
F/YR24/0303/F

**Applicant: Kevin Salter
Developments Ltd**

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

**Woodland South Of St Leonards Churchyard, Gorefield Road, Leverington,
Cambridgeshire**

Erect 2 x dwellings (2-storey, 4-bed), including 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: 28 May 2024

EOT in Place: Yes

EOT Expiry: 25 October 2024

Application Fee: £1156

Risk Statement:

This application must be determined by 25 October 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. The application seeks full planning approval for the erection of two, 2-storey, 4-bed dwellings including the formation of an access on an area of woodland south of St. Leonard's Churchyard, Gorefield Rd, Leverington.</p> <p>1.2. On consideration of this application, conflict arises through the detrimental impact of development with respect to heritage and the character of the Leverington Conservation Area, contrary to Policies LP16 and LP18 and inadequate consideration of the impact of the development upon nearby heritage assets, also contrary to the NPPF .</p> <p>1.3. In addition, unacceptable residential amenity impacts may occur to future occupiers, owing to the conflicting relationship between retained trees and the proposed dwellings, contrary to Policies LP2 and LP16.</p> <p>1.4. Matters relating to highway safety, ecology and biodiversity have been adequately addressed.</p> <p>1.5. Notwithstanding, the scheme is considered contrary to relevant policies of the Fenland Local Plan and thus is recommended for refusal on this basis.</p> |
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2 SITE DESCRIPTION

- 2.1. The application site is an area of undeveloped woodland set to the south of St. Leonard's Churchyard cemetery, which contains a grade II listed war memorial at its centre. To the west of the site is an open area of village green known as The Glebe. To the north of the site, on the opposite side of Gorefield Road stands St. Leonard's Church, a grade I listed ecclesiastical building. To the south is Leverington Sports Ground and to the east is a residential development known as Chapter Gardens.
- 2.2. The area is set within the heart of Leverington Conservation Area and includes a number of TPO trees (TPO12/1985 & TPO02/1993), and is within an overall TPO group area (TPO03/2022). A number of trees within the area have been felled (with appropriate permissions where required; see site history).
- 2.3. The site is within Flood Zone 1.

3 PROPOSAL

- 3.1. The application seeks full planning approval for the erection of two, 2-storey, 4-bedroom dwellings including the formation of an access off Gorefield Road.
- 3.2. The access is proposed as a private driveway to run south from Gorefield Road running along the shared boundary between The Glebe and the cemetery before turning west to the intended parking/turning area for the dwellings incorporating 4 parking spaces per dwelling in tandem arrangement. The access will include gates set back from Gorefield Road, and will be bounded to the east (from the Glebe) by 1.2m fencing. To the west, the access boundary is intended to remain as the existing cemetery fencing, mature hedgerow and tree line. The access will include a 5m wide tarmac entrance where it meets Gorefield Road, with the remainder set as a 4m grasscrete surface. A bin collection point is proposed to the side of the access adjacent to its junction with Gorefield Road .
- 3.3. The dwellings are two storey, detached dwellings, with gable roofline (and chimney) reaching approximately 8.8m to the ridge and 4.1m to the eaves. A central glazed front gable will reach approximately 6.6m to the ridge, with first floor dormer windows proposed to the front and rear reaching 6.2m approximately.
- 3.4. Materials are proposed to match the adjacent Chapter Gardens development, with red facing brick, red clay smooth roof tiles, and white timber joinery although specific materials details have not been submitted.
- 3.5. The site is proposed to be bounded to the east by native hedge planting with no fencing, to the west the existing 1.8m brick wall and 1.8m timber fencing is proposed to remain, and to the north and south existing hedging and trees will provide the boundary. The dwellings will be separated from one another to the rear by a proposed 1.8m timber fence.
- 3.6. Full plans and associated documents for this application can be found at:

4 SITE PLANNING HISTORY

F/YR22/0907/TRCA	Fell 1 x Poplar tree, 1 x Sycamore tree, 1 x Hawthorn, 6 x Ash Trees and 2 x groups of Ash trees within a conservation area Land Adjacent To St Leonards Cemetery Church Road	Dormant Application TPO subsequently imposed on these trees (TPO 03/2022)
F/YR22/0908/TRTPO	Fell 1x Sycamore Tree (T14) and 1x Hawthorn Tree (T16) and conduct works to 2x Ash Trees (T22 + T25) covered by TPO 2/1993 Land Adjacent To St Leonards Cemetery Church Road	Grant 01.11.2022
F/YR22/0277/TREEEX	5-day notice - Work/fell trees covered by TPO or within a Conservation Area due to storm damage and/or vandalism Land Adjacent To St Leonards Cemetery Church Road	Exempt 11.05.2022
F/YR20/1104/TREEEX	5 day notice - Work/fell trees covered by TPO 19/1990 or within a Conservation Area due to vandalism on northern boundary of site Land Adjacent To St Leonards Cemetery Church Road	Exempt 10.12.2020
F/YR04/3047/TRCA	Works to 2 Ash Trees, 1 Horse Chestnut Tree and 1 Beech Tree within a Conservation Area St. Leonards Churchyard Gorefield Road	Grant 13.04.2004

5 CONSULTATIONS

5.1. 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 subject to conditions listed below.

Comments

The red line plan has been amended as per the Local Highway Authority's consultation response dated 15th August 2024.

Whilst the splays shown (2.4m x 43m to the west) meet the technical requirements of Manual for Streets, the splay to the west crosses third party land.

The provision and maintenance of such splays will require the removal of all vegetation and obstructions above 600mm in height within the splays. The splays must be maintained free from obstruction throughout the lifetime of the development/ in perpetuity.

This will therefore involve some vegetation clearance to achieve the requirements of the splay. The suggested planning condition would also place a requirement that affects land that is neither under the control of the applicant or within the extent of the public highway. The Local Planning Authority should consider the acceptability of this arrangement.

In the event that the visibility splay condition is deemed unacceptable, then the Local Highway Authority would recommend refusal of this application due to the sub-standard nature of the site access with regard to highway safety.

The visibility splays are sought prior to commencement of works (except for those works associated with the provision of the splays) to ensure that sufficient inter vehicle visibility is provided from the outset of development, including the site clearance and construction phase.

Conditions

Visibility Splays

Prior to commencement of works (except for those works associated with the provision of the splays); visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted plan 6846/02Q; The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.

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

Access Road Details

Prior to the commencement of the use hereby approved the access road shall be constructed to a minimum width of 5 metres for a minimum distance of 5 metres measured from the near edge of the highway carriageway and thereafter maintained in perpetuity.

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

Access Gradient

The gradient of the vehicular access shall not exceed 1 in 12 for a minimum distance of 5 metres from the edge of the existing carriageway into the site as measured from the near edge of the highway carriageway.

Reason: To minimise interference with the free flow and safety of traffic on the adjoining public highway and to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan, adopted May 2014.

Non-standard condition

Temporary facilities 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: In the interests of highway safety.

Non-standard condition

Prior to the occupation of the development the vehicular accesses where it crosses the public highway shall be laid out and constructed in accordance with Cambridgeshire County Council's construction specification.

Reason: In the interests of highway safety and to ensure satisfactory access into the site.

5.2. CCC Ecology

We welcome the submission of the updated Preliminary Ecological Appraisal, which addresses all previous concerns relating to protected species (bats / reptiles). We therefore remove our recommendation for refusal.

The proposal is acceptable on ecology grounds, providing that the biodiversity compensation / mitigation measures and enhancements recommended within the Preliminary Ecological Appraisal are secured through a suitable worded condition(s) to ensure compliance with Fenland Local Plan 2014 policies LP16 and LP19 that seek to conserve, enhance and protect biodiversity through the planning process:

- 1. Compliance condition - all construction mitigation measures set out in the Preliminary Ecological Appraisal shall be implemented in full*
- 2. Compliance condition - details of how the mitigation / enhancement measures set out within the Preliminary Ecological Appraisal Impact Assessment will be integrated into the scheme (e.g. bird, bat and bee boxes)*
- 3. Lighting scheme sensitively designed for wildlife*
- 4. Time limit until update ecological surveys required*

5.3. Arboricultural Officer (FDC)

The applicant has submitted an arboricultural impact assessment in support of the application detailing the current condition of the trees. The report notes the presence of Ash dieback in a number of the trees and their declining condition.

