 and LP16, respectively.
- 1.5. The application site includes areas within flood zones 1, 2 & 3, with the majority of the site (including the area intended to include the dwelling) is predominately located within flood zone 2. There are areas of undeveloped land within the existing farm complex that fall within flood zone 1.
- 1.6. Thus, in the context of the circumstances of this site, notwithstanding any functional need (or not) for an additional on-site worker, the application fails to address the clearly sequentially preferable land available within the agricultural holding itself that lies within flood zone 1, with the capability to accommodate a new rural workers' dwelling. As such the Sequential Test has not been appropriately considered in the context of the proposal and wider available land and is therefore considered failed. As such, it is considered that the current scheme is not compliant with Policy LP14.
- 1.7. The application is therefore recommended for refusal.

2 SITE DESCRIPTION

- 2.1. The application site comprises an area of agricultural land located on the west side of Padgett's Road, south of a group of agricultural farm buildings known as Hole in the Wall Farm and two pairs of semi-detached cottages known as Hole in the Wall Cottages, comprising a complex of agricultural and residential development indicated to be entirely within the applicant's ownership.
- 2.2. The Hole in the Wall complex includes five residential dwellings, Nos. 1 – 4 Hole in the Wall Cottages (two modest pairs of semi-detached rural workers style cottages) and the Hole in the Wall Farm house (a substantial, detached two-storey dwelling) to the centre of the complex. To the north of the complex stands agricultural buildings associated with the farm.
- 2.3. The application site is located approximately 1.63km south of the built framework of Christchurch, within the open countryside. The site fronts Padgett's Road to the east and is open to the south and west. To the north is No.4 Hole in the Wall cottages, bounded from the site by a mix of post and rail and 1.8m closeboarded fencing and hedging.
- 2.4. Further residential development beyond the Hole in the Wall complex is sporadic, with the nearest dwellings known as: Springfields, Willow Farm, Poplar Farm and The Old Coach House approximately 20m southeast, 324m east, 220m southeast, and 205m southeast, respectively.
- 2.5. Beyond the site and its immediate surrounds, the area is distinctly open agricultural.

2.6. The site is located in Flood Zones 1, 2 & 3.

3 PROPOSAL

- 3.1. This application seeks full planning permission for the erection of 1no, 2-storey, 4-bed agricultural workers dwelling in association with the existing Hole in the Wall Farm, and the formation of an access off Padgett's Road.
- 3.2. The application proposes a substantial dwelling. The dwelling is intended to comprise hallway, living room, open style kitchen/diner/living space, office, utility room, shower room, boot room and rear lobby with attached double garage and plant room with workshop.
- 3.3. The upper floor is to include four bedrooms (two en-suite), a master bedroom suite with walk in wardrobe, and separate family bathroom. The garage will include a store area and domestic fitness gym over.
- 3.4. A 4m access driveway is proposed off Padgett's Road, leading to a parking/turning area to serve the dwelling. The front and rear garden spaces are intended to be landscaped and bounded by 1.2m post and rail fencing.
- 3.5. Full plans and associated documents for this application can be found at: [F/YR24/0161/F | Erect 1 x dwelling \(2-storey 4-bed\) in association with existing farm, and formation of an access | Land South Of 4 Hole In The Wall Cottages Padgetts Road Christchurch \(fenland.gov.uk\)](https://fenland.gov.uk/Planning/Planning-Applications/F/YR24/0161/F%20|%20Erect%201%20x%20dwelling%20(2-storey%204-bed)%20in%20association%20with%20existing%20farm,%20and%20formation%20of%20an%20access%20|%20Land%20South%20Of%204%20Hole%20In%20The%20Wall%20Cottages%20Padgetts%20Road%20Christchurch%20(fenland.gov.uk))

4 SITE PLANNING HISTORY

F/YR19/0898/AG1	Erect an agricultural grain/machinery store Land North West Of The Hole In The Wall Cottages, Padgetts Road, Christchurch	Further Information Not Required 15.11.2019
F/YR11/0853/F	Erection of a pig fattening unit Land West Of Hole In The Wall Farm, Padgetts Road, Christchurch, Cambridgeshire	Granted 21.12.2011
F/YR04/4292/F	Erection of a part 2-storey and part single-storey side extension to existing dwelling Hole In The Wall Farm Padgetts Road, Christchurch, Cambs PE14 9PN	Granted 14.01.2005
F/96/0157/AG1	Erection of general purpose agricultural building Hole In The Wall Farm Padgetts Road, Christchurch, Cambs PE14 9PN	Further Details Not Required 26.06.1996
F/0525/82/F	Erection of a garage block Hole In The Wall Farm, Padgetts Road, Christchurch, Wisbech, PE14 9PN	Granted 16.09.1982

5 CONSULTATIONS

5.1. Cambridgeshire County Council Highways Authority

Initially, the Highways Authority objected to the proposed access on the basis that visibility splays had not been evidenced. This information was duly provided by the applicant and the following comments were received at reconsultation.

I'm content with this latest submission provided it can be conditioned that the visibility splays are maintained free from obstruction from a height of at least 600mm above carriageway level, and that any gates are set back at least 5m from the carriageway edge.

5.2. Environment & Health Services (FDC)

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 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. **Kings Lynn & West Norfolk Borough Council**

Thank you for your consultation in relation to the above planning application. The Borough Council of Kings Lynn and West Norfolk has NO OBJECTION to the proposed development.

5.4. **Christchurch Parish Council**

The Members of the Parish Council considered this application at their recent meeting.

They agreed that the proposed dwelling will provide continuity for one of the largest family farms in the Parish by supporting the succession currently taking place. Family farms such as this are a traditional feature of the Fenland landscape and play an important role in the local rural economy, providing direct employment and supporting other local businesses, as well as feeding the nation.

The design of the proposed dwelling fits comfortably alongside the five existing dwellings at Hole in the Wall Farm and the remote location minimises any potential visual harm or impact on other properties. Policy LP3 states that development elsewhere will be restricted to that which is demonstrably essential to the effective operation of local agriculture, and this is clearly the case in respect of this application.

Members resolved to offer this application their full support.

5.5. **Councillor D Roy**

Having read through the documentation and the importance of farming in Fenland, it is vital that this application is supported as farms of this nature are in decline.

I fully support that owners need to live in close proximity to be able to sustain farms of this type. I would support this application in full.

5.6. **Local Residents/Interested Parties**

The LPA received 8 letters of support for the scheme from address points local to the site within Christchurch, and from the adjacent ward. Reasons for support for the scheme can be summarised as:

- Important for farmers to live close to land/livestock for increased security, and animal welfare;
- Unsociable hours means sensible for proprietors to live on site;
- Dwelling will complement the area and be of high quality and design;
- On-site living will allow the business to flourish;
- No negative impact on local residents or character of the area;
- No ecological/environmental impacts;
- No negative impact on the highway;
- Asset to the local area and parish;
- No fault with submitted agricultural appraisal;
- Will enable occupants to respond to the weather on site immediately.

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

7.1. National Planning Policy Framework (NPPF)

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

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

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

Para. 83 - . housing should be located where it will enhance or maintain the vitality of rural communities.

Para. 84 - 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;

Para. 115 - . Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Para. 135 - Planning policies and decisions should achieve well-designed places

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

7.2. National Planning Practice Guidance (NPPG)

Determining a Planning Application

7.3. National Design Guide 2021

7.4. Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP12 – Rural Areas Development Policy

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

LP15 – Facilitating the Creation of a More Sustainable Transport Network

LP16 – Delivering and Protecting High Quality Environments

LP19 – The Natural Environment

7.5. Emerging Local Plan

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the

draft Local Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 48 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

LP1: Settlement Hierarchy

LP2: Spatial Strategy for the Location of Residential Development

LP7: Design

LP8: Amenity Provision

LP18: Development in the Countryside

LP22: Parking Provision

LP32: Flood and Water Management

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

DM3 – Making a Positive Contribution to Local Distinctiveness and Character

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

8 KEY ISSUES

- **Principle of Development**
- **Demonstration of essential need**
- **Character and Appearance**
- **Highways and Access**
- **Residential Amenity**

9 ASSESSMENT

Principle of Development

- 9.1. The site lies within an area of dispersed, intermittent buildings that are detached from the main settlement of Christchurch and comprises a parcel of land currently in use for arable agriculture.
- 9.2. Consequently, as the site is considered to fall outside of a settlement it is therefore defined as an 'Elsewhere' location under FLP policy LP3; which seeks to restrict development to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. The NPPF supports the principle of sustainable rural housing where it will enhance or maintain the vitality of rural communities, and sustainable economic growth in rural locations - where appropriate i.e. the right development in the right location, and it is considered that the requirements of policy LP3 are wholly consistent with the NPPF in this regard.
- 9.3. The application comes forward as a proposal for residential accommodation to serve an existing agricultural enterprise. Therefore, the principle of the development is accepted through LP3, which amongst others, supports the farming community and agricultural development, and recognises that in certain circumstances it is necessary to locate dwellings in otherwise unsustainable locations. But this allowance is subject to meeting (where residential development is concerned) the strict test of demonstrating an

essential need. FLP policy LP12-Part D sets out the requirements as to how this essential need will be demonstrated.

Demonstration of essential need

- 9.4. Policy LP12 Part D relates specifically to the development proposed and sets out that applications of this nature should provide supporting evidence to explain the following;
- (a) The existing functional need for the dwelling,
 - (b) The number of part time and full-time worker(s) to live in the dwelling,
 - (c) The length of time the activity has been established,
 - (d) The financial viability of the enterprise,
 - (e) The availability of other suitable accommodation on site or in the area,
 - (f) How the proposed size of the dwelling relates to the viability of the enterprise.
- 9.5. The application is supported by an Agricultural Appraisal which provides the background to the applicant, the current and future business plans and predicted business growth (financial details are held as confidential items). The appraisal document also provides information on the agricultural holding as a whole and how this relates to the overall function and viability of the enterprise.
- 9.6. The Council has used the services of an agricultural consultant, Kernon Countryside Consultants Limited, to review the outline business case and provide an assessment of the demonstration for essential need.
- 9.7. The submitted appraisal outlines that the applicant's objective is *"...to construct a permanent dwelling on the holding to accommodate William and his anticipated family so that they can meet the increasing demand for 24-hour site supervision and security as well as being available to meet the welfare demands of the pig enterprise and administer both livestock and crop husbandry requirements which often includes unsociable hours."* (Para 4.2, Agricultural Appraisal, Cheffins)

Existing enterprise

- 9.8. The main operations themselves currently comprises arable farming of various parcels of land around the Christchurch and Manea areas, totalling 552ha, which in itself is a viable enterprise. In addition, the applicant also operates a pig 'bed and breakfast' enterprise, where the business provides the buildings and labour with the pigs and feed supplied by another. In this instance, Hole in the Wall Farm provide welfare, feed and watering, medication as necessary and maintaining stock health whilst the animals reside at the farm, although do not own the livestock themselves. The applicant has advised that both the arable and livestock enterprises demand a high level of unsociable hours to be worked on the holding and there is, in their opinion, an essential need for 24 hour supervision to manage and maintain welfare standards of the pigs kept and to ensure security of the farm is maintained. It is proffered that a second dwelling will allow for some of the responsibility to be relieved from the applicant as he approaches retirement age and permit his son, a key worker within the existing business, to provide the essential cover and support to his parents and family and be onsite in the event of emergencies.

- 9.9. Having regard to the arable side of the enterprise, it is well-established that arable farming rarely justifies an essential, functional need for a full-time worker to be present at the site on a permanent, round the clock basis¹. This is notwithstanding that the arable enterprise, in any case, covers a wide area with detached parcels of arable land spread over a wide radius from the application site therefore meaning an on-site presence could not reasonably be expected to monitor the entire holding.
- 9.10. Furthermore, the Council's consultant has assessed the current arable enterprise, concluding that unsociable hours and inclement or changeable weather is not sufficient justification to warrant an additional on-site worker.
- 9.11. Whilst Planning Policy Statements were withdrawn following the publication of the NPPF in 2012, the information contained within Annex A of PPS7 is, in the main, still applicable as guidance. This states "*where livestock or agricultural processes require essential care at short notice.*" As such, when considering the livestock enterprise at the site, a functional need could arise.
- 9.12. It is accepted that some livestock enterprises require supervision at certain periods and providing for the care and welfare of housed pigs and/or piglets is an activity that could give rise to a functional requirement for a worker to be readily available at most times, dependent on the scale of the enterprise. The functional test applied here, is whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times.
- 9.13. The livestock enterprise currently undertaken includes 'room and board' for pigs in batches of 1,050 aged approximately 7 weeks old, which are reared up to appropriate slaughter weights over a period of around 20 weeks. The policy test set out in LP12 part D (a) is whether there is "*an existing functional need for the dwelling*". For a functional need to be established, the enterprise from which the functional need is derived must equate to a full-time worker.
- 9.14. The Council's consultant has assessed the current livestock enterprise and tasks involved in its maintenance, concluding that the applicant's justification regarding the loading/unloading of pigs, despite these potentially taking place during an unsociable hours, is part and parcel of the tasks of maintaining such an enterprise. However, in respect of animal welfare and given the number of pigs that are being housed on site, there is a functional requirement for one on-site worker although the need for a second on-site worker is, at best, marginal. In response to the figures provided by the applicant with respect to the number of operatives required, it should be noted that labour calculation figures do not calculate the number of workers that need to live on site, they instead indicate the number of workers that are merely required to operate the enterprise. In most cases some of these workers can live off-site.

¹ [APP/F2630/W/17/3174429](#), [APP/N0410/W/19/3226363](#), [APP/L2630/W/19/3223110](#), [APP/W1850/W/20/3251167](#), [APP/V2635/W/19/3242691](#), [APP/Q3115/W/17/3175806](#)

Existing dwellings

- 9.15. Given the above assessment, and the fact that the site is currently occupied by one on-site worker, which is justified in respect of the current enterprise requirements, it is considered that a second permanent on-site presence would be desirable rather than essential for the proper functioning of the enterprise. The policy test under LP3 sets out an 'essential' need.
- 9.16. Notwithstanding, it is noted that the applicant's agricultural appraisal indicates that there is only one existing residential property on the farm. However, it is understood that Nos.1 & 2 Hole in the Wall Cottages, adjacent to the existing farm, are owned by PJ Farms Ltd, the applicant's enterprise. Thus, given the number of existing dwellings already proven to be within the ownership of the farm (at least three), it was considered unnecessary to formally investigate the ownership of Nos. 3 & 4 through Land Registry searches, as doing so would have been at the Council's expense. Nonetheless, it remains that, Nos. 3 & 4 may also be owned by the farm, which would bring the available total up to five.
- 9.17. Whilst the applicant's agricultural appraisal did consider, and ultimately discounted, available alternative housing within Christchurch and Welney, the application is silent with respect to the availability of the Hole in the Wall Cottages Nos. 1-4. Therefore, in the absence of evidence to the contrary, the existing dwellings at the site are considered to have the potential to be occupied by farm workers.
- 9.18. The application seeks consent for a at least a fourth (possibly a sixth) dwelling at the site. However, given that there is only a clear need for one on-site worker, with a marginal need for a second, it follows that accommodation may seemingly be met by existing accommodation within the farm complex and thus a functional need for additional accommodation to be built at the site is not warranted.
- 9.19. Having regard to the existing scale of the business, the potential options to utilise existing accommodation within the farm complex (which hasn't been fully explored and evidenced by the applicant) and the lack of essential need for a second worker to reside permanently at the application site, the proposal is considered to conflict with Policy LP3, having regard to the assessment criteria as set out under LP12 part D (a), (b), (c) and (d) and would therefore result in the unwarranted introduction of a dwelling in an otherwise unsustainable location.

Character and Appearance

- 9.20. Policy LP16 seeks to ensure development makes a positive contribution to the local distinctiveness and character of the area, responding to and improving the character of the area, reinforcing local identity and does not either in design or scale terms, adversely impact on the street scene, settlement pattern or landscape character of the area. It is also a core planning principle in the NPPF that recognises the intrinsic value of the countryside therefore consideration needs to be given to any harm caused. Further to the necessary criteria in respect to the functional need for development in elsewhere locations, Policy LP12 seeks to ensure that

development respects the character and appearance of the surrounding countryside and farmland.

- 9.21. The application site is currently undeveloped arable farmland, and forms part of the wider countryside landscape within the area. Clearly, therefore, any development on this land would have impact to the overall open countryside character by bringing a residential urbanisation to this parcel of land.
- 9.22. Paying heed to the existing street scene, the Hole in the Wall Cottages adjacent to the site are modest, semi-detached dwellings. At 2-storey, with minimal side extensions, the cottages are of simple, traditional design with gable rooflines and a shared central chimney, reflective of typical Fenland rural worker's style dwellings of their time. Both pairs, cumulatively, comprise a total footprint of approximately 185m².
- 9.23. Between the pairs, comprising Nos.1 & 2 to the north and Nos. 3 & 4 to the south, is an undeveloped area of maintained grassland approximately 16.5m wide. Behind these cottages, within the centre of the Hole in the Wall farm complex, is the original farmhouse, which is predominately shielded from view save for glimpses through this undeveloped gap and along existing accesses into the farm. Given this screening, the street scene as viewed from Padgett's Road includes, predominately the modest existing pairs of cottages.
- 9.24. The proposed dwelling is substantial, comprising a footprint of circa 340m² (including the garage), equating to a footprint approximately 85% larger than the combined total of all four cottages already contained within the farm complex.
- 9.25. The existing cottages reach a ridge height of approx. 7.8m, and Nos. 3 & 4, nearest the application site, comprise a total width of approx. 16m. The proposed dwelling has been designed to reach a comparable height to that of the cottages, at 7.8m. However, the overall width of the main dwelling (not including the garage) will span approximately 18.9m, when considered cumulatively within the street scene the dwelling to include the garage will span approximately 26m. Accordingly, whilst the height of the proposed dwelling is the same and it is noted that the intended dwelling will be set back from the existing cottage building line, the overall width of the proposed dwelling (at approximately 10m wider than the pair of adjacent cottages combined) will result in an overall scale and massing that will dominate the street scene.
- 9.26. Furthermore, the proposed dwelling is intended to include front gable projections flanking a central pitched roof covered porch, with additional gable side projection linking to a forward projecting garage perpendicular to the main dwelling. Given these design details, it is considered that the scheme is of a form more urban in nature, which will be entirely incongruous against the backdrop of the adjacent more utilitarian and traditional farm cottages and other modest dwellings nearby.
- 9.27. Materials have not been specified, but the submitted documents suggest external brick, timber cladding, and uPVC windows to be utilised which

appear, in the context of the submitted plans, to not reflect the appearance of the adjacent cottages, however this could be mitigated through an appropriate materials condition.

