

Agenda Item No:	18	
Committee:	Full Council	
Date:	24 July 2014	
Report Title:	Delivering and Protecting High Quality Environment in Fenland SPD	

Cover sheet:

1 Purpose / Summary

To request the Full Council to adopt the attached 'Delivering and Protecting High Quality Environments in Fenland Supplementary Planning Document (SPD)' at this meeting. Any recommendations or changes made by the Cabinet earlier at its meeting will be verbally reported to the Full Council.

2 Key issues

The 'Delivering and Protecting High Quality Environments in Fenland' Supplementary Planning Document (SPD) has been prepared for the following purposes:

- to support the adopted Local Plan, with the overall aim of achieving high quality design in Fenland;
- to provide detailed policy guidance to developers, in order to assist them in preparing planning applications for submission to Fenland District Council;
- to assist the Council in reaching decisions on planning applications.

3 Recommendations

That:

1. The Full Council adopt the attached 'Delivering and Protecting High Quality Environments in Fenland' Supplementary Planning Document (SPD).

Wards Affected	All Wards
Forward Plan Reference	
Portfolio Holder(s)	Cllr Will Sutton - Neighbourhood Planning
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Background Paper(s)	Adopted Fenland Local Plan (May 2014)

Report

1 Background / introduction

- 1.1 The attached 'Delivering and Protecting High Quality Environments in Fenland' Supplementary Planning Document (SPD) has been prepared to provide further guidance on a number of policies in the Local Plan, and in particular Policy LP16. This will help developers in preparing planning applications for submission to Fenland District Council and help the Council to achieve high quality new development.
- 1.2 The SPD will also ensure valued environments, both built and natural, are protected.
- 1.3 The policies within the SPD will be important when determining planning applications. They give the Council the justification to either refuse or approve a proposal, especially on detailed design matters.
- 1.4 There was a six weeks public consultation on the SPD starting on 14 January 2014 and ending on 24 February 2014. During that time the public, developers and stakeholders were invited to comment on the policies and the content of the SPD. After the consultation period had finished, all comments received were carefully considered and where appropriate changes made to the SPD. A summary of the main changes to the SPD is attached at Appendix B.

2 Considerations

Why does good design matter?

- 2.1 The design of new developments has a significant impact on the overall quality of our environment, affecting people's lives on a daily basis at home and at work. Well-designed buildings enhance not only the appearance of places, and our enjoyment of them, but can deliver other benefits too:
 - good design makes practical and economic sense;
 - well-designed places function well, they are easily accessible and they feel and are safe;
 - good buildings are cost-effective to maintain;
 - good buildings provide flexible accommodation that can be adapted easily to meet changing circumstances; and
 - good design can also deliver more sustainable forms of development, and help to avoid wasteful use of energy and materials
- 2.2 The Council is very keen to see high quality design in all developments. It recognises that good design can provide a major contribution to creating a high quality and sustainable environment. There are already examples of good design throughout the district such as the Boathouse building in Wisbech and the library in March. We acknowledge that a well-designed, safe and attractive development that respects its surroundings can help raise the overall quality of the built environment and the quality of the lives of people who live and work there.
- 2.3 Protection and enhancement of heritage assets, biodiversity, natural and historic features are also considered in the SPD. These are important features which should be incorporated in the design and layout of new developments. The SPD will not only protect existing features but also will enhance new development by providing continuity and context.
- 2.4 The SPD also includes a 'Buildings of Local Importance' policy. These buildings are considered to be of high quality in terms of architectural design, reflect distinctive Fenland

character, or play an important part in local history. The complete list is to be prepared later this year, although some are already identified in Conservation Area Appraisals. This will provide ample examples, for developers, of what is considered as a good design in Fenland.

Local Plan Policy LP16 and this SPD

- 2.5 Policy LP16 "Delivering and Protecting High Quality Environments across the District" of the Fenland Local Plan is used as the starting point for this SPD. The Local Plan was adopted in May 2014 and this has the greatest 'weight' in legal terms when the Council determines planning applications. However, the Local Plan only sets the overarching policy and approach to planning in Fenland. The intention is that the Local Plan will be supported by a series of SPDs, Masterplans and other guidance. This design related SPD will form one of those supporting documents.
- 2.6 Provided such SPDs are prepared in accordance with the national plan making regulations and generally conform with the Fenland Local Plan and National Planning Policy Framework, then considerable weight can be attached to them at the decision making stage. During the Examination process on the Local Plan, modifications were made to Policy LP16 and this, in turn, required the introduction of two new policies in the SPD relating to land contamination and location of "sensitive development" close to business uses.
- 2.7 A table within the SPD demonstrates how each component of Local Plan Policy LP16 is proposed to be supplemented by the policies in this SPD.

Consultation

- 2.8 In November 2013, the Cabinet approved the draft SPD for a six-week consultation which started on 14 January 2014 and ended on 24 February 2014. All supporting documents were made available on the website.
- 2.9 Hard copies of the main documents were placed in appropriate locations, including each of the '@ Your Service' outlets, libraries (including the mobile library) and at Business Reception at Fenland Hall.
- 2.10 During the consultation period public and stakeholders were able to submit written comments via both email and post.

