
F/YR24/0173/PIP

Applicant: Mr J Waters

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

Land North East Of The Grange, London Road, Chatteris, Cambridgeshire

Permission in principle to erect up to 4 x dwellings

Officer recommendation: Refuse

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

Government Planning Guarantee

Statutory Target Date For Determination: 27 March 2024

EOT in Place: Yes

EOT Expiry: 10 May 2024

Application Fee: £2515

Risk Statement:

This application must be determined by 10th May 2024 otherwise it will be out of time and therefore negatively affect the performance figures.

1 EXECUTIVE SUMMARY

1.1 The proposal is an application for Permission in Principle to develop the site for up to 3 dwellings. The Permission in Principle route has 2 stages: the first stage (or Permission in Principle Stage) establishes whether the site is suitable in principle and assesses the principle issues namely:

- (1) Location
- (2) Use, and
- (3) Amount of development proposed

And the second (Technical Details Consent) stage is when the detailed development proposals are assessed. Technical details consent would need to be applied for should this application be granted.

1.2 Evaluation of a PIP must be restricted to the issues highlighted above; even if technical issues are apparent from the outset there can form no part of the determination of Stage 1 of the process, Accordingly, matters raised via statutory bodies may not be addressed at this time.

1.3 The site is situated on the southern side of London Road which is situated outside of the built-up settlement of Chatteris.

1.4 Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the district; Policy LP12 details a range of criteria against which

development within the villages will be assessed and Policy LP16 seeks to ensure that proposed development responds to and improves the character of the local built environment. The application site proposes the construction of four dwellings located outside of the built up settlement of Chatteris.

- 1.5 By virtue of its elsewhere location, the proposed development is considered to be detrimental the character and appearance of the area and would create a precedent for further development. Thus, the proposal would therefore fail to comply with the requirements of Policy LP3, LP12 and LP16 of the Fenland Local Plan (2014).
- 1.6 Overall, the proposed development is considered to be unacceptable, and the recommendation is one of refusal.

2 SITE DESCRIPTION

- 2.1 The application site is situated on the southern side of London Road which is situated outside of the built up settlement of Chatteris.
- 2.2 The site currently comprises agricultural land and is bounded by trees along the northern boundary of the site.
- 2.3 Neighbouring properties are situated to the north and west of the application site.
- 2.4 The application site is situated within Flood Zone 1.

3 PROPOSAL

- 3.1 Planning in Principle (PIP) applications are an alternative way of obtaining planning permission for housing led development and separates the consideration of matters of principle for proposed development, from the technical detail.
- 3.2 As set down in the Town & Country Planning (Permission in Principle) Order 2017 and Town & Country Planning (Brownfield Land Register) Regulations 2017, the scope of PIPs (stage 1 of the process) is restricted to consideration of location, development size and land use. All other matters are 'reserved' for consideration by the stage 2 Technical Details application which may be made should PIP be granted.
- 3.3 This application seeks planning permission in principle for up to 4 dwellings. An indicative plan has been provided detailing an indicative access and layout.
- 3.4 The current proposal is the first part of the Permission in Principle application; this 'first stage' (or Permission in Principle stage) establishes whether a site is suitable in-principle and assesses the 'principle' issues namely:
 - 1) Location;
 - 2) Use,
 - 3) Amount of development proposed
- 3.5 Should this application be successful, the applicant would have to submit a Technical Details application covering all other detailed material planning considerations. The approval of Permission in Principle alone does not constitute the grant of planning permission.

- 3.6 The second ('technical details consent') stage is when the detailed development proposals are assessed. Technical details consent regarding the proposed properties would need to be applied for should this application be granted.
- 3.7 The applicant is only required to submit a completed application form, a plan which identifies the land to which the application relates (drawn to scale with a north point) and the application fee.
- 3.8 Full plans and associated documents for this application can be found at: [F/YR24/0173/PIP | Permission in principle to erect up to 4 x dwellings | Land North East Of The Grange London Road Chatteris Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR24/0173/PIP)

4 SITE PLANNING HISTORY

- 4.1 None recent and relevant

5 CONSULTATIONS

5.1 Chatteris Town Council

Support

5.2 FDC Environmental Health

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

In the event that Permission in Principle (PIP) is granted and a further application for the site is submitted in the future, this service may recommend a condition on working time restrictions during the construction phase due to the close proximity of existing noise sensitive receptors.