The site comprises an area of woodland characterised by a number of larger mature trees with groups of closely growing mutually suppressed early-mature, mainly Ash trees of drawn form and narrow crowns. The trees form a dense canopy with low light levels at ground level and little in the way of varied ground flora.

A preliminary Ecological Appraisal has been submitted noting the presence of some species and the requirement for some additional surveys for potential roosting bats following the removal of Ivy from the trees.

There is a history of trespass and vandalism at the site resulting in a number of trees being removed in the past on safety grounds.

The proposed development requires the removal of a number of low quality trees (with Ash dieback present), and retains the larger mature trees. The loss of the trees can be mitigated by replacement planting of high quality specimens including berry bearing species to improve foraging opportunities for wildlife. The visual impact is reduced due to the presence of fairly dense boundary trees including mature specimens.

I have no objection. As the tree report outlines, a detailed tree protection method statement will be required, I suggest this is a pre commencement condition if you are minded to approve to ensure the tree constraints and methods to work around trees has been suitably identified and incorporated in the work programme.

5.4. Conservation Officer (FDC)

Considerations:

- 1. Consideration is given to the impact of the proposal on the architectural and historic interests with special regard paid to the desirability of preserving listed buildings and their setting or any features of special architectural or historic interest which it possesses according to the duty in law under S16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*
- 2. Consideration is given to the impact of this proposal on the character and appearance of Leverington Conservation Area with special attention paid to the desirability of preserving or enhancing the character or appearance of that area according to the duty in law under S72 Planning (Listed Buildings and Conservation Areas) Act 1990.*
- 3. Consideration is given to the impact of the proposal on the architectural and historic interests of a Non-Designated Heritage Asset with special regard paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*
- 4. Due regard is given to relevant planning history.*
- 5. Comments are made with due regard to Section 16 of the National Planning Policy Framework, 2023, specifically, paragraphs 201, 203, 205, 206, and 208.*

Comments:

The site is within the Leverington Conservation Area and in close proximity to a number of Heritage Assets, most notably the GI St Leonard's Church, GI listed Leverington Hall and the GII listed war memorial directly to the north sited in the graveyard.

The heritage statement is poor and does little other than regurgitate statutory listings and elements of the conservation area appraisal. Developments such as this would expect to include detailed assessment based on conservation principles, justifications and an accompanying views and impact analysis.

The site historically formed an undeveloped area of space adjacent to where the large former rectory once stood. The rectory is now demolished and replaced by the small grouping of modern dwellings known as Chapter Gardens. The front of the old rectory site was given over to the Village Hall in the mid C20.



OS Six inch 1830's – 1880's County Layers

Trees:

The access road is shown to run tightly along the treeline. The trees are an important and protected feature within the conservation and currently provide a substantial level of screening and verdant character from the public vantage points.

There is also a substantial loss of protected trees within the site for which cumulatively provide a dense screen to the benefit of the conservation area. The loss of the trees proposed will open up views towards the site directly within the backdrop of the GI listed war memorial.

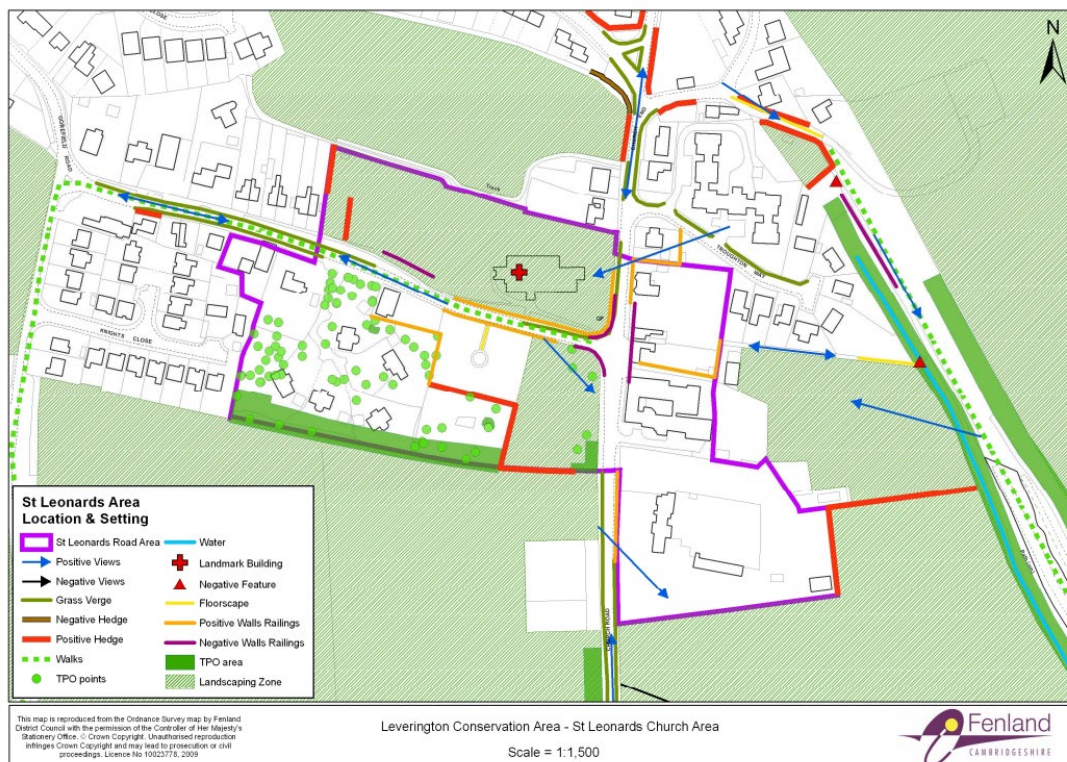
The proposals and the access are considered likely to result in ongoing pressure to prune these trees.

Design and Layout:

The access is proposed to be taken directly from the east of cemetery and in addition to the aforementioned impact on the trees, will result in a wide and insensitive opening onto Gorefield Road directly in front of the GI listed church, in a position where the streetscene currently benefits from a strong natural avenue and low key rural village informality.

It is noted that a fence is now proposed along the western boundary of the proposed vehicular access. A suitable fence such as estate railings might well be acceptable.

The map taken from the Leverington Conservation Area Appraisal shows the site to have a 'positive hedge' surrounding the north and east of the site, it is considered that the proposed access will impact on part of the hedge.



Conclusion:

There remains a concern that the proposed formal access, removal of trees and the presence of development within the site will cumulatively result in detriment to the character and appearance of an important part of the Leverington Conservation area in close proximity to a listed building of the highest order and therefore affecting their setting.

The local Authority are required to ensure that development within a conservation area seeks to conserve and enhance. The proposals are not considered to achieve that.

If officers are minded to approve the application, the following conditions are deemed necessary:

- *Full details of the material used for the access road and bellmouth.*
- *Details of fencing along the access road*
- *Full details of external facing materials of the dwellings*
- *No hard boundary treatments to be erected on the north and east boundaries of the site in perpetuity without first gaining planning permission.*

RECCOMENDATION: Objection

5.5. CCC Senior Archaeologist

Thank you for the consultation with regards to the archaeological potential of the above referenced planning application. The site is located to the south of St. Leonards church which dates from the 13th century and will have proved a foci for medieval settlement. However due to the scale of development and the results of adjacent archaeological investigation we have no objections or recommendations for the proposed development.

5.6. Environment & Health Services (FDC)

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.