Adoption

- 2.11 Unlike the Local Plan, an SPD has a much simpler adoption process. It does not, for example, have public examination by an independent Inspector. Following the consultation period, it can simply be amended and then adopted by the Council as formal Council policy. However, as the SPD complements the Local Plan, the intention has been to adopt the SPD shortly after the Local Plan was adopted. This was to ensure full alignment of both documents.

3 Effect on Corporate Objectives

- 3.1 The 'Delivering and Protecting High Quality Environments in Fenland' SPD will help the delivery of some of the Council's corporate objectives particularly quality of built environment.

4 Community Impact

- 4.1 Once adopted, the 'Delivering and Protecting High Quality Environments in Fenland' SPD will have an impact on all communities across Fenland, in terms of the quality of the environment in which they live.

5 Conclusions

- 5.1 The Full Council is recommended to adopt the attached 'Delivering and Protecting High Quality Environments in Fenland' SPD (attached at Appendix A).

Appendix A - Supplementary Planning Document

Delivering and Protecting High Quality Environments in Fenland Supplementary Planning Document (SPD)

Final Version Recommended for Adoption (July 2014)

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1 Introduction

Why does good design matter?

- 1.1 The standard of design of new developments has a significant impact on the overall quality of our environment, affecting people's lives on a daily basis at home and at work. Well-designed buildings enhance not only the appearance of places, and our enjoyment of them, but can deliver other benefits too:
- good design makes practical and economic sense
 - well-designed places function well, they are easily accessible and they feel safe
 - good buildings are cost-effective to maintain
 - good buildings provide flexible accommodation that can be adapted easily to meet changing circumstances
 - good design can also deliver more sustainable forms of development, and help to avoid wasteful use of energy and materials.
- 1.2 The National Planning Policy Framework (NPPF) has 12 core principles that should underpin both plan-making and decision-taking in the planning system. One of the principles is to always seek to secure high quality design and a good standard of amenity for existing and future occupants of land and buildings. Good design is considered as a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraphs 56 to 68 of the NPPF set out how local authorities should develop robust and comprehensive policies that set out the quality that will be expected for the area.
- 1.3 Fenland District Council is very keen to see good design in all developments. It recognises that good design can provide a major contribution to creating a high quality and sustainable environment. There are already examples of good modern design throughout the district such as the Boathouse building in Wisbech (see below) and the library in March. We acknowledge that a well-designed, safe and attractive development that respects its surroundings can help raise the overall quality of the built environment and the quality of the lives of people who live and work there.



Why does good design matter for Fenland?

- 1.4 High quality, well designed environments promote health and wellbeing, which is a particularly important issue for Fenland and one which has high prominence in the Local Plan. For example, access to green space and views encourages good mental and physical health, as does making sure that in new development, such as a new community, people are not isolated. The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. NPPF paragraphs 69-77 discuss how this can be done when delivering social, recreational and cultural facilities.
- 1.5 The majority of the district is rural in character. The unique open, flat character of the fens means that new developments in the countryside and on the edge of settlements can have a significant impact on the landscape form, even when viewed from a considerable distance.
- 1.6 There are 10 conservation areas in Fenland. Conservation area appraisals provide information on design character that is specific to an area that is deemed to be of historic merit.
- 1.7 A high quality and sustainable environment can be achieved and maintained by ensuring developments do not have an adverse impact on neighbouring occupiers. There are also situations where new development could potentially restrict the operation of established businesses e.g. where a new residential scheme is proposed next to an established employment area and concerns are later raised from the new residents about noise pollution (see Policy DM9).
- 1.8 Advertisements can have a significant impact on the appearance of an area as well as having the potential to adversely affect safety. A balance is often required between commercial needs and the protection of the environment. In a predominantly rural district, advertisements can appear particularly conspicuous in the landscape. NPPF paragraphs 67 and 68 provide sufficient guidance on control of advertisement. No further policy in this SPD is necessary.
- 1.9 We take design seriously in Fenland, and the Fenland Building Design Awards is an annual event that recognises and rewards individual examples of good design and construction and raises public awareness of the built environment within Fenland. The awards aim to raise the overall standards of design in the district to assist in enhancing the built environment in Fenland for the future.

Purpose of this SPD

- 1.10 One of the purposes of this SPD is to provide detailed policy guidance to developers to assist them in preparing planning applications for submission to Fenland District Council. It also serves the purpose of providing guidance to assist the Council in reaching decisions on applications for planning permission. Policies in this SPD take their lead from the Fenland Local Plan (especially Policy LP16) and are in general conformity with the NPPF. The SPD does not override those wider policies, but rather complements them by adding more detail.
- 1.11 The SPD is a very important planning policy tool to ensure high quality development is delivered and that valued environments are protected in Fenland. They give the Council the justification to either refuse or approve a proposal on the basis of Local Plan Policy LP16, especially on detailed design matters including house extensions and minor alterations. The SPD should be used to inform development proposals at an early stage as possible.