5.3 CCC Archaeology

I am writing with regards to the archaeological implications of the above referenced planning application. The proposed development lies in an area of archaeological potential. To the east is the moated manorial site at Wood House (Cambridgeshire Historic Environment Record 01097) with significant earthworks associated. Across the development area is evidence of the wider medieval agricultural landscape with the earthwork remains of Medieval Ridge and Furrow present across the site (CHER 01097). Across Cambridgeshire the attrition rate of these features is high and we have a relatively low sample of ridge and furrow surviving as earthworks. To the east of the proposed development an archaeological investigation found a number of undated gullies (CHER ECB6148) and an archaeological investigation to the south found similar features (CHER ECB7202).

We are content that no works are required prior to determination of an application and consequently we wish to raise no objections for this application to secure Planning In Principle, however we would request to be consulted on any future planning application for development within the redline area indicated, with the expectation that a condition on development, if required, could be secured at Technical Details stage.

5.4 CCC Minerals and Waste

Thank you for consulting Cambridgeshire County Council, in its role as the Minerals and Waste Planning Authority (MWPA), on the above application. Having reviewed the available documentation, the MWPA wishes to make the following comments:

The site lies within a Sand and Gravel Mineral Safeguarding Area (MSA) which is safeguarded under Policy 5 of the MWLP. This policy seeks to prevent mineral resources of local and/or national importance being needlessly sterilised. Policy 5 sets out a number of exemptions (criteria (a) – (h)), for when Policy 5 is not applicable, none of which relevant in this case. It then goes on to set out that that development will only be permitted in certain circumstances (criteria (i) – (k)). The application documentation does not appear to make any reference to the safeguarded minerals, or Policy 5. Consequently criteria (i) – (k) have not been demonstrated, leaving criterion (l), which states that:

*“development will only be permitted where it has been demonstrated that there is an overriding need for the development (where prior extraction is not feasible) **”.*

It is noted that the proposed development site is small and is close to the edge of the built form of Chatteris. The MWPA considers that, although the extent of the resource within the site is unknown, the nature of the development, size of the site and proximity of existing built development means that complete prior extraction is, in this case, unlikely to be feasible.

Should the Local Planning Authority be of the view that there is an overriding need for the development, the MWPA will be content that Policy 5 has been addressed, subject to the following informative being included in any permission:

“The site lies within a Sand and Gravel Mineral Safeguarding Area, which indicates that there may be an underlying sand and gravel resource. The Minerals and Waste Planning Authority considers that prior extraction is unlikely to be feasible and that there is an overriding need for the development. Prior extraction of the resource has, therefore, not been required in this instance. However, the applicant is encouraged to make best use of any sand and gravel that may be incidentally extracted as part of the development.”

5.5 Local Residents/Interested Parties

5 letters of objection have been received with regard to this application from address points within Chatteris (4 from London Road, 1 from Glebe Close). The reasons for objection are summarised as follows:

- Quality of life
- Water runoff and dampness
- Drainage
- Wildlife
- Health and wellbeing
- Proximity to neighbouring property
- Loss of view
- Loss of privacy
- Highways
- Archaeology

8 letters of support have been received with regard to this application from address points within Chatteris (3 from London Road, 2 from Tithe Road, 2 from Wood Street and 1 from West Street). The reasons for support are summarised as follows:

- Ideal location for executive homes
- Enhance the area
- In-keeping with surroundings
- Flooding
- Not backland

