

AGENDA

PLANNING COMMITTEE

WEDNESDAY, 9 FEBRUARY 2022

1.00 PM

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

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

Whilst this meeting will be held in public, we encourage members of the public to view the meeting via our YouTube channel due to the Council still observing some Covid-19 restrictions.

You Tube Link:

- 1 To receive apologies for absence.
- 2 Previous Minutes (Pages 5 - 28)

To confirm and sign the minutes from the previous meeting of 12 January 2022.
- 3 To report additional items for consideration which the Chairman deems urgent by virtue of the special circumstances to be now specified
- 4 To receive Members declarations of any interests under the Local Code of Conduct or any interest under the Local Code of Conduct or any interest under the Code of Conduct on Planning Matters in respect of any item to be discussed at the meeting.
- 5 F/YR21/0580/F
Plot 2 Land South East Of 1 Curf Terrace, Doddington Road, Chatteris
Erect 2no dwellings (3-storey, 4-bed) and change the use of existing garage/playroom to annexe for use of plot 2 only including 1.2 metre and 1.8 metre

(approx) high fencing (part-retrospective) (Pages 29 - 38)

To determine the application.

6 F/YR20/0861/F

Phase 4 Land At Bassenhally Farm, Drybread Road, Whittlesey
Erect 130 x dwellings (8 x 3-storey 4-bed, 18 x 3-storey 3-bed, 26 x 2-storey 4-bed, 59 x 2-storey 3-bed, 19 x 2-storey 2-bed) with associated garages, parking and landscaping (Pages 39 - 70)

To determine the application

7 F/YR21/1157/F

14 Church Lane, Chatteris
Change of use of existing museum/offices (Class F1(c)) & E(g)(i) to ground floor offices (E(g)(i) and 2 x dwellings (2-bed flats) at first floor level, involving the erection of a first-floor extension (Pages 71 - 84)

To determine the application.

8 F/YR21/1197/F

Cornfields, Euximoor Drove, Christchurch
Erect 1 x dwelling (2-storey 4-bed) and a detached garage, involving the removal of existing caravan and demolition of existing outbuilding (Pages 85 - 102)

To determine the application.

9 F/YR21/1218/F

Land North West of Sunnyside, Cox's Lane, Wisbech
Erect 4 x 2-storey 5-bed dwellings with double garages (Pages 103 - 114)

To determine the application.

10 F/YR21/1356/F

32 Birch Avenue, Chatteris
Installation of 2 x 8.0 metre (approx) masts with 5no aerials for amateur radio (retrospective) (Pages 115 - 120)

To determine the application

11 F/YR21/1358/O

Land West Of 43, Lindsells Walk, Chatteris
Erect 1 x dwelling (outline application with all matters reserved (Pages 121 - 128)

To determine the application.

12 Items which the Chairman has under item 3 deemed urgent

CONFIDENTIAL - ITEMS COMPRISING EXEMPT INFORMATION

To exclude the public (including the press) from a meeting of a committee it is necessary for the following proposition to be moved and adopted: "that the public be excluded from the meeting for Items which involve the likely disclosure of exempt information as defined in the paragraphs 7 of Part I of Schedule 12A of the Local Government Act 1972 (as amended) as indicated."

13 ENF/133/20/UW

47 St Peters Road March (Confidential) (Pages 129 - 132)

To advise Members of the current situation regarding the above site and to authorise legal proceedings to secure compliance with the Notice

Members: Councillor D Connor (Chairman), Councillor I Benney, Councillor Mrs S Bligh, Councillor M Cornwell, Councillor Mrs M Davis (Vice-Chairman), Councillor Mrs J French, Councillor C Marks, Councillor Mrs K Mayor, Councillor P Murphy, Councillor M Purser, Councillor R Skoulding, Councillor W Sutton and Councillor D Topgood,

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PLANNING COMMITTEE



WEDNESDAY, 12 JANUARY 2022 - 1.00 PM

PRESENT: Councillor D Connor (Chairman), Councillor I Benney, Councillor G Booth (Substitute), Councillor M Cornwell, Councillor Mrs M Davis (Vice-Chairman), Councillor Mrs J French, Councillor C Marks, Councillor Mrs K Mayor, Councillor A Miscandlon (Substitute), Councillor P Murphy, Councillor R Skoulding and Councillor D Topgood.

APOLOGIES: Councillor Mrs S Bligh, Councillor M Purser and Councillor W Sutton.

Officers in attendance: Nick Harding (Head of Planning), David Rowen (Development Manager), Alison Hoffman (Senior Development Officer), Ben Standing (Legal Officer) and Elaine Cooper (Member Services).

P68/21 PREVIOUS MINUTES

The minutes of the meeting of 1 December 2021 were confirmed and signed as an accurate record.

