
F/YR24/0485/VOC

**Applicant: Mr A Broadway
Fenland Future Limited**

**Agent : Mr S Machen
Barmach Ltd**

Nene Parade Bedford Street, Chase Street, Wisbech, Cambridgeshire

Variation of condition 01 of planning permission F/YR22/0914/FDL (Erect a care home for up to 70 apartments, commercial floorspace (Class E) up to 900 square metres and up to 60 dwellings (outline application with all matters reserved)) to enable phased development.

Officer recommendation: Grant

Reason for Committee: Fenland Future Limited is the applicant and is a wholly owned subsidiary of Fenland District Council.

Government Planning Guarantee

Statutory Target Date For Determination: 15 August 2024

EOT in Place: Yes/No

EOT Expiry: 20 September 2024

Application Fee: £293

Risk Statement:

This application must be determined by 20 September 2024 otherwise it will be out of time and therefore negatively affect the performance figures.

1 EXECUTIVE SUMMARY

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| <p>1.1 This application is made under Section 73 of the Town and Country Planning Act 1990 for the variation of condition 1 to the development granted by planning permission reference F/YR22/0914/FDL. The variation sought proposes to allow the development to come forward in phases rather than in its entirety.</p> <p>1.2 This existing permission was granted in outline form with all matters reserved for a care home up to 70 apartments, commercial floorspace (Class E) up to 900square metres, and up to 60 dwellings.</p> <p>1.3 The recommendation is to grant consent subject not only to the variation of condition 1, but other conditions, as outlined in the report, resulting from the variation of condition 1 to allow a phased development.</p> |
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2 SITE DESCRIPTION

- 2.1 The 1.78 ha site is located to the north of the town centre, near the local shops and amenities. Access is via the Freedom Roundabout/Lynn Road to Chase Street & Bedford Street. To the north-east of the site is the existing Boathouse Business Centre, a prominent building of some design stature. Some modern houses face the site from the east on Chase Street. Older terraced housing surrounds the site from the north-east. The roads are currently one-way from the south.
- 2.2 The site is currently vacant, separated into distinct development plots by the roads. The site is adjacent to the port and Nene Parade, providing access to public realm and the riverfront. The site is somewhat unkempt and given its prominent relationship with the waterfront is perhaps in need of regeneration via redevelopment.
- 2.3 The site is largely within Flood Zone 3 around 1/3rd within Flood Zone 2

3 PROPOSAL

- 3.1 The application is made under Section 73 of the Town and Country Planning Act 1990 which are applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted. Commonly known as a 'variation of condition' application. If such applications are approved, they create a new separate permission, whilst the original permission remains in place. It is then for the landowner or developer to decide which permission to implement.
- 3.2 In this case the relevant planning permission is reference F/YR22/0914/FDL, granted on the 5th June 2023. The permissions granted is to 'Erect a care home for up to 70 apartments, commercial floorspace (Class E) up to 900 square metres and up to 60 dwellings (outline application with all matters reserved)'.
- 3.3 The decision notice included 23 planning conditions, with condition 1 requiring approval of Reserved Matters needing to be obtained from the Local Planning Authority prior to the commencement of development.
- 3.4 Condition 1 is the condition which this application seeks to vary in order to allow the development to be delivered in phases rather than in its entirety. This will allow the Reserved Matters and other details required by other conditions to come forward for approval separately and therefore allow implementation as and when developers are in a position to commit to specific parts of the development.
- 3.5 Post submission, the applicant has supplied a Phasing Plan showing the site split into three Phases, with Phase 1 being the southeastern part of the site identified in the Illustrative Development Plots plan accompanying the outline application. This plot is identified as being for the care home and some of the commercial element.
- 3.6 Full plans and associated documents for this application can be found at: <https://www.publicaccess.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=SDHAXHHEFON00>

4 SITE PLANNING HISTORY

F/YR22/0309/F - Erect 8 x residential units (1 x 3-storey block of 1-bed flats) involving demolition of existing building
5 Bedford Street, Wisbech Granted 26.08.2022

F/YR04/0036/O - Residential Development and 640 sq. Metres mixed use including A1, A2, A3, B1 and D2 uses (0.79 ha)
Land East and West Bedford Street, Wisbech Granted 30.04.2004

F/YR07/0544/F - Erection of a part 3-storey, part 2-storey office building comprising; meeting room, harbour master's office, washroom facilities for the river user, yacht club, cafe and offices and erection of 12.5 metre high antenna mast to roof and 15.0 metre high (to hub) wind turbine to side, provision of bin storage and car/cycle parking
Land Fronting Silver Street/Chase Street/Russell Street /Nene Parade,
Granted 27.07.2007

F/YR09/0074/FDC - Pedestrianisation works to Nene Parade between Russell Street and Freedom Bridge, new access road to Wisbech Police Station and signal control pedestrian facility across Freedom Bridge
Land At Freedom Bridge and Nene Parade, Granted 26.11.2010

F/YR09/0072/FDC - Construction of link road between Chase Street and De Havilland Road Land Between Chase Street and De Havilland Road, Wisbech
Granted 26.03.2012

F/YR03/0810/O - Residential Development (0.79 ha) Land East and West Bedford Street, Wisbech Refused 22.12.2003

F/YR06/1129/F - Erection of a part 3-storey, part 2-storey office building comprising; meeting room, harbour master's office, washroom facilities for the river user, yacht club, cafe and offices. Erection of 12.5-metre-high mast on roof of 2-storey building, provision of bin storage and car/cycle parking
Land Fronting Silver Street /Chase Street / Russell Street /Nene Parade, Wisbech
Granted 19.12.2006