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

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

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

7.3 **National Design Guide 2021**

7.4 **Fenland Local Plan 2014**

- LP1 – A Presumption in Favour of Sustainable Development
- LP2 – Facilitating Health and Wellbeing of Fenland Residents
- LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
- LP4 – Housing
- LP5 – Meeting Housing Need
- LP7 – Urban Extensions
- LP10 – Chatteris
- LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland
- LP16 – Delivering and Protecting High Quality Environments across the District
- LP19 – The Natural Environment

7.5 **Emerging Local Plan**

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

- LP1: Settlement Hierarchy
- LP2: Spatial Strategy for the Location of Residential Development
- LP4: Securing Fenland's Future
- LP5: Health and Wellbeing
- LP7: Design

LP8: Amenity Provision
LP12: Meeting Housing Needs
LP19: Strategic Infrastructure
LP20: Accessibility and Transport
LP22: Parking Provision
LP24: Natural Environment
LP28: Landscape
LP32: Flood and Water Management

8 KEY ISSUES

- **Principle of Development**
- **Location**
- **Use**
- **Amount of development proposed**
- **Other Matters**

9 ASSESSMENT

- 9.1 The application is made under the provisions of the Town and Country Planning (Permission in Principle) (Amendment) Order 2017, which came into force on 1st June 2018. This amends the Town and Country Planning (Permission in Principle) Order 2017 to allow local planning authorities to grant permission in principle on receipt of a valid application for housing-led development. The National Planning Practice Guidance (PPG) explains that the Order is an alternative way of obtaining planning permission for housing-led development, which separates the consideration of matters of principle for development, from the technical detail. This 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.
- 9.2 There are certain limitations set out in the relevant Order. For the avoidance of doubt the proposed development is not:
- a) Major development.
 - b) Habitats development.
 - c) Householder development.
 - d) Schedule 1 development which is Environmental Impact Assessment (EIA) development that requires an Environmental Statement.
- 9.3 The proposed development is not considered to be Schedule 2 development within the meaning of the EIA Regulations, which would require EIA if the project is likely to give rise to significant environmental effects.
- 9.4 An applicant for planning permission can apply for permission in principle for a range of dwellings by expressing a minimum and maximum number of dwellings as part of the application. In this instance, permission in principle is sought for the erection of up to 4no dwellings.
- 9.5 The PPG states: "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." The PPG also advises that applicants may volunteer additional information to support decision making, in particular, to give more certainty about how many dwellings the site is capable of supporting, and whether mitigation of likely impacts is possible. As this is a permission-in-principle application, no plans are required.

- 9.6 The Council is therefore tasked with considering whether the location, land use and amount of development are acceptable in accordance with the relevant policies in the development plan, unless there are material considerations, such as those within the NPPF and the PPG, which indicate otherwise.
- 9.7 The Council can inform the applicant what they expect to see at the technical details consent stage, but it cannot impose planning conditions.
- 9.8 Noting the guidance in place regarding Permission in Principle submissions assessment must be restricted to (a) location, (b) use and (c) amount and these items are considered in turn below:

Location and Use

- 9.9 Policy LP3 of the Fenland Local Plan sets out the settlement hierarchy for development within the district, grouping settlements into categories based on the level of services available, their sustainability and their capacity to accept further development.
- 9.10 Chatteris is classed as a Market Town, where the majority of the district's new housing, employment growth, retail growth and wider service provision should take place. Policy LP10 relates specifically to the Market Town of Chatteris.
- 9.11 As aforementioned, the application site is situated outside of the built up settlement of Chatteris and is therefore considered an 'Elsewhere' location. Development not falling into one of the defined village hierarchies will fall into the "elsewhere" category and will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services or to minerals and waste development, which is not applicable to this proposal.
- 9.12 Policy LP16 (d) seeks to ensure that development makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting, reinforces local identity and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or landscape character of the surrounding area.
- 9.13 The proposal would result in the creation of new dwellings in a location that is currently open in nature, outside of the built-up settlement of Chatteris. The proposal would therefore fail to enhance the character of the area, causing unacceptable harm to the open countryside.
- 9.14 As such, given the elsewhere location of the site, it is considered that the proposed location of the development is contrary to the requirements of Policy LP3, LP12 and LP16 (d) of the Fenland Local Plan and therefore cannot be supported.