P69/21 F/YR21/0597/F 8 THE WATER GARDENS, WISBECH ERECTION OF A PART 2-STOREY, PART SINGLE-STOREY REAR EXTENSION; INSTALLATION OF AIR SOURCE HEAT PUMPS AND PV PANELS TO EXISTING BUILDING AND FORMATION OF A FOOTPATH ACCESS TO SCHOOL FIELD INVOLVING PIPING OF DYKE

David Rowen presented the report to members. He informed members that a late representation had been received from residents of The Water Gardens pointing out that:

- all properties in the development are subject to covenants designed to prevent any use apart from private residential
- the Council has repeatedly refused planning permission to other sites in the development insisting that the character of residential properties with large gardens should be maintained
- the original property has already been doubled in size with the garage converted to dormitories
- the proposed extension will fill the rear garden with the type of development the Council has quite reasonably repeatedly refused others in the development to do
- the school owns extensive grounds and could build a dormitory on their own land if they need one
- there are numerous existing buildings nearby in the town which could readily be converted to dormitories
- the developer purports to be retaining the property as a residential non-commercial enterprise but 8 The Water Gardens is the registered office of KJL Property Management, a company created 2 years ago whose only asset appears to be 8 The Water Gardens so the property does not belong to the school and is, therefore, a commercial enterprise which at any time could be used for other purposes.

Members received a written representation, in accordance with the public participation procedure,

from Councillor Meekins, a District Councillor, read out by Member Services. Councillor Meekins stated that he wished to object chiefly on the grounds of overdevelopment of the existing property by a considerable percentage footprint increase and the loss of privacy and overlooking to some of the neighbouring properties. He expressed the view that other concerns are that the new development will lead to a relatively large number of school age children being housed in a very quiet cul-de-sac with only seven other properties in it, with the potential for increased noise nuisance being a real one.

Councillor Meekins expressed the opinion that the design and appearance of the proposed extension is completely out of kilter with the present development. He feels that there has been no consultation between Wisbech Grammar School and the local residents.

Councillor Meekins stated that already the developers building staff have caused extra traffic flow and inconsiderate parking and a mature tree on site was felled because "it was in the way" without any discussion with the existing residents. He made the point that Wisbech Grammar School is a flagship institution in Wisbech, but, in his view, the way this proposal has been handled has been very poor to its potential neighbours. He would have thought that a boarding house would have been better situated on the Grammar School campus and be purpose built rather than a converted domestic premises, with the school having very extensive grounds in which to have done this.

Members received a presentation, in accordance with the public participation procedure, from Mr Bird, an objector to the proposal. Mr Bird stated that eight years ago the Planning Inspectorate on appeal turned down an application for an infill dwelling in The Water Gardens as "it would cause harm to the visual and residential amenities of the road contrary to Policy E8 of the Fenland DWLP 1993 and Policy CS16 of the emerging Fenland Planning Core Strategy of 2013". He made the point that there was only one objection at that time from neighbours to this application and that objector did not even live on The Water Gardens, with all seven of the neighbours objecting to this proposal due to the visual impact the proposed development will have.

Mr Bird questioned why the case officer has recommended approval of this application when the earlier application was turned down, which, in his view, shows a total lack of consistency. He stated that The Water Gardens is a small residential development comprising of 8 large detached well-spaced dwellings served by a narrow private road with the properties built approximately 60 years ago.

Mr Bird expressed the opinion that the sewage comprises of 5 inch clay pipes which are susceptible to blocking and asked what impact of the approximately 10 toilets and many baths and showers, equivalent of another 5 dwellings, is going to have on this sewage system designed in the 60's which has problems coping with the 8 dwellings it already serves. He expressed the view that they have been told that the proposed units will be occupied by foreign students, with the application being made on behalf of a Chinese company called KJL Property Management Limited, which they have failed to put on the planning application form which is misleading.

Mr Bird stated that the investors also own and run the school as a business and asked if no foreign students wished to attend Wisbech Grammar School, would the school look to use the property for English boarding students and if so there would be nowhere for parking for the parents and visitors. He expressed the view that even now the driveway in front of the property is full most of the time by school or trade vehicles.

Mr Bird feels that the KJL Property Management have totally disregarded the property's covenants with the planning process, by felling trees and putting a footbridge across without planning being granted. He stated that the application originally made by this company was for a three-storey extension and after discussion with the case officer, and objections of residents, this was reduced to, in his view, a two-storey monstrosity as is shown by the photographs.

Mr Bird expressed the opinion that, if permission is granted, the Planning Authority would have difficulty refusing a later application for a three-storey building, which is known to be the applicant's preferred option to gain more units and also gives way to other property owners in the road applying for permission to build in between their houses as large-scale gardens surround every house. He reiterated that all the occupants of The Water Gardens object to this proposal, which, in his view, would be visually intrusive and have a harmful impact on the character, beauty and tranquillity of this area.

Mr Bird expressed the view that the proposal is totally out of keeping with the neighbourhood, would cause harm to the residential amenities of the area and furthermore if the application was successful it would show a complete lack of consistency and total disregard of the Council's own regulations. He referred to the pictures on the presentation screen, which show, in his view, the impact on the residents of The Water Gardens, which is demonstrated in a one-dimensional way, but the impact will be far greater if completed.