5.7. North Level Internal Drainage Board

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

5.8. Leverington Parish Council

Comments from Leverington Parish Council:

- 1) Removal of trees in conservation area*
- 2) Access using GRASSCRETE via The Glebe this is totally unacceptable as will not provide stable base unless dug out and then water ingress will overspill into Cemetery.*
- 3) Digging out for GRASSCRETE alongside Cemetery will cause damage to trees it will also disturb graves, some of which are Commonwealth War Graves dating back to 1914/18 and to disturb these would be sacrilege.*
- 4) Old pond on site surface water will be diverted away thus potentially causing flooding and damage elsewhere possibly Cemetery or undermine the existing brick structures which are ancient. And possibly lack a foundation.*
- 5) Access to site is difficult due to parking for Church and School the Pedestrian visual splays are pointless when no footpath is present on that side of road, only footpath is outside of Church. Not enough turning room for Fire Appliances.*
- 6) Traffic speed is fast on that section of road and numerous collisions with wall and fence outside School.*
- 7) Parish Council have previously offered to contribute to making The Glebe into a safe parking area for School, Church etc, Diocese of Ely have refused said offer.*
- 8) Only a narrow grass verge to left and right of proposed entrance thus an adequate Vehicular Visual Splay is impossible and as such a source of accidents.*
- 9) Basically infill site.*
- 10) Noted that access is given as 4 metres. Why is it that Planning Inspectors request 5 metres at any other backfill site in Leverington?*

We would be interested in the feedback from Parochial Church Council and the Diocese of Ely re the proposal.

Parish Council recommends absolute REFUSAL.

5.9. Mrs B Boyce (Clerk To Leverington Parish Council)

From Leverington Parish Council

- 1) To put in visual splays will result in removal of more trees (which are in eye line) and as such more trees removed in a conservation area.*
- 2) When school is in session parking on Church side of road creates a bottleneck of vehicles in both directions which will prevent access problems.*
- 3) Vehicle speeds need to be reduced at present 30mph but entrance to site is less than 60 metres from school and as such proposed visual splay is inadequate.*

- 4) *To give visual splay in direction of Ringers Lane would no doubt result in removal of corner of Cemetery which could result in damage to graves.*
- 5) *Proposed 5 metre hard entrance would divert surface water into either The Glebe or Cemetery causing waterlogged field or Cemetery again resulting in damage to graves.*
- 6) *To put a fence between Glebe and Cemetery would result in damage to trees and also disturb Commonwealth War Graves and other Graves in that part of Cemetery.*
- 7) *It is noted that all documents do not contain any comments from either the Vicar of St Leonard's Church or The Parochial Church Council. Were they ever approached for comment on the plans?*
 - a) *access is still an issue*
 - b) *the graves, to which my grandparents are buried there, in the corner, could be subject to water damage, damage be disturbing trees and tree roots*
 - c) *not within keeping of the area*
 - d) *overlooking the Chapter Gardens homes and also the Sports field - should we be encouraging people to overlook the playground area and where young members are playing sports*
 - e) *will in time the residents of these home complain about the church bells, the parking by attendees of the church, plus parents/guardians of the school attendees, noise levels from the Sports Field , the lights .*

REFUSE.

5.10. **Local Residents/Interested Parties**

Objectors

The LPA received 11 letters of objection from residents of Leverington and Wisbech (Chapter Gardens, Chaucer Close, Gorefield Road, Leverington Common, Popes Lane, Maysfield Drive, Seafield Road, Milton Drive, Knights Close and Cambridge Drive respectively). Reasons for objection can be summarised as:

- Potential overlooking to neighbouring residential properties;
- Impact of outlook from neighbouring residential properties;
- Access is proposed on a busy bend near to a junction, school and church, highway safety concerns;
- Felling of more trees will have ecological and visual impact;
- No local need for more dwellings of this size;
- Too close to neighbouring graveyard – disrespectful; may disturb graves;
- Drainage concerns;
- Amenity concerns for new residents being impacted by church bells, nearby sports field;
- Leverington Church PCC oppose access;
- Support Parish Council wholeheartedly – inappropriate development;
- Dwellings would not be in keeping with the surroundings of the woodland, church and churchyard.

Supporters

The LPA has received seven letters of support for the scheme from residents of Leverington, Gorefield, Newton-in-the-Isle, West Walton and Kings Lynn (Church Road, Chapter Gardens, Roman Bank, High Road, Goodens Lane, Salts Road, and Castle Rising Road respectively). The reasons for support can be summarised as:

- Development will tidy up a neglected area of the village;

- Site is subject to vandalism and has deteriorated;
- Appropriate use of land;
- Woodland should be maintained appropriately;

6 STATUTORY DUTY

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014) and the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021).
- 6.2. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting and to the desirability of preserving or enhancing the character or appearance of a conservation area.

7 POLICY FRAMEWORK

- 7.1. **National Planning Policy Framework (NPPF)**
 Chapter 2 - Achieving sustainable development
 Chapter 4 – Decision-making
 Chapter 8 – Promoting healthy and safe communities
 Chapter 9 – Promoting sustainable transport
 Chapter 11 – Making effective use of land
 Chapter 12 – Achieving well-designed and beautiful places
 Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
 Chapter 15 – Conserving and enhancing the natural environment
 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
 Nature
 Homes and Buildings
 Resources
 Lifespan
- 7.4. **Fenland Local Plan 2014**
 LP1 – A Presumption in Favour of Sustainable Development
 LP2 – Facilitating Health and Wellbeing of Fenland Residents
 LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
 LP14 – Responding to Climate Change and Managing the Risk of Flooding
 LP15 – Facilitating the Creation of a More Sustainable Transport Network
 LP16 – Delivering and Protecting High Quality Environments

LP17 – Community Safety
LP18 – The Historic Environment
LP19 – The Natural Environment

7.5. **Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021**
Policy 14 - Waste management needs arising from residential and commercial
Development

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

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

7.8. **Leverington Conservation Area Character Appraisal (October 2011)**

7.9. **Emerging Local Plan**

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

LP1: Settlement Hierarchy
LP2: Spatial Strategy for the Location of Residential Development
LP5: Health and Wellbeing
LP7: Design
LP8: Amenity Provision
LP11: Community Safety
LP20: Accessibility and Transport
LP22: Parking Provision
LP23: Historic Environment
LP24: Natural Environment
LP25: Biodiversity Net Gain
LP27: Trees and Planting
LP28: Landscape
LP32: Flood and Water Management

8 KEY ISSUES

- **Principle of Development**
- **Impact on Character and Heritage**
- **Highways and Parking**
- **Residential Amenity**
- **Ecology and Trees**
- **Biodiversity Net Gain (BNG)**
- **Community Safety**
- **Flood Risk, Site Constraints and Servicing**
- **Other Matters**

9 BACKGROUND

- 9.1. During the course of the application, concerns raised with respect to highway safety and manoeuvrability within the site resulted in amendments to the scheme layout. In addition, concerns over the ecological and biodiversity impact of the scheme resulted in the submission of a preliminary ecological appraisal for consideration. It was also noted that the appropriate ownership certificate had not been completed owing to land relating to visibility splays crossing third party land. It is understood that the appropriate notice to third party landowners has now been served and the appropriate ownership certificates completed.
- 9.2. The below assessment considers the most recently submitted information.

10 ASSESSMENT

Principle of Development

- 10.1. Policy LP3 sets out the settlement hierarchy for the District and identifies Leverington as an area for 'Limited Growth'. The application site is located within the settlement and therefore the broad principle of residential development in this location is supported by LP3.
- 10.2. Policy LP16 supports the principle of development subject to the significance of, and the likely impact on, the amenity of neighbouring properties and users in its design and appearance. Policy LP2 seeks to ensure that development does not result in harm to the amenity of the area or the environment in general. Policy LP18 seeks to protect, conserve and enhance the historic environment throughout Fenland. Policy LP19 seeks to ensure development proposals conserve and enhance biodiversity within Fenland.
- 10.3. The broad principle of the development is therefore acceptable, subject to compliance with other relevant policies of the Development Plan.