Amount of development proposed

- 9.15 The application seeks Permission in Principle for up to 4 dwellings on a site of approximately 0.405 hectares. An indicative site plan has been submitted detailing 4 dwellings with private amenity space and parking. The dwellings could comfortably be accommodated on-site. However, the detailed layout and design would be for consideration at the Technical Details stage. In terms of consideration of amount, the proposal is acceptable.

Other Matters

Flood Risk

9.14 The site falls within Flood Zone 1 (low risk) and issues of surface water disposal would be considered under Building Regulations, as such, there is likely to be no issues to reconcile with regard to Policy LP14.

Objections

9.15 The letters of objection are acknowledged, however it is only the location, use and amount of development that can be considered at this stage. Technical details regarding design, highway safety, wildlife and archaeology would be assessed at technical details stage.

Minerals & Waste

9.16 Comments from CCC Minerals and Waste team are noted, and that prior extraction of existing sand and gravel resource at the site is not required in this instance given the scale of development proposed. Notwithstanding, the above assessment concludes that there is no overriding need for the development that would justify a departure from policy in this case.

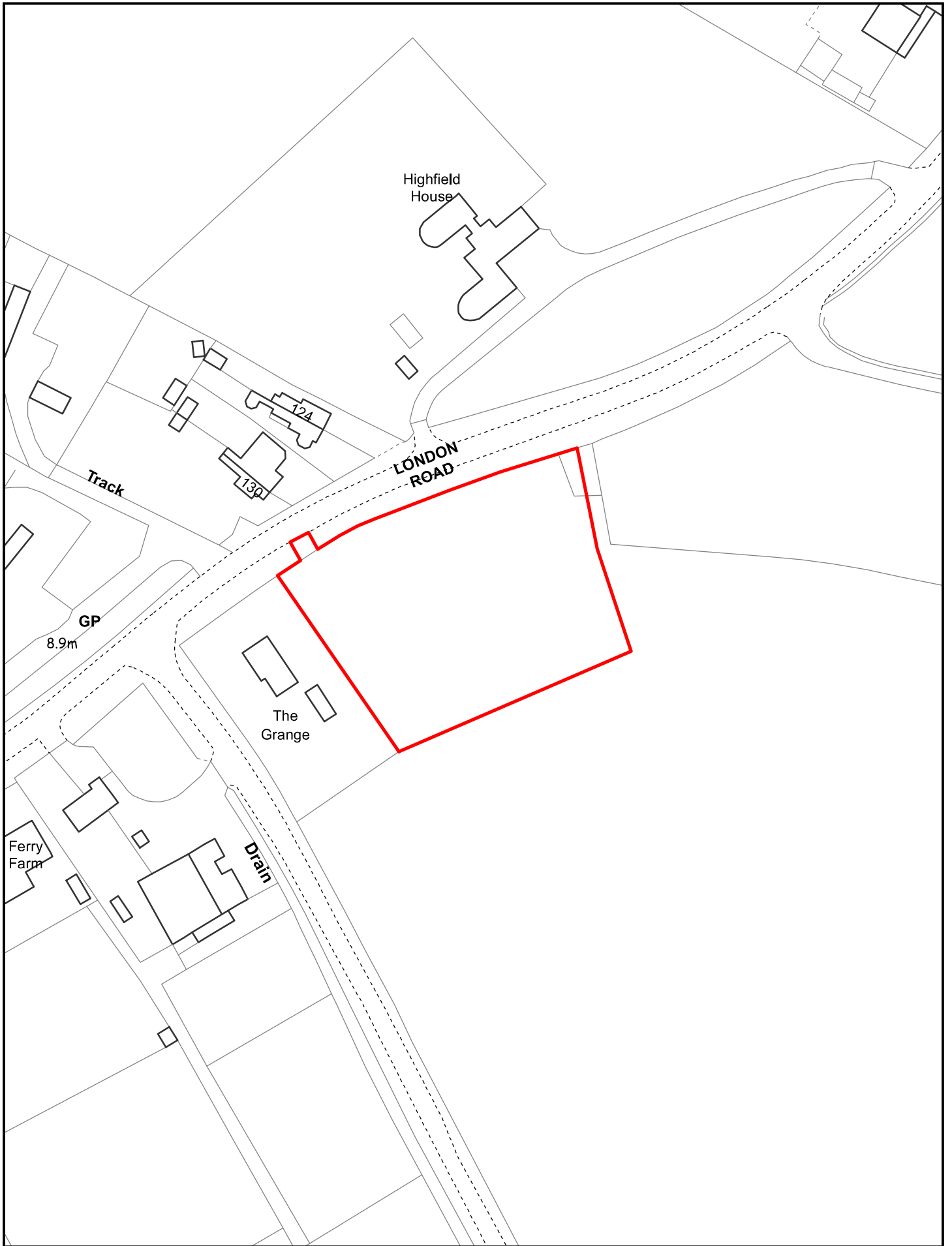
10 CONCLUSION

10.1 This application seeks to confirm whether 'Permission in Principle' is acceptable for Land North East Of The Grange, London Road, Chatteris. The scope of permission in principle is limited to location, land use and amount of development. The location and use of the land for residential development would be contrary to Policy LP3, LP12 and LP16 of the Fenland Local Plan. It is therefore considered that in terms of location and land use consideration, the Planning in Principle application fails.