F/YR06/0976/F - Remediation of previously developed land (incorporating excavation and back filling) and implementation of first phase of highway and landscape works including drainage infrastructure, laying of services, creation of landscaped square (Harbour Square), creation of pedestrian orientated space along Nene Parade, Silver Street / Russell Street
Phase 1 Land Fronting Silver Street / Chase Street /Russell Street/Nene Parade,
Granted 16.11.2006

F/YR08/0617/FDC - Remediation of the remaining land and associated ground works including the raising of the site levels to accord with the recommendations of flood risk assessment
Land Fronting Silver Street and Chase Street And Russell Street /Nene Parade,
Wisbech Granted 02.09.2008

F/YR22/0914/FDL - Erect a care home for up to 70 apartments, commercial floorspace (Class E) up to 900 square metres and up to 60 dwellings (outline application with all matters reserved)
Nene Parade Bedford Street Chase Street Wisbech Cambridgeshire
Granted 05.06.2024

5 CONSULTATIONS

5.1 Parish/Town Council

02.07.2024

Comment: That the application be supported.

5.2 Designing Out Crime Officers

14.06.2024

I have viewed the documents in relation to crime, disorder, and the fear of crime. I have no comment or objection to the above-mentioned variation.

5.3 Environment Agency

03.07.2024

We have reviewed the documents as submitted and recommend the variation of condition. We have provided further details below.

Flood Risk Assessment

We are satisfied that the variation of this condition does not raise any concern to us in terms of flood risk and the finished floor levels will still be set in accordance with the approved FRA.

5.4 Valuation & Estates Officer (FDC)

13.06.2024

Please note we have no objections from Assets & Projects.

5.5 Environment & Health Services (FDC)

14.06.2024

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

5.6 Cambridgeshire County Council Highways Authority

04.07.2024

Recommendation: In order to make an informed decision in respect of the submitted application, additional information is required. Comments: Please provide additional information regarding the intended phased delivery. Possibly in the form of a plan.

03.09.2024 – latest response

Just to confirm, the phasing plan provided is acceptable to the LHA. I therefore, have no objection to the variation of Condition 1.

5.7 Wisbech Society

03.07.2024

No objections.

5.8 Local Lead Flood Authority

04.07.2024

The application to vary condition 1 to permit phased development does not appear to have any surface water flood risk or drainage implications therefore we have no comments to make.

Informatives included with response.

5.9 Local Residents/Interested Parties

None.

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. 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

Movement

Nature

Public Spaces

Uses

Homes and Buildings

Resources

Lifespan

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

LP6 – Employment, Tourism, Community Facilities and Retail

LP8 – Wisbech

LP13 – Supporting and Managing the Impact of a Growing District

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

LP18 – The Historic Environment

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

LP3: Spatial Strategy for Employment Development

- LP4: Securing Fenland's Future
- LP6: Renewable and Low Carbon Energy Infrastructure
- LP7: Design
- LP12: Meeting Housing Needs
- LP15: Employment
- LP20: Accessibility and Transport
- LP22: Parking Provision
- LP23: Historic Environment
- LP24: Natural Environment
- LP32: Flood and Water Management
- LP33: Development on Land Affected by Contamination
- LP34: Air Quality
- LP35: Regeneration of Wisbech
- LP36: Residential Site Allocations for Wisbech

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

DM4 – Waste and Recycling Facilities

DM6 – Mitigating Against Harmful Effects

Developer Contributions SPD 2015

Cambridgeshire Flood and Water SPD 2016

8 KEY ISSUES

- **Principle of Development and the variation being sought**
- **Consequential amendments to other conditions**

9 BACKGROUND

- 9.1 At the time planning application F/YR22/0914/FDL was submitted, Fenland District Council owned land with the application being submitted by Fenland Future Ltd. The agent has informed the Local Planning Authority that the land has since been transferred into the ownership of Fenland Future. Fenland Future is a wholly owned subsidiary of FDC which has the objective of, amongst other things, maximising the return to the Council as shareholder from its asset portfolio and exploiting opportunities for acquisitions, development and commercial return from assets and to create a delivery model that operates with a degree of commerciality in line with aspirations that mirror the Council's Business Plans and Commercial Investment Strategy.

10 ASSESSMENT

Principle of Development and the variation being sought

- 10.1 The principle of development has been established by the permission F/YR22/0914 FDL granted on 5th June 2023. Since that permission there have been no new or revised National for Local Plan policy changes that would alter the reasons for granting consent. Neither do there appear to be any new material considerations arising. Consultation responses have not raised any issues.

- 10.2 With regard to the variation to condition 1 of the above permission to allow the development to come forward in phases, this appears a sensible variation in order to aid and facilitate delivery of development of this site which has remained underdeveloped following clearance and remediation for well over a decade.
- 10.3 Planning permission F/YR22/0914/FDL was granted without a legal agreement in relation to affordable housing provision or other financial payments. The Planning Committee report noted that the applicant has submitted a case specific viability assessment which confirmed no affordable housing will be delivered due to the viability position of the site. This viability assessment was prepared in December 2022 and concluded the following:

This is not a standard appraisal given the fact that a nil or negligible land value has been applied. In most scenarios, a land owner would not release land for development without generating a reasonable land value plus a development premium. However, this is a regeneration project, the layout and mix of uses is partly dictated by the constraints of the site as well as its location. The sales values are the main driver behind the viability issues as well as the relatively high build costs. It is therefore likely that the scheme would only be brought forward with a landowner willing to forgo the usual land value and developers profit.

- 10.4 In light of this conclusion, and the fact there have not been sufficient positive changes in market conditions since December 2022, there is little to justify revisiting the viability of the proposals. The site is a challenging and stalled brownfield site with significant abnormal costs associated with flood risk mitigation, utility service provision, and is located within a low value area.