Impact on Character and Heritage

- 10.4. Policy LP16 supports the principle of development subject to the significance of, and the likely impact on, the amenity of neighbouring properties and users in its design and appearance. Of note, criterion (a) requires development proposals to protect and enhance any affected heritage assets and their settings to an extent commensurate with policy in the NPPF and in accordance with Policy LP18. Policy LP18 seeks to protect, conserve and enhance the historic environment throughout Fenland, and requires proposals to describe and assess the significance of the asset and/or its setting, identify the impacts works on the special character of the asset and provide clear justification for any harm caused, this supported by Chapter 16 of the NPPF.
- 10.5. The application site is located within an area that forms the core historic character of Leverington, located within Leverington Conservation Area, and in close association with 2 listed heritage assets of the War Memorial within the adjacent cemetery and St. Leonard's Church, other designated assets are located nearby, such as Leverington Hall located to the east of the Glebe. The FDC Leverington Conservation Area Character Appraisal describes the historical evolution and significance of this part of Leverington, noting the

various features including the church, cemetery, Glebe and buildings surrounding the church area forms the intrinsic core of the northern Conservation Area and should be retained and enhanced where possible.

- 10.6. The woodland area (the application site) was noted to be included within the revised Conservation Area boundary as it contributed to the visual amenity of the area and aids in maintaining the open and sporadically developed character of the Conservation Area.
- 10.7. Comments from FDC's Conservation Officer note that the submitted heritage statement is poor and does not include the expected detailed assessment based on conservation principles, nor the appropriate justification, or impact analysis regarding any harm resulting from the development. It is noted that the formation of an access point running between The Glebe and the cemetery would result in a wide and insensitive opening directly opposite St Leonard's Church, and would bisect between these two features that are fundamental to the strong natural avenue and rural village focal point. Development of the access and dwellings in this area would result in an urbanisation that would be jarring and incongruous against the backdrop of the existing undeveloped natural core of the village centred around the church to which the application site positively contributes.
- 10.8. The application documents outline that the proposed dwellings are intended to assimilate with adjacent development in respect of materials and design features. It is proffered that the scale of the dwellings would ultimately be subservient to the adjacent Chapter Gardens development. It is also noted that the site is subject to vandalism and anti-social behaviour that is considered appropriate justification for development of the site (matters related to anti-social behaviour are discussed in more detail below).
- 10.9. Notwithstanding any appropriate design, the location of the development is considered unacceptable with respect to its impact on the surrounding locale and historic character. Overall, the proposed access, the removal and works to some trees to facilitate the development, and the mere presence of development of two dwellings at the site would cumulatively result in harm to the character and appearance of an important part of the Leverington Conservation area in close proximity to listed heritage assets of the highest order and would therefore detrimentally affect their setting. Furthermore, the application fails to appropriately address the harm caused and does not provide adequate justification for its resultant impact, and thus the scheme is contrary to the requirements of the NPPF and Policies LP16 and LP18 of the Fenland Local Plan and should therefore be refused on this basis.

Highways and Parking

- 10.10. Policy LP15 seeks to ensure developments provide safe and convenient access for all. Concerns from the Parish Council and other objectors relating to highway safety have been noted and consultations have been undertaken with the Highway Authority on this basis.
- 10.11. Amendments were made to the access proposal on the basis of early comments from the Highway Authority and others, including appropriate visibility splays for the intended access point. The Highway Authority concluded on the basis of these revisions, subject to conditions, the proposed

access arrangements were considered acceptable in accordance with Policy LP15.

- 10.12. It is noted that the access width is limited to 4m wide and includes a narrowing around the bend at the main part of the site, however, the access where it meets the highway will be widened for 5m by a depth of 10m to allow two vehicles to pass. Given the quantum of development proposed, and that vehicles can wait clear of the public highway to enable vehicles entering or exiting the site to traverse the access driveway, it is considered that there are no grounds for refusal of the scheme on the basis of highway safety owing to the access width constraints in this case.
- 10.13. Parking arrangements for the site include 4no. spaces per dwelling, which accords with the requirements of Policy LP15 Appendix A. In addition appropriate shared turning space has been provided to enable vehicles to enter/exit the site in a forward gear. Whilst the tandem arrangement of parking is somewhat inconvenient, it is considered that on the basis of the quantum of development proposed any inconvenience will be accepted by future occupiers and given this will not impact the public highway refusal of the scheme on this basis is unwarranted.

Residential Amenity

- 10.14. Policy LP2 and LP16 seek to ensure appropriate levels of residential amenity for occupiers and neighbours, ensuring that development does not, inter alia, result in overlooking, overbearing or overshadowing to impact residential amenity.
- 10.15. Concern was raised regarding the possibility of overlooking from the proposed dwellings to adjacent garden spaces of neighbouring dwellings. The proposed dwellings will be positioned approximately 24m east of the nearest dwellings on Chapter Gardens. Fenestration will be limited to the front and rear elevations only, save for an en-suite first floor window proposed within a side elevation. Given the angles between the proposed and existing dwellings, and the separation distances intended, it is unlikely that any unacceptable levels of overlooking or overshadowing will occur from openings within the proposed dwellings. Notwithstanding, conditions can be imposed to limit additional openings and to ensure obscure glazing of any windows that may face toward Chapter Gardens.
- 10.16. Within the development, the dwellings are situated angled away from one another and do not include any fenestration on the facing gable ends. As such, there will be limited opportunity for inter-development overlooking.
- 10.17. With respect to future occupier amenity, concern over undue conflict between the remaining trees and proposed development is apparent. Noting that the site is constrained to the north by a mature tree line and hedging, and that a number of mature trees within the site are due to be retained to the south, particularly in the case of Plot 1, there may be limitations to light ingress into the proposed dwellings and general overshadowing to the rear of the properties and their immediate amenity area by virtue of the enclosure resulting from the trees that dominate the southern aspect. There may also be issues of conflict between the trees and dwellings proposed by virtue of the requirement for ongoing maintenance to the trees and/or the potential for

detrimental visual amenity impact by future proposed removals of protected trees to safeguard the proposed dwellings.

10.18. As such, whilst neighbouring amenity impact can be safeguarded, the intention to develop two new dwellings amongst a number of protected mature trees may give rise to undue occupier amenity impacts contrary to Policies LP2 and LP16.

Ecology and Trees

10.19. Policy LP19 seeks to ensure development proposals protect and enhance the natural environment and biodiversity. The relationship, and likely residential amenity impact to the intended development by the remaining trees is noted above, whilst vice versa, the impact of the development to the trees must also be considered.

10.20. A number of works to trees are likely to facilitate the development, however the protected trees on the site are due to remain, with any future felling/works subject to separate planning control. Consultation with FDC's Arboricultural Officer concluded that the proposal is acceptable with respect to the impact on the remaining trees, providing an appropriate arboricultural method statement is secured by condition, to ensure continued compliance with Policy LP19.

10.21. In addition, a preliminary ecological appraisal was submitted noting no protected habitats or species will be harmed by the development, with recommendations for mitigation/enhancement to ensure Policy LP19 is upheld. CCC's Ecology Officer noted the findings of the assessment and concluded that subject to the scheme complying with appropriate conditions securing mitigation and enhancement, the scheme would be compliant with Policy LP19.

10.22. As such, whilst concerns from representations are noted regarding the ecological/environmental impact of the scheme, evidence submitted with the application suggests that such matters can be managed appropriately without significant harm to the environment or biodiversity and thus refusal of the scheme on this basis is unjustified. However, the overall relationship between the intended development and the trees in respect of residential amenity remains unacceptable, as discussed above.

Biodiversity Net Gain (BNG)

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

10.24. There are statutory exemptions, transitional arrangements and requirements relating to irreplaceable habitat which mean that the biodiversity gain condition does not always apply. In this instance, one of the exemptions / transitional arrangements are considered to apply and a Biodiversity Gain Condition is not required to be approved before development is begun because the development is de-minimis for the purposes of BNG.