- 9.28. Given the above, it is considered that by virtue of the overall location, it is clear that the scheme does not respect the character and appearance of the surrounding countryside and farmland as the intended location would bring about a distinct urbanisation of existing open agricultural land. In addition, owing to the proposed design, scale and massing of the proposed dwelling, the street scene, settlement pattern and landscape character of the area will be adversely impacted and dominated by the introduction of an incongruous and sizeable dwelling, contrary to Policies LP12 and LP16, respectively.
- 9.29. This conclusion is supported by the Council's consultant, whom on considering the overall siting and size of the proposed dwelling, concludes: *"In our opinion the dwelling is significantly larger than what could be considered appropriate as a rural workers' dwelling."* Moreover, it is worthy of note that the applicant's submission does not appear to have considered an arguably more appropriate siting for any new rural workers dwelling on the 16m wide swathe of undeveloped land between the existing cottage pairs. It is proffered that this is suitably sized to accommodate an appropriately sized rural workers' dwelling, comparable to the existing cottages, and could be a more suitable location, closer to the existing farm buildings, which would offer more opportunity for occupants to be readily available to identify any problems that may arise, particularly with respect to animal welfare.

Highways and Access

- 9.30. Following initial concerns by the Highways Authority (HA) that visibility splays were not sufficiently evidenced, revised access arrangements were submitted by the applicant demonstrating that appropriate visibility could be achieved in accordance with HA requirements. The HA has assessed the revised application and raises no objection to the proposal, subject to conditions securing the delivery of the access and the retention of off-road parking areas.
- 9.31. In this regard, the application presents no technical issues with regards to highways impacts and would comply with FLP policy LP15.

Residential Amenity

- 9.32. The dwelling is sited sufficiently away from neighbouring boundaries so as not to result in any overshadowing or overbearing issues. Furthermore, windows are located to avoid any unacceptable overlooking. The dwelling therefore presents no relationship issues with adjacent properties.
- 9.33. It is noted that there may be some limited impacts to amenity that occur as a result of the proposed construction of the dwelling. However, the recommendation by the Environmental Health team regarding construction working hours is considered unreasonable to impose given the quantum of development proposed and given any disruptions would be a temporary inconvenience.

- 9.34. Notwithstanding, if planning consent is granted, this would not indemnify against statutory nuisance action being taken in the event that the Environmental Health team received a substantiated complaint(s) regarding issues pertaining to the creation of noise, emissions, pollution, contamination, odour, dust, vibration, etc from the proposed development.

Flood Risk

- 9.35. Policy LP14 of the Fenland Local Plan (2014) and chapter 14 of the National Planning Policy Framework set out the policy approach towards development in areas of flood risk. Both of these policies seek to encourage development first within areas of lower flood risk, before considering development in areas at higher risk of flooding.
- 9.36. The application site includes areas within flood zones 1, 2 & 3, with the majority of the site (including the area intended to include the dwelling) is predominately located within flood zone 2.
- 9.37. It is for the applicant to demonstrate through an assessment that the Sequential Test has been met.
- 9.38. It is acknowledged that the application seeks a new on-site rural worker's dwelling. In this vein, the application has been accompanied by a Flood Risk Assessment that includes a section relating to the Sequential Test which justifies the development in this flood zone succinctly, as follows:

The dwelling provides accommodation for a key agricultural worker. The dwelling is proposed adjacent to the main farm on its southern side so not to constrain the potential for growth of the farm. The development is considered to pass the Sequential Test.

- 9.39. However, the flood risk assessment and Sequential Test fails to acknowledge that a significant part of the existing farm complex, including the main farm house and considerable land surrounding, along with the existing cottage dwellings, and the area of undeveloped land between the cottage pairs, all within the applicant's ownership, falls within flood zone 1. Accordingly, in the context of the circumstances of this site, notwithstanding any need (or not) for the agricultural worker to reside on the site, there is sequentially preferable land available within the agricultural holding itself to accommodate a new rural worker's dwelling. As such, given the argument that the applicant considers there to be a functional need for a new dwelling at the site, the Sequential Test has not been appropriately considered in the context of the proposal and wider available land and is therefore considered failed.
- 9.40. In February 2018, the Council amended the approach to agreeing the scope of the Sequential Test to a settlement by settlement basis, other than development in the countryside where the whole district would then be the area of search. As the development is located outside a defined settlement, the area of search should be district wide. It has been established above that there is no functional need for a rural worker's dwelling at the site, and as such a district wide area of search for the purposes of the Sequential Test

is applicable. The Sequential Test is therefore also considered failed on this basis.

- 9.41. In line with the guidance set out within the Cambridgeshire Flood and Water SPD, it is not necessary for the scheme to address the Exception Test. However, details within the submitted Design and Access statement suggest that the development would include an air source heat pump, solar panels, and be highly insulated. A condition to secure these energy efficiency measures could be imposed should the application be approved.
- 9.42. In addition, the submitted FRA outlines proposed flood mitigation measures for the site, including raised finished floor levels and flood resilient construction that address the need for safety in times of flooding, specific to the site itself. These are considered acceptable in the context of the scheme itself in relation to site specific flood safety measures which may address the development being safe from flooding for its lifetime, subject to these being secured by condition.
- 9.43. Notwithstanding any flood mitigation or energy efficiency measures provided at the site, the evidence submitted has failed to fully demonstrate that there are no sequentially preferable sites that could accommodate a rural worker's dwelling, neither within the current agricultural holding or elsewhere, and thus the proposal has failed the Sequential Test. As such, it is considered that the current scheme is not compliant with Policy LP14 and should be refused.

10 CONCLUSIONS

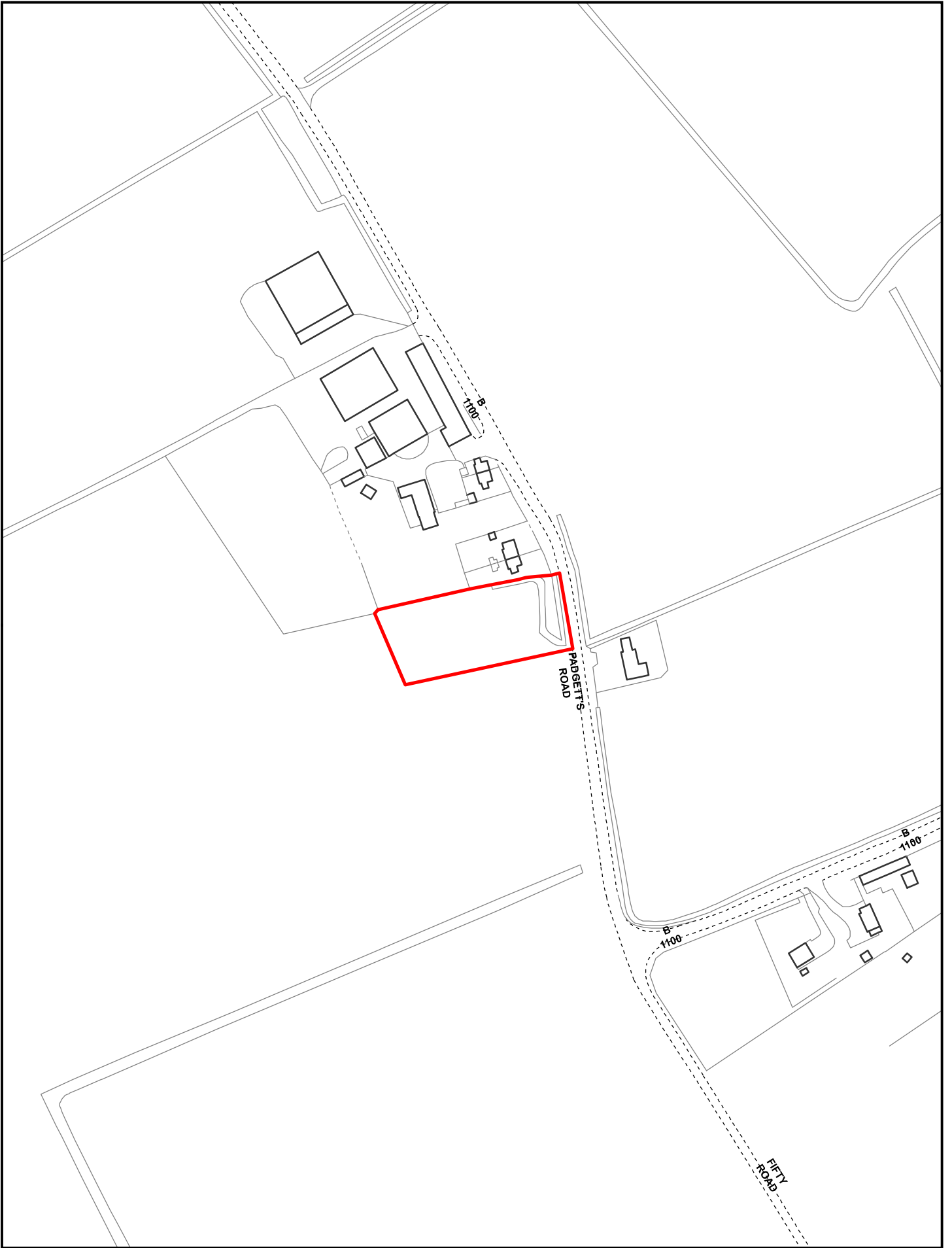
- 10.1. The above assessment concludes that the functional need for an additional agricultural workers dwelling at the site has not been established, contrary to the requirements of Policy LP3 and Policy LP12. In addition, the proposed scheme is of a scale and massing incongruous with the surrounding streetscene and would impact the open countryside character of the area contrary to Policies LP12 and LP16. Furthermore, evidence has not been advanced to consider a more sequentially preferable siting of the proposed dwelling in an area of lesser flood risk within the existing agricultural complex, contrary to Policy LP14.
- 10.2. As such, notwithstanding technical matters regarding highway safety and residential amenity being acceptable, the application is recommended for refusal on the basis of the policy contraventions discussed above.

11 RECOMMENDATION

Refuse; for the following reasons:

1	To promote sustainable development in rural areas, Policy LP3 of the Fenland Local Plan, 2014 (FLP) seeks to restrict development in areas outside of settlements to that which is demonstrably essential for the effective operation of land-based enterprise e.g. agriculture. This demonstration is determined through the criteria as set out under FLP policy LP12 Part D. The proposal is for the erection of a new dwelling associated
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	<p>with an established agricultural enterprise. However, the application fails to adequately demonstrate an essential, functional need for a full-time worker to be readily available at most times at or near to the site. This is contrary to the criteria of LP12 Part D and therefore conflicts with policy LP3 of the Fenland Local Plan, 2014 as the proposal would result in the unwarranted erection of a dwelling in an otherwise unsustainable location.</p>
2	<p>Policy LP16 seeks to ensure development makes a positive contribution to the local distinctiveness and character of the area, and does not, either in design or scale terms, adversely impact on the street scene, settlement pattern or landscape character of the area. Policy LP12 seeks to ensure that development respects the character and appearance of the surrounding countryside and farmland.</p> <p>By virtue of the siting of the proposed dwelling, the scheme does not respect the character and appearance of the surrounding countryside and farmland as development on this land would result in a distinct urbanisation of existing open and undeveloped agricultural land. Furthermore, the proposed design, scale and massing of the proposed dwelling, will adversely impact and dominate the existing street scene, settlement pattern and landscape character of the area, contrary to Policies LP12 and LP16.</p>
3	<p>Policy LP14 of the Fenland Local Plan and section 14 of the National Planning Policy Framework (2021) require development proposals to adopt a sequential approach to flood risk from all forms of flooding, and Policy LP14 states that development in an area known to be at risk will only be permitted following the successful completion of a Sequential Test.</p> <p>The submitted Flood Risk Assessment only considers the development in the context of the need for an agricultural workers dwelling on the site. As it has been assessed that there is no such agricultural need the sequential test should cover a wider, agreed, geographical area as set out within the Cambridgeshire Flood and Water SPD (2016). Even if it were to be accepted that there is an essential need for an additional dwelling on site, the application fails to acknowledge that a significant area of the existing farm complex, all within the applicant's ownership, fall within an area of lesser flood risk than the application site, and therefore fails to fully identify land available within more appropriate areas at the site in the context of providing accommodation for an on-site worker. The test is therefore considered to be failed and the proposal is therefore contrary to Policy LP14 of the Fenland Local Plan (2014), Section 14 of the National Planning Policy Framework (2021).</p>



Created on: 06/03/2024

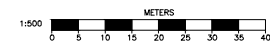
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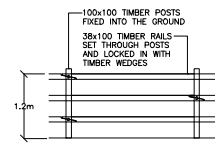
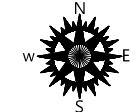
Scale = 1:2,500



SPEED CHANGE POINT FROM 60mph TO 40mph IN THE DIRECTION OF THE PROPOSES SITE AT HOLE IN THE WALL FARM.



PROPOSED SITE PLAN (1:500)



TYPICAL POST AND RAIL FENCE DETAIL (1:50)

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The contractor is to arrange inspections of the works by the BCU (or H&BC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer.

All finishes, insulation and damp-proofing to architect's details

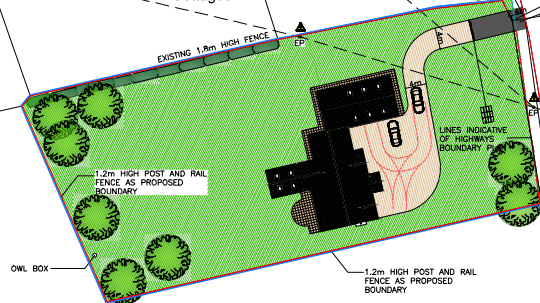
Hole in the Wall Farm

Hole in the Wall Cottages

Springfields

- PERMEABLE BLOCK PAVING (BY OTHERS)
- CONCRETE SLABS (NON SLIP)
- GRASS (BY OTHERS)
- VEGETATION
- HEDGING
- GRAVEL (BY OTHERS)
- SITE ENVELOPE
- TARMAC (BY OTHERS)
- FOUL DRAINAGE
- SURFACE WATER DRAINAGE

- PERMEABLE BLOCK PAVING (BY OTHERS)
- CONCRETE SLABS (NON SLIP)
- GRASS (BY OTHERS)
- VEGETATION
- HEDGING
- GRAVEL (BY OTHERS)
- SITE ENVELOPE
- TARMAC (BY OTHERS)
- FOUL DRAINAGE
- SURFACE WATER DRAINAGE



2.4m x 120.0m VISIBILITY SPLAY

NEW ACCESS TO BE TO CAMBRIDGESHIRE COUNTY COUNCIL HIGHWAYS REQUIREMENTS, 4m x 10m TARMAC LAID TO FALL AWAY FROM THE HIGHWAY WITH HEAVY DUTY ACES DRAIN TO REAR OF TARMAC SET TO SLOPE AWAY ON FRONT GARDEN AREA.

2.4m x 120.0m VISIBILITY SPLAY

120m SPLAY WITHIN LAND IN APPLICANT OWNERSHIP

120m SPLAY WITHIN LAND IN APPLICANT OWNERSHIP

40mph SPEED LIMIT

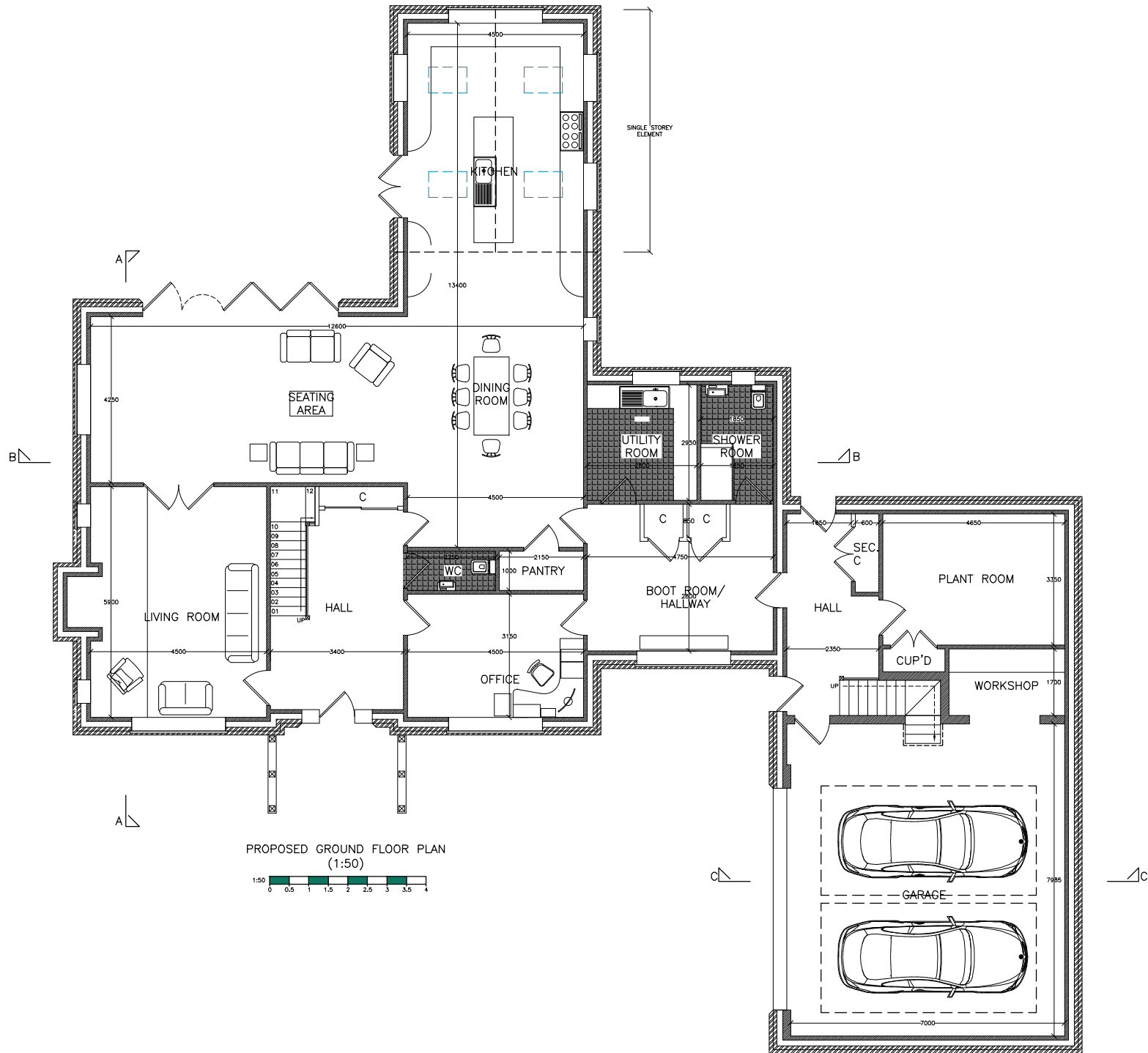
D	SPLAY BOUNDARY CHANGE	APR 2024
C	HIGHWAYS COMMENTS	APR 2024
B	HIGHWAYS COMMENTS	MAR 2024
A	CLIENTS COMMENTS	JAN 2024
	REVISIONS	DATE
<p>1 Gordon Avenue, March, Cambridgeshire, PE13 6AU</p> <p>Tel: 01354 655454 Fax: 01354 660467 E-mail: info@mortonandhall.co.uk Website: www.mortonandhall.co.uk</p> <p>Ferndale District Council </p> <p>Building Design Awards </p>		
<p>Mr Gladwin P.J Farms Ltd</p>		
<p>Hole in the wall Farm, Padgetts Road, Christchurch, Cambridgeshire, PE14 9PN</p>		
<p>Proposed Site Plan & Fence Detail</p>		
Drawn	J. Southall	DESIGNED
Checked		CHECKED
Date	Nov 2023	DATE
Scale	AS SHOWN	PROJECT NO
		H9305/07

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The contractor is to arrange inspections of the works by the BCO (or IABCO) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer.