This SPD and how it fits with the Fenland Local Plan

- 1.12 The Fenland Local Plan provides strategic planning policies and locations for growth in Fenland. The primary purpose of this SPD is to supplement Policy LP16 of the Fenland Local Plan “Delivering and Protecting High Quality Environments across the District”.
- 1.13 The table below shows how each component part of the adopted Local Plan Policy LP16, is supplemented by the policies in this SPD:

Local Plan Policy LP16	Supplemented by Policies in this SPD
High quality environments will be delivered and protected throughout the district. Proposals for all new development, including where appropriate advertisements and extensions and alterations to existing buildings, will only be permitted if it can be demonstrated that the proposal meets all of the following relevant criteria:-	
a) protects and enhances any affected heritage assets and their settings to an extent commensurate with policy in the National Planning Policy Framework and in accordance with Policy LP18.	DM1
b) protects and enhances biodiversity on and surrounding the proposal site, taking into account locally designated sites and the special protection given to internationally and nationally designated sites, in accordance with Policy LP19.	None
c) retains and incorporates natural and historic features of the site such as trees, hedgerows, field patterns, drains, and water bodies.	DM2
d) makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting, responds to and improves the character of the local built environment, provides resilience to climate change, reinforces local identity and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the surrounding area.	DM3
e) does not adversely impact on the amenity of neighbouring users such as noise, light pollution, loss of privacy and loss of light.	DM3
f) provides adequate, well designed facilities for the storage, sorting and collection of waste that are user friendly and appropriate to the amount and type of development proposed (including taking account of any district or county Supplementary Planning Documents which are in force at the time of the proposal).	DM4
g) provides publicly accessible open space for play, sport, recreation and access to nature, in accordance with the standards set out in Appendix B [of the Local Plan], or a financial contribution of equivalent value where on-site provision is impracticable.	None
h) provides sufficient private amenity space, suitable to the type and amount of development proposed; for dwellings other than flats, as a guide and depending on the local character of the area, this means a minimum of a third of the plot curtilage should be set	None

aside as private amenity space.	
i) provides well designed hard and soft landscaping incorporating sustainable drainage systems as appropriate.	DM2
j) provides safe environments and incorporates security measures to deter crime in accordance with Policy LP17.	None
k) enables flexible use and adaptation to reflect changing lifestyles.	DM5
l) identifies, manages and mitigates against any existing or proposed risks from sources of noise, emissions, pollution, and contamination, odour and dust, vibration, landfill gas and protects from water body deterioration.	DM6
m) the site is suitable for its proposed use with layout and drainage taking account of ground conditions, contamination and gas risks arising from previous uses and any proposals for land remediation, with no significant impacts on future users, groundwater or surface waters.	DM7
n) complements and enhances the quality of riverside settings, including ecological value, renaturalisation where possible, and navigation.	DM8
o) does not result in any unreasonable constraint(s) or threaten the operation and viability of existing nearby or adjoining businesses or employment sites by introducing “sensitive” developments.	DM9

THE SPD POLICIES

2 Buildings of Local Importance (to supplement Local Plan Policy LP16 part (a): Heritage Assets)

- 2.1 The historic environment is of great importance to the present character and future of the district. The area is steeped in history and the surviving assets, often waterlogged and sealed beneath the fen deposits, are of intrinsic value in themselves as well as providing opportunities for the future. Just outside the western boundary of the district is the Bronze Age settlement preserved wooden avenue and crannog site of Flag Fen, now an archaeology park housing the eight contemporary logboats from waterlogged sites found in 2011 at Must Farm, one of Whittlesey's King's Dyke brick pits. To the east of March is the reconstructed schedule monument of the Icenian defended late Iron Age settlement of Stonea Camp, reputedly involved in the Icenian revolt of AD47, four years after the Roman Conquest of Britain.
- 2.2 There are 22 Scheduled Monuments, 655 listed buildings, 10 conservation areas and one Listed Park and Garden in the district.
- 2.3 Local Plan Policies LP16 (criterion a) and LP18, along with national policy in the NPPF, provide sufficient guidance on the protection of all heritage assets (including listed buildings and conservation areas) in Fenland.
- 2.4 However, a number of buildings have been (and continue to be) identified in Fenland that are considered as being locally distinctive, adding character to the area and are valued by the community. These buildings are not formally 'listed' because they do not fit the national designation criteria. Nevertheless, these buildings add visual interest to the street scene and define local identity and distinctiveness. Each building is assessed against locally developed criteria and only those buildings which meet these criteria are included in the list. Conservation Area Appraisals (as found on our website) contain many of these buildings. However, a comprehensive list, covering the whole district is being developed with a view to it being finalised in 2014.
- 2.5 Policy DM1 provides detailed guidance on the implementation of Local Plan policies in relation to the non-designated heritage assets of buildings of local importance.