Members asked questions of officers as follows:

- Councillor Booth referred to the late representation read out by officers, which mentioned a potential commercial use of the property and asked would this proposal break the existing use of this property or not? David Rowen responded that the representation made reference to the fact that there are covenants on the property restricting commercial use and the enforcement of covenants is not a material planning consideration. He stated that it is a question of whether the extension, which already has authorised use as a boarding house, and the increase in the number of residents is appropriate.
- Councillor Booth made the point that residents are saying that the property is owned by a commercial body so effectively it is not residential but commercial as it is renting out accommodation. David Rowen responded that it is his understanding that the company that is referred to is a subsidiary company of the Grammar School, but members should not get too embroiled in who or who does not own the property, the application is clear in that it is for boarding house use in association with the Grammar School. The Chairman made the point that it does not matter who owns the property the focus is on the application before members.
- Councillor Booth asked for clarification that it is not classed as commercial use because it is being used as a boarding house versus residential, which it has permission for? Nick Harding reiterated that it has planning consent for use as a boarding house in association with Wisbech Grammar School so this is what the lawful use is.
- Councillor Mrs French requested clarification that members are looking at an extension only and the use of it is not a material consideration? The Chairman confirmed this to be correct.
- Councillor Booth referred to the pre-application discussions and changes made to the proposal and asked if more suitable sites were part of those discussions? David Rowen responded that members have to look at the proposal in front of them and if that is acceptable.

Members asked questions, made comments and received responses as follows:

- Councillor Booth expressed his difficulty with the application from the perspective of what the development is in a residential area but is tied by what the planning rules allows. He feels there are two areas of concern, which are residential loss of amenity to the neighbours and parking, but officers are saying these are not material in scale to warrant refusal of planning permission and whilst he does not agree with the application, he is struggling to find any reason why it should be refused.
- Councillor Mrs French agreed with Councillor Booth in that there is no justification in planning law to refuse, although she does sympathise with the residents.

Proposed by Councillor Mrs French, seconded by Councillor Miscandlon and agreed that the application be APPROVED as per the officer's recommendation.

(Councillor Cornwell declared an interest in this application, by virtue of the fact that his granddaughter attends Wisbech Grammar School, and took no part in the discussion and voting thereon)

P70/21

F/YR21/0811/O

LAND SOUTH OF 107 UPWELL ROAD, MARCH

ERECT UP TO 8NO. DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)

David Rowen presented the report to members and drew members attention to the update they had been circulated.

Members received a presentation, in accordance with the public participation procedure, from Malcolm and Jennifer Gray, objectors to the proposal. Mrs Gray expressed the opinion that the acceptability in principle of this application has been based on it being a minor development, but the site is 0.8 hectares with surface water drainage and the field is not within the curtilage of 107. She referred to NPPF for housing development and the Town and Country Planning Consultation England Direction 2021 document which states that a major development in respect of residential development is development where the number of dwellings that could be provided is 10 or more or the site area is 0.5 hectares or more, therefore, in her view, this is a major development and has not been considered against the correct legislation.

Mrs Gray referred to the Town and Country Planning Development Management Procedure England Order Schedule 4 Paragraph ZE, which requires the Local Lead Flood Authority to be consulted about major developments with surface water drainage before the grant of permission and that the Cambridgeshire Flood Water SPD Section 4.3.15 requires a major application to submit a surface water flood risk assessment before permission is granted. She expressed the view that, as this is an outline application for a major development, it should have been subject to a site-specific flood risk assessment.

Mrs Gray stated that their garden is already suffering from surface water run-off from the field, which is approximately 1 metre higher than their damp course, and this would have been picked up if a topographical survey had been carried out in accordance with NPPF 157B, referring to photos 1 and 2 on the presentation screen which showed their garden flooded. She expressed the view that the plot of 107 has been raised by 300mm from the original ground level as could be seen by photograph 3 on the presentation screen.

Mrs Gray expressed the opinion that the change of use of garden land to an access road would increase surface water run-off and the positioning and design of this access with a slight bend changes their property into a corner plot. She feels that if a vehicle was to lose control on the proposed access road it could hit their bedroom wall, which is less than 1 metre away from the fence, and could be potentially fatal if they were in bed, referring to photo 4 showing the distance between their fence and property.

Mr Gray expressed the view that this proposal does not meet the objectives set out in the Fenland Local Plan LP16 as the proposed access runs the full length of their property, which is approximately 53 metres, and will be in close proximity to their conservatory and patio, which will have an adverse impact on their amenity and on their health and well-being from noise and vibrations from vehicles passing in close proximity to their bedroom disturbing their sleep. He feels it will also impact on the peace and quiet of their back garden, and a loss of privacy to their patio area.

Mr Gray expressed the view that the 8 dwellings proposed will generate more noise and increase pollution from vehicle movements, with statistics showing that car ownership in the East is 1.4 per household and they make 1.1 journeys per day, equating to 173 vehicle movements per week

along this access road, which excludes visitors, deliveries and bin collections, which is considerably more than a lawnmower once a week in the Summer. In his opinion, the fumes from these vehicles entering their bedroom and conservatory windows will have a detrimental impact on their health.

Mr Gray expressed the view that the impact on their amenity cannot be resolved via Reserved Matters if the road constructed is where shown and made the point that other approved applications in this area were minor developments, less than 0.5 hectares, using existing access roads. He stated that no other new developments in this area have access roads passing so closely to the living space of an existing single-storey dwelling.