All finishes, insulation and damp-proofing to architect's details



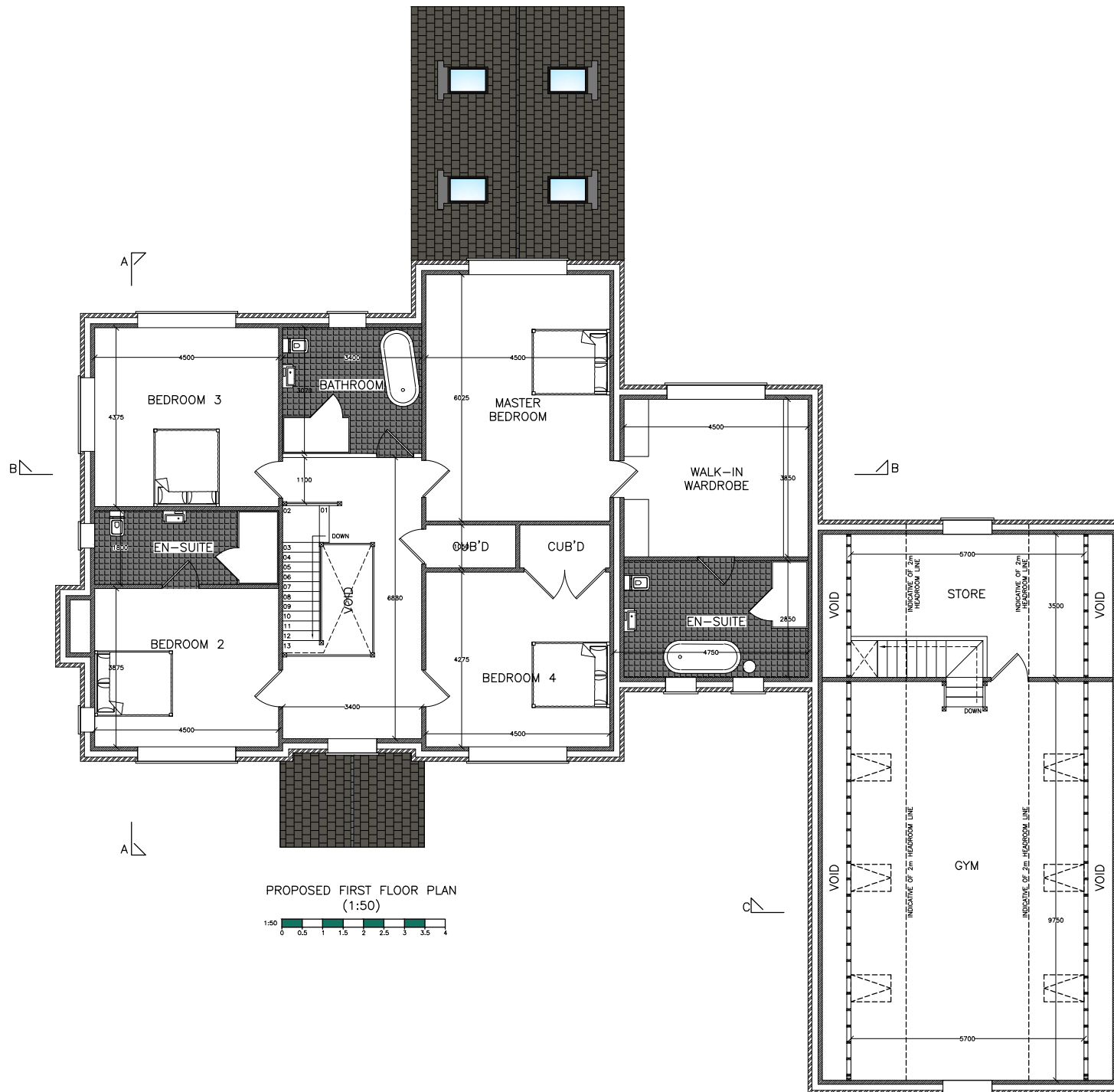
A CLIENTS COMMENTS		JAN 2024
REVISIONS		DATE
1 Gordon Avenue, March, Cambridgeshire, PE15 6AJ		Tel: 01354 655454 Fax: 01354 660467 E-mail: info@mortonhall.co.uk Website: www.mortonhallengineering.co.uk
Mr Gladwin P.J Farms Ltd.		
Hole in the wall Farm, Padgetts Road, Christchurch, Cambridgeshire, PE14 9PN		
Proposed Ground Floor Plans		
Drawn	J. Goodwin	Checked
Issue		Checked
Date	Nov 2023	Checked
Scale	AS SHOWN	Project No
		H9305/101 A

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All finishes, insulation and damp-proofing to architect's details



PROPOSED FIRST FLOOR PLAN
(1:50)



REVISIONS	DATE
<p>1 Gordon Avenue, March, Cambridgeshire, PE12 6AJ</p> <p>Tel: 01354 655454 Fax: 01354 660467 E-mail: info@mortonhall.co.uk Website: www.mortonhall.co.uk</p>	
<p>Mr Gladwin P.J Farms Ltd.</p>	
<p>Hole in the wall Farm, Padgetts Road, Christchurch, Cambridgeshire, PE14 9PN</p>	
<p>Proposed First Floor Plans</p>	
Drawn J. Southwell	Checked
Date Nov 2023	Project No H9305/102
Scale AS SHOWN	

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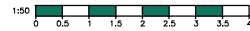
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The contractor is to arrange inspections of the works by the BCU (or H&BC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer.

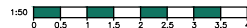
All finishes, insulation and damp-proofing to architect's details



PROPOSED FRONT ELEVATION
(1:50)

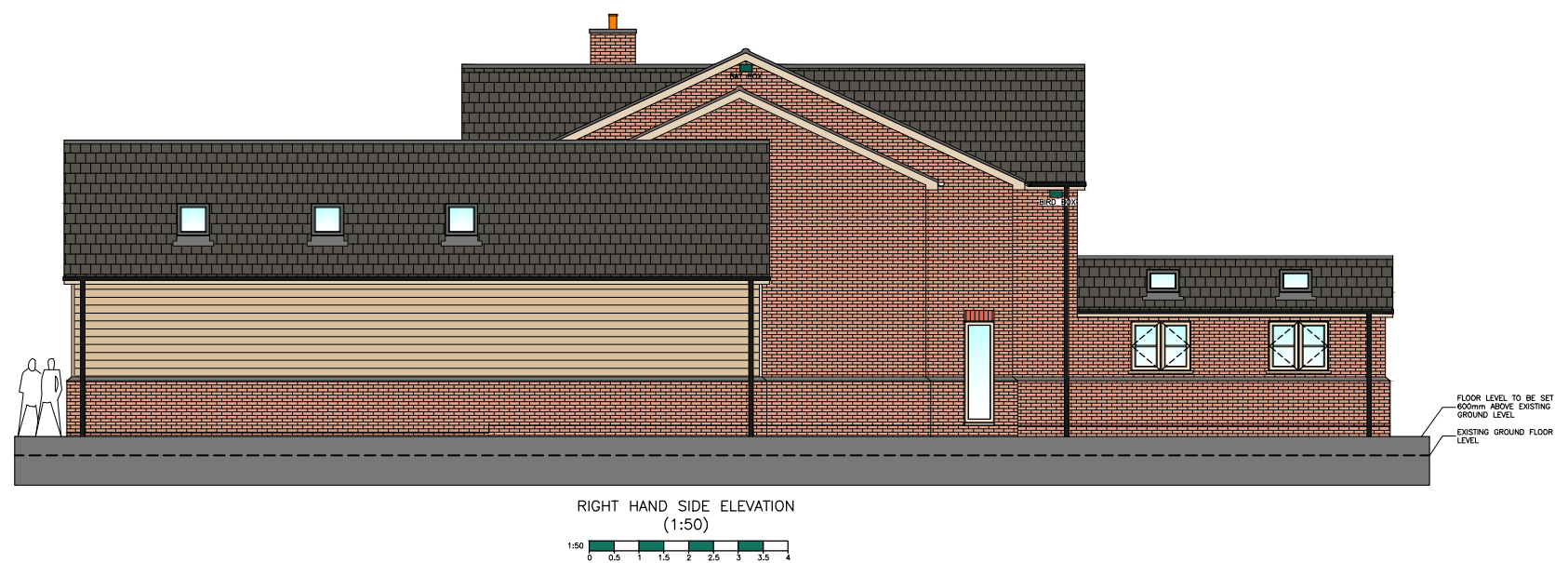
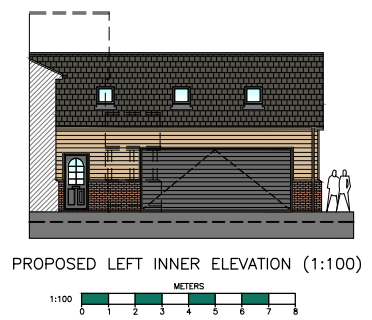


PROPOSED REAR ELEVATION
(1:50)



REVISIONS		DATE
1 Gordon Avenue, March, Cambridgeshire, PE15 6AJ		Tel: 01354 655454 Fax: 01354 660467 E-mail: info@mortonhall.co.uk Website: www.mortonhallengineering.co.uk
Mr Gladwin P.J Farms Ltd.		
Hole in the wall Farm, Padgetts Road, Christchurch, Cambridgeshire, PE14 9PN		
Proposed Front & Rear Elevation		
DRAWN J. Southall	CHECKED 	DATE Nov 2023
TITLE AS SHOWN	PROJECT H9305/103	

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 The contractor is to arrange inspections of the works by the BCO (or H&M) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer.
 All finishes, insulation and damp-proofing to architect's details



CLIENTS COMMENTS		JAN 2024
REVISIONS		DATE
A 1 Gordon Avenue, March, Cambridgeshire, PE15 6AJ		Tel: 01354 655454 Fax: 01354 660467 E-mail: info@mortonhall.co.uk Website: www.mortonhall.co.uk
Mr Gladwin P.J Farms Ltd.		
Hole in the wall Farm, Padgetts Road, Christchurch, Cambridgeshire, PE14 9PN		
Proposed Left & Right Elevation		
Drawn	J. Goodwin	Checked
Date	Nov 2023	Project No
Scale	AS SHOWN	H9305/104 A

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F/YR24/0254/PIP

Applicant: Mr Brownlow & Ms Davies

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

Brownlows Yard, 400 Creek Road, March, Cambridgeshire

Permission in principle to erect up to 9 x dwellings

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to recommendation

Government Planning Guarantee

Statutory Target Date For Determination: 25 April 2024

EOT in Place: Yes

EOT Expiry: 14 August 2024

Application Fee: £5030

Risk Statement:

This application must be determined by 14 August 2024 otherwise it will be out of time and therefore negatively affect the performance figures.

1 EXECUTIVE SUMMARY

- 1.1 This application is for permission in principle for up to nine dwellings and is subject to the Town and Country Planning (Permission in Principle) (Amendment) Order 2017.
- 1.2 The scope of permission in principle is limited to location, land use and amount of development.
- 1.3 The proposed development would be located within an area of high and medium risk of surface water flooding.
- 1.4 By virtue of its location and land use, within an area of high and medium risk of surface water flooding, and its failure to pass the Sequential Test, the proposed development would have unacceptable surface water flood risks, contrary to policy H2 of the March Neighbourhood Plan 2017, policies LP4, LP14 and LP16 of the Fenland Local Plan 2014, paragraph 168 of the National Planning Policy Framework, paragraph 023 of National Planning Practice Guidance and Section 4 of the Cambridgeshire Flood and Water Supplementary Planning Document. It is therefore considered that the location and land use of the proposed development are not acceptable.
- 1.5 During the course of the application, the Officers have provided the agent with the opportunity to explore alternative options for the site which would avoid

siting development within the area of high and medium risk of surface water flooding, such as relocating the proposed access. However, the agent has confirmed that they wish to proceed with the current proposal.

- 1.6 In view of the unresolved flood risk and associated conflicts with the development plan, the application is recommended for refusal.

2 SITE DESCRIPTION

- 2.1 The site is located on the north side of Creek Road, on the northern edge of March. The site is located between existing residential built form, located to the north-east, east and south-west.
- 2.2 The site is located within Flood Zone 1 (an area with low probability of river or sea flooding). The application site, however, contains areas of high, medium and low risk of surface water flooding.
- 2.3 The site comprises partly brownfield land accommodating multiple businesses and partly greenfield agricultural land. Within the brownfield land, there are commercial buildings and land being used for the storage of commercial and building materials, vehicles and a caravan.
- 2.4 The lawful use of the brownfield land has been established through planning permission ref: F/99/0324/F, which granted planning permission for:
'Use of the site for car repairs and servicing; joinery workshop and showroom; manufacture and sale of concrete products; storage of building materials and plant involving erection of buildings; the use and extension of existing buildings and stationing of 2 no. portacabins and 8 no. storage bins.'

3 PROPOSAL

- 3.1 The application seeks permission in principle to erect up to nine dwellings.
- 3.2 Full plans and associated documents for this application can be found at:
<https://www.publicaccess.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=SAFRSEHE0D800>

4 RELEVANT PLANNING HISTORY

Application reference:	Proposal:	Decision:
F/YR23/0528/F	Erect 6no dwellings (2-storey, 4-bed) involving the demolition of existing outbuilding and associated works including formation of accesses, widening of Creek Road and formation of a footpath	Pending consideration
F/YR22/1112/PIP	Residential development of up to 4 dwellings (application for Permission in Principle)	Granted 11.11.2022
F/YR04/3634/O	Erection of a dwelling	Refused 24.08.2004
F/99/0324/F	Use of the site for car repairs and servicing; joinery workshop and showroom; manufacture and sale of concrete products; storage of building materials and plant involving erection of buildings; the use and extension of existing buildings and stationing of 2 no. portacabins and 8 no. storage bins	Granted 09.04.2001
F/91/0008/O	Residential Development (0.29 ha)	Refused 29.05.1991
F/0670/88/O	Residential development - 0.315 ha	Refused 08.09.1988
F/0049/83/O	Erection of an agricultural bungalow	Refused 17.03.1983
F/0169/80/O	Residential development - approximately 1.2 acres	Refused 26.03.1980
F/0941/79/O	Residential development (approx. 6.54 acres)	Refused 10.01.1980
<u>Off-site planning history:</u> F/YR22/1414/PIP	Residential development of up to 3 dwellings (application for Permission in Principle)	Granted 01.02.2023

5 CONSULTATIONS

5.1 Councillor Tim Taylor [Received 26th March 2024]

I have to recommend refusal on the above application. Our drainage catchment is at capacity to deal with anymore surface water. Thus allowing anymore developments will potentially have catastrophic consequences with potential flooding within Fenland.

5.2 March Town Council [Received 9th April 2024]

Recommendation; Approval

**The Town Council hopes that a s106 will be required as per the Neighbourhood Plan, given that the total number of dwellings to be delivered by the developer shall exceed ten. Continuing concerns over flooding.*

5.3 Local Highway Authority [Received 17th April 2024]

The Local Highway Authority raises no objections to the principal [sic] of the proposed development. However, there are some mitigation works required on the highway to facilitate this development:

- *A footway would need to be included along Creek Road this should be 2m in width (a min of 1.8m will only be accepted if 2m cannot be accommodated) this must join the existing footway to the west. The submitted drawing refers to a proposed footway arrangement on another application for this site F/YR23/0528/F. This cannot be considered part of this application and must be shown as part of this application should the applicant want it to be considered as part of the site mitigation works.*

Additional Comments

- *The access vehicle layout as shown on the submitted drawing would be suitable for a development of this size.*
- *There is a posted speed limit of 30mph along creek Road therefore the visibility splays shown are correct.*
- *The internal arrangement is not being considered as part of this application. However, I can confirm that this is not laid-out to an adoptable standard as there is no residential dwellings directly accessed from the road and there is no turning head included.*

5.4 Fenland District Council Environmental Health [Received 8th April 2024]

The Environmental Health Team note and accept the submitted information and have 'no objection' to the proposal, as it is unlikely to have a detrimental effect on local air quality.

However, in the event that Permission in Principle (PIP) is granted and a further application for the site is submitted in the future, given the brownfield nature of this site resulting from previous and current commercial/industrial use I recommend the following condition be applied:-

Land affected by Contamination

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

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

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

(c) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters. No development approved by this permission shall be occupied prior to the completion of any remedial works and a validation report/s being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs d), e) and f).

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

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

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

Reason: To control pollution of land or water in the interests of the environment and public safety.

Given the close proximity of residential property and what looks like demolition as well as construction activities associated with this development I recommend the following condition be applied.

Working Hours

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.

Reason: To protect the amenity of the nearby occupiers.

I also note that there are three more residential developments with PIP approval associated with a further 9 houses to the south of this site. Given the extent of the development when taking this and the other three developments together I would advise that in the event of an application/s being made it is likely that a condition requiring a CEMP, as follows, would be recommended.

Construction Environmental Management Plan

No development shall take place, including any demolition works, until a Construction Environmental Management Plan (CEMP) has been submitted to and then approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to throughout the demolition and/or construction period and must demonstrate the adoption of best practice to reduce the potentially adverse effects on those living and working nearby the development site, whilst also acknowledging the health, safety and welfare of those working on site. The CEMP should be in accordance with the template on the Fenland District Council website via the following link: [Planning forms, fees and validation checklists - Fenland District Council](#)

Reason: To protect the amenity of the nearby occupiers.