Policy DM1 – Buildings of Local Importance

Where planning permission is required, it will not be granted if it would involve the demolition of, or substantial alteration to the external appearance of, any building designated as of local importance (as set out in Conservation Area Appraisals or as set out on a List of Buildings of Local Importance to be published in 2014 or soon after as practicably possible), unless:

- a) all reasonable steps have been taken to retain the building, including examination of alternative uses compatible with its local importance; and**
- b) retention of the building, even with alterations, would be demonstrably impracticable; and**
- c) the public benefits of the scheme outweigh the loss of, or substantial alteration to, the building.**

3 Biodiversity (to supplement Local Plan Policy LP16 part (b): Biodiversity)

- 3.1 Detailed policy on Biodiversity issues are covered in the NPPF (paragraphs 109 to 125) and in Policy LP19 of the Fenland Local Plan.

3.2 As such, there is no additional supplementary policy required in this SPD to support Local Plan Policy LP16 part (b).

4 Natural Features and Landscaping Schemes (to supplement Local Plan Policy LP16 part (c): Retention of Features and part (i): Landscaping)

- 4.1 The character of Fenland settlements is made up of both the buildings and the open spaces which lie within the developed area. Some open spaces, commons, greens, parkland, trees and other such features are an intrinsic part of the character of a settlement and should be protected where they are important elements of the settlement fabric. Other features such as hedgerows, field patterns and drains also play an important part in the Fenland landscape. These features should be retained where possible and incorporated into new development.
- 4.2 An attractive and distinctive local landscape can help to raise the quality of the environment and the quality of people's lives, and give a good impression of the district to visitors and tourists. It is therefore especially important that the remaining elements of local distinctiveness like the traditional orchards around Wisbech are retained and where possible, enhanced or restored.
- 4.3 A landscaping scheme is important for most new developments in order to enhance the development, improve the visual amenities of an area and to ensure that new development is appropriately integrated into the existing townscape or landscape.
- 4.4 Most developments will need to provide Sustainable Drainage Systems (SuDs) to drain water away naturally. Large areas of hard landscaping are not likely to be acceptable (except where permeable surfaces are used). This will have implications for the type and amount of landscaping provided on site. Landscaping schemes will therefore need to be designed in a way that will serve SuDs requirements and also create a pleasant environment.

Policy DM2 – Natural Features and Landscaping Schemes

In order to satisfy the requirement of criteria (c) and (i) of Local Plan Policy LP16, all development proposals should, to a degree appropriate to the scale and impact of the development, consider:

- a) the existing character and features of the particular site, including its landscape and ecological features, indicating how these have contributed to the overall design approach and which features, including trees, will be removed or retained; and**
- b) a specification of the new trees, shrubs and hedgerow planting suitable for the location, including wildlife habitat creation; and**
- c) retention and protection of other natural features such as hedgerows, field patterns, drains and other water bodies, and where possible, incorporate them into proposed new development; and**
- d) new landscape works to ensure the development integrates appropriately into its surroundings in terms of scale, enhances any existing positive character and features and especially takes the opportunity to remove eyesores and improve disfigured or despoiled land; and**
- e) provision of areas for natural ecological regeneration in connection with major development proposals; and**
- f) the position, design and materials of all proposed site enclosures (e.g. fences and walls); and**

- g) car parking layout and other vehicular and pedestrian areas; and
- h) hard surfacing materials; and
- i) minor structures (e.g. furniture, lighting, refuse areas, signs etc.); and
- j) any retained historic features and proposals for restoration.

A landscaping scheme covering the above criteria should be submitted with all appropriate development proposals or, if acceptable to the Council, submitted at a later stage in order to satisfy a conditional planning permission.

5 Making a Positive Contribution to Local Distinctiveness and Character of the Area (to supplement Local Plan Policy LP16 part (d) Making a Positive Contribution and (e) Impact on Amenity)

- 5.1 A wide variety of elements make up high quality and sustainable development. These can include the site layout, public space, relationship to surrounding development, materials, use of natural features and landscaping, sustainable drainage methods, waste recycling and efficient use of energy and natural resources. Criterion (d) of Local Plan Policy LP16 sets the overarching policy for ensuring design makes a positive contribution to local distinctiveness and character of the area, whilst criterion (e) ensures the amenity of neighbouring users is not adversely impacted. Policy DM3 provides some basic principles of the design elements that should be considered when proposals are being formulated.
- 5.2 New development should create high quality and attractive public spaces (streets, squares, village greens, parks, waterways etc). These must be well defined and overlooked by buildings, especially building frontages, to help create safe spaces with opportunities for community interaction.
- 5.3 There is a significant amount of guidance available both at a local and national level to help inform the design of development proposals. At the local level, the Cambridgeshire Design Guide promotes the highest possible standards in all new developments, large and small. The guide is intended to help successfully create quality streets and places by outlining the key considerations and processes involved. It is not intended to take away responsibility from the designer and does not attempt to give the correct solution to any particular development proposal. It sets out a framework for best practice and provides general guidance on what is likely to be acceptable. This and useful national design guidance can be found on the following links:
- Cambridgeshire Design Guide - <http://www.cambridgeshire.gov.uk/NR/ronlyres/FBC10612-E451-4C20-899F-153163E5E22F/0/CambridgeshireDesignManualA4180110CS3LR.pdf>.
 - Manual for Streets - <https://www.gov.uk/government/publications/manual-for-streets>.
 - Design Council - <https://www.designcouncil.org.uk/>