Consequential amendments to other conditions

- 10.5 As mentioned in paragraph 3.1 above, if this application is approved, it creates a new separate permission that thereafter can be implemented. Therefore, it is necessary to attach the conditions of the existing permission where these are still required or modified as a consequence of the variation being applied for. This is permitted by subsection (2)(a) of Section 73 of the Town & Country Planning Act, as this allows the local planning authority to decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted.
- 10.6 In this respect the wording of condition 1 should be altered to make reference to the Phasing Plan submitted, so it is clear when Reserved Matters and details required by other conditions are submitted and approved which part of the site they relate to. Condition 2 needs to be altered in respect of the time by which Reserved Matters must be approved, as a Section 73 permission cannot be granted to extend the time by which Reserved Matters must be made. Consequential reference to phasing would also be required in a number of other conditions (4-9, 11-17, and 20-21) where these conditions require further details to be submitted for approval or they relate to specific parts of the development, that is, the housing element.

11 CONCLUSIONS

- 11.1 The principle of development has been established through the earlier consent and there is no new or revised Policy considerations or other material considerations relevant to the proposed development, including those relating to

viability. The variation being sought for phasing allows flexibility to the delivery of the redevelopment of this site, which has been a long time in gestation. Accordingly, the application should be approved.

12 RECOMMENDATION

Grant; subject to the following conditions:

For illustrative purposes, changes to the wording of the existing conditions are shown in Appendix 1 to this report.

1	<p>Approval of the details of all the following reserved matters for each relevant phase of the development shall be obtained from the Local Planning Authority before any development of that phase is commenced:</p> <ul style="list-style-type: none"> i. the layout of the site ii. the scale of the building(s); iii. the external appearance of the building(s); iv. the means of access thereto; v. the landscaping <p>The relevant phases of the development are those identified on plan reference NWF-NOR-XX-XX-DR-A-90009 Rev PO2 or any subsequent plan approved in writing by the Local Planning Authority.</p> <p>Reason - To enable the Local Planning Authority to control the details of the development hereby permitted.</p>
2	<p>Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the 5th June 2026.</p> <p>Reason - To ensure compliance with Section 92 of the Town and Country Planning Act 1990.</p>
3	<p>The development hereby permitted shall begin before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.</p> <p>Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
4	<p>The submission of a detailed layout for each relevant phase as required by condition No 1, shall include the following:</p> <p>A detailed design of the surface water drainage of that phase. The scheme shall be based upon the principles within the agreed Flood Risk Assessment and Drainage Strategy prepared by Tetra Tech Limited (ref: 784-B020853 Rev 04) dated 8 February 2023 and shall also include:</p> <ul style="list-style-type: none"> a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events; b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change),

	<p>inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;</p> <p>c) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);</p> <p>d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);</p> <p>e) Site Investigation and test results of the relevant phase to confirm infiltration rates;</p> <p>f) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants.</p> <p>g) Demonstration that the surface water drainage of the relevant phase is in accordance with DEFRA non statutory technical standards for sustainable drainage systems;</p> <p>h) Full details of the maintenance/adoption of the surface water drainage system;</p> <p>i) Permissions to connect to a receiving watercourse or sewer;</p> <p>Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development and to ensure that the principles of sustainable drainage can be incorporated into the development, noting that initial preparatory and/or construction works may compromise the ability to mitigate harmful impacts, and in accordance with Policy LP 14 of the Fenland Local Plan 2014.</p>
5	<p>No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from each relevant phase 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 on the relevant phase 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 and in accordance with Policy LP 14 of the Fenland Local Plan 2014.</p>
6	<p>Upon completion of the surface water drainage system, including any attenuation ponds and swales, and prior to their adoption by a statutory undertaker or management company; a survey and report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall be carried out by an appropriately qualified Chartered Surveyor or Chartered Engineer and demonstrate that the surface water drainage system of the relevant phase has been constructed in accordance with the details approved under the</p>

	<p>planning permission. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed by an independent surveyor, with their findings submitted to and approved in writing by the Local Planning Authority, and in accordance with Policy LP 14 of the Fenland Local Plan 2014.</p> <p>Reason: To ensure the effective operation of the surface water drainage scheme following construction of the development.</p>
7	<p>Prior to occupation of any dwelling, the developer shall be responsible for the provision of Welcome Travel Packs to be delivered to each new household prior to first arrival. Welcome Travel Packs should comprise a bus voucher (4-weeks travel on local routes free of charge) and a cycle voucher (money off the price of a bike at a local shops). Details to be agreed with the Local Planning Authority.</p> <p>Reason: In the interest of sustainable forms of travel and in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
8	<p>The submission of details for each relevant phases as required by condition No 1, shall include an Emergency Evacuation Plan to address the following requirements:</p> <p>Adequacy of rescue or evacuation arrangements Details and adequacy of an emergency plan Provision of and adequacy of a temporary refuge Details and adequacy of flood proofing and other building level resistance and resilience measures</p> <p>Reason: In the interests of safety of future residents and accordance with Policy LP14 of the Fenland Local Plan adopted 2014.</p>
9	<p>Prior to occupation of any dwelling, the developer shall deliver pedestrian drop kerb with tactile paving crossing provision between the new footway to be delivered on the west side of Chase Street and the existing footway on the east side of Chase Street. Details of the works to be submitted to and agreed with the Local Planning Authority.</p> <p>Reason: In the interest of improved pedestrian facilities and in accordance with Policy LP15 of the Fenland Local Plan 2014</p>
10	<p>A noise mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall be in accordance with details set out within the Tetra Tech Noise Assessment Report (Revision 3 / 24.06.2022) and shall have regard to the internal and external noise levels as stipulated in British standard 8223:2014 Guidance on sound insulation and noise reduction for buildings and the World Health Organisation (WHO) Guidelines for Community Noise.</p> <p>The noise mitigation scheme shall confirm final details of:</p>