5.5 Cambridgeshire County Council Archaeology [Received 2nd April 2024]

I am writing with regards to the archaeological implications of the above referenced planning application. The proposed development is in an area of high archaeological potential to the northwest of March. Just to north of the proposed development is the route of the Fen Causeway, a major Roman route that connects settlements within the fen (CHER CB15033). To the North, East and South, significant cropmarks have been recorded indicated field system, Roman settlement and further routeways (CHER 08974, 08974, 08974).

Whilst we do not object to the principle of development in this location, we would anticipate that a programme of archaeological investigation would be necessary in advance of any works commencing in order to mitigate the impacts of development, and would expect that this would be secured at Technical Details application stage.

5.6 Local Residents/Interested Parties

Nine representations have been received in support of the application from local residents / interested parties. Eight representations are from residents of March (1x Creek Road, 1x Wisbech Road, 1x Upwell Road, 1x Nursery Drive, 1x Maple Grove, 1x Robingoodfellows Lane, 1x Alexander Gardens and 1x Monument View) and one representation is from a resident of Wimblington (New Woods Drive). Comments relating to material planning considerations are summarised below:

- New housing is much needed within the local area.
- Utilising a brownfield site has to be a priority in the approach to FDC attaining the number of properties to meet local needs.
- It would bring new people to the area.
- Suitable location for new houses.
- The area isn't already overdeveloped. There is space for development.
- Great to see nice looking places on a nice cul-de-sac location.
- The area looks a mess as it is. The current land is overgrown and wasted so any development will enhance the area.
- It would boost the economy, population and town. Hopefully infrastructure will be well thought through and executed.
- No objections have been received from local residents / interested parties.

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 March Neighbourhood Plan 2017, the Fenland Local Plan 2014 and the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021.

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
National Design Guide 2021

March Neighbourhood Plan 2017

H2 – Windfall Development

H3 – Local Housing Need

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

LP5 – Meeting Housing Need

LP6 – Employment, Tourism, Community Facilities and Retail

LP9 – March

LP13 – Supporting and Managing the Impact of a Growing District

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

LP19 – The Natural Environment

Emerging Local Plan

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

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

- LP1: Settlement Hierarchy
- 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
- LP15: Employment
- LP19: Strategic Infrastructure
- LP20: Accessibility and Transport
- LP22: Parking Provision
- LP24: Natural Environment
- LP28: Landscape
- LP32: Flood and Water Management

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

Developer Contributions SPD 2015

Cambridgeshire Flood and Water SPD 2016

Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021

8 KEY ISSUES

- **Background**
- **Principle of development**
- **Flood risk**
- **Character and appearance of the area**
- **Loss of employment land**
- **Other matters**

9 BACKGROUND

- 9.1 This application is for permission in principle and is subject to the Town and Country Planning (Permission in Principle) (Amendment) Order 2017.
- 9.2 The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development.
- 9.3 The permission in principle consent route has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed.

- 9.4 A grant of permission in principle alone would not constitute a grant of planning permission. In the event of permission in principle being granted, a separate application for technical details consent would need to be submitted to the Local Planning Authority.
- 9.5 The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage.
- 9.6 A decision on whether to grant permission in principle must be made in accordance with relevant policies in the development plan unless there are material considerations, including those in the National Planning Policy Framework and national guidance, which indicate otherwise.

10 ASSESSMENT

- 10.1 Issues relevant to the 'in principle' matters (location, land use and amount of development) are considered within the assessment of relevant material planning considerations, below.

Principle of development

- 10.2 Following several recent decisions by the Council to grant residential development in the vicinity it is considered that the proposed development would be located partly within, and partly on the edge of, the settlement of March, which is one of Fenland's four market towns.
- 10.3 Policy H2 of the March Neighbourhood Plan supports proposals for residential development where they meet the provisions of the Fenland Local Plan and where, inter alia, the following criteria is met:
- *The site is at a low risk of flooding (i.e. not within land designated Flood Zone 2 or 3 by the Environment Agency) and will not create flooding problems on or off-site, including problems associated with surface water run-off. Development within flood zones 2 and 3 will only be considered where appropriate sequential and exception tests have been met.*
- 10.4 Policy LP3 of the Fenland Local Plan 2014 (the Local Plan) states that the majority of the district's new housing should take place within Fenland's four market towns.
- 10.5 Policy LP4 of the Local Plan states that for small scale housing proposals within, or on the edge of market towns, see policy LP16 of the Local Plan.
- 10.6 Policy LP16 of the Local Plan states that proposals for all new development will only be permitted if it can be demonstrated that the proposal meets all of the relevant criteria set out within the policy.
- 10.7 The proposal has been reviewed against all of the relevant criteria set out within policy LP16 of the Local Plan and it is considered that it complies with all of the criteria, except for criterion (m) which requires the site to be suitable for its proposed use, with layout and drainage taking account of ground conditions, with no significant impacts on future users, groundwater or surface waters. A full assessment of the flood risk impacts of the proposal is set out within the 'Flood Risk' section of this report.

10.8 Although the site is located on the edge of a market town and within a sustainable location in spatial terms, and is therefore compliant with policy LP3 of the Local Plan, the principle of development is not considered to be acceptable due to the proposed development being partly located within an area of high and medium risk of surface water flooding and therefore failing to accord with the locational strategy for residential development, as set out within policy H2 of the March Neighbourhood Plan and policies LP4 and LP16 (m) of the Local Plan.

Flood risk

10.9 The application site contains areas of high, medium and low risk of surface water flooding.

10.10 Policy H2 of the March Neighbourhood Plan supports proposals for residential development where they meet the provisions of the Fenland Local Plan and where, inter alia, the following criteria is met:

- *The site is at a low risk of flooding (i.e. not within land designated Flood Zone 2 or 3 by the Environment Agency) and will not create flooding problems on or off-site, including problems associated with surface water run-off. Development within flood zones 2 and 3 will only be considered where appropriate sequential and exception tests have been met.*

10.11 Within policy LP14 of the Local Plan, it states:

“All development proposals should adopt a sequential approach to flood risk from all forms of flooding. Development in areas known to be at risk from any form of flooding will only be permitted following:

- (a) the successful completion of a sequential test (if necessary), having regard to actual and residual flood risks
- (b) an exception test (if necessary),
- (c) the suitable demonstration of meeting an identified need, and
- (d) through the submission of a site specific flood risk assessment, demonstrating appropriate flood risk management and safety measures and a positive approach to reducing flood risk overall, and without reliance on emergency services.”

10.12 Policy H2 of the March Neighbourhood Plan and Policy LP14 of the Local Plan are consistent with the requirements set out within the NPPF and guidance set out within NPPG in that they require the Sequential Test (and the Exception Test, if necessary) to be applied, where development is proposed in areas at risk from any form of flooding.

10.13 Within paragraph 168 of the NPPF, it states:

“The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.”

10.14 Within paragraph 023 of National Planning Practice Guidance, it states:

“The approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium and high flood risk areas considering all sources of flooding including areas at risk of surface water flooding.”

- 10.15 Guidance contained within the Cambridgeshire Flood and Water SPD is consistent with policy LP14 of the Local Plan, paragraph 168 of the NPPF and paragraph 023 of National Planning Practice Guidance.
- 10.16 With non-detailed applications, such as applications for permission in principle, the Local Planning Authority are required to consider whether an acceptable scheme for the proposed quantum of development could be delivered around flood risk areas (i.e. not within the areas of high and medium risk of surface water flooding). The 'Indicative Proposed Site Layout' shows some of the proposed dwellings, and part of the proposed access road, located within the area of high and medium risk of surface water flooding. Although these details are indicative only and it would likely be possible to design a layout at a detailed matters stage which avoids the proposed dwellings being located within the area of high and medium risk of surface water flooding, it would not be possible to design a layout which avoids the proposed access being located within the area of high and medium risk of surface water flooding within the confines of the application current site. This is the only access into and out of the site.
- 10.17 It is noted that there is land outside of the application site and within the control of the applicant which would likely be capable of providing a suitable alternative access for the proposed development, outside of the area of high and medium risk of surface water flooding. This land is currently subject to a separate planning application for frontage development (F/YR23/0528/F). Whilst officers have suggested that an alternative access location would mostly overcome the flood risk concerns, the applicant has not sought to make any amendments to the scheme.
- 10.18 Due to the proposed development being located within an area of high and medium risk of surface water flooding, the flood risk impacts of the proposed development would only be acceptable if the application demonstrated that the Sequential Test has been passed.
- 10.19 The application is not accompanied by a Sequential Test. Furthermore, it is considered that the Sequential Test has not been passed for the proposed development as there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding in the March area.
- 10.20 With consideration given to national and local planning policies and guidance relating to flood risk (as specified above), in addition to recent case law (*Mead Realisations Limited v The Secretary of State for Levelling Up, Housing and Communities & Anor, February 2024*) and various subsequent planning appeal decisions, it is considered that the proposed development fails the Sequential Test and would have unacceptable surface water flood risks.
- 10.21 By virtue of its location and land use, within an area of high and medium risk of surface water flooding, and its failure to pass the Sequential Test, the proposed development would have unacceptable surface water flood risks, contrary to policy H2 of the March Neighbourhood Plan, policies LP14 and LP16 of the Local Plan, paragraph 168 of the NPPF, paragraph 023 of NPPG and Section 4 of the Cambridgeshire Flood and Water SPD.

Character and appearance of the area

- 10.22 The application is accompanied by an 'Indicative Proposed Site Layout' plan, which indicatively shows how nine dwellings and an access road could be laid out within the application site.
- 10.23 It is relevant to note that the six dwellings, shown immediately to the south of the proposed dwellings on the 'Indicative Proposed Site Layout' plan, are dwellings that are being proposed as part of a separate application for full planning permission (ref: F/YR23/0528/F). Those dwellings are not in situ and do not have permission at the time of this report. However, there is an extant permission in principle (ref: F/YR22/1112/PIP) for four dwellings within the general location of the six dwellings shown on the plan.
- 10.24 The application site comprises partly brownfield land (which is within the settlement) and partly greenfield land (which is outside of the settlement and therefore within the countryside but adjacent to the developed footprint of the settlement).
- 10.25 It is considered that the proposed dwellings would result in a form of residential backland development which is out of character with the predominant linear pattern of residential development within the surrounding area. However, with consideration given to the site being predominantly brownfield land with an appearance which currently contributes detrimentally to the character of the area, and the greenfield land within the site failing to provide any significant positive contribution to the character and appearance of the countryside due to appearing more closely associated with the brownfield land than open countryside in landscape terms, it is considered that residential development of the amount proposed would, in principle, have acceptable impacts on the character and appearance of the area, in accordance with policy LP16 of the Local Plan.

Loss of employment land

- 10.26 Policy LP6 of the Local Plan states that the Council will seek to retain for continued use high quality land and premises currently or last in use for B1/B2/B8 employment purposes, unless it can be demonstrated through a marketing exercise that there is no reasonable prospect for the site being used for these purposes.
- 10.27 The proposal would result in a loss of employment land which has a lawful use for:
'Use of the site for car repairs and servicing; joinery workshop and showroom; manufacture and sale of concrete products; storage of building materials and plant involving erection of buildings; the use and extension of existing buildings and stationing of 2 no. portacabins and 8 no. storage bins.'
- 10.28 The application is not accompanied by a marketing exercise demonstrating that there is no reasonable prospect of the site being used for employment purposes. With consideration given to the fact that there are multiple businesses operating from the site, it is considered that there is a reasonable prospect that the site could continue to be operated for employment purposes.
- 10.29 However, the land is not considered to be 'high quality' employment land and it is not located within an area where the Local Plan steers employment uses towards. In addition, the existing lawful use of the site, which allows for unrestricted heavy industrial operations to be carried out, is an incompatible use with the surrounding residential uses due to the potential detrimental impacts that it could have on the

residential amenity of occupiers of residential properties, particularly in terms of noise and dust. For this reason, it is considered that the proposed residential use would be more compatible with surrounding residential uses than the existing commercial use.

- 10.30 On balance, it is therefore considered that there are material considerations which indicate that the benefits of the loss of the employment land would outweigh the conflict with policy LP6 of the Local Plan. The loss of employment land is therefore considered to be acceptable on balance.

Other matters

Affordable housing provision

- 10.31 For the purposes of securing affordable housing provision, the Local Planning Authority consider that the proposed development has clear links with other planning applications and permissions (references: F/YR22/1112/PIP, F/YR22/1414/PIP, F/YR23/0528/FUL). In any event of this application being granted, affordable housing provision may be required for the proposed development and other linked developments if they result in a cumulative total of 10 or more dwellings across, as set out within policy LP5 of the Local Plan. A Section 106 Agreement to secure affordable housing would not be a requirement until the technical details consent stage, or full/outline planning application stage (for planning applications), where an application would result in the cumulative number of dwellings totalling 10 or more.

Footway provision

- 10.32 The Local Highway Authority has stated that a footway would need to be included along Creek Road, which must join the existing footway to the west. The 'Indicative Proposed Site Layout' plan accompanying this application shows a footway which is proposed in this location under planning application ref: F/YR23/0528/F. In any event of this permission in principle application being granted, it is considered reasonable to expect that a footway in this location would be secured as part of a subsequent application for technical details consent, in order to ensure adequate infrastructure provision to serve the proposed development, as separate unrelated applications / permissions cannot be relied upon to secure a footway for this proposed development.

Consultation comments from technical consultees

- 10.33 The Local Highway Authority has no objections to the principle of the proposed development. Highway safety matters would need to be addressed at the technical details stage, should this permission in principle application be granted.
- 10.34 Cambridgeshire County Council Historic Environment Team has no objections to the proposed development, subject to a condition requiring archaeological investigation of the site. Archaeological matters would need to be addressed at the technical details stage, should this permission in principle application be granted.
- 10.35 Fenland District Council Environmental Health department has no objections to the proposed development. However, they recommend conditions relating to contamination, working hours and construction management practices. Such

matters would need to be addressed at the technical details stage, should this permission in principle application be granted.

11 CONCLUSIONS

11.1 Paragraph 12 of the NPPF states:

'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.'

11.2 The proposed development would be located in a sustainable location in spatial terms, within and on the edge of a market town. The proposed development would make effective re-use of brownfield land and would not result in any significant harm to the character and appearance of the area. The proposed development would be more compatible with the nearby residential uses than the existing authorised use of the site. The proposed development would contribute towards increasing the district's housing supply and would provide economical and social benefits associated with construction of the development and accommodating additional residents within the locality.

11.3 However, by virtue of its location and land use, within an area of high and medium risk of surface water flooding, and its failure to pass the Sequential Test, the proposed development would have unacceptable surface water flood risks which conflicts with the development plan and the strict tests set out in national policy

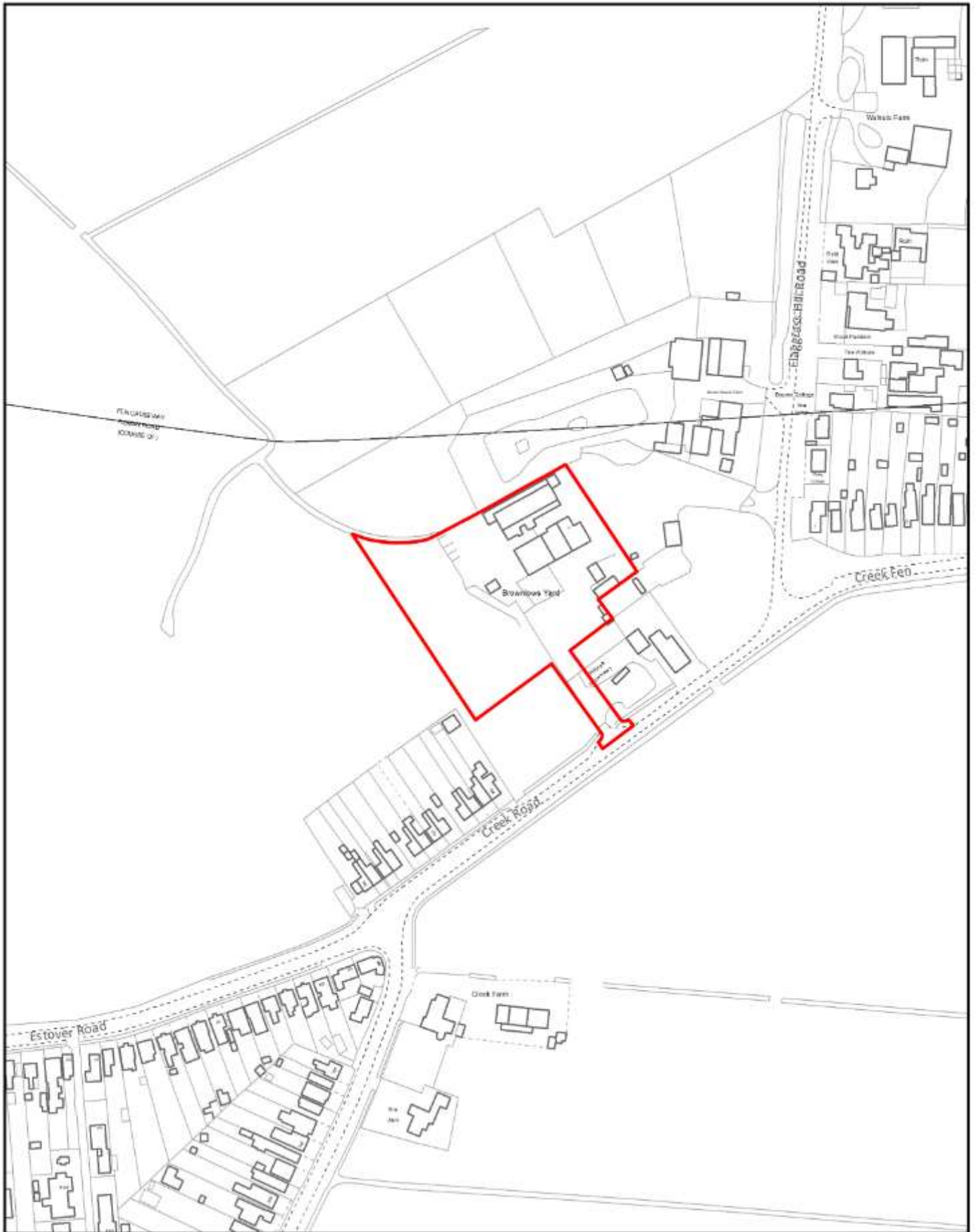
11.4 On balance, it is considered that the benefits of the proposed development would not be sufficient to outweigh the harm in respect of surface water flood risks and the associated conflicts with the development plan.