Community Safety

- 10.25. According to the Site Remediation Statement submitted with the application, justification for the scheme is on the basis of the woodland being subject to continual vandalism and anti-social behaviour, noting that recent attempts to separate the site from the publicly accessible space has been unsuccessful. It concludes that development of the site would enable occupiers to take responsibility for their own plot and shared responsibility for the access. However, the remediation plan neglects to consider other uses or security measures outside of residential development of the land to address matters of anti-social behaviour and vandalism.
- 10.26. Given the location of the woodland adjacent to open community land, including the Glebe and the Sports Field, it is considered that there may be more appropriate ways to reduce or discourage vandalism/anti-social behaviour other than redevelopment of the land for residential use.
- 10.27. Whilst it is acknowledged that using the land for residential purposes and thus segregating the land from public access would likely reduce the possibility of vandalism going forward. Noting the character assessment above, it is considered that the reduction in potential vandalism does not outweigh the character harm that will result from the development as proposed.

Flood Risk, Site Constraints and Servicing

- 10.28. The application site falls within Flood Zone 1 (low risk) and as such the proposal is considered to be appropriate development and does not require the submission of a flood risk assessment or inclusion of mitigation measures. Issues of surface water will be considered under Building Regulations; accordingly there are no issues to address in respect of Policy LP14.
- 10.29. The proposals also include acceptable occupier amenity in respect of waste storage and collection, with appropriate waste storage facilities and a suitable collection point to allow for kerbside waste collection from Gorefield Road. It is noted that the bin collection point is a considerable distance from the proposed dwellings and would not be in accordance with RECAP guidance in terms of bin drag distance, however this is considered to be appropriate in this circumstance given the quantum of development and when balanced against the impact of providing a wider access driveway to enable refuse vehicle collections from outside the individual dwellings. As such, it is considered that whilst this may be of inconvenience to future occupants, it is considered that they will be aware of, and accept, the requirements for waste collections from the site.

Other Matters

- 10.30. Concerns were raised regarding the development utilising third party land. In respect of this Officers requested an amended ownership certificate with appropriate notice served, which was duly completed by the applicant. No further comments were received with respect to land ownership in response to this.
- 10.31. Notwithstanding, any issues with regard to right of way or land ownership are civil matters between private parties and are separate from the planning considerations that underpin this assessment.

11 CONCLUSIONS

- 11.1. On the basis of the consideration of the issues of this application, conflict predominately arises through the detrimental impact of development with respect to heritage and the character of the area, rather than as a result of matters that could be addressed through design.
- 11.2. The application site, as undeveloped woodland adjacent to a historic cemetery, church, and Glebe, is an important feature contributing to the significance and wider historic character of the area. The obvious intrusion of 2 dwellings and associated access in this location will have significant detrimental impact on the overall character of the area. In addition, the proposal will result in harm to the setting of the nearby grade listed heritage assets and the historic core of Leverington Conservation Area, by virtue of the urbanising impact. The submitted heritage statement provided inappropriate assessment of the significance of the designated heritage assets nearby, and did not offer appropriate justification for the works, contrary to the requirements of the NPPF. Accordingly, it is considered that the proposal is contrary to Policy LP16 and Policy LP18 and the NPPF owing to the unacceptable impact on character and heritage.
- 11.3. In addition, the development may result unacceptable residential amenity impacts owing to the remaining trees on the site which may cause undue conflict and lack of light ingress for the intended dwellings, contrary to Policies LP2 and LP16.
- 11.4. Therefore, given the above assessment, the application is recommended for refusal.

12 RECOMMENDATION

Refuse, for the following reasons;

1	<p>Policy LP18 of the Fenland Local Plan, supported by Chapter 16 of the NPPF, states that the Council will protect, conserve and seek opportunities to enhance the historic environment throughout Fenland. Policy LP16 of the Fenland Local Plan seeks to ensure development makes a positive contribution to the local distinctiveness and character of the area by enhancing its local setting not adversely impacting the landscape character. Criterion (a) of LP16, in particular, seeks to protect and enhance any affected heritage assets and their settings to an extent commensurate with the NPPF and in accordance with Policy LP18.</p> <p>The application site is set in an area of undeveloped woodland within Leverington Conservation Area alongside various designated heritage assets including the church, cemetery, and important spaces such as the Glebe that together form the intrinsic character of the Conservation Area. The proposal will result in harm to the setting of these assets that would be jarring and incongruous against the backdrop of the existing historic core of the village by virtue of unacceptable urbanisation of the area along with the resultant increased noise, movement, lighting, etc that will interrupt the existing tranquillity afforded to the area. As such, the scheme is contrary to</p>
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	Policies LP16 and LP18 of the Fenland Local Plan, and the NPPF.
2	<p>Policy LP18 and Chapter 16 of the NPPF require proposals to accurately describe and assess the significance of the heritage asset and/or its setting, identify the impacts of the works on the special character of the asset and provide clear justification for any harm caused.</p> <p>The submitted heritage statement provides inappropriate assessment of the significance of the designated heritage assets and of the impact of the proposed development upon these and no clear justification for the harm which would arise. As such the application is inadequate in this regard and contrary to the requirements of Policy LP18 and the NPPF.</p>
3	<p>Policies LP2 and LP16 of the Fenland Local Plan seek to ensure developments offer high levels of residential amenity for existing and future occupiers. The proposed development would result in unacceptable residential amenity for future occupiers, by virtue of the potential conflict from the retained protected trees and the intended dwellings owing to a lack of light ingress and general overshadowing to the rear of the properties and their immediate amenity areas. Accordingly, the proposal would be contrary to the requirements of Policies LP2 and LP16 of the Fenland Local Plan.</p>



Proposed Site Plan 1:500 @ A2 paper

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The Construction (Design and Management) Regulations 2015:
Peter Humphrey Associates' form of appointment with the client confirms whether the agent is appointed as 'Designer' or 'Principal Designer' under these regulations. Nevertheless, the design phase has been carried out with due consideration for the safety during construction, occupation and maintenance of the finished project. No extraordinary hazards or risks were identified outside of the routine construction operations that would not already been apparent to a competent contractor.