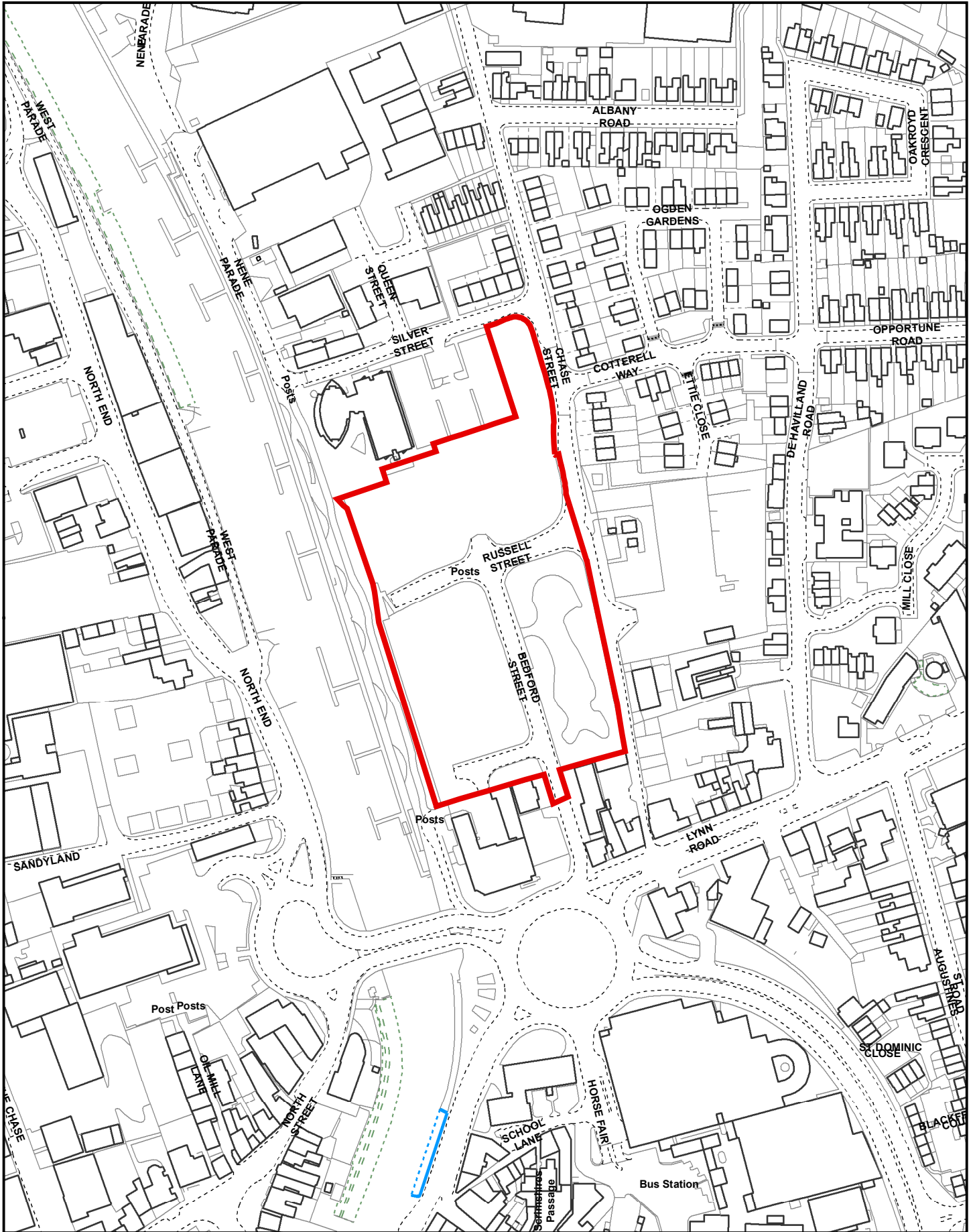
	<p>a) the acoustic insulation performance specification of the external building envelope of the residential properties having regard to the building fabric, glazing and ventilation.</p> <p>b) mitigation measures to reduce the level of noise experienced internally, as well as confirmed external mitigation details such as close boarded fencing and its confirmed height as a minimum of 1.8m</p> <p>The scheme shall be carried out as approved before the residential properties are occupied and shall be retained as such.</p> <p>Reason in the interests of residential amenity and in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
11	<p>Prior to the commencement of each relevant phase a scheme and timetable for the provision of fire hydrants required for that phase shall be submitted to, and agreed in writing by, the Local Planning Authority in consultation with the Chief Fire Officer and provision of the fire hydrants shall be made in accordance with the scheme and timetable.</p> <p>Reason - To ensure a satisfactory form of development.</p>
12	<p>Prior to the commencement of each relevant phase, including any site clearance, groundworks or construction, a Construction Environmental Management Plan (CEMP) to manage the impacts of construction during the life of the works of that phase shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The CEMP shall include:</p> <p>a) Identification of best practice measures to be used to control fugitive dust from demolition, earthworks and construction activities.</p> <p>b) Identification of best practice measures to be used to control noise from demolition, earthworks and construction activities.</p> <p>c) Identification of best practice measures to be undertaken if any material suspected to be contaminated is found at the site.</p> <p>d) Vibration impact assessment methodology, mitigation measures, monitoring and recording statements in accordance with the provisions of BS 5228-2:2009+A1:2014 Code of Practice for noise and vibration control on construction and open sites</p> <p>e) A complaints procedure - detailing how complaints will be received, addressed and recorded. including contact details (including a telephone number which will be staffed and charged during site operational hours) for a point of contact for the site - and confirmation of how these details will be made available to local residents.</p> <p>The details approved shall be complied with in full and monitored by the applicants to ensure continuing compliance during the construction of the development.</p> <p>Reason: In the interest of the amenity of nearby occupiers and in accordance with Policy LP16 of the Fenland Local Plan (2014)</p>
13	<p>If, during development, contamination not previously identified is found to be present within a relevant phase then no further development of that phase (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and</p>