11.5 It is therefore considered that permission in principle should be refused.

12 RECOMMENDATION

Refuse; for the following reason:

1	By virtue of its location and land use, within an area of high and medium risk of surface water flooding, and its failure to pass the Sequential Test, the proposed development would place people and property in an unjustified risk of flooding, contrary to policy H2 of the March Neighbourhood Plan 2017, policies LP4, LP14 and LP16 of the Fenland Local Plan 2014, and paragraph 168 of the National Planning Policy Framework.
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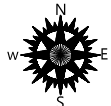
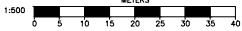
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**LOCATION PLAN
(1:500)**

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METERS



LEGEND

- APPLICATION SITE
- LAND UNDER SAME OWNERSHIP

A CLIENTS COMMENTS		MAR 24
REVISIONS		DATE
MORTON & HALL CONSULTING LIMITED <small>Consulting Engineers, Planners, Architects</small> 1 Gordon Avenue, March, Cambridgeshire, PE15 8AJ Tel: 01354 65454 Fax: 01354 660467 Email: info@mortonandhall.co.uk Website: www.mortonandhall.co.uk		
 Ferland District Council Building Design Award Building Excellence in Ferland		
Mr D Brownlow & Mrs N Davies		
Brownlow's Yard Creek Road March Cambridgeshire PE15 0BZ		
Location Plan		
Scale	MH	DATE OF PLAN
0/0		
0/0	March 2024	DATE DRAWN
0/0	1:500	H8533/400

F/YR24/0333/F

Applicant: Mr and Mrs Baxter

**Agent : Mr Ian Gowler
Gowler Architectural**

Land North East Of Horseway Farm Accessed From, Byall Fen Drove, Manea, Cambridgeshire

Erect 1 dwelling (2-storey 3-bed) and formation of a new access

Officer recommendation: Refuse

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

Government Planning Guarantee

Statutory Target Date For Determination: 13 June 2024

EOT in Place: Yes

EOT Expiry: 7 August 2024

Application Fee: £578

Risk Statement:

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

1 EXECUTIVE SUMMARY

- 1.1 This application is for the erection of 1 dwelling (2-storey, 3-bed) and the formation of a new access.
- 1.2 The justification provided for the functional need for the dwelling as detailed within the design and access statement notes that the applicant and his father run two businesses from the existing property at Horseway Farm. Firstly, their construction company which has various plant and materials that are stored at the site and the second, the Holiday lets. It is also noted that there are various farm animals that are reared for slaughter on site. At present, the applicant and his family live at Horseway Farm with his father and partner. They wish to have a property of their own but still be able to take on the business needs when the father is away.
- 1.3 Accordingly, the submission largely fails to address the requirements of Policy LP12 – Part D in terms of a functional need for a dwelling on site as it is not considered that the convenience for the applicant residing adjacent to the site is a material factor sufficient to overcome the policy requirement to direct development away from such sites.
- 1.4 A further permanent dwelling in this predominantly rural location is considered unjustified in this case and would significantly detract from, and undermine, the rural character of this part of the District.

1.5 The recommendation is therefore to refuse planning permission.

2 SITE DESCRIPTION

- 2.1 The site lies approximately 6km southwest of Manea, adjacent to a cluster of dwellings located within the open countryside. The site is situated on the northern side of Byall Fen Drove and currently comprises paddock/grazing land.
- 2.2 A dwelling (Horseway Farm) is situated to the south-west of the site as well as holiday lets which are situated within the previous residential curtilage of Horseway Farm.
- 2.3 The site is situated within Flood Zone 1.

3 PROPOSAL

- 3.1 This application seeks full planning permission for the erection of a 2-storey, 3-bed dwelling and the formation of a new access.
- 3.2 The proposed dwelling would be an L-shaped dwelling, with dual-pitched roof with a ridge height of approximately 7.8 metres. The main bulk of the dwelling would have a depth of approximately 12.9 metres and a width of 6 metres approx. The 2-storey off-shoot to the side of the dwelling would have a depth of 6.5 metres approx. and a width of 6.3 metres approx.
- 3.3 Amenity space would be provided to the side and rear of the dwelling, enclosed by a 1.2m post and rail fence. 3 parking spaces and turning space would be provided on site, with a driveway measuring in excess of 120 metres running from a new access point.
- 3.4 Full plans and associated documents for this application can be found at: [F/YR24/0333/F | Erect 1 dwelling \(2-storey 3-bed\) and formation of a new access | Land North East Of Horseway Farm Accessed From Byall Fen Drove Manea Cambridgeshire \(fenland.gov.uk\)](#)

4 SITE PLANNING HISTORY

Reference	Description	Decision
F/YR20/0945/F	Change of use of existing garage/stores to 3 x 1-bed holiday lets (Land North East Of Horseway Farm Chatteris)	Granted 11/12/2020

5 CONSULTATIONS

5.1 Manea Parish Council

No objection

5.2 FDC Environmental Health

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

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

5.3 CCC Highways

Recommendation

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

Comments

The proposed vehicle access is shown to have inter-vehicle visibility splays of 2.4x 215m in either direction. This is inline with the national design guidance and the access is also shown to be hardened over the verge which should be constructed to CCC specifications.

Conditions

Visibility Splays: Prior to first occupation of the development hereby approved, visibility splays shall be provided on both sides of the new vehicular access and shall be maintained free from any obstruction over a height of 600 mm within an area of 2.4 metres x 125 metres measured from the back edge of the carriageway. Reason: In the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.

5.4 Local Residents/Interested Parties

Two letters of objection were received with regard to this application from address points at Horseway, Chatteris. The reasons for objection are summarised as follows:

- Proximity of driveway to neighbouring access
- Contrary to LP12

Nine letters of support were received with regard to this application. Seven of these letters were from address points in Chatteris (Five from Horseway and two from Farriers Gate) two from address points within Manea (one from Fallow Corner Drove and one from Westfield Road) and one from an address point at Wimblington Road, Doddington. The reasons for support are summarised as follows:

- Nice house
- Would compliment other houses in the area
- Applicant is local and works in a long established family business
- Will benefit the village of Manea
- Will enable business from the current premises to be maintained
- Security for family business

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

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

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

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

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

Para 84 – Rural Housing

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

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

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

7.2 National Planning Practice Guidance (NPPG)

Determining a Planning Application

7.3 National Design Guide 2021

Context

Identity

Built Form

7.5 Fenland Local Plan 2014

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

7.6 Emerging Local Plan

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

- LP1: Settlement Hierarchy
- LP2: Spatial Strategy for the Location of Residential Development
- LP5: Health and Wellbeing
- LP7: Design
- LP8: Amenity Provision
- LP18: Development in the Countryside
- LP20: Accessibility and Transport
- LP22: Parking Provision
- LP32: Flood and Water Management

8 KEY ISSUES

- Principle of Development
- Character and Appearance
- Residential Amenity
- Parking and Highways
- Flood Risk

9 ASSESSMENT

Principle of Development

- 9.1 The application site is located away from the built-up area of the settlement of Manea, within an isolated location dominated by countryside. The area is characterised by agricultural uses, with a small cluster of residential dwellings. This is an 'elsewhere' location when applying the criteria outlined in Policy LP12; given that it is clearly outside the built-up settlement of Manea. Whilst the existence of other dwellings along Horseway result in the site not being 'physically' isolated, the lack of nearby services and facilities would render the location 'functionally' isolated.
- 9.2 Policy LP3 sets out that residential development in such locations should be restricted to that which is demonstrably essential to the effective operation of local

agriculture, horticulture, forestry, outdoor recreation, transport or utility services; and to minerals or waste development in accordance with separate Minerals and Water Local Development Documents (LDDs). The current application clearly does not accord with these prescribed uses. In addition to compliance with Policy LP3, Policy LP12 Part D requires the application to demonstrate the following:

- (a) The existing functional need for the dwelling
- (b) The number of part time and full-time worker(s) to live in the dwelling
- (c) The length of time the activity has been established
- (d) The financial viability of the enterprise
- (e) The availability of other suitable accommodation on site or in the area
- (f) How the proposed size of the dwelling relates to the viability of the enterprise

Justification of need

- 9.3 The justification provided for the functional need for the dwelling as detailed within the design and access statement notes that the applicant and his father run two businesses from the existing property at Horseway Farm. Firstly, a construction company which has various plant and materials that are stored at the site and the second, the Holiday lets. It is also noted that there are various farm animals that are reared for slaughter on site. At present, the applicant and his family live at Horseway Farm with his father and partner. They wish to have a property of their own but still be able to take on the business needs when the father is away.
- 9.4 No business plan has been submitted as part of the application and thus no detail has been provided to satisfy parts (b), (c), (d) or (f). It is therefore unclear which business or businesses the applicant considers is essential for a full-time worker to occupy the dwelling. Nor has any business case been provided to be able to confirm that any of the businesses are viable to support this.
- 9.5 Notwithstanding, no planning permission appears to exist for the site to function as a builder's yard, with only planning permission for the replacement dwelling and change of use of garages to holiday lets apparent in the planning history.
- 9.6 The application has failed to justify why an additional dwelling would be required to support the business needs. Accordingly, the submission largely fails to address the requirements of Policy LP12 – Part D in terms of a functional need for a dwelling on site as it is not considered that an additional dwelling would be necessary and it is not considered that convenience from the applicant residing adjacent to the site is a material factor sufficient to overcome the policy requirement to direct development away from such sites.
- 9.7 In addition to the above, Paragraph 84(a) of the NPPF states that the development of isolated homes in the countryside should be avoided unless there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.
- 9.8 The application submitted has failed to demonstrate that there is an essential need for a rural worker to live permanently on site and thus the application is also considered to be contrary to Paragraph 84 of the NPPF.

Character and Appearance

- 9.9 The application proposes the construction of a permanent new dwelling adjacent to the existing dwelling and holiday lets at Horseway Farm.
- 9.10 The character of development along Horseway/Byall Fen Drove can be described as sporadic and loose knit, due to the large and spacious fields forming gaps between the occasional dwellings along Horseway and the inter-relationship between existing residential properties and the broad agricultural hinterland between and surrounding them.
- 9.11 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’.
- 9.12 Notwithstanding that the design and appearance of the dwelling itself is not considered to be objectionable in its own right, the proposal by its very nature and location, with the inclusion of the 120 metre driveway would detract from the relationship between Horseway and its rural and undeveloped surroundings. The proposed waste collection point is proposed to be opposite the parking turning area adjacent to the highway and it is therefore not clear from the application why the proposed access is situated at such a distance from the dwelling and potentially could also cater as an access point, or why the existing access cannot be used. The proposed access and track would therefore appear over-engineered, further contributing to the adverse visual impact of the proposal.
- 9.13 In conclusion, the proposed development would result in unwarranted harm to the rural character of the area, undermining the relationship of existing sporadic and loose-knit built form set amongst open countryside and would therefore be contrary to Policy LP16 of the adopted Fenland Local Plan.

Residential Amenity

- 9.14 The closest neighbouring property is at Horseway Farm, which is situated approximately 46 metres to the south-west of the site. Rushbech Farm is situated approximately 160 metres north-east of the site. As such, it is unlikely that the proposed dwelling would adversely impact upon neighbouring residential amenity given the distance between the proposed dwelling and neighbouring dwellings.

Parking and Highways

- 9.15 The application proposes a new access onto Byall Fen Drove, approximately 130 metres north-east of the proposed dwelling. Upon consultation with CCC Highways, no objections were raised to the access.
- 9.16 The application also proposes 3 parking spaces as well as turning space on site. Therefore, there are no issues to address with regard to Policy LP15, albeit the remote location of the access and adverse character impacts appears to be unjustified.

Flood Risk

9.17 The application site is situated within Flood Zone 1 (low risk) and as such the proposal is considered to be appropriate development and does not require the submission of a flood risk assessment or inclusion of mitigation measures

10 CONCLUSIONS

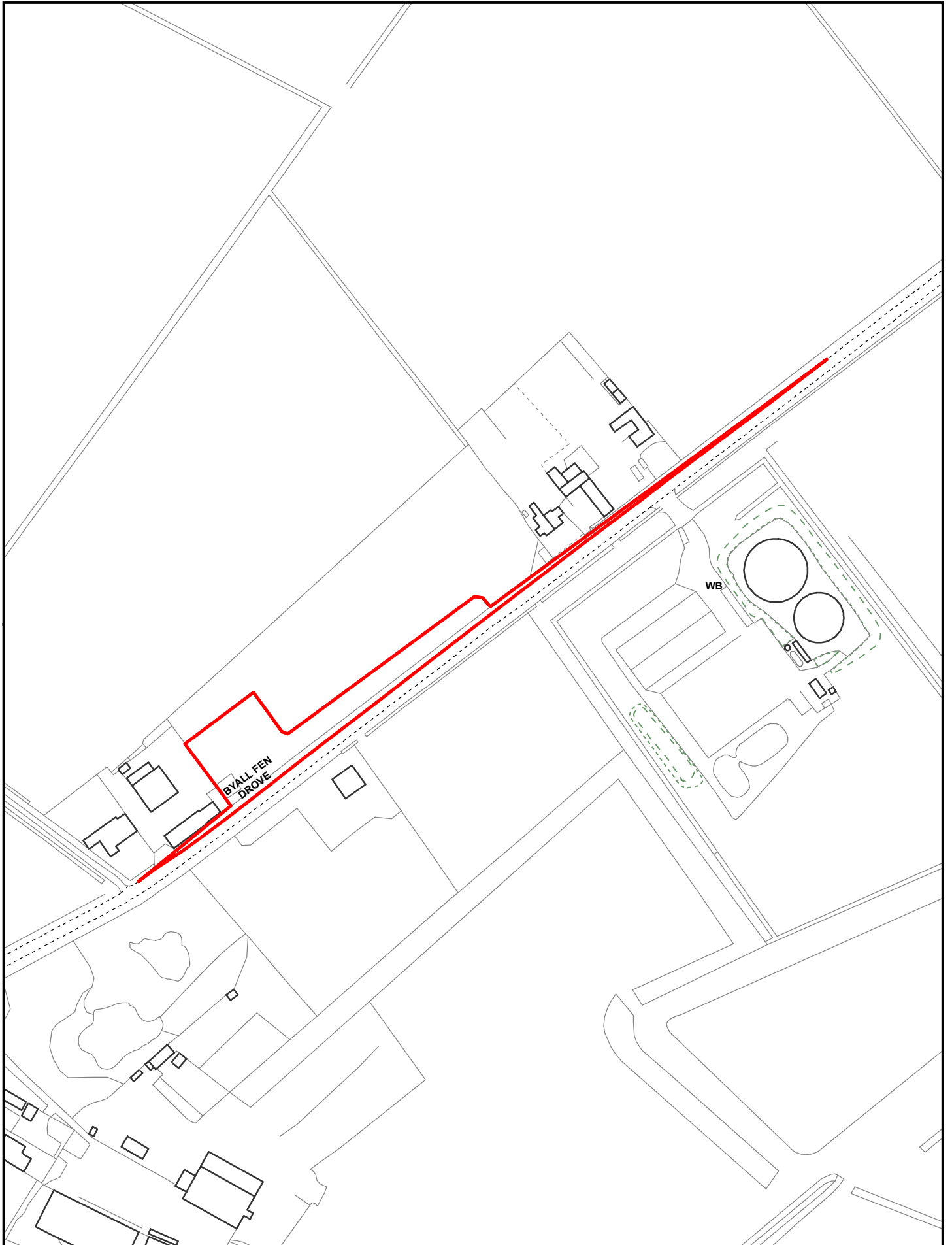
10.1 The site lies within an 'elsewhere' location as such, the erection of a dwelling is contrary to the settlement policies outlined in Policy LP3 of the Fenland Local Plan 2014. Furthermore, the scheme fails to evidence the 'need' for the property in this location as required by Policy LP12 – Part D and would detrimentally impact on the character of the area. Given that the scheme fails to demonstrate that the development is justified in terms of a functional need and the visual harm that ensues, development plan policies indicate that the application should be refused and there are no material considerations to indicate a departure from the development plan is warranted in this instance.

11 RECOMMENDATION

Refuse; for the following reasons

1	<p>Policy LP3 of the Fenland Local Plan 2014 and National Planning Policy Framework (NPPF) steer new development to sustainable areas that offer the best access to services and facilities. The exception to this approach is where it can be demonstrated that such development is essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services, or that there is a justifiable reason for locating development in otherwise unsustainable locations.</p> <p>The proposed dwelling would be located in the open countryside and whilst it is asserted that it is essential for business reasons, the justification given does not meet the requirements of LP12(D) in terms of evidencing a clear functional need or that no other suitable accommodation is available. Whilst the NPPF seeks to support a prosperous rural economy this does not override the need to ensure that development is located in the most accessible and sustainable locations. The proposed development is located outside any settlement limits and the justification given is not sufficient to warrant the development being considered as an exception. The proposal is therefore contrary to Local Plan Policies LP3 and LP12 of the Fenland Local Plan (adopted May 2014).</p>
2	<p>Policy LP16 of the Fenland Local Plan (2014) requires development proposals to deliver and protect high quality environments throughout the district. Proposals are required to demonstrate that 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. The proposal is for the construction of a new dwelling on currently undeveloped land within an area characterised by sporadic development with a close relationship to the wider open countryside.</p> <p>The development would result in the erosion of the existing sporadic built</p>