Mr Gray stated that this application relies on the access being acceptable in principle, but, in his opinion, it fails to comply with all the requirements of LP16 and asked how would it be possible for this to be mitigated against at Reserved Matters as it needs to be assessed as another source of flooding. He stated that 7 street trees and 5 mature Ash trees have already been removed from this area, with this application requiring the removal of another street tree.

In Mr Gray's opinion, this is an invalid application as there are serious errors in the executive summary and he asked the committee to be sure that all the information in front of them is correct as they will be making a decision that will affect the rest of their lives.

Members asked questions of Mr and Mrs Gray as follows:

- Councillor Booth referred to the photos and that Mr and Mrs Gray have said their property is affected by the flooding and asked how regularly this occurs? Mrs Gray responded that recently in 2017 and December 2020 and stated that when they first moved into the property in 1977 they had a septic tank and in the Winter the water from this would flood their garden. She advised that they went onto a surface water drainage system and the applicant's father also put drainage in the field. Mrs Gray stated that they had not suffered any flooding problems until recent years, however, with climate change and the extra water, their property is at medium risk of flooding due to surface water. She advised that there has always been drainage problems as they are on clay soil but it has become progressively worse and housing on the field is not going to help. Councillor Booth made the observation that those periods in time when the flooding was particularly bad was when there were problems in March due to extreme weather events.

Members received a presentation, in accordance with the public participation procedure, from Ian Gowler, the agent. Mr Gowler stated that the site is proposed to be accessed between 105 and 107 and a detailed access is not being proposed as it only an Outline application and Highways have indicated that they are happy, in principle, with the proposed access. He made the point that Environmental Health were consulted during the application, particularly in relation to the road being next door to 105, and they were happy in principle.

Mr Gowler referred to the removal of a tree on Upwell Road and that the Tree Officer is happy that this is removed but wants new trees providing in the site. He stated that the field where the proposed dwellings would be built is only half of that field and believes this is why it is a minor application as it only part of the whole field.

Mr Gowler stated the site is currently a grass field and has been for many years, which the applicant regularly cuts, and there is, in his view, very little ecological value to the site and it is proposed as one of the conditions that there would be an ecological survey prior to a Reserved Matters application and ecological enhancements proposed as part of this. He acknowledged that surface water drainage is an emotional and important topic, with the proposal having a strange layout to reach an attenuation pond at the back of the field and the reason that this is in this location is because it is much lower than the existing Upwell Road so water will naturally drain away to this point and there is also a ditch in the corner which will take an attenuated flow from the

development.

Mr Gowler made the point that the existing properties of 109 and 103 both have no objections to the application, with their written statements being on the Planning Portal. He stated that the occupants of 103 are his wife's aunt and uncle and he believes that they would have mentioned if they had any issues with flooding on their property.

Members asked Mr Gowler questions as follows:

- Councillor Cornwell referred to the overflow from the surface water going into a dyke and asked if the applicant owns the dyke or is it an Internal Drainage Board dyke? Mr Gowler responded that he believes it is a half-ditch and is not a Drainage Board ditch as far as he is aware. Councillor Cornwell stated that it falls under riparian ownership rules then.
- Councillor Mrs French expressed the view that access should be determined at the Outline stage and she is concerned that the access is not being committed at this time. She stated that she is well aware of the flooding issues and asked if the development is going to be connected to the main sewerage? Mr Gowler responded for foul drainage yes and made the point that Highways have been consulted over the access and are happy in principle with the layout as well as Environmental Health.
- Councillor Mrs French asked Mr Gowler if he was aware that they would possibly have to undertake an archaeological dig? Mr Gowler confirmed that he was and that it is one of the proposed conditions.
- Councillor Miscandlon referred to a section of land at the back of the site along the drainage pond and asked if this was in the ownership of the applicant? Mr Gowler responded that the whole field past the proposed attenuation pond is in the ownership of the applicant. He stated that the actual red line is a funny shape as it includes the drainage pipe that will take the surface water away from the development to the attenuation pond, so although it looks like there will be a parcel of land left it will still be one big field left in the ownership of the applicant.
- Councillor Miscandlon questioned whether there is potential for more development to take place on this bit of remaining land? Mr Gowler responded that he and the applicant felt it would not be appropriate as Upwell Park and a recently approved site form a natural boundary and it would not comply with policy. The Chairman reiterated that members need to determine the application that is in front of them.
- Councillor Mrs Mayor referred to photograph 3 of the objector's presentation and asked for an explanation on the site level being 300mm higher than the original ground level and is this causing the flooding issue or exacerbating it? Mr Gowler responded that he is not sure if and when the existing level of 107's garden was raised, on the flood maps it does seem to be a low spot in relation to 107 and their garden does seem lower than other properties on Upwell Road. He stated that as far as he is aware the ground levels have not been raised in recent years.
- Councillor Connor acknowledged that the proposal is for Outline planning permission, but asked, if the proposal is approved today, recognising that there are some flooding issues in the area, could the attenuation pond be formed at the point the properties reach slab level? Mr Gowler responded that the management and maintenance need to be conditioned stating that it is maintained by some kind of management company and the applicant would be happy for this to be part of a condition. He made the point that as the drainage is part of the detailed application and the road would not be adopted they will both need some kind of management company put in place to oversee their maintenance.
- Councillor Mrs Davis asked why the attenuation pond is at the back of the field and not closer to the houses? Mr Gowler responded that part of the field falls away from Upwell Road and this is the lowest part of the site so it makes sense for the drainage to fall that way and the rear boundary has a ditch with an attenuated pipe flow which will take the outfall of the attenuation pond.
- Councillor Booth referred to a management company managing the attenuation pond and he believes in adopted policy that the preference would for it to be managed by an Internal