	<p>obtained written approval from the Local Planning Authority for, and amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. The development shall then be carried out in full accordance with the amended remediation strategy.</p> <p>Reason - To control pollution of land and controlled waters in the interests of the environment and public safety and in accordance with Policy LP16 of the Fenland Local Plan.</p>
14	<p>For each relevant phase, the details required in condition No 1 shall include a scheme of existing ground levels (in relation to an existing datum point), proposed finished floor levels and floor slab levels of that phase. The development shall be carried out and thereafter retained in accordance with the approved details.</p> <p>Reason To ensure that the precise height of the development can be considered in relation to adjoining dwellings/buildings and for the visual appearance of the finished development in accordance with policy LP16 of the fenland Local Plan (2014).</p>
15	<p>For each relevant phase, the details required in condition No 1 shall include a Lighting Impact Assessment regarding lighting generated by that phase and its impact upon the amenity of adjacent occupiers and biodiversity. This should be undertaken by a suitably qualified professional, and the accompanying report would be required to demonstrate to what levels the residential properties will be potential affected and any protected species likely to be harmed by the proposed scheme and what mitigation measures are considered necessary. The report must include an Iso contour plan and demonstrate that any proposed lighting will be within parameters set in accordance with the Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2011, having regard to the relevant Environmental Zone, being (E3) Suburban areas.</p> <p>The assessment shall also;</p> <p>a) identify those areas/features on site that are particularly sensitive for protected species and the features that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and</p> <p>b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.</p> <p>The development shall be implemented in accordance with the approved Lighting Assessment.</p> <p>Reason: In the interest of the amenity of neighbouring occupiers and occupiers of the development and in accordance with policy LP16, and in the interest of biodiversity and policy LP19 of the Fenland Local Plan 2014.</p>
16	<p>No development on any relevant phase shall take place until an ecological</p>

	<p>design strategy (EDS) for that phase addressing the creation of mitigation and compensation habitat both on and off site has been submitted to and approved by the Local Planning Authority. The EDS shall include the following:</p> <ul style="list-style-type: none"> a) Purpose and conservation objectives for the proposed works. b) Review of site potential and constraints, including a biodiversity metric assessment using the Biodiversity Metric 3.1. c) Detailed design(s) and/or working method(s) to achieve stated objectives. d) Extent and location/area of proposed works on appropriate scale maps and plans. e) Type and source of materials to be used where appropriate, e.g., native species of local provenance. f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development. g) Persons responsible for implementing the works. h) Details of initial aftercare and long-term maintenance. i) Details for monitoring and remedial measures. j) Details for disposal of any wastes arising from works. <p>The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.</p> <p>Reason: In the interests of biodiversity and in accordance with Policy LP19 of the Fenland Local Plan 2014.</p>
17	<p>No development on any relevant phase shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) for that phase has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:</p> <ul style="list-style-type: none"> a) Summary of potentially damaging activities. b) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including ensuring no Non-Native Invasive Species are spread across the site (Such as the Rosa Rugosa identified within the PEA). c) The location and timing of sensitive works to avoid harm to biodiversity features. d) The times during construction when specialist ecologists need to be present on site to oversee works. e) Responsible persons and lines of communication. f) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person. g) Use of protective fences, exclusion barriers and warning signs. <p>The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.</p> <p>Reason: In the interests of biodiversity and in accordance with Policy LP19 of the Fenland Local Plan 2014.</p>
18	<p>The development shall not exceed 70 extra care home apartments, 900sq metres commercial (Class E) floorspace or 60 C3 dwellings. No evidence is given to acceptable capacity beyond the details proposed.</p>

	<p>Reason: In the interest of the amenity of future occupiers and in order to accord with the application and for the avoidance of doubt.</p>
19	<p>Prior to the occupation of the first dwelling hereby approved, full details of the proposed arrangements for future management and maintenance of the proposed streets (if any are not already adopted) within the development shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into unto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.</p> <p>Reason: In the interest of achieving a satisfactory development and in accordance with Policy LP15 of the Fenland Local Plan (2014).</p>
20	<p>Prior to the first occupation of a relevant phase any new roads, and footways shall be constructed to at least binder course surfacing level from the development to the adjoining County Road in accordance with the details approved in writing by the Local Planning Authority.</p> <p>Reason: In the interests of highway safety and to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan (2014).</p>
21	<p>Notwithstanding the indicative layout submitted with the application, the submission of a detailed layout for each relevant phase as required by condition No 1, shall include an assessment of the layout, scale, appearance and landscaping against the sections within the National Design Guide (those relating to relevant residential developments of this type). This is in order to demonstrate and achieve high quality development in accordance with the conclusion within the Design and Access Statement submitted with this application.</p> <p>Reason: In the interest of satisfactory development and in accordance with Policy LP16 of the Fenland Local Plan (2014) and paragraphs 129-134 of the NPPF.</p>
22	<p>No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work, commencing with the evaluation of the application area, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing.</p> <p>For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:</p> <ol style="list-style-type: none"> a) the statement of significance and research objectives; b) The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; c) The timetable for the field investigation as part of the development programme; d) The programme and timetable for the analysis, publication and dissemination, and deposition of resulting material and digital archives.