11 RECOMMENDATION

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

1	<p>Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the district, directing development to the within the main settlements in the first instance; Policy LP12 Part D details a range of criteria against which development outside of settlements will be assessed (having regard to LP3) and Policy LP16 seeks to ensure that proposed development responds to and improves the character of the local built environment. The application site proposes the construction of four dwellings located outside of the built up settlement of Chatteris, therefore in an 'elsewhere' location and does not meet the exception criteria under LP3.</p> <p>By virtue of its 'elsewhere' location, the proposed development is considered to be detrimental the character and appearance of the area and would create an inappropriate precedent for further development in the countryside. Thus, the proposal would therefore fail to comply with the requirements of Policies LP3, LP12 and LP16 of the Fenland Local Plan (2014).</p>
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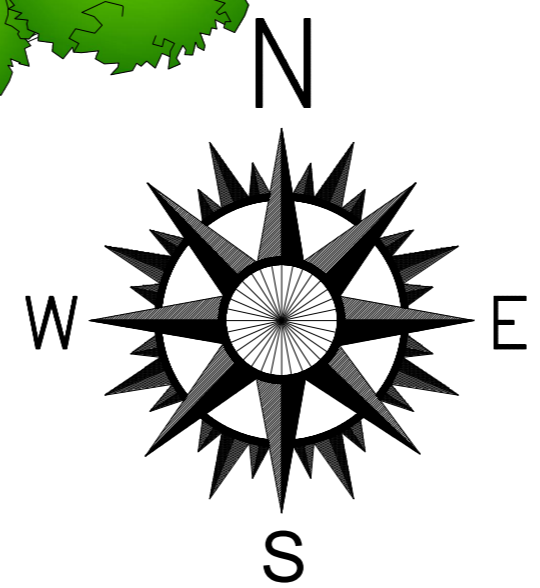
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LONDON ROAD



The Grange



BAT BOX

EV CHARGING POINT

BIRD BOX

OWL BOX

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A PLANNERS COMMENTS		FEB 2024
REVISIONS		DATE
 MORTON & HALL CONSULTING LIMITED CONSULTING STRUCTURAL ENGINEERS		
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 LABC		 Fenland District Council Building Design Awards Building Excellence in Fenland
Mr J Waters		
Land East of The Grange Chatteris Combs PE16 6SF		
Indicative Site Plan		
DATE	R.Pogworth	DRAWN BY
DATE	Aug 2022	SCALE
DATE	As Shown	PROJECT NO.
		H9204/02.