Drainage Board and asked if Mr Gowler had approached any drainage board regarding this? He further asked what the levels of the attenuation pond would be referring to lower levels and 300mm differences in ground levels? Mr Gowler responded that some of these issues would be subject to detailed design and at that time Middle Level would be consulted where drainage calculations will be asked for. He made the point that it is always a balancing act on whether to undertake a drainage strategy now but not knowing if the site is going to be acceptable in principle for a development. Mr Gowler stated that if Middle Level will take responsibility for that drainage pond this will come out of the agreement and discussion at the detailed application stage, but he not sure it would as the pond is not directly out-falling into a Middle Level ditch. He thinks the land drops between 1-1½ metres between Upwell Road and the bottom of the field.

Members asked officers questions as follows:

- Councillor Mrs Mayor expressed concerns about the levels and thinks from what Councillor Booth has said he has concerns as well, there is obviously an issue with the land levels, an issue with a riparian ditch and the attenuation pond and the circumstances needs to be right from the beginning it cannot be a situation of an Outline application which is constantly altered, and asked how the land level issue can be overcome? David Rowen responded that it is clear that the levels at 105 Upwell Road are lower as has been seen from the photographs, but why this is he is not sure and queried whether the land level at 105 had been changed, such as has the garden been dug down? He feels the issue of land levels and drainage is that there is an existing problem with that property on Upwell Road notwithstanding if this development goes ahead or not and the question is would this development exacerbate or make worse that situation and as part of the application there is a demonstration that there is a possibility of the site being drained in a different way and potentially in a way that would take away some of that drainage away from the properties on Upwell Road, which would be subject to a more detailed drainage strategy that would be required as part of the recommended condition 6. Officers are comfortable that there is a way of adequately draining the application site which does not exacerbate any existing drainage issue that properties on Upwell Road may be experiencing. Councillor Mrs Mayor expressed concern over the fact that people buy properties and do things in their gardens without the knowledge on what is going to happen to a neighbours gardens, whilst there is nothing members can do about this, the scheme needs to be right from the beginning and that is what she is trying to get to.
- Councillor Murphy referred to 9.25 and 9.26 of the officer's report where it mentions refuse vehicles would not be able to go down a private road, which on this development it is likely to be as it would not be adopted, and it says the occupiers could be required to wheel their bins down to the highway which is 115 metres against a Recap guidance of 30 metres, which is a long way to take bins down and questioned whether it should say could or would because if nothing happens to the roadway refuse vehicles would not be able to get down to the properties and they would have to wheel the bins down not could. David Rowen responded that use of the word "could" is correct as part of Condition 6 there is a requirement for a refuse collection strategy to be submitted and it could be the case that a private refuse collection is arranged, it could also be that the developers of the site enter into a non-indemnity clause with the Council to indemnify collection by the Council down a private road so there is several different options which could emerge in the future.
- Councillor Murphy asked if the best way to approach it would be through a management company? David Rowen stated that this would have to be addressed by the developer in the future, but there is going to have to be a management company set up in respect of the road and any drainage so it may be that as part of this general management that a private refuse collection forms part of this.
- Councillor Mrs Davis expressed concern over applications such as this where there are not full details over the access road and asked if there is any idea on how wide the

access will be? David Rowen responded that the indicative plan indicates the width of the road is 5 metres.