	<p>form and an urbanisation of the area, detracting from the open and sporadic character of this rural location. The result would be a development that results in harm to the existing distinctiveness and open character of the area which would be contrary to policy LP16 of the Fenland Local Plan (2014).</p>
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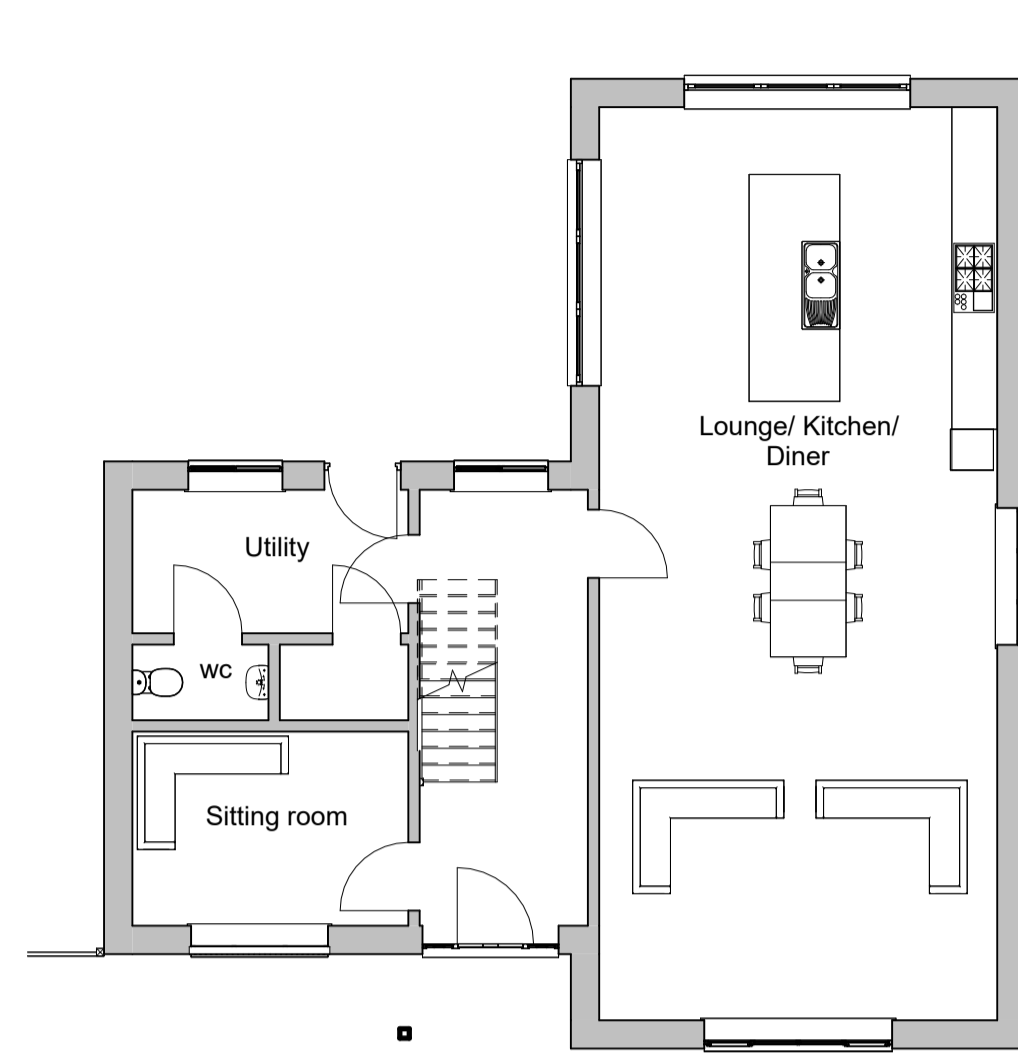
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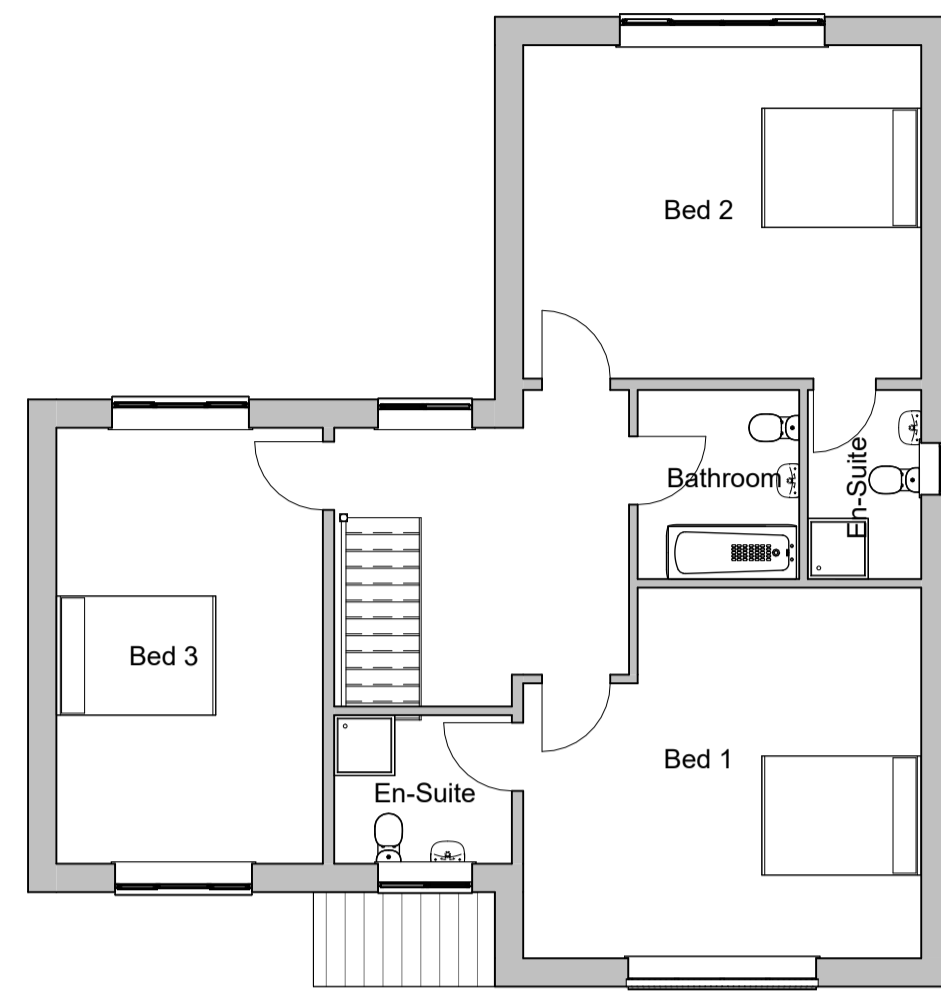
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Notes
 Any discrepancies to be brought to attention of Author as soon as possible.
 All dimensions shown in "mm" unless otherwise shown.
 Unless stated otherwise, this drawing has been assessed for risks and nothing is deemed to be outside of normal good safe working practice that would be covered by a contractors Construction Phase Health and Safety Plan.



Proposed Ground Floor
 1 : 100



Proposed First Floor
 1 : 100



Planning Front Elevation
 1 : 100



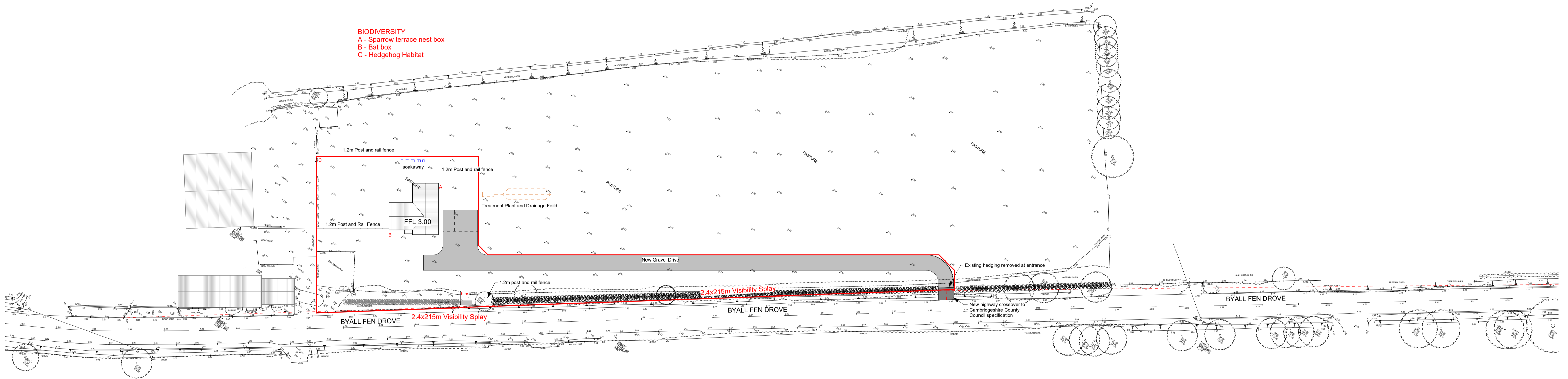
Planning (south west)
 1 : 100



Planning Rear
 1 : 100



Planning Side (north east)
 1 : 100



Proposed Site Plan
 1 : 500



Planning Street Elevation
 1 : 200

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

Proposed New Dwelling at Horseway Farm,
 Byall Fen Drive for Mr and Mrs Perce Baxter

Planning Proposed

date created	scale	drawing no.	rev
31/01/24	As indicated @ A1	600 - P02	001

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F/YR24/0410/F

**Applicant: Mr G Howell
Swann Edwards Architecture Ltd**

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

Land East Of Stores At The Lodge, Fendyke Lane, Leverington, Cambridgeshire

Erect a dwelling (2-storey 5-bed) involving the demolition of existing commercial buildings

Officer recommendation: REFUSE

Reason for Committee: Number of representations contrary to Officer recommendation

Government Planning Guarantee

Statutory Target Date For Determination: 8 July 2024

EOT in Place: No

EOT Expiry: N/A

Application Fee: £578

Risk Statement:

This application is currently beyond the date for determination in respect of the statutory performance targets. The application must be determined by 2 September or the application fee will need to be returned.

1 EXECUTIVE SUMMARY

- | |
|---|
| <p>1.1 This application seeks to erect a dwelling (2-storey 5-bed) involving the demolition of existing commercial buildings.</p> <p>1.2 Paragraph 84 of the NPPF seeks to avoid isolated homes in the countryside unless it can be justified that the scheme complies with one or more exception criteria. Policy LP3 of the Fenland Local Plan (2014) requires development in areas away from market towns and villages to be essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. Policy LP12 Part D of the Fenland Local Plan (2014) states proposals for new dwellings in such locations will be supported where the application addresses the functional need for a dwelling in this location and that there is no availability of other suitable accommodation on site or in the area.</p> <p>1.3 By virtue that the proposal seeks to create a purely residential development in an elsewhere location, with no links to a rural enterprise, there is no demonstrably essential or functional need for accommodation such as the proposed to be provided at the site. Furthermore, there has been no evidence submitted to suggest that the proposal meets any of the exceptions as set out in NPPF Paragraph 84. Thus, the proposal is considered contrary to the above aforementioned local and national planning policies and cannot be</p> |
|---|

supported.

1.4 Notwithstanding, the scale and design of the dwelling is at odds with its rural location and part of the site would be located within an area at risk of flooding (Flood Zone 2) without sufficient justification.

1.5 The following assessment concludes that the application is contrary to the development plan and national planning policies and is therefore recommended for refusal.

2 SITE DESCRIPTION

2.1 The application site is situated to the east of Fendyke Lane in a rural location to the east of Gorefield. The site is to the rear of properties fronting Fendyke Lane. Fendyke Lane is an unclassified road characterised by linear development to the east at the northern end of the road and agricultural land with sporadic dwellings elsewhere. The site currently consists of 2 industrial buildings hosting a motor vehicle business.

2.2 The site is located partially within Flood Zone 1 (Low Risk) and partially within Flood Zone 2 (Medium Risk).

3 PROPOSAL

3.1 The application seeks full planning permission for the erection of a dwelling (2-storey 5-bed) involving the demolition of existing commercial buildings. The dwelling would be formed in an L shape with the garage with master bedroom above protruding to the front of the dwelling.

The proposed dwelling would measure approximately:

- 17.4m max length
- 14.9m max width
- 9.9m max roof pitch height

The proposed materials are:

- Brick
- Tile
- Cladding

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

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

4 SITE PLANNING HISTORY

Pertinent planning history listed below:

Application	Description	Decision
F/YR23/0579/F	Erect a detached garage with ancillary 1-bed annexe above and change of use of land for domestic purposes (part retrospective) (Unit 2 South Of The Lodge)	Granted 06 Oct 2023
F/YR19/0638/F	Change of use from light industrial (B1(c)) to a residential dwelling (C3) including the siting of a temporary caravan and filling in a section of the ditch (Unit 2 South Of The Lodge)	Granted 20 Sep 2019
F/YR18/0796/PNC07	Change of use from light industrial (B1(c)) to a residential dwelling (C3)	Granted 18 Oct 2018
F/YR17/1243/VOC	Variation of condition 9 (condition listing approved plans) relating to planning permission F/YR17/0850/F (Erection of a 4/5-bed earth sheltered dwelling with double garage, landscaping and water features) - amendment to design (Land North Of Thorn Hal)	Granted 15 Feb 2018
F/YR17/1107/CERTLU	Certificate of Lawful Use (Existing): Use of buildings for light engineering B1(c) (Stores At The Lodge)	Certificate issued 06 Feb 2018

5 CONSULTATIONS

5.1 Leverington Parish Council

Conforms to LP13 of Local Plan.

Highway's:- If entrance modified would it then comply with Local Highways requirements ie:- Visual Splays ?

LP14(NPPF) Flood risk low.

As being in use at time of application is it necessary to apply for planning or would it come under Permitted Development?

No objections.

5.2 Environment & Health Services (FDC)

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

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

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

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

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

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

(c) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters. No development approved by this permission shall be occupied prior to the completion of any remedial works and a validation report/s being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs (d), (e) and (f). (d)

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

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

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

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

To protect the amenity of existing nearby residents, it is also recommended that a working times restriction condition is imposed in the event that planning

permission is granted, with the below considered suitable: No 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.

REASON: To protect the amenity of the nearby occupiers. Kind Regard

5.3 North Level Internal Drainage Board

The board has no objection in principle to the 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 Local Residents/Interested Parties

Supporters

Six representations have been received in support of the application all from residents residing along Fendyke Lane, raising the following matters;

- Existing noise issues with the workshop. The proposal would be more compatible with existing residential uses

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

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

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

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

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

Para 83-84 - sustainable development in rural locations

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

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

National Planning Practice Guidance (NPPG)

Determining a Planning Application

National Design Guide 2021

Context

Identity

Built Form

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

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

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

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
- LP33: Development on Land Affected by Contamination

Delivering and Protecting High Quality Environments in Fenland SPD 2014

DM2 – Natural Features and Landscaping Schemes

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

Cambridgeshire Flood and Water SPD 2016

8 KEY ISSUES

- **Principle of Development**
- **Character and Street Scene**
- **Residential Amenity**
- **Flood Risk**
- **Highways Safety**

9 ASSESSMENT

Principle of Development

- 9.1 The site is detached from the developed footprint of Gorefield or Leverington. Policy LP3 sets out the settlement hierarchy for sustainable growth. The spatial strategy sets out that outside the developed footprint of any of the Fenland market towns or villages is an elsewhere location. The site is therefore in an 'elsewhere' location as defined under Local Plan Policy LP3. Whilst the existence of other dwellings along Fendyke Lane result in the site not being 'physically' isolated, the lack of nearby services, facilities and infrastructure to support sustainable transport options would render the location 'functionally' isolated.
- 9.2 Policy LP3 sets out that residential development in such locations should be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services; and to minerals or waste development in accordance with separate Minerals and Water Local Development Documents (LDDs). The current application clearly does not accord with these prescribed uses. In addition to compliance with Policy LP3, Policy LP12 Part D requires the application to demonstrate the following:
- (a) The existing functional need for the dwelling
 - (b) The number of part time and full-time worker(s) to live in the dwelling
 - (c) The length of time the activity has been established
 - (d) The financial viability of the enterprise
 - (e) The availability of other suitable accommodation on site or in the area
 - (f) How the proposed size of the dwelling relates to the viability of the enterprise
- 9.3 At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). In respect of rural areas however, Paragraph 83 elaborates: To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

- 9.4 Paragraph 84 of the NPPF further clarifies this point, advising against isolated homes in the countryside unless one or more of the following apply:
- a) There is an essential need for a rural worker;
 - b) The development would represent the optimal viable use of a heritage asset;
 - c) The development would re-use a redundant or disused building 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:
 - is truly outstanding and would help raise standards of design in rural areas; and
 - would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

- 9.5 No justification has been included within the submission to illustrate that the dwelling is required to support a rural enterprise, does not make use of a heritage asset or redundant building, does not involve any subdivisions of existing residential uses and is not considered to be of exceptional design.

Employment site

- 9.6 The lawful use of the site is for for a light industrial use, now defined as Class E(g) formerly class B1c of the Use Classes Order 1987 as amended.

The Use Classes Order defines the scope of uses under this class as;

(g) for—

- (i) an office to carry out any operational or administrative functions,
- (ii) the research and development of products or processes, or
- (iii) any industrial process,

being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

- 9.7 Policy LP6 sets out that the Council will seek to retain for continued use high quality land and premises currently or last in use for B1/B2/B8 employment purposes, unless it can be demonstrated through a marketing exercise that there is no reasonable prospect for the site being used for these purposes.

- 9.8 As set out above, the site falls into an E(g) class category, previously defined as B1 and as such, the requirements of LP6 are engaged. The site and the supporting building appear to be sufficient to support a small light industrial enterprise and no marketing exercise has been undertaken to demonstrate the loss of employment is justified. As such, the development seeks to remove an employment site and replace with a single market dwelling for which policies LP3, LP6 and LP12 indicate is inappropriate.

- 9.9 The NPPF also seeks to support redevelopment of previously developed land (brownfield) where appropriate. Paragraph 89 of the NPPF sets out that “The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.” Paragraph 124(c) sets out that planning decisions should “give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land”

9.10 Whilst the site can be considered as previously developed land, it is considered to fall outside the settlement and is generally unsustainably linked. It is considered therefore that the aims of paragraphs 89 and 124 would not be met through this development and cannot be afforded the substantial weight that the NPPF refers.

Fall Back Position

9.11 The application draws on the case of *Mansell v. Tonbridge and Malling Borough Council 2017*, which upheld a previous judgment of the High Court that the availability of permitted development rights can properly be taken into account as a fall-back position where some alternative form of development scheme is then proposed. As such, a fall-back development may be a material consideration in relation to such a proposal. The applicant asserts that the building on site could be converted to a dwelling under Class MA of Schedule 2, Part 3 of the General Permitted Development Order and as such the demolition and replacement of the building with a dwelling should be accepted. This provision relates to the change of use of buildings falling within Use Class E to a dwelling.

9.12 However, for a fall-back position to exist there must be a reasonable chance of that development taking place. Class MA requires that prior to such a development taking place an application should be made to the LPA for a determination as to whether prior approval is required in relation to several issues. No such prior notification has ever been submitted and as such there is no conclusion that such a use of the existing building would be permitted development. For example, the scope of Class MA does not allow for the provision of external alterations e.g., windows and doors and it is therefore questionable whether any such application would succeed given the requirement to demonstrate adequate daylight for habitable rooms

9.13 Further undermining the fall-back case is the fact that the business currently operating on site now appears to be a B2 use rather than an E use, as stated within the application form, and seemingly confirmed by the comments of neighbours regarding noise and the applicant's own arguments that the use is now a non-conforming one. A Class E commercial use is one which would be expected to operate alongside residential properties with no amenity harm.

9.14 As such, it is considered that the fall-back position asserted by the applicant does not exist and no weight can be afforded to this. Thus, the principle of the development is not supported and directly conflicts with the aims and requirements of Local Plan Policy LP3, LP6 and LP12.