	<p>REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework, and in accordance with Policy LP18 of the adopted Fenland Local Plan (2014).</p>
23	<p>The development hereby permitted shall be carried out in accordance with the following approved plans and documents</p> <p>Reason - For the avoidance of doubt and in the interest of proper planning.</p>



Created on: 13/06/2024

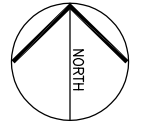
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F/YR24/0485/VOC

Scale = 1:2,500



DATE	REVISION	REV	DRW	CHK
13.10.2023	FIRST ISSUE FOR COMMENT	P01	LM	SB
27.10.2023	SEPARATE PLOT FOR PUBLIC REALM	P02	LM	SB



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Drawn	Date
LM	13.10.2023

Checked	Date
SB	13.10.2023

Project Name
NENE WATERFRONT

Drawing Title
~~LAND TRANSFER PLAN EXCLUDING HIGHWAYS~~

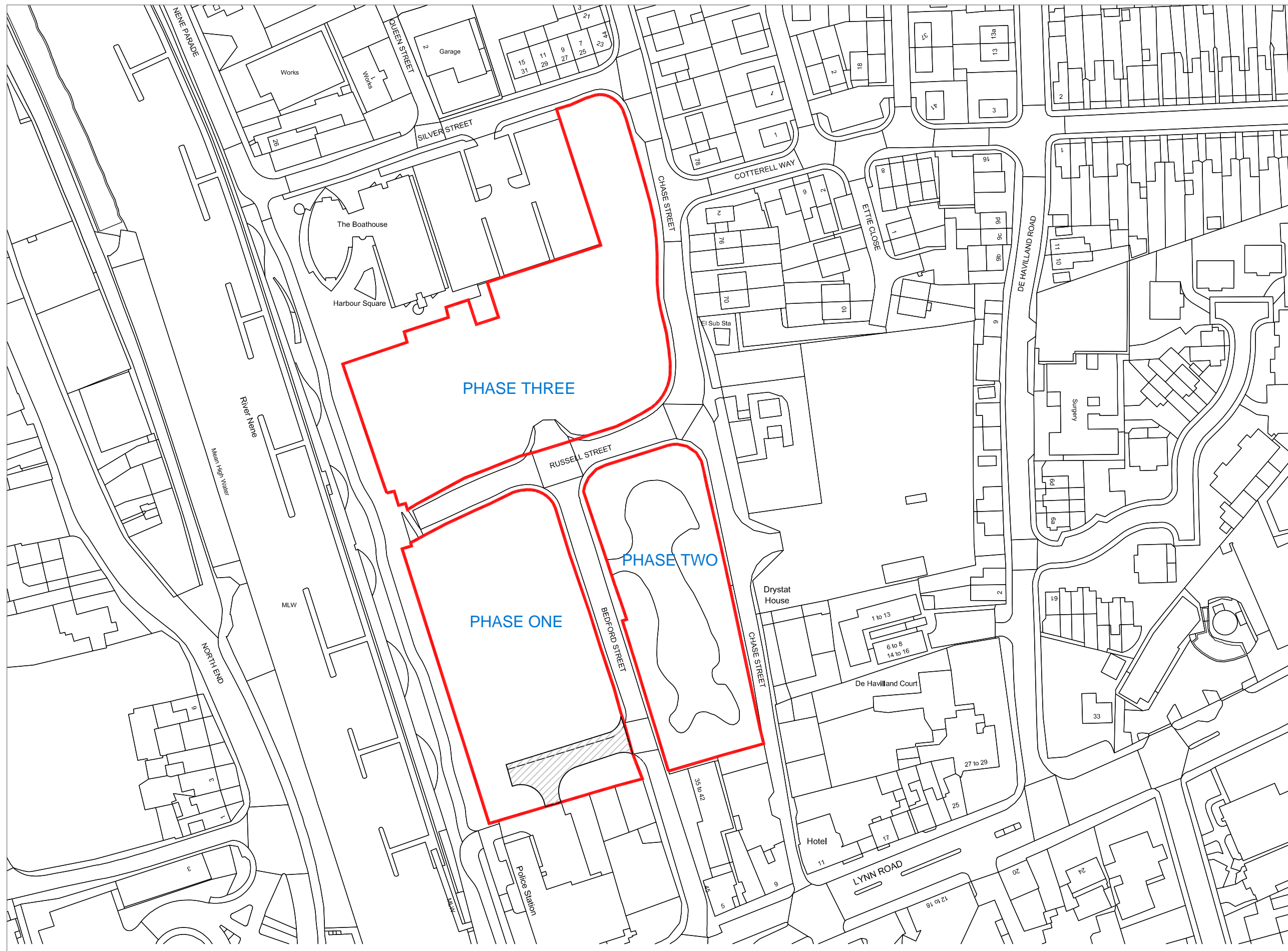
PHASING PLAN

Scale **1:1250 @ A3**

Sheet Status **INFORMATION**

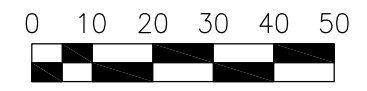
Project No. **IANC20-0113**

Drawing No.	Rev.
NWF-NOR-XX-XX-DR-A-90009	P02



Note: Red line boundary for land transfer is based upon title information provided by the client body regards their own ownership in email dated 09/06/2022 (HM Land Registry Title Plan 2362514 - Plan CB105867 (003). Client's solicitor to confirm title boundaries & extents of ownership

KEY: Red Line Boundary Easement



Appendix 1 – Illustration of changes to wording of existing conditions

Proposed wording to amended conditions resulting from variation to planning permission F/YR22/0914/FDL as recommended shown underlined and in blue where new wording inserted and struck through (—) where proposed to be deleted.