- Councillor Booth stated that Mrs Gray referred to the NPPF and whether this application should have been determined as a minor or major application, with the implication being that the Lead Local Flood Authority being engaged with the process. He asked for clarification on whether the application should be a minor or major and why? David Rowen stated that it is a minor application and the Local Government Association Planning Advisory Network gives a definition of “a major development is one where the number of residential units to be constructed is 10 or more, where the number of residential units to be constructed is not given in the application a site area of 0.5 hectares should be used as a definition of a major development” and in this case there is a number of dwellings specified as part of the application, which is 8 dwellings.
- Councillor Cornwell asked what is the distance between the access road and the boundary of the bungalow as Mr and Mrs Gray mentioned that it was very close? David Rowen responded that looking at the indicative plan showing the 5 metres access road it looks as though it would be approximately 1½-2 metres. Councillor Cornwell expressed the view that this seems tight, but asked if officers are saying that this is acceptable? David Rowen stated that this is the view that has been taken, Environmental Health have commented on the application and have not raised any amenity issues and the officer’s assessment is that it is tight but it is not considered that the impact on amenity to be unacceptable. Councillor Cornwell made the point that concern has been raised by the speakers today and, therefore, he feels it does become an issue.
- Councillor Mrs French expressed concern about the access and, in her view, it should be decided at this stage and not at Reserved Matters. She stated in regard to the flooding she is well aware of the flooding down Upwell Road, which was severely flooded in December 2020. Councillor Mrs French advised that from her investigations that have been undertaken with officers at the County Council going around every dyke, drain and gully, they have discovered that there are approximately 10 properties down Upwell Road who have either got greenhouses/garden sheds or other structures built over a riparian dyke. She stated that part of that dyke belongs to Fenland District and Cambridgeshire County Councils and there will be a legal agreement that all these obstructions need to be removed and the dyke reinstated, but there is no timescale for this to happen as it is in the hand of the Legal Team at County Council. Councillor Mrs French referred to 9.15 of the officer’s report where it states “it is clear that surface water flooding already occurs to properties along Upwell Road and it is unlikely that the development would overcome the existing issues”, but she would not expect it to overcome flooding issues. She stated that she knows what the problem is in Upwell Road, she is not sure if it comes up as far as 105 and 107, but it certainly affects No.1 up and the land that belongs to the Council backing onto the cemetery, which was cleared out a few weeks ago by Fenland District Council. Councillor Mrs French feels that the flooding issues are being overcome, but she would like to see an attenuation tank as she is concerned that if the water is piped into a riparian dyke that does not belong to the owner it is somebody else who has to maintain somebody else’s water. She feels that there are a lot of questions still to be answered and officers need to take these concerns into consideration. Nick Harding responded that in respect of access not being included as a matter of detail in this Outline application, this is a decision solely for the applicant to make, but if as the Planning Authority this is unsatisfactory then planning consent could be refused on the grounds that access details are so important that it is fundamental to the acceptability of this site, however, in this instance there has been an indication from the County Council’s Highways Officer that, in principle, the formation of an access serving the site on to the adopted highway is achievable and hence the officer’s recommendation for approval. In respect of surface water, he made the point that there is an indicative proposal that has been tabled as part of the application, it is conditioned and it appears highly likely that an acceptable detailed scheme could be arrived at. Nick Harding stated that the proposal is going to be positively drained away

from existing development to the balancing pond, with the roof water from the properties and hardstanding areas also going to that piped system and that system of surface water management will have to take into account climate change and there will be some betterment over the existing situation. He made the point that whilst he might not be an expert on riparian responsibilities it is his understanding that if you have a parcel of land that backs onto a riparian ditch you have responsibility for your half of it and, therefore, by default the landowner in this instance would have the ability to discharge into that ditch. Councillor Mrs French stated providing it belong to them, you cannot put water into someone else's ditch without permission. Nick Harding responded that if it is riparian then it is half of their responsibility and, therefore, the landowner would have the ability to discharge into it.

- Councillor Booth asked if in officer's view the access is acceptable and whether there was any guidance on what the minimum distances are or is it a subjective matter on whether there is a loss of amenity? Nick Harding responded that there is no prescribed technical manual to establish whether an adopted highway is too close to an existing property, but what needs to be recognised is down that boundary a 2 metre high fence can be erected by the existing landowner and that would act as a sufficient boundary to protect the amenity of the adjacent landowner to a significant degree and, therefore, officers deem the relationship acceptable as well as the physical gap that is proposed. David Rowen drew members' attention to 5.2 of the officer's report where following consideration of a neighbouring objection regarding the proximity of the access road to their property further comments were received from Environmental Health acknowledging the concerns raised regarding the access road, but they would not object subject to conditions already recommended and would also recommend that no gravel is used on the access road and at the Reserved Matters stage the access road is tarmacked or concrete surfaced to reduce noise and disturbance. Environmental Health officers are better equipped than Planning Officers to deal with detailed scientific levels of amenity considerations and Environmental Health are satisfied in that regard subject to that condition.
- Councillor Marks referred to the photographs and believes this property already has a fence all the way around it. Officers confirmed in the affirmative.
- Councillor Mrs Mayor referred to 5.2 and it does not say whether officers actually visited the site or whether it was a desk top study and thinks that sometimes Highway engineers need to visit the site to see whether the access is possible or not. Nick Harding stated he is not aware whether the engineer did visit the site or not, but in terms of the visibility splays that has been considered as it has resulted in the need to remove a tree in the public highway and officers are satisfied that the Highway's Officer considers there is going to be adequate visibility when exiting from this junction.
- Councillor Connor made the point that members are worried about flooding issues and asked officers if they are confident that perceived flooding issues on this site can be addressed? Nick Harding responded in the affirmative.

Members asked questions, made comments and received responses as follows:

- Councillor Topgood acknowledged that there are issues with the access and flooding, but feels that members are forgetting that this application is an Outline one and the details will come at the Reserved Matters stage.
- Councillor Booth understands what Councillor Topgood is saying, but once the application is approved it has permission and if there are concerns they need to be discussed at this point. He does have serious reservations about the development, especially in relation to flooding.
- Councillor Connor made the point that the Head of Planning was confident that flooding issues could be overcome.
- Councillor Mrs French expressed the opinion that there is no reason to justify refusal, but she is not happy with the application, especially in relation to access and flooding, but hopes when a Reserved Matters application is submitted these issues would be resolved.