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

In order to satisfy the requirement of criteria (d) and (e) of Local Plan Policy LP16, all development (including new buildings, extensions and alterations to existing buildings) should achieve high design quality and as a minimum ensure that:

- a) the development provides high quality and attractive public spaces; and**
- b) provision for parking motor vehicles does not dominate the design of the scheme or the resulting street scene; and**
- c) any existing views, vistas, focal points and landmarks of value are incorporated into the scheme; and**
- d) the character of the landscape, local built environment and settlement pattern inform the layout, density, proportions, scale, orientation, materials and features (including boundary treatment) of the proposed development, which should aim to improve and reinforce positive features of local identity; and**
- e) proposals are robust to withstand and adapt to the predicted impacts of climate change including measures to manage the risk of flooding and subsidence.**

6 Waste and Recycling Facilities (to supplement Local Plan Policy LP16 part (f): Waste and Recycling Facilities)

- 6.1 Adequate, well designed and well located bin facilities are an important design consideration for new developments. Not only do they encourage recycling but they prevent cluttering of the street scene and adverse impacts on residential amenity. Providing sufficient space for bin storage can present a challenge for developers, especially in high density residential development. This issue should therefore be considered early in the design stage.
- 6.2 The Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide SPD provides further guidance on the design and location of waste facilities including general principles for accommodating waste receptacles for individual houses.

Policy DM4 – Waste and Recycling Facilities

In order to satisfy the requirement of criterion (f) of Local Plan Policy LP16, the following principles should be considered, alongside other applicable SPDs, when planning waste and recycling facilities in any type of development:

- a) Storage areas need to have sufficient space for all the necessary waste and recycling containers (with the assessment of sufficient space being calculated on the basis of the maximum likely occupation of the development (i.e. number of people predicted, not number of units, unless there is a breakdown of these)); and
- b) Storage areas should be conveniently located with easy access for users – users should not have to carry their waste and recycling more than 30 metres to storage; and
- c) Storage areas should be accessible by refuse vehicles – or, if it can be demonstrated that this is not feasible, arrangements in place for bins/boxes to be moved to an accessible collection point; and
- d) Vehicular access in terms of vehicle weights, turning circles, width, etc. need to be taken into account in the design.

These principles should be considered as early as possible in the design and layout of a development.

7 Open Space (to supplement Local Plan Policy LP16 part (g): Open Space)

7.1 Part (g) of Policy LP16, and the associated Open Space Standards in the Local Plan, are considered sufficient to consider this matter. No further policy in this SPD is therefore considered necessary. Further guidance on the delivery of such open space alongside other developer contributions (whether through condition, developer contributions, legal agreements or financial payments) will be set out in a separate SPD.

8 Amenity Space in New Developments (to supplement Local Plan Policy LP16 part (h): Amenity Space)

8.1 Part (h) of Policy LP16, and wider national advice, is considered sufficient to consider this matter, at least for the foreseeable future. No further policy in this SPD is therefore considered necessary. If resources permit and subject to evolving national guidance on this matter, the Council will explore preparing an amenity standards technical guide, one which would set standards for matters such as garden size, bedroom sizes and so on.

9 Landscaping (to supplement Local Plan Policy LP16 part (i): Landscaping)

9.1 See section 4.0 of this SPD.

10 Safe Environments (to supplement Local Plan Policy LP16 part (j): Safe Environments)

10.1 Detailed policy on community safety issues are covered in the NPPF and in Policy LP17 of the Fenland Local Plan. As such, there is no additional supplementary policy required in this SPD.

11 Flexible Use and Adaptability (to supplement Local Plan Policy LP16 part (k): Flexible Use and Adaptability)

- 11.1 Flexible and adaptable buildings have three benefits. First, it makes best use of finite building materials. It is important that a building is constructed in a way that would enable its life span to be extended. The best way to do this is to construct a building in a way that it is capable of responding to changing social, economic and technological needs.
- 11.2 The second benefit is that, as Fenland is forecast to have an increasing number of elderly residents, new dwellings will need to be designed to cater for their needs. The best way to help achieve a functional, supportive, neighbourly community is to build homes that people can and want to live in for most of their lives instead of having to move when their domestic circumstances change. 'Lifetime' homes means designing in the flexibility and adaptability needed to allow for easy incorporation of wheelchair accessibility, the addition/removal of internal walls, and ease of extension - both vertically and horizontally. This is particularly important for dwellings likely to be occupied by the aged, infirm or expanding/contracting families who may be dependent on nearby friends and family for emotional and physical support.
- 11.3 Third, adaptable buildings have considerable cost savings for businesses and individuals (ease of change of use of building rather than rebuild) and society (e.g. living at home longer reduces the burden on the health service).
- 11.4 The following policy supplements criterion (k) of Core Policy LP16.