- 1 Approval of the details of all the following reserved matters for each relevant phase of the development shall be obtained from the Local Planning Authority before any development of that phase is commenced:

- i. the layout of the site
- ii. the scale of the building(s);
- iii. the external appearance of the building(s);
- iv. the means of access thereto;
- v. the landscaping

~~(hereinafter called "the Reserved Matters") shall be obtained from the Local Planning Authority prior to the commencement of development.~~

The relevant phases of the development are those identified on plan reference NWF-NOR-XX-XX-DR-A-90009 Rev PO2 or any subsequent plan approved in writing by the Local Planning Authority.

Reason - To enable the Local Planning Authority to control the details of the development hereby permitted.

- 2 Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the ~~expiration of 3 years from the date of this permission~~ 5th June 2026.

Reason - To ensure compliance with Section 92 of the Town and Country Planning Act 1990.

- 3 The development hereby permitted shall begin before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 4 The submission of a detailed layout for each relevant phase as required by condition No 1, shall include the following:

A detailed design of the surface water drainage of ~~the site~~ that phase. The scheme shall be based upon the principles within the agreed Flood Risk Assessment and Drainage Strategy prepared by Tetra Tech Limited (ref: 784-B020853 Rev 04) dated 8 February 2023 and shall also include:

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

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development and to ensure that the principles of sustainable drainage can be incorporated into the development, noting that initial preparatory and/or construction works may compromise the ability to mitigate harmful impacts, and in accordance with Policy LP14 of the Fenland Local Plan 2014.

- 5 No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from ~~the site~~ [each relevant phase](#) 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 [on the relevant phase](#) 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 and in accordance with Policy LP14 of the Fenland Local Plan 2014.

- 6 Upon completion of the surface water drainage system, including any attenuation ponds and swales, and prior to their adoption by a statutory undertaker or management company; a survey and report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall be carried out by an appropriately qualified Chartered Surveyor or Chartered Engineer and demonstrate that the surface water drainage system [of the](#)

[relevant phase](#) has been constructed in accordance with the details approved under the planning permission. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed by an independent surveyor, with their findings submitted to and approved in writing by the Local Planning Authority, and in accordance with Policy LP 14 of the Fenland Local Plan 2014.

Reason: To ensure the effective operation of the surface water drainage scheme following construction of the development.

- 7 Prior to occupation of ~~the development~~ [any dwelling](#), the developer shall be responsible for the provision of Welcome Travel Packs to be delivered to each new household prior to first arrival. Welcome Travel Packs should comprise a bus voucher (4-weeks travel on local routes free of charge) and a cycle voucher (money off the price of a bike at a local shops). Details to be agreed with the Local Planning Authority.

Reason: In the interest of sustainable forms of travel and in accordance with Policy LP15 of the Fenland Local Plan 2014.

- 8 The submission of details [for each relevant phase](#) as required by condition No 1, shall include an Emergency Evacuation Plan to address the following requirements:

- Adequacy of rescue or evacuation arrangements
- Details and adequacy of an emergency plan
- Provision of and adequacy of a temporary refuge
- Details and adequacy of flood proofing and other building level resistance and resilience measures

Reason: In the interests of safety of future residents and accordance with Policy LP14 of the Fenland Local Plan adopted 2014.

- 9 Prior to occupation of [any dwelling](#) ~~the development~~, the developer shall deliver pedestrian drop kerb with tactile paving crossing provision between the new footway to be delivered on the west side of Chase Street and the existing footway on the east side of Chase Street. Details of the works to be submitted to and agreed with the Local Planning Authority.

Reason: In the interest of improved pedestrian facilities and in accordance with Policy LP15 of the Fenland Local Plan 2014

- 10 A noise mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall be in accordance with details set out within the Tetra Tech Noise Assessment Report (Revision 3 / 24.06.2022) and shall have regard to the internal and external noise levels as stipulated in British standard 8223:2014 Guidance on sound insulation and noise reduction for buildings and the World Health Organisation (WHO) Guidelines for Community Noise.

The noise mitigation scheme shall confirm final details of:

- a) the acoustic insulation performance specification of the external building envelope of the residential properties having regard to the building fabric, glazing and ventilation.
- b) mitigation measures to reduce the level of noise experienced internally, as well as confirmed external mitigation details such as close boarded fencing and its confirmed height as a minimum of 1.8m

The scheme shall be carried out as approved before the residential properties are occupied and shall be retained as such.

Reason in the interests of residential amenity and in accordance with Policy LP16 of the Fenland Local Plan 2014

- 11 Prior to the commencement of ~~the development~~ each relevant phase a scheme and timetable for the provision of fire hydrants required for that phase shall be submitted to, and agreed in writing by, the Local Planning Authority in consultation with the Chief Fire Officer and provision of the fire hydrants shall be made in accordance with the scheme and timetable.

Reason: To ensure a satisfactory form of development.