- Councillor Benney referred to all the concerns regarding flooding, with members having seen the photographs which confirms that it does, but members have been told by officers many times before that when a scheme comes forward it can solve the problems with flooding. He referred to the 88 homes at Wimblington where there was a strong compelling argument to turn it down due to flooding, but members called in the technical experts from Anglian Water and Internal Drainage Board who all said the development was acceptable from a drainage/flooding perspective. Councillor Benney made the point that members are not qualified to challenge this view and if officers are telling members that these issues can be addressed through a mitigation scheme how can the committee go against it. He feels that the proposal is a scheme that is policy compliant and if members vote against it today it will go to appeal and the Council would probably lose. Councillor Benney acknowledged that there are flooding problems in Fenland, but officers say there is a technical solution and if it cannot be found on this development it will not be built, and as much as he sees the concerns there are with this proposal, he does not see any other option than to approve it today.
- Councillor Mrs Mayor referred to the comments of Councillor Mrs French whereby the County Council have already done some surveys in the area and made the point that there are more riparian ditches, with landowners or property owners having no idea what a riparian ditch is and if they had looked at their deeds when they brought the properties it would have been clearly marked on it, would have had it all explained to them and would have known that they should not build anything over a riparian ditch. Councillor Mrs French is saying that the Legal Team at the County Council are looking into this and these property owners are going to be told to move these structures that have been built over them and with this in mind, Councillor Mrs Mayor cannot support approving this application as it is today as there is more that needs to be done before going down this route.
- Councillor Cornwell agreed with Councillor Mrs Mayor comments. He does not feel he is in a position to support this application as, in his view, there are too many ifs and buts and he has concerns over drainage and access.
- Councillor Mrs French asked if the application could be deferred for further information on the drainage and access? Nick Harding stated that technically the application could be deferred by committee, however, members would need to be very clear on the reasons why as there is no objection from the County Council in respect of the access and, therefore, what is the question that members would want to put back to County. He stated, in terms of drainage, the use of a condition to secure surface water drainage details are common and on major schemes consultation with the Local Lead Flood Authority on the drainage strategy for those developments, but this is a minor development proposal and, therefore, there is not the luxury of having the input of the Local Lead Flood Authority, but in this instance there is a substantial sized site and in terms of the proposed drainage solution there is a network of pipes that will collect the water from all of the areas of hardstanding and take it to the bottom of the field into a surface water lagoon before it goes on to be discharged into the riparian ditch and that surface water lagoon can be increased in capacity in accordance with the drainage calculations that will be run as part of satisfying the proposed planning condition. With regard to issue of riparian ownership, the Council cannot be in the position where it is stymying a development proposal because there might be somewhere down the riparian chain someone who has not maintained their ditch appropriately or in the future as there is never going to be a position that every riparian network is going to be regularly surveyed and checked so that it is clear and operational and it would be a civil matter that would deal with any issues of blockage of the riparian network.
- Councillor Mrs French responded that it is not necessarily a civil matter as having worked on this through the County Council there is quite a lot of legal issues and the County Council are taking steps to resolve that as it is an offence to stop water flowing down dykes and it could actually be a criminal offence.
- Councillor Booth stated that the key recommendation here about the flooding issues is 6.2 which talks about a surface water drainage scheme and its future management which follows the principles set out in the adopted Cambridgeshire Flood Water SPD 2016. It has

been some time since he read that SPD, but was quite heavily involved with it as it came to the Drainage Boards and Fenland District Council and part of his concern is this condition strong enough and can it be strengthened in some way, particularly as the applicant has said about getting a proper scheme established and it is debateable about whether it is done at this stage or at the full application stage, and asked for officers advice on whether this was possible. Nick Harding referred to the Chairman adjusting this condition requiring the details to also say that prior to the access way coming into use or first occupation of any dwelling on that site the surface water system is operational and, therefore, as and when you have the implementation of development it is actively being served by the proposed surface water scheme and the condition as it stands does ask for the details of the design to be submitted, which is a regular occurrence in terms of planning consent. The Chairman made the point that he said slab level, but if pushed would support first occupation as he feels the attenuation pond is key to the drainage of this site.

- Councillor Mrs Davis expressed the view that the drainage issues have been exhausted and whilst members might have concerns she feels that what officers are saying has to be accepted. Her concern is more about the access as she feels there is a serious loss of amenity to the existing property and, she knows you must not take into account what might happen, but there could be more than the 8 dwellings in the long-term using this roadway and to have just a couple of metres between your property and the roadway will cause 105 a lot of noise and traffic with vehicles going up and down the side of their property, with the average house having 2-3 cars now. She stated that she would not like it if it was her property.
- Councillor Cornwell expressed the view that Environmental Health have acknowledged something as they are saying that the access should not be a gravel one as gravel makes noise. He feels that members have a responsibility towards everyone else in the area for health and wellbeing and he feels that this proposal will act in a detrimental manner, certainly to Mr and Mrs Gray.