CLIENT
MR K SALTER

PROJECT
PROPOSED RESIDENTIAL DEVELOPMENT

SITE
**LAND TO EAST OF CHAPTER GARDENS
GOREFIELD ROAD
LEVERINGTON
WISBECH
PE13 5AX**

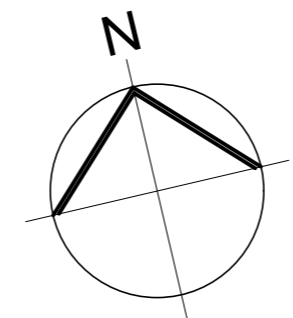
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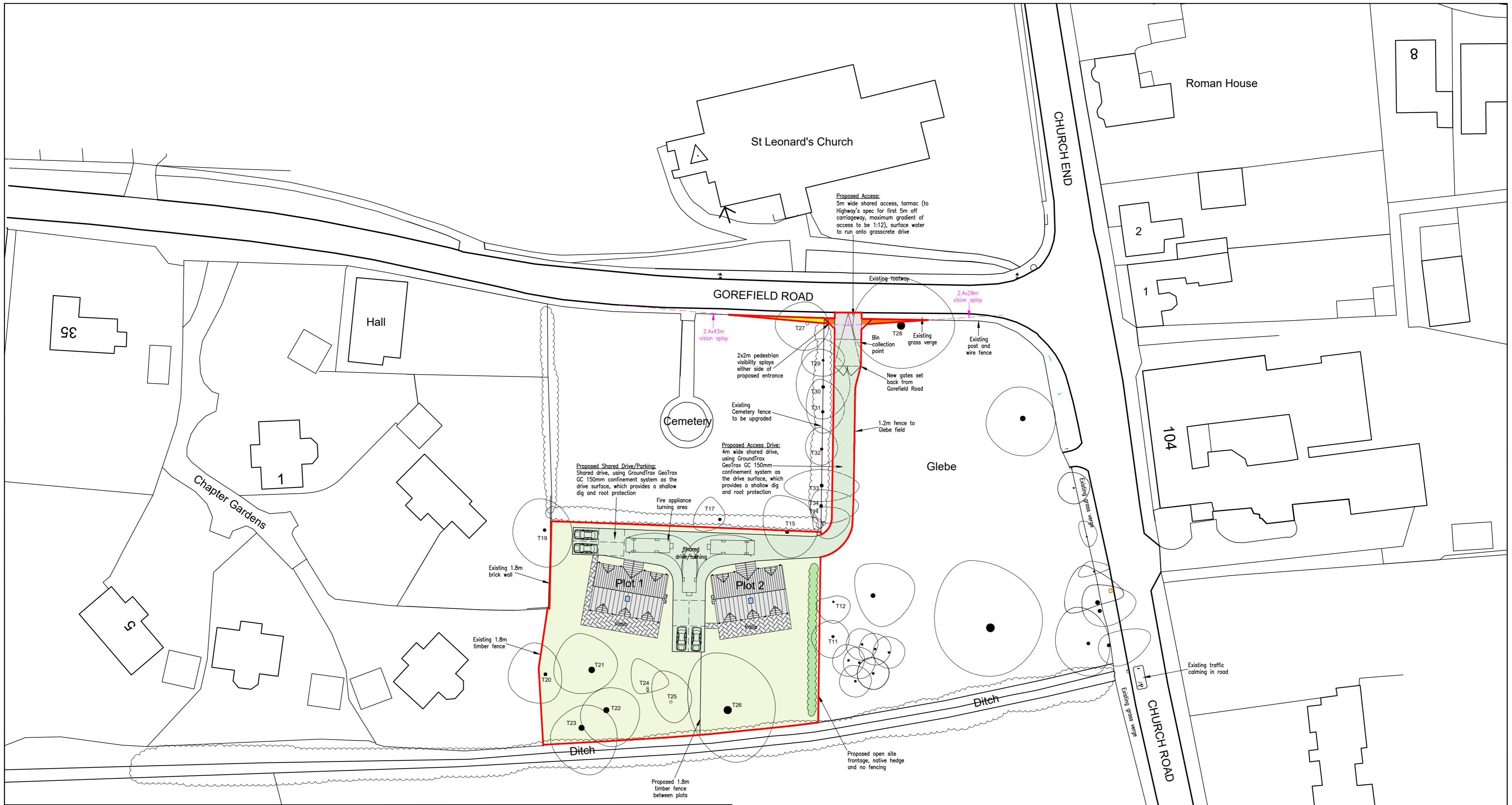


PETER HUMPHREY ASSOCIATES

ADDRESS: 2 CHAPEL ROAD, WISBECH, CAMBS, PE13 1RG.

TELEPHONE: 01945 466966
E-MAIL: info@peterhumphrey.co.uk
WEB: www.peterhumphrey.co.uk





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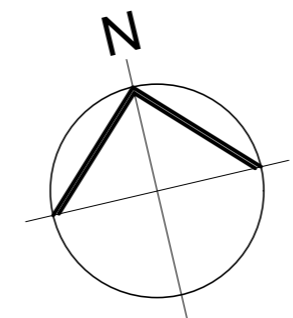
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ADDRESS: 2 CHAPEL ROAD, WISBECH, CAMBS, PE13 1RG.
 TELEPHONE: 01945 466966
 E-MAIL: info@peterhumphrey.co.uk
 WEB: www.peterhumphrey.co.uk



Sports Field



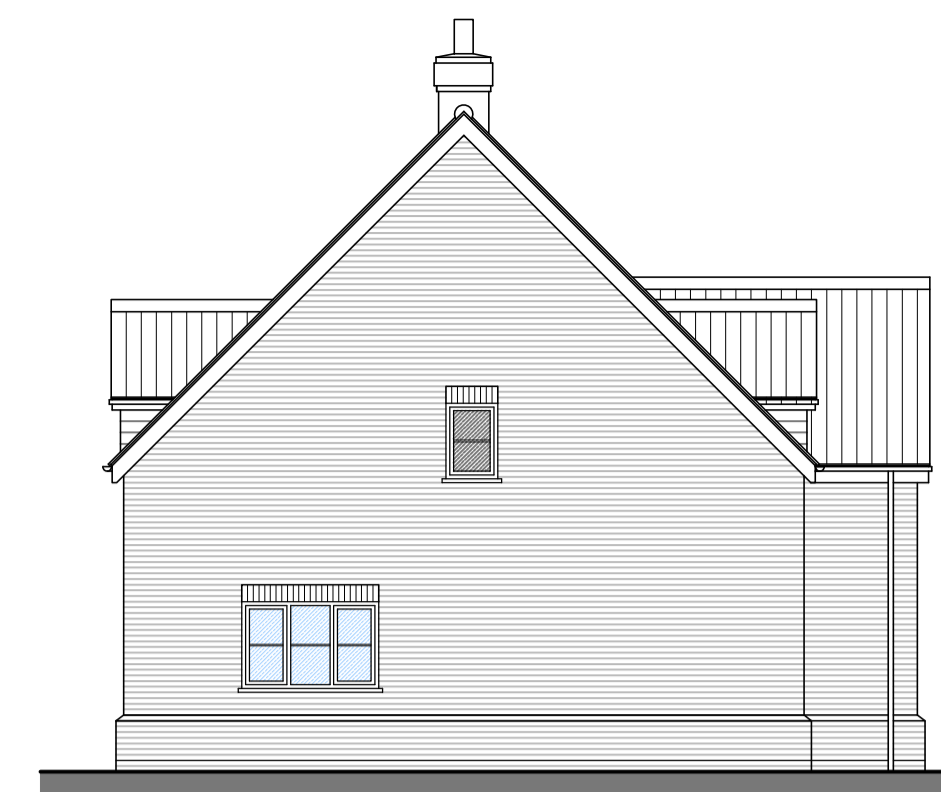
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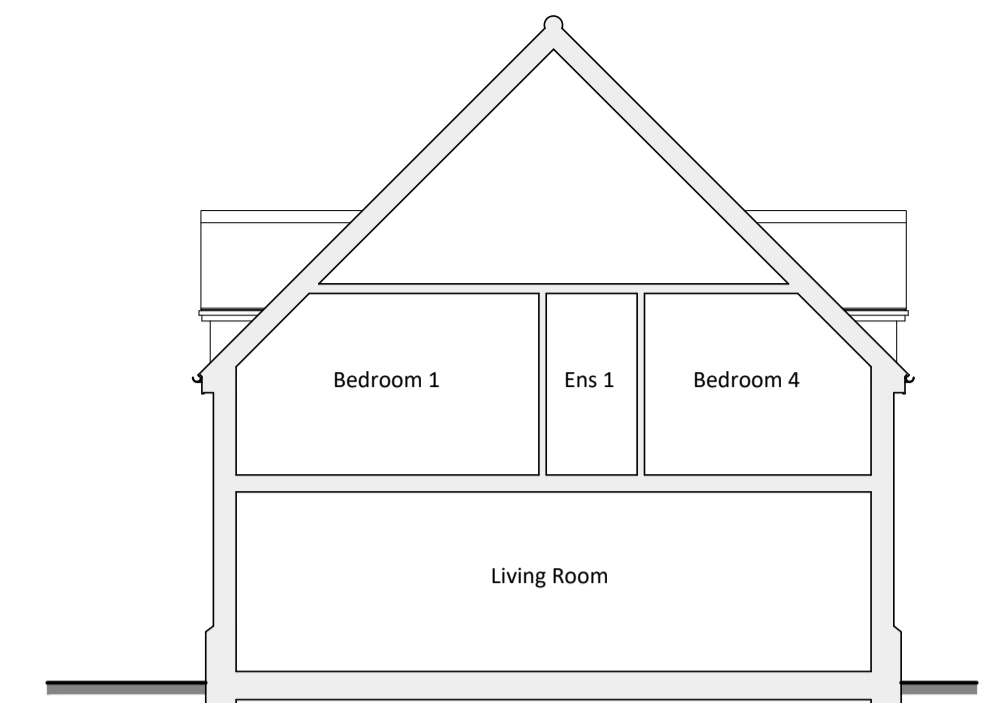
Proposed Side Elevation 1:100