Policy DM5 – Flexible Use and Adaptability

In order to satisfy the requirement of criterion (k) of Local Plan policy LP16, where appropriate, schemes should be designed for flexibility and adaptability, and should:

- a) provide scope and opportunities through design and choice of building materials to easily adapt the property to the changing needs of their users; and**
- b) have a flexible layout which allows for a variety of possible future uses to be accommodated.**

12 Mitigating Against Harmful Effects (to supplement Local Plan Policy LP16 part (l): Mitigating Against Harmful Effects)

- 12.1 Some types of development and activities have the potential to cause pollution to the air, water and land. The Council will seek to ensure that pollution levels are kept to a minimum and are acceptable to human health and safety, the environment and the amenity of adjacent and nearby land users. This involves joint working with the Council's Environmental Health team and the wider health authorities.
- 12.2 The Council will ensure that the appropriate regulatory authority is consulted where development is likely, on its own or cumulatively, to result in harmful levels of pollution. The necessary consultation will also be carried out where developments are located within safety consultation zones e.g. areas around pipelines, airstrips, railways, ports, sewage treatment plants and waste management sites. Air Quality Management Areas exist in Wisbech and Whittlesey.
- 12.3 A high quality water environment is an integral part of the natural environment, providing a good habitat for plants, animals and quality of life benefits for local people. This is highlighted in the Government's White Paper for Water: Water for Life (December 2011). Water resources and a high quality water environment also underpin economic

development, by providing water for households, businesses, agriculture, recreation and tourism. A high quality water environment makes attractive places to live and work and local investment in environmental improvements can enable sustainable economic growth. It also provides valuable local amenity and related physical and mental health benefits.

- 12.4 The water environment, including ground water is an important resource that we rely on every day. Ground water provides the majority of drinking water in parts of the district, sustains baseflow and the ecology on our rivers, and supports lakes and wetlands and their ecosystems. The water environment supports our resilience to the changing climate as areas of water and water storage provide water bodies and flood plains to help reduce flood risks, wildlife corridors, and urban cooling during periods of high summer temperatures.
- 12.5 The Water Framework Directive (WFD) sets out the need to protect and improve the water environment in its totality, and is currently the main driving force for future regulation of water and river quality. Its standards and local objectives are set out in the Environment Agency's Anglian River Basin Management Plan (RBMP).
- 12.6 RBMPs cover coastal, surface water and ground water bodies in a River Basin District. It shows how water bodies will need to comply with the requirements of the WFD. In Fenland the Anglian RBMP is an important focus for the approach to water quality protection and improvement. The Anglian RBMP includes maps which show present water body status, pressures and current reasons for failure and the Environment Agency are able to assist in the interpretation of this evidence and sign posting further relevant local catchment information.
- 12.7 Applications for development should be accompanied by sufficient information to enable the Council to assess whether the proposal would add to light pollution, noise, smells, dust, odour or vibration, or would result or add to air, land or water pollution. Developers applying for development on or near to known or potentially contaminated land will be required to undertake a detailed site investigation and risk assessment set out in a report to accompany the application. Conditions are likely to be applied if contamination is considered to be an issue that can be acceptably resolved at a later stage.

Policy DM6 – Mitigating Against Harmful Effects

In order to satisfy the requirement of criterion (l) of Local Plan Policy LP16, proposals should ensure that:

- a) all new development takes into account the potential environmental impacts on people, buildings, land, air and water, including ground water, and ecological habitats arising from the development itself and any former use of the site, including, in particular, adverse effects arising from pollution; and
- b) the development does not adversely impact on air pollution levels, particularly in designated Air Quality Management Areas; and
- c) where there are potential landfill gas risks the opportunities to harness the landfill gas as an energy resource have been fully explored; and
- d) pollution and landfill gas risks are controlled to acceptable levels during the development and operation of the site. Proposals should set out maintenance measures and long term responsibilities for diffuse and point source pollution and inform the design of sustainable drainage systems, and applications for major development should be accompanied by a pollution management plan; and
- e) in areas served by mains drainage there is sufficient capacity for development to proceed without negative impacts on the water environment and amenity, and if not, prospects exists for measures to secure and maintain suitable infrastructure prior to development; and
- f) the proposal would not result in adverse levels of light, noise, smells, vibration or dust, or would not result or add to land or water pollution, and which would have an adverse impact on human health and safety, ecological habitats, the environment, or general amenity.

Development proposals will only be permitted where sufficient mitigation measures have been put in place to meet acceptable limits (including any remedial treatment and monitoring arrangements) to ensure there is no adverse impact on human health and safety, ecological habitats, the environment, or general amenity.