Character and Street Scene

9.15 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 DM3 of the Fenland SPD 2014 states that in order to satisfy the requirements of criteria (d) within Policy LP16 of the Fenland Local Plan, proposed developments should achieve a high quality of design and ensure that the character of the landscape, street scene and settlement patterns are improved or reinforced as positive features of the local identity.

- 9.16 The site is located to the rear of the existing converted building fronting Fendyke Lane known as 'The Ryde'. The Ryde can be clearly read as a traditional barn style building, relatively utilitarian in form with a dual-pitched roof, a ridge height of 7.7m and four facets. This conversion follows the main aims of Class Q permitted development rights, which seeks to retain existing agricultural buildings for re-use as dwellings where appropriate.
- 9.17 The existing building on site, proposed for demolition, follows the simple form of The Ryde, comprising a traditional twin-barn-style structure, again with dual pitched roof and four facets per unit. The proposed dwelling however significantly departs from this traditional design, incorporating two ridge heights, multiple roof pitches, a wing and is oriented with the main ridge running north to south as opposed to the current structures east-west orientation and a substantial ridge height of around 10m in comparison to the 7m high current building. The dwelling would be highly visible in the street scene, particularly when approaching from the north.
- 9.18 The proposed building due to its design and scale substantially higher than those adjacent would therefore appear as a dominant structure occupying a secondary position in the street scene which would fail to respect the simple, modest barns and structures which prevail at the rear of existing dwellings in this outlier location. Opportunities to align with the rural character and scale of existing structures have been missed here and the result is a development which jars with the streetscene. It is considered therefore the proposal would fail to positively respond to the rural character and appearance of the area, contrary to design policies of the development plan (LP12, LP16) and Chapter 12 of the NPPF

Residential Amenity

- 9.19 Policy LP2 of the Fenland Local Plan (2014) states that development proposals should contribute to the Council's goal of Fenland's residents, inter alia, promoting high levels of residential amenity.
- 9.20 Policy LP16 (h) states that development should provide 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.
- 9.21 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.
- 9.22 The Design and Access Statement sets out that the reason for the proposal coming forward is that some amenity issues have arisen from having the growing commercial business located so close to residential properties and that there is need to relocate the commercial business elsewhere. The applicant asserts therefore that the removal of the business from the site would have amenity benefits for nearby residents in terms of noise.
- 9.23 As set out above, the building and land benefits from a lawful Class E(g) use. Such a use is compatible with residential uses and therefore the fact that nuisance is now asserted to arise would indicate that the use has moved away from an E(g) use to a B2 (General Industrial) use. No planning permission exists for the change of use and therefore there would appear to be a breach of

planning control based on the applicant's advice. This can be regularised via enforcement action and as such, no weight can be given to the applicant's contention that to remove the use would be of benefit to existing residents.

- 9.24 In terms of the development proposed, the dwelling would be more than 20m away from the nearest property to the west 'The Ryde'. There is a small port hole window on the first-floor western elevation. Owing to the distance between the properties and the lack of large windows on the western elevation there is no significant harm anticipated to neighbouring amenity in terms of loss of light, overshadowing, noise or overlooking.
- 9.25 The dwelling is proposed to be positioned centrally on a large plot with more than 1/3 of the site remaining as private garden amenity space.
- 9.26 Therefore, the proposal is considered acceptable in terms of Policies LP2 and LP16 (e & h) of the Fenland Local Plan 2014 in that any severe amenity harm would be unlikely to occur through the development.

Flood Risk

- 9.27 The site is located within Flood Zone 1 and Flood Zone 2. Planning policy LP14 (B) states that all development should adopt a sequential approach to development on sites that are considered at risk of flooding, development on these sites will only be permitted following the successful completion of a sequential test, and where necessary an exception test.
- 9.28 A Flood Risk Assessment (FRA) has been submitted with the application. The FRA states that the dwelling would be constructed on land within Flood Zone 1 and it is part of the access and garden that would be located within Flood Zone 2. The dwelling would be 2-storey with all proposed sleeping accommodation on the first floor. The dwelling would have safe refuge available, if necessary, on the first floor.
- 9.29 Having regard to several recent appeal decisions and previous approaches by this LPA, where any part of a development area falls within an area known to be at risk from flooding, the application of the sequential test is required. No sequential test has been submitted to demonstrate that the development (which includes the access) cannot be located in an area at lower risk of flooding, notwithstanding that spatially, local and national policies do not support this proposal in this location.
- 9.30 Consequently, the application is in direct conflict with policy LP14 of the Fenland Local Plan 2014 and would place people and property at an unwarranted risk of flooding.

Highway Safety

- 9.31 Policy LP15 states that development schemes should provide well designed, safe and convenient access for all. Policy LP15 of the Fenland Local Plan 2014 also requires development schemes to 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. The Fenland Local Plan 2014 Parking Standards require dwellings with 4 bedrooms or more to have 3 appropriately sized parking spaces available which may include a garage.

- 9.32 The site access to serve the development already exists. The proposed use is anticipated to see a reduction in the numbers of cars entering and exiting the site on a daily basis. There is no footpath to the nearby village and the main mode of transport would likely be by vehicle.
- 9.33 The proposal includes a double garage accessed along a long driveway with an appropriately sized turning head to the front side of the dwelling. The double garage would be sufficient to accommodate 2 parking spaces and then 1 or more cars would park to the front of the garage.
- 9.34 The proposal raises no issues in respect of highway safety in accordance with LP15, albeit and as set out above, due to its 'elsewhere' location, the site lacks sustainable connectivity to the nearest settlement e.g., pedestrian/ cycle links which weighs against the scheme.

10 CONCLUSIONS

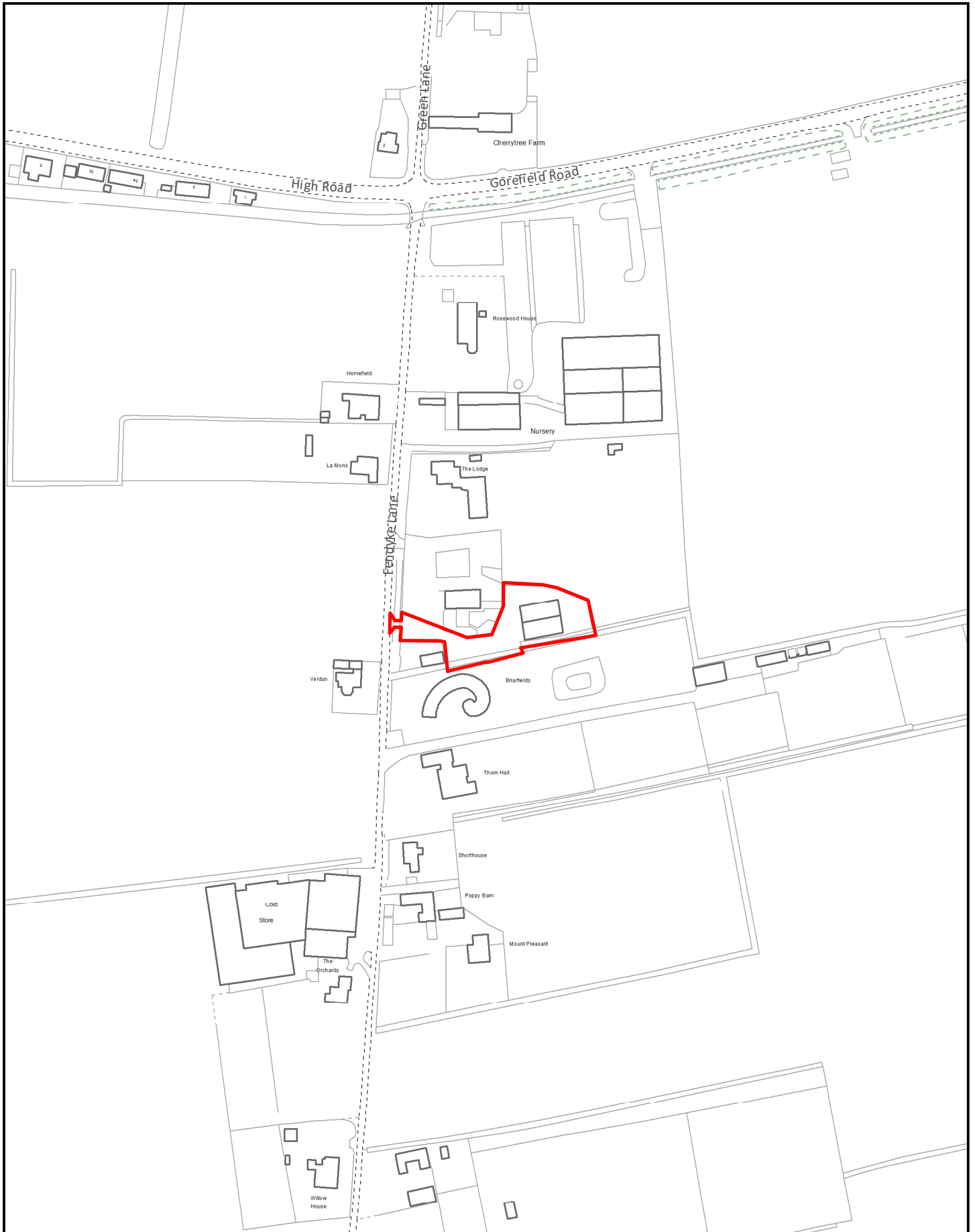
- 10.1 There are fundamental issues relating to the principle of development that render the scheme unacceptable in planning terms.
- 10.2 The current application seeks to demolish the aforementioned commercial buildings and to erect one new dwelling. As such, consideration of the proposal to erect a new dwelling at the site must be considered against local and national planning policies, LP3, LP6, LP12(D) and LP16 and Paragraph 84 of the NPPF. The above assessment considers that the proposal does not conform to these policies and thus, the principle of development of the new dwelling in the open countryside cannot be supported.

11 RECOMMENDATION

Refuse; for the following reasons:

1	<p>Policy LP3 of the Fenland Local Plan (2014) requires development in areas away from market towns and villages to be essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. Policy LP12 Part D of the Fenland Local Plan (2014) states proposals for new dwellings in such locations will be supported where the application addresses the functional need for a dwelling in this location and that there is no availability of other suitable accommodation on site or in the area.</p> <p>By virtue that the proposal seeks to create a purely residential development in an elsewhere location, with no links to a rural enterprise, there is not a demonstrably essential or functional need for accommodation such as the proposed to be provided at the site. Furthermore, there has been no evidence submitted to suggest that the proposal meets any of the exceptions as set out in Paragraph 84. Thus, the proposal is considered contrary to the above aforementioned local and national planning policies and cannot be supported.</p>
2	<p>Policies LP12 and LP16 (d) of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments SPD 2014, Chapter 12 of the NPPF and chapters C1, I1 and B2 of the National Design Guide 2019 seek to ensure that developments make a positive contribution to the local distinctiveness and character of the area, responding to the local built environment and do not adversely impact on the streetscene,</p>

	<p>settlement pattern or landscape character of the surrounding area.</p> <p>The proposed building due to its design and scale being substantially higher than those adjacent would therefore appear as a dominant structure occupying a secondary position in the street scene which would fail to respect the simple, modest barns and structures which prevail at the rear of existing dwellings in this outlier location. Therefore, the proposal would fail to positively respond to the rural character and appearance of the area, creating a significant detrimental impact on the visual amenity of the area, and contrary to the aforementioned policies.</p>
3	<p>Policy LP14 of the Fenland Local Plan, the NPPF and the PPG, set out the approach to developing land in relation to flood risk, with all documents seeking to steer new development in the first instance towards available land at a lower risk of flooding. This is achieved by means of requiring development proposals to undertake a sequential test to determine if there is land available for development at a lower risk of flooding than the application site, and only resorting to development in higher flood risk areas if it can be demonstrated that there are no reasonably available sites at a lower risk of flooding.</p> <p>The application site is situated partially within flood Zone 2 (Medium Risk) and the application is not accompanied by a sequential test and therefore the proposal would fail to accord with the provisions of the NPPF and Policy LP14 of the Fenland Local Plan 2014.</p>



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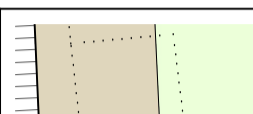
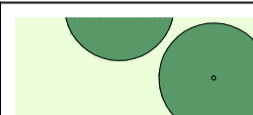

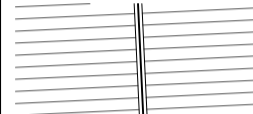
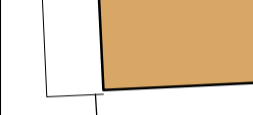


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- General Notes
1. All dimensions are shown in 'mm' unless otherwise stated.
 2. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
 3. This drawing is to be read in conjunction with 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 neighbouring properties taken from os map
-  Dotted lines indicate existing features to be demolished
-  Indicates proposed trees
-  Indicates proposed grass gardens
-  Proposed dwelling
-  Indicates existing buildings that have been surveyed
-  Indicates proposed driveway and parking
-  Indicates proposed access installed in accordance with Cambridgeshire CC Highways specification

Revisions

A	Mar 2024	Amendments following comments from client.
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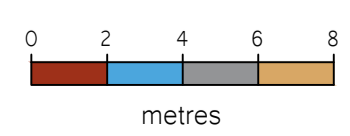
PLANNING



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Job Title Proposed Dwelling Silvergates, Fendyke Lane Gorefield, PE13 4NF For: Mr G Howell	Date February 2024	Drawn by G.E. Checked by A.L.
Drawing Title Planning Drawing Site & Location Plan	Job No. SE-2056 Dwg No. PP1000	Sheet Size A1 Revision A

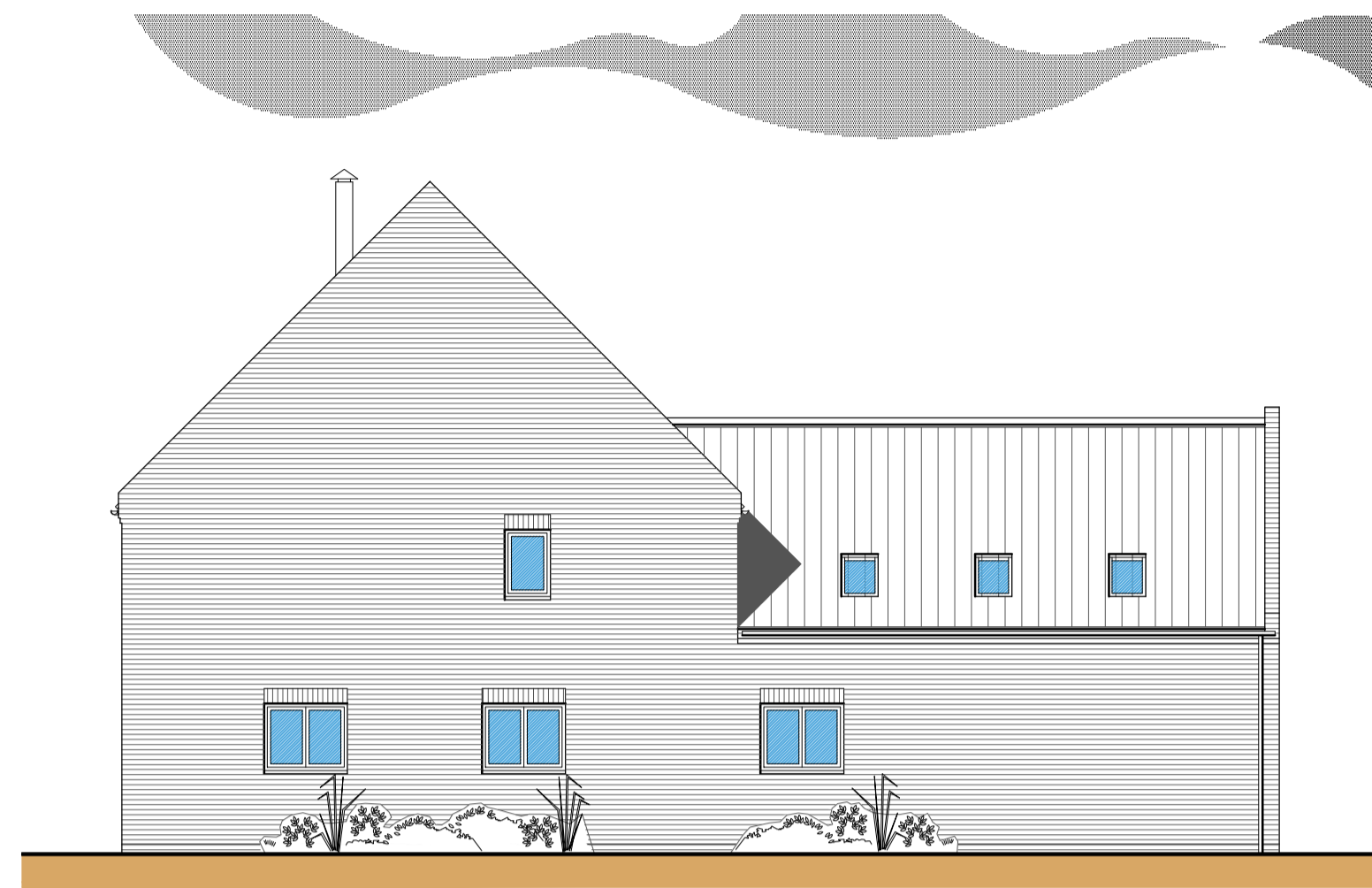
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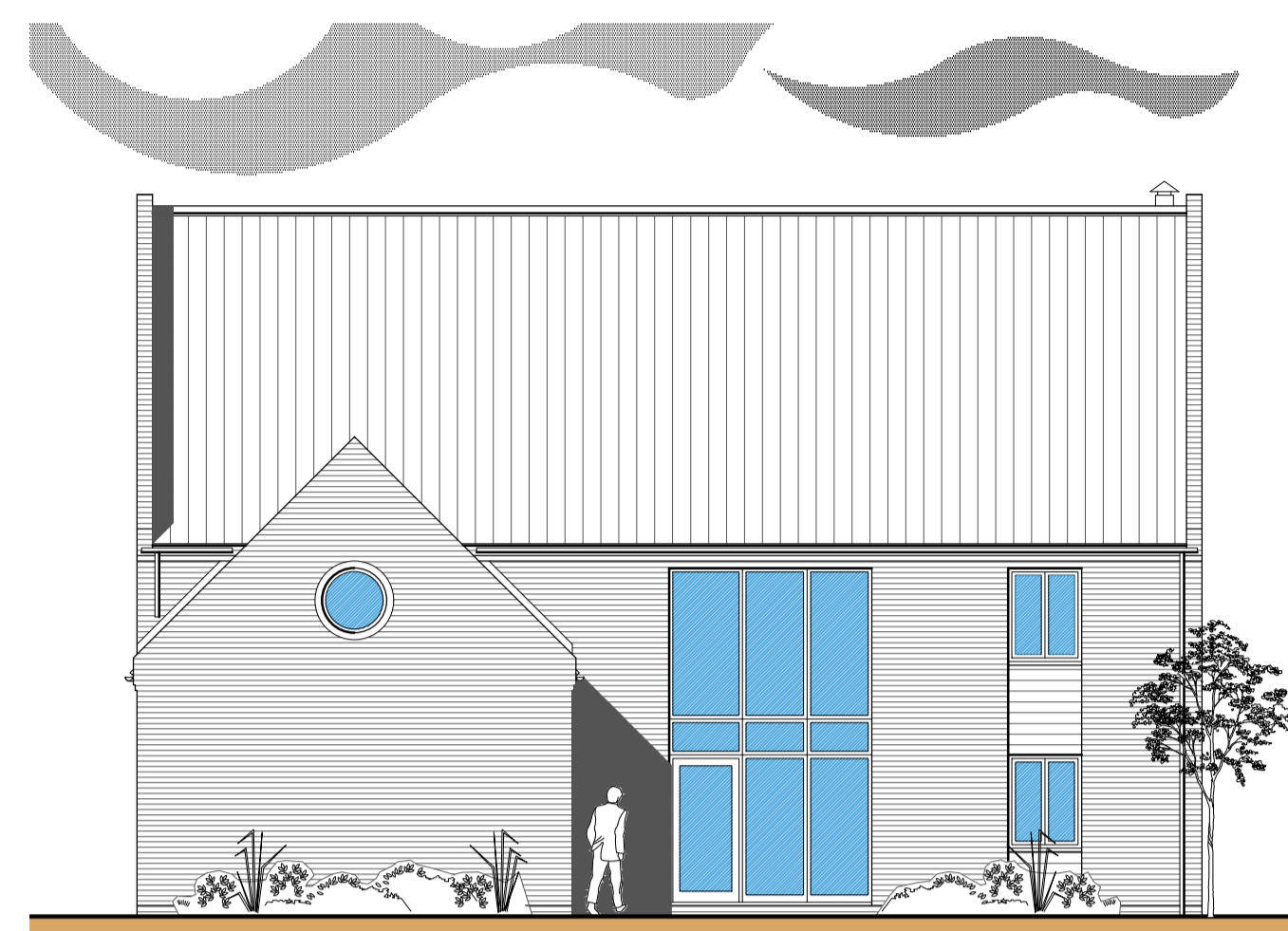
- General Notes**
- All dimensions are shown in 'mm' unless otherwise stated.
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MATERIAL KEY