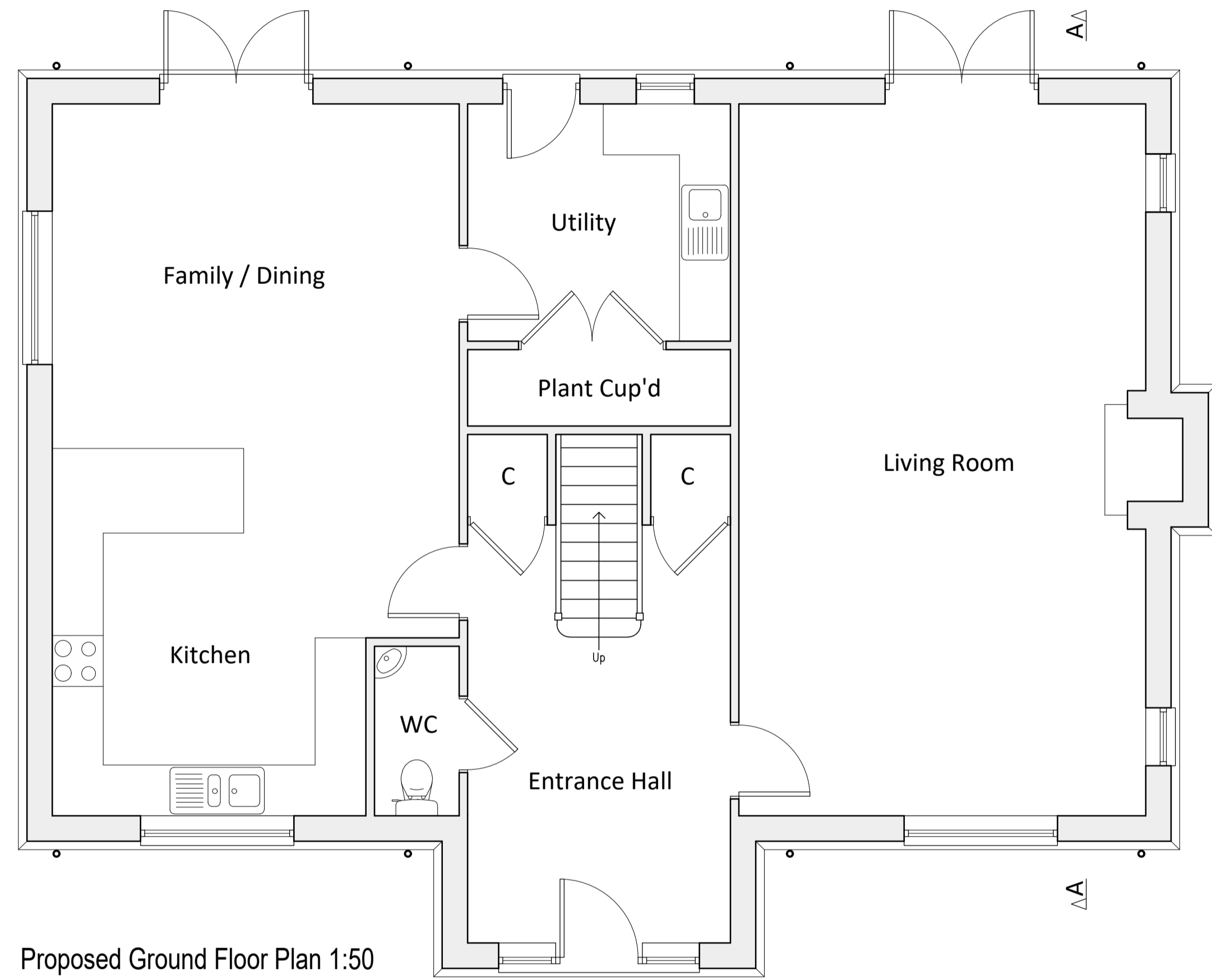
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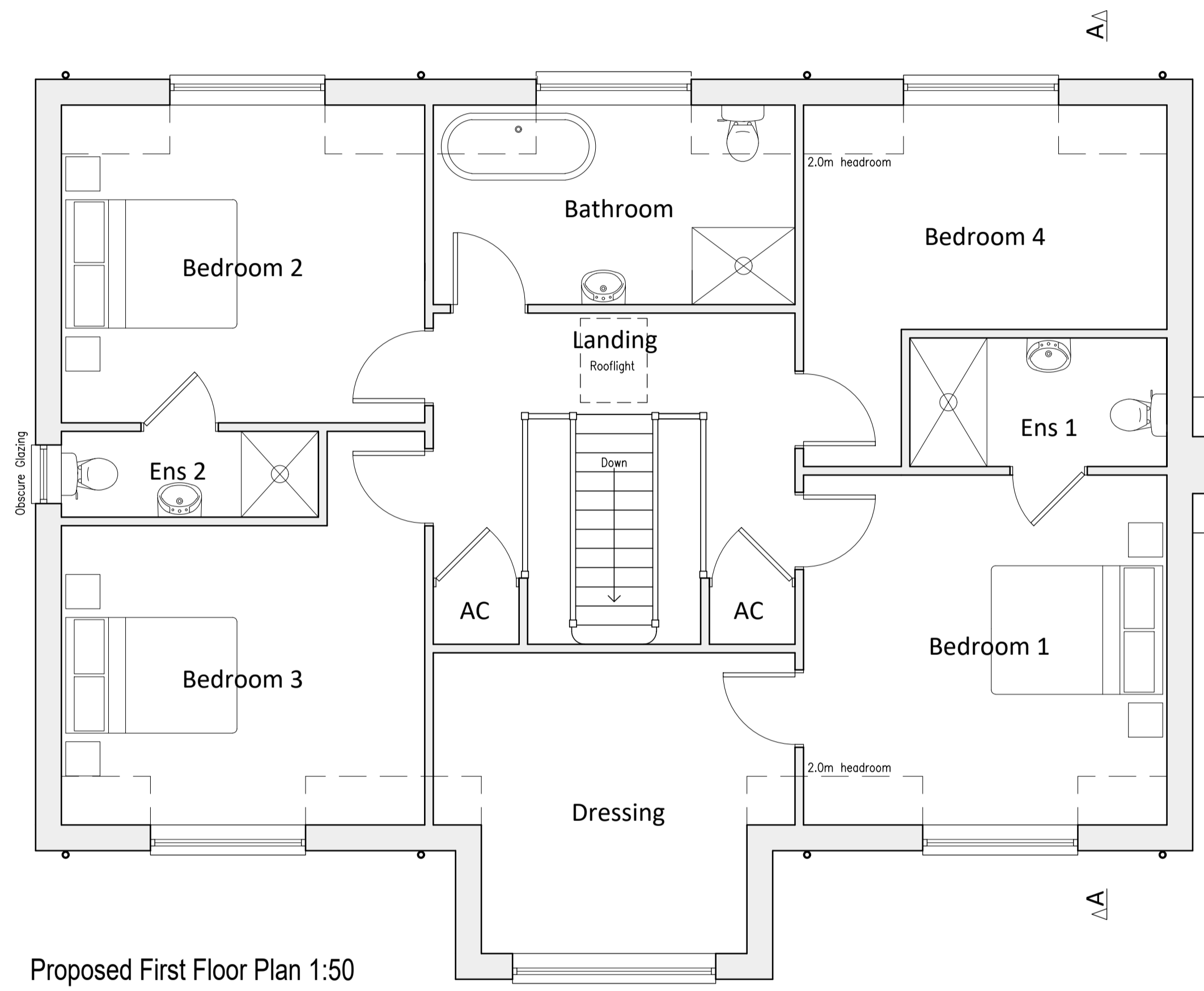
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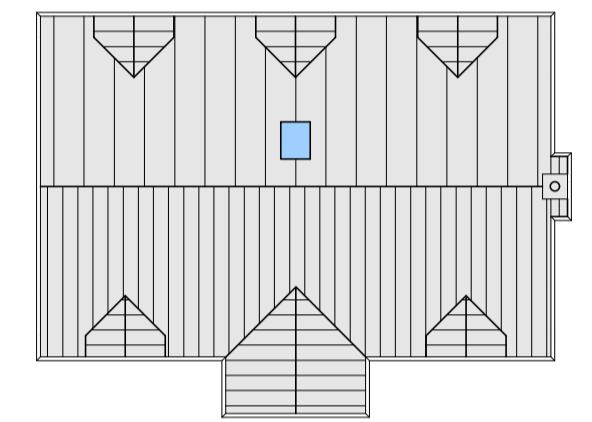
Proposed Section A-A 1:100