13 Land Contamination (to supplement Local Plan Policy LP16 part (m): Land Contamination)

- 13.1 Land contamination causes harm to the environment and has the potential to affect public health and safety. It is often the result of the legacy of industrial processes, but may also be the result of accidents, spillages, and by the elevated levels of naturally occurring substances. Developments around or close to landfill sites can pose potentially severe pollution and health risks where landfill contaminants are disturbed.
- 13.2 Unless land contamination is dealt with successfully it may inhibit the re-use of brownfield sites that would otherwise be suitable for development. Therefore, the policy seeks to ensure that potential for contamination is identified at the earliest stage in the process and that appropriate measures are agreed and in place before development commences.
- 13.3 Where pollution issues are likely to arise, intending developers should hold pre-application discussions with the Council, the relevant pollution control authority and stakeholders with a legitimate interest, for example drainage and SuDS Approving Bodies.

- 13.4 A preliminary risk assessment should be undertaken as the first stage in assessing this risk and is a requirement for validating relevant planning applications. All investigations should be carried out in accordance with CLR 11 'Model Procedures for the Management of Land Contamination', or as may be updated.
- CLR 11 'Model Procedures for the Management of Land Contamination' is available: <http://www.environment-agency.gov.uk/research/planning/33740.aspx>
 - The Environment Agency documents Guiding Principles for Land Contamination are available at: <http://www.environment-agency.gov.uk/research/planning/121619.aspx>

Policy DM7 – Land Contamination

In order to satisfy the requirement of criterion (m) of Local Plan Policy LP16, proposals should take account of the following:

- a) Where pollution issues or risks from landfill gas are likely to arise, intending developers should hold pre-application discussions with the Council, the relevant pollution control authority and stakeholders with a legitimate interest, for example drainage and SuDS Approving Bodies; and**
- b) A preliminary risk assessment should be undertaken as the first stage in assessing these risks and is a requirement for validating relevant planning applications. All investigations should be carried out in accordance with CLR 11 'Model Procedures for the Management of Land Contamination'; and**
- c) Planning permission will only be granted for development if the Council is satisfied that the site is suitable for its new use, layout and drainage, taking account of ground conditions, pollution and gas risks arising from previous uses and any proposals for land remediation. If it cannot be established that the site can be safely and viably developed with no significant impacts on future users or ground and surface waters, planning permission will not be granted.**

14 Riverside Settings (to supplement Local Plan Policy LP16 part (n): Riverside Settings)

- 14.1 There are a number of areas within the district where the location of buildings in relation to the adjacent waterway provides high quality settings, for example in Wisbech and March. These locations provide an ideal opportunity to create buildings that are well designed and include locally distinctive design character.
- 14.2 The Council considers it important that these areas are retained and that new developments which come forward, in appropriate locations, adjacent to waterways throughout the district should provide high quality developments which complement and enhance their riverside setting. The quality and design of the building(s) and other structures will be important to consider, as well as distance from the waterway, the locations of roads and footpaths, and other highways, landscaping, retention of existing important features and provision of access to the river.
- 14.3 Riverside settings often create the need or desire for a boat for leisure and transport including associated structures such as landing stages. In addition, in Fenland, living on boats is a lifestyle choice for some residents and contributes to increasing the diversity of homes within the district. New built dwellings are required to be concentrated in sustainable locations and so the same principle will be applied to people living on boats where they can access services and facilities most easily. It will be important to protect the countryside from adverse impacts associated with permanent occupation, such as visual intrusion, but at the same time residential moorings and associated structures

should accord acceptably with the area within the built settlement where they are proposed to be located.

- 14.4 Tourist moorings in the context of this SPD are permanent moorings used primarily during the tourist season for leisure purposes and travelling. The landing stage for tourist moorings may have an appearance or similar built form to that of moorings for people living permanently on boats, but normally the length of times for stopping is restricted. New tourist moorings should normally only be sited in locations which require access to a particular service or facility. Arrangements would need to be in place to ensure that the moorings are well maintained throughout the year so that they do not have a detrimental impact on the character and appearance of the area.
- 14.5 Development proposals should also consider opportunities for the re-naturalisation of both aquatic and bank side habitats. Much of the district's biodiversity value is concentrated in and around its extensive network of drains and new development should ensure that this is both protected and wherever possible enhanced. Suitable tree planting alongside rivers can provide habitats, strengthen some banks and also provide vital shade to reduce river water temperatures in summer. This is important given the context of a changing climate where summer flows may be reduced by less than half of current flows.
- 14.6 The Fenland waterways provide extensive opportunities for navigation, primarily for leisure craft. Proposals should ensure that the existing network is not impeded, and where appropriate the enlargement of the navigable network and supporting infrastructure will be encouraged.