- 12 Prior to the commencement of ~~development~~ each relevant phase, including any site clearance, groundworks or construction, a Construction Environmental Management Plan (CEMP) to manage the impacts of construction during the life of the works of that phase shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
 - a) Identification of best practice measures to be used to control fugitive dust from demolition, earthworks and construction activities.
 - b) Identification of best practice measures to be used to control noise from demolition, earthworks and construction activities.
 - c) Identification of best practice measures to be undertaken if any material suspected to be contaminated is found at the site.
 - d) Vibration impact assessment methodology, mitigation measures, monitoring and recording statements in accordance with the provisions of BS 5228-2:2009+A1:2014 Code of Practice for noise and vibration control on construction and open sites
 - e) A complaints procedure - detailing how complaints will be received, addressed and recorded. including contact details (including a telephone number which will be staffed and charged during site operational hours) for a point of contact for the site - and confirmation of how these details will be made available to local residents.

The details approved shall be complied with in full and monitored by the applicants to ensure continuing compliance during the construction of the development.

Reason: In the interest of the amenity of nearby occupiers and in accordance with Policy LP16 of the Fenland Local Plan (2014)

- 13 If, during development, contamination not previously identified is found to be present within a relevant phase ~~at the site~~ then no further development of that phase (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for, and amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. The development shall then be carried out in full accordance with the amended remediation strategy.

Reason: To control pollution of land and controlled waters in the interests of the environment and public safety and in accordance with Policy LP16 of the Fenland Local Plan.

- 14 For each relevant phase, the details required in condition No 1 shall include a scheme of existing ground levels (in relation to an existing datum point), proposed finished floor levels and floor slab levels of ~~the development~~ that phase. The development shall be carried out and thereafter retained in accordance with the approved details.

Reason: To ensure that the precise height of the development can be considered in relation to adjoining dwellings/buildings and for the visual appearance of the finished development in accordance with policy LP16 of the fenland Local Plan (2014).

- 15 For each relevant phase, the details required in condition No 1 shall include a Lighting Impact Assessment regarding lighting generated by ~~the development~~ that phase and its impact upon the amenity of adjacent occupiers and biodiversity. This should be undertaken by a suitably qualified professional, and the accompanying report would be required to demonstrate to what levels the residential properties will be potential affected and any protected species likely to be harmed by the proposed scheme and what mitigation measures are considered necessary. The report must include an Iso contour plan and demonstrate that any proposed lighting will be within parameters set in accordance with the Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2011, having regard to the relevant Environmental Zone, being (E3) Suburban areas.

The assessment shall also;

a) identify those areas/features on site that are particularly sensitive for protected species and the features that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

The development shall be implemented in accordance with the approved Lighting Assessment.

Reason: In the interest of the amenity of neighbouring occupiers and occupiers of the development and in accordance with policy LP16, and in the interest of biodiversity and policy LP19 of the Fenland Local Plan 2014.

- 16 No development on any relevant phase shall take place until an ecological design strategy (EDS) for that phase addressing the creation of mitigation and compensation habitat both on and off site has been submitted to and approved by the Local Planning Authority. The EDS shall include the following:
- a) Purpose and conservation objectives for the proposed works.
 - b) Review of site potential and constraints, including a biodiversity metric assessment using the Biodiversity Metric 3.1.
 - c) Detailed design(s) and/or working method(s) to achieve stated objectives.
 - d) Extent and location/area of proposed works on appropriate scale maps and plans.
 - e) Type and source of materials to be used where appropriate, e.g., native species of local provenance.
 - f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
 - g) Persons responsible for implementing the works.
 - h) Details of initial aftercare and long-term maintenance.
 - i) Details for monitoring and remedial measures.
 - j) Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: In the interests of biodiversity and in accordance with Policy LP19 of the Fenland Local Plan 2014.

- 17 No development on any relevant phase shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) for that phase has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
- a) Summary of potentially damaging activities.
 - b) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including ensuring no Non-Native Invasive Species are spread across the site (Such as the Rosa Rugosa identified within the PEA).
 - c) The location and timing of sensitive works to avoid harm to biodiversity features.
 - d) The times during construction when specialist ecologists need to be present on site to oversee works.
 - e) Responsible persons and lines of communication.
 - f) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - g) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of biodiversity and in accordance with Policy LP19 of the Fenland Local Plan 2014.

- 18 The development shall not exceed 70 extra care home apartments, 900sq metres commercial (Class E) floorspace or 60 C3 dwellings. No evidence is given to acceptable capacity beyond the details proposed.

Reason: In the interest of the amenity of future occupiers and in order to accord with the application and for the avoidance of doubt

- 19 Prior to the occupation of the first dwelling hereby approved, full details of the proposed arrangements for future management and maintenance of the proposed streets (if any are not already adopted) within the development shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into unto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.

Reason: In the interest of achieving a satisfactory development and in accordance with Policy LP15 of the Fenland Local Plan (2014).

- 20 Prior to the first occupation of the development [a relevant phase](#) any new roads, and footways shall be constructed to at least binder course surfacing level from the development to the adjoining County Road in accordance with the details approved in writing by the Local Planning Authority.

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

- 21 Notwithstanding the indicative layout submitted with the application, the submission of a detailed layout [for each relevant phase](#) as required by condition No 1, shall include an assessment of the layout, scale, appearance and landscaping against the sections within the National Design Guide (those relating to relevant residential developments of this type). This is in order to demonstrate and achieve high quality development in accordance with the conclusion within the Design and Access Statement submitted with this application.

Reason: In the interest of satisfactory development and in accordance with Policy LP16 of the Fenland Local Plan (2014) and paragraphs 129-134 of the NPPF.

- 22 No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work, commencing with the evaluation of the application area, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing.

For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:

- a) The statement of significance and research objectives;
- b) The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- c) The timetable for the field investigation as part of the development programme;

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

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework, and in accordance with Policy LP18 of the adopted Fenland Local Plan (2014).

23 The development hereby permitted shall be carried out in accordance with the following approved plans and documents;