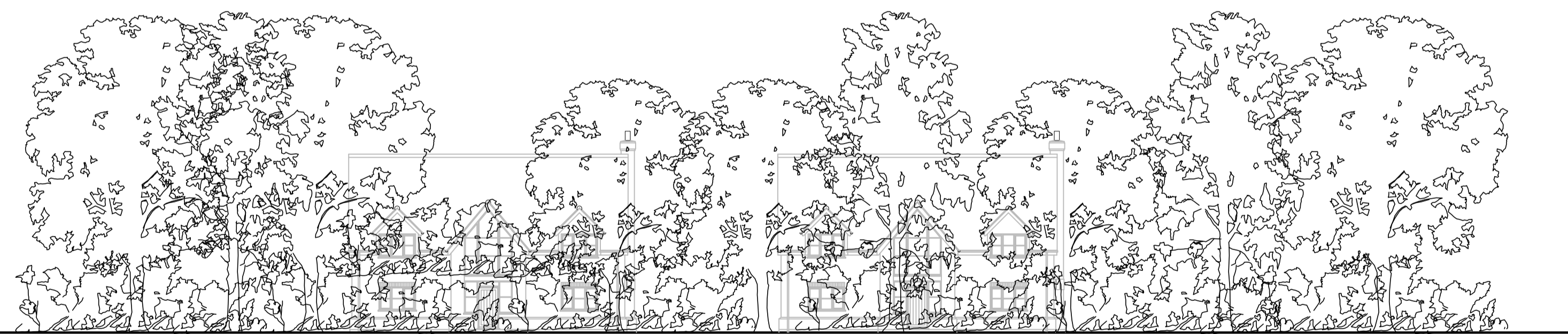
Proposed Ground Floor Plan 1:50



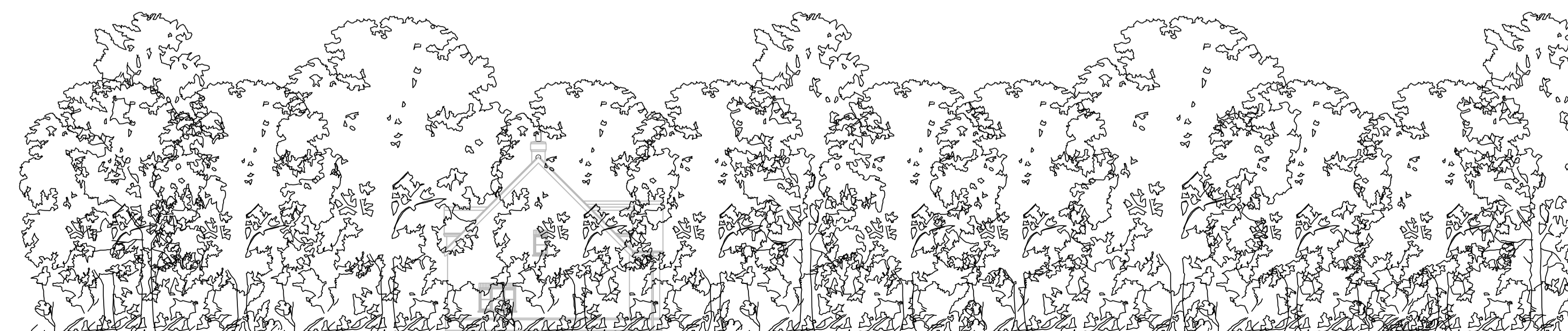
Proposed First Floor Plan 1:50



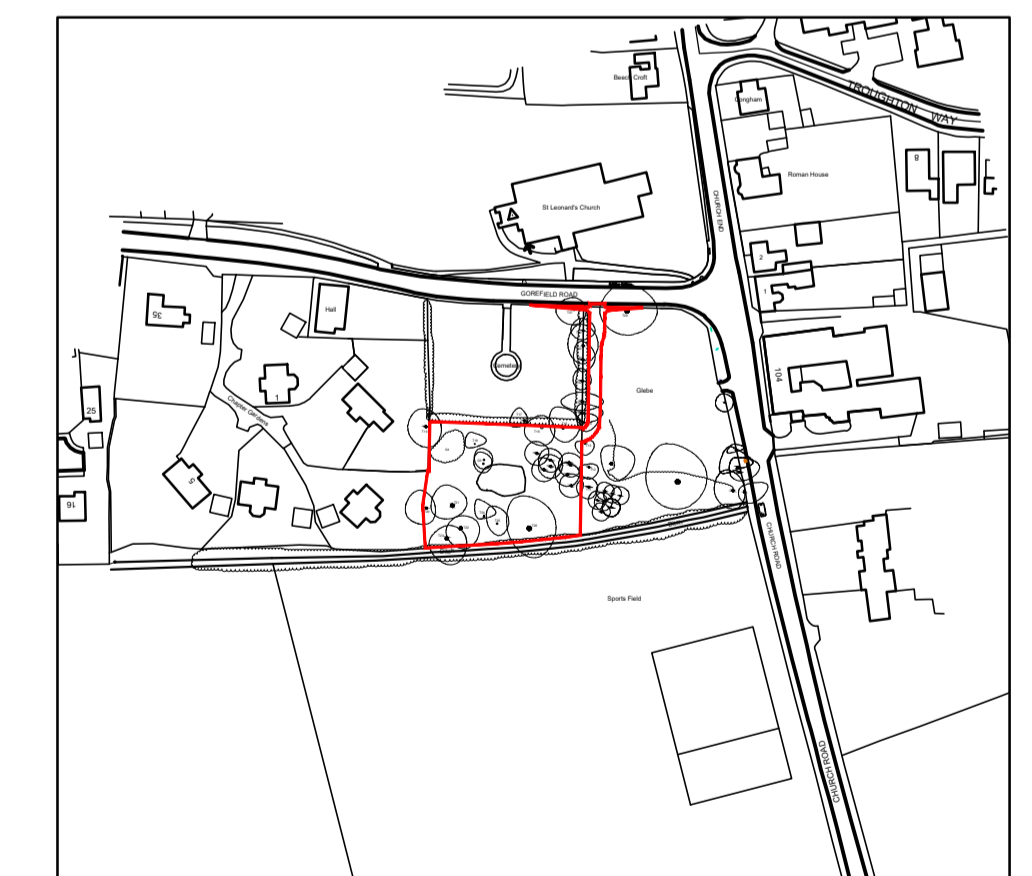
Roof Plan 1:200



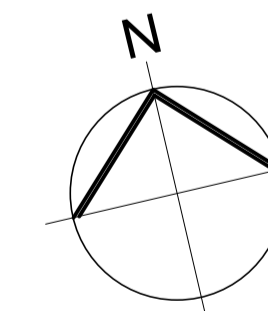
Proposed Street Scene (Gorefield Road) 1:200



Proposed Street Scene (Church Road) 1:200



Location Plan 1:2500



A - REVISIONS	PAPER SIZE	DATE
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PETER HUMPHREY ASSOCIATES

ADDRESS: 2 CHAPEL ROAD, WISBECH, CAMBS, PE13 1RG.

TELEPHONE: 01945 466966
E-MAIL: info@peterhumphrey.co.uk
WEB: www.peterhumphrey.co.uk