Policy DM8 – Riverside Settings

In order to satisfy the requirement of criterion (n) of Local Plan Policy LP16, proposals should ensure that:

- a) Buildings and other structures respect and have reference to the riverside setting in terms of architectural design, scale and use of materials; and**
- b) The building should front the waterway wherever possible, and in all circumstances the elevations facing the waterway should be of the highest quality design; and**
- c) Full consideration is given to the setting of the proposal in terms of distance from the waterway, relationship to roads, footpaths and other highways, retention of important existing features, good quality landscaping and opportunities to provide public access to the river; and**
- d) They do not result in an adverse impact on the ecological value of the waterway and any adjoining land, and wherever possible ecological value is enhanced, including through re-naturalisation of the river bank as appropriate; and**
- e) The existing navigable network is not impeded, and opportunities are taken to enhance the extent of the network and supporting infrastructure where appropriate.**

A proposal for the construction of a residential mooring for people living permanently on boats, or for tourist moorings, will be assessed on its individual merits taking into account the availability of shops, services, community facilities and public transport. A proposal will be required to demonstrate that:

- f) In the case of a permanent residential mooring it is located within or adjacent to the built-up area of an existing settlement, and in the case**

of tourist moorings that it is required to access a particular service or facility; and

g) Adequate servicing is provided as appropriate, including water supply, electricity, and disposal facilities for waste including sewage and rubbish; and

h) It, and any associated infrastructure or use of land, will not have an adverse impact on the character or appearance of the surrounding area, the amenity of neighbouring occupiers, the waterway, or nearby land, buildings and settlements.

15 Constraints on Existing Businesses (to supplement the Local Plan Policy LP16 part (o): Constraints on Existing Businesses)

- 15.1 Existing businesses and employment uses are important to Fenland's local economy. These could potentially be constrained and adversely affected if new "sensitive land use" developments such as housing were to be located nearby. Occupiers of inappropriate "sensitive" developments would be able to legitimately complain about sources of noise and other pollutants from neighbouring sites. This in turn could restrict the operation and future expansion of these businesses which may threaten their commercial viability and potentially result in a loss of local employment.
- 15.2 As far as is practicable, "sensitive" developments should be located away from existing sources of significant noise and pollution, or programmed development such as new roads. Potentially harmful developments should be located in areas where noise and pollution outputs will not be an important consideration or where the impacts can be minimised. In some cases mitigation measures e.g. acoustic fencing may be able to address potential harm for both proposed and existing developments.

Policy DM9 – Constraints on Existing Businesses

In order to satisfy criterion (o) of Local Plan Policy LP16, proposals for "sensitive" development should not be located near existing business, employment or commercial sites unless appropriate mitigation measures are put in place which safeguard the amenity of the occupiers of the proposed development and the operation, viability and expansion of the business, employment or commercial use.

16 Glossary

- 16.1 For a glossary of terms, please see the glossary in the National Planning Policy Framework and in the Fenland Local Plan.

Appendix B - Change summary

Summary of the main changes to Delivering and Protecting High Quality Environments in Fenland SPD

(Please note policy and paragraph numbering are based on the final version of the SPD - see Appendix A)

1. General changes throughout the document to page numbering, paragraph numbering, minor typographic and grammatical errors. Throughout the SPD, reference to "Core Strategy" is replaced by "Local Plan" and policy reference changed from "CS" to "LP", for example CS16 becomes LP16.
2. Minor addition to text in paragraph 2.1 to add more information about local history.
3. Minor changes to paragraph 2.2; add number of schedule Monuments (22), correct number of listed building recorded (655), and one Listed Park and Garden added.
4. Minor changes and addition to paragraph 2.4 to give clarity to Buildings of Local Importance.
5. Delete "or conservation area consent" from the first sentence of Policy DM1. Conservation area consent was abolished in 2013 and replaced with a requirement for planning permission to control demolition of a building in a conservation area.
6. Minor addition to paragraph 12.6 following clarification from the Environment Agency regarding local catchment information.
7. Main changes to SPD are as a result of the alterations made to policy LP16 following the Examination process. Some of the alterations require very little changes to the SPD as additional elements were added to two criteria. These changes did not affect the overall aim of the criteria (see table below).
8. Two new criteria were added to Policy LP16 and this required two new policies and supporting text to be added to the SPD. Policy DM7 (Contaminated Land) and Policy DM9 (Constraints on Existing Businesses) and supporting text were added.

Change to Local Plan Policy LP16	Change to SPD
Amend criteria (c) to read: "retains and incorporates natural and historic features of the site such as trees, hedgerows, field patterns, and drains and water bodies."	Minor change to policy but no alteration to SPD required.
Amend criteria (l) to read: "Identifies, manages and mitigates against any existing or proposed risks from sources of noise, emissions, pollution, and contamination, odour and dust, vibration, landfill gas and protects from water body deterioration."	Changes to policy but no alteration to SPD required as the general aim of the policy remains the same.

<p>Insert new criteria (m) to read:</p> <p>“the site is suitable for its proposed use with layout and drainage taking account of ground conditions, contamination and gas risks arising from previous uses and any proposals for land remediation, with no significant impacts on future users, groundwater or surface waters.”</p>	<p>New criterion introduced. New policy (DM7 – Contaminated Land) and supporting text added to the SPD.</p>
<p>Insert new criteria (o) to read:</p> <p>“does not result in any unreasonable constraint(s) or threaten the operation and viability of existing nearby or adjoining businesses or employment sites by introducing “sensitive” developments.</p>	<p>New criterion introduced. New policy (DM9 – Constraints on Existing Businesses) and supporting text added to the SPD.</p>