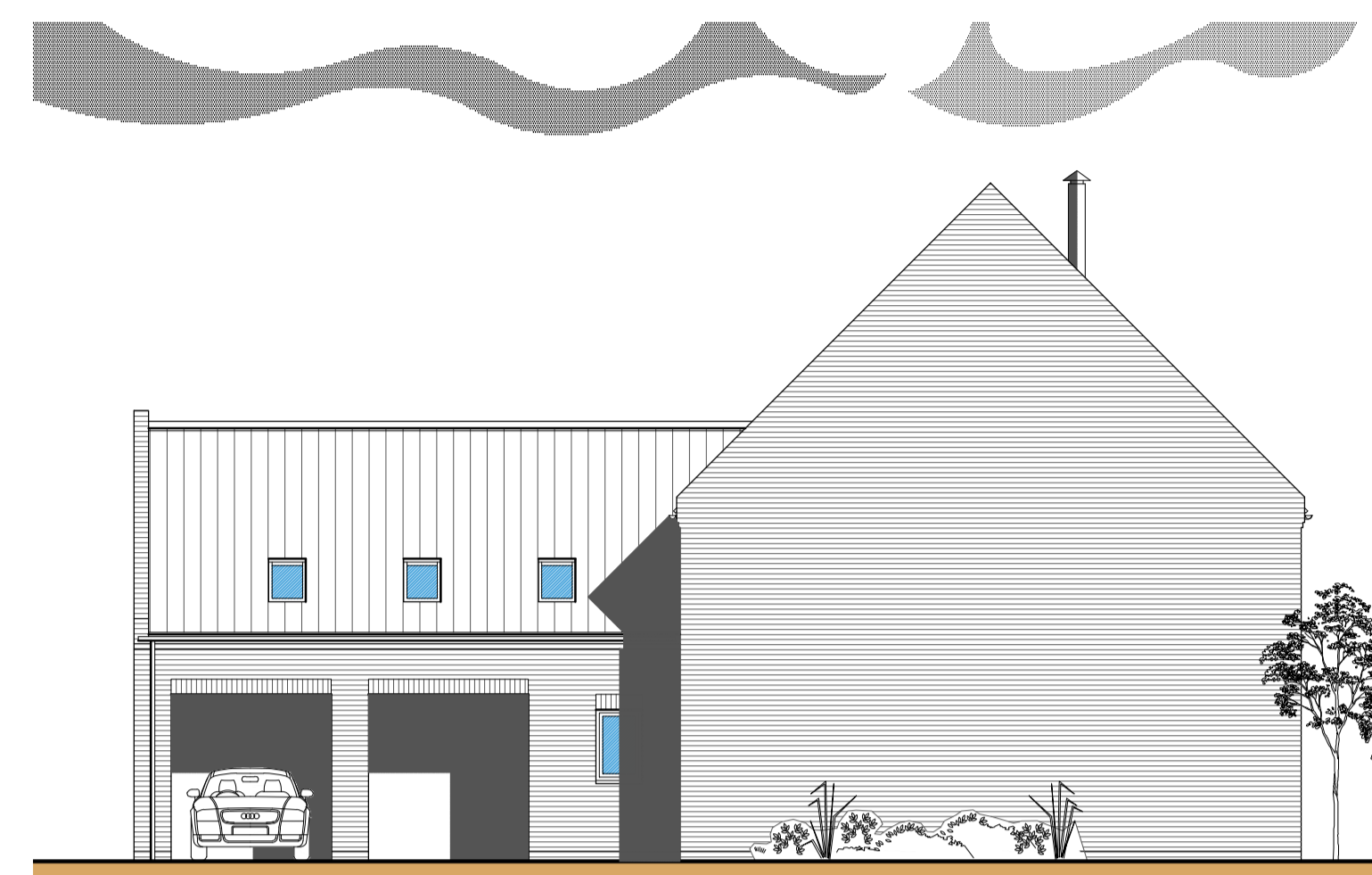
	Hatch indicates horizontal cladding
	Hatch indicates brickwork
	Hatch indicates roof tiles
	Indicates casement windows and doors with brick head detail as shown on elevations
	Indicates velux rooflights



Side Elevation (N)
Scale: 1:100



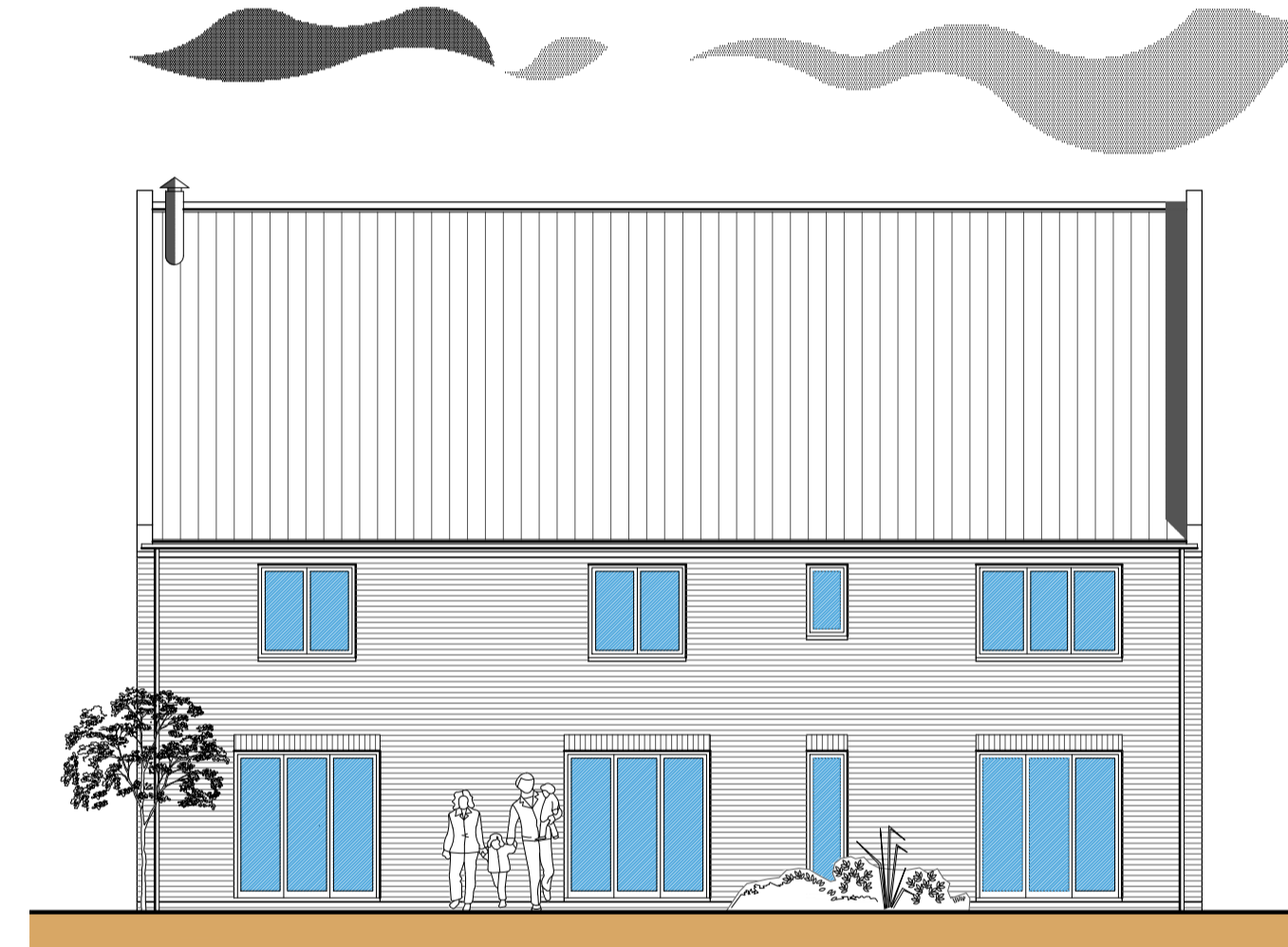
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Side Elevation (S)
Scale: 1:100



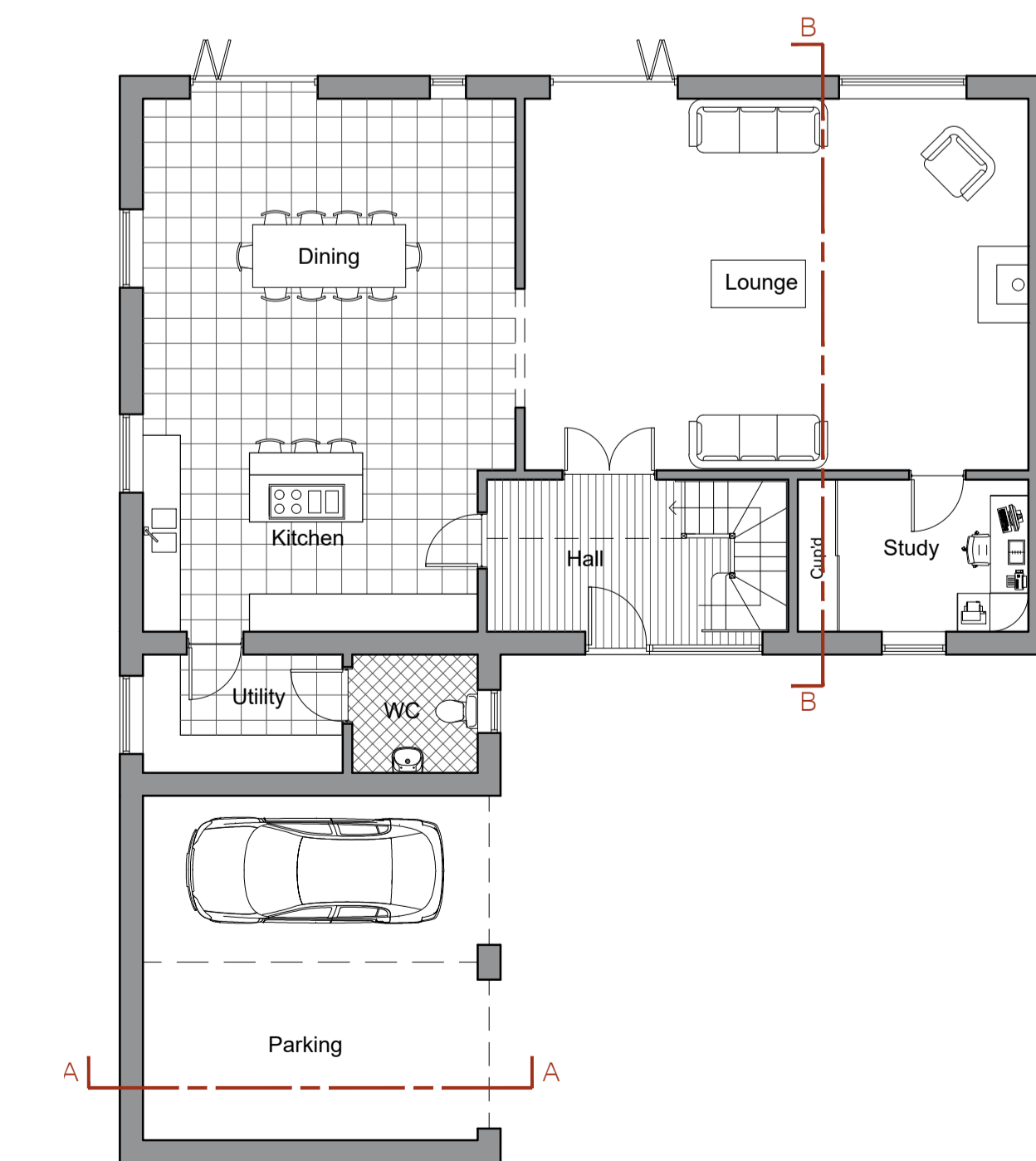
Section A-A
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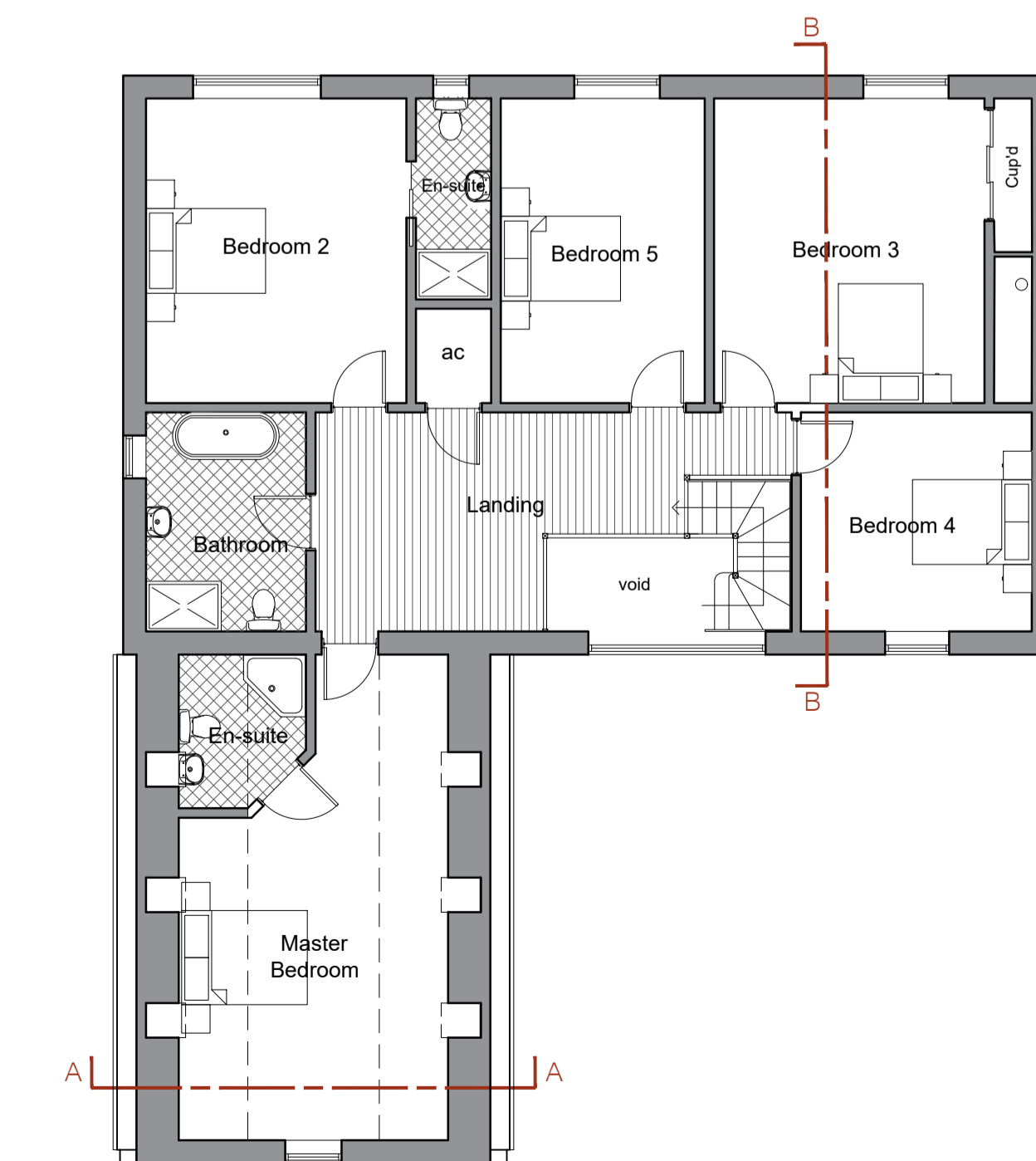
Rear Elevation (E)
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Section B-B
Scale: 1:100



Ground Floor Plan
Scale: 1:100



First Floor Plan
Scale: 1:100

Revisions

A	Mar 2024	Amendments following comments from client.
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Status: **PLANNING**



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Job Title Proposed Dwelling Silvergates, Fendyke Lane Gorefield, PE13 4NF For: Mr G Howell	Date February 2024	Drawn by G.E. Checked by A.L.
Drawing Title Planning Drawing Floor Plans, Sections and Elevations	Job No. SE-2056 Dwg No. PP1100	Sheet Size A1 Revision A