Proposed by Councillor Cornwell, seconded by Councillor Mrs Davis and agreed that the application be REFUSED against officer's recommendation.

Members do not support approval of planning permission as they feel that the proposal would have a detrimental impact on the amenity and health and wellbeing of the immediate neighbouring property due to the impact of traffic movements along the proposed access for the development.

(Councillor Skoulding declared an interest in this application, by virtue of owning Upwell Park which borders the application site, and retired from the meeting for the duration of the discussion and voting thereon)

(Councillors Mrs French registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that she is a member of March Town Council, but takes no part in planning matters)

(Councillor Connor declared that Mr Gowler, the agent, is known to him, but this has no bearing on his determination of this application)

**P71/21 F/YR21/0819/FDL
LAND SOUTH OF GILLINGHAM LODGE, THE CHASE, GAUL ROAD, MARCH
ERECT 1 X DWELLING INVOLVING THE DEMOLITION OF EXISTING
OUTBUILDINGS (OUTLINE APPLICATION WITH MATTERS COMMITTED IN
RESPECT OF ACCESS)**

David Rowen presented the report to members and drew members attention to the update that had been circulated.

Members received a presentation, in accordance with the public participation procedure, from Councillor Mrs French, a District Councillor. Councillor Mrs French stated that The Chase is a very important part of March to local residents, with the site already having had refusals which were upheld on appeal and nothing has changed since the refusals apart from the fact that 33 Gaul Road has been developed and is now called Magnolia Close. She expressed the view that during the discussions of the 33 Gaul Road application there were many concerns and objections to the removal of the brick wall that forms the character of the area and it was agreed at that time that the brick wall would remain and remain in perpetuity intact not to be knocked down.

Councillor Mrs French stated that there were many TPOs on this site, but sadly they have all been removed, which she finds disgraceful. She notes that there is no report from the Conservation Officer and would like to know why, especially when part of a character of an area is going to be destroyed. She knows it is not in a Conservation Area, but feels it is a very important part of March and should not be destroyed for the sake of one dwelling.

Councillor Mrs French referred to 5.3 of the officer's report where the Highway Officer states, "if you or members decide to refuse planning permission then arguments could certainly be made on safety grounds and, therefore, refusal would not be an unreasonable conclusion." She made the point that there are hundreds of people using The Chase daily and since the pandemic when walking has become the normal and the construction of this site would be dangerous to pedestrians and it would be detrimental to their health if they could not use it.

Councillor Mrs French stated that The Chase is owned by Fenland District Council and maintained by them and discussions have taken place to acquire the top section, which could possibly affect maintenance as well. She feels to change the access head will not change the issues, as The Chase is not wide enough for cars to pass.

Councillor Mrs French urged members to refuse the application and not destroy the character of this area and remove the enjoyment of many hundreds of residents who use it daily.

Members asked questions of Councillor Mrs French as follows:

- Councillor Booth asked Councillor Mrs French is she believed the application should be refused on highway safety grounds as per the Highway Officer's report and also because of the loss of general amenity? Councillor Mrs French responded that what she read out from 5.3 was comments from the Highway Officer as to justification to refuse the application and appeal several years ago.

Members received a presentation, in accordance with the public participation procedure, from Geoffrey Shaw, an objector to the proposal. Mr Shaw informed members that he has lived in The Chase for the past 14 years so he knows quite a lot about the conditions here. He feels it is important to stress that The Chase is a registered footpath or walkway, and has been so for several generations, it is not a roadway and was never intended to be one.

Mr Shaw stated that a very large number of local people use The Chase to access West End Park and March Town Centre, with a lot of them being disabled people from the home across the road from The Chase, wheelchair users, children, families with small children and dog walkers. He expressed the view that Fenland has always protected The Chase as a public footpath and it is said that motor vehicles and pedestrians on a footpath do not mix, which is why Fenland has refused to allow development along The Chase before now and refused previous applications for this site and the adjacent site of Willow View.

Mr Shaw expressed the opinion that this Fenland policy has meant there has been no safety issue to pedestrians on The Chase in the past because there have been virtually no vehicles on it. He expressed the view that this application would reverse that policy of preventing further development on The Chase and protecting pedestrians on it.

Mr Shaw feels there are a number of fundamental reasons with this application, one is that it puts the safety of pedestrians at substantial risk as you cannot protect pedestrians on a footpath by turning it into a roadway and putting more traffic on it and the description that refers to joint use is a meaningless label, in his view, because this application would lead to far more cars on The Chase than exist currently. He expressed the opinion that there are large safety issues with this application that has been identified by the Planning Inspectors when they refused similar applications before but does not have time to go into all those safety issues now but if members wanted to ask him about them later he would be happy to answer.

Mr Shaw expressed the view that the second problem with this application is that it has a disastrous effect on the amenity value of The Chase to its users because it would degrade and diminish the experience that local people have travelling down it. He feels they would be exposed to greater risk whilst at the same time being marginalised on their own footway and using The Chase would become an entirely different and less rewarding experience, with users not being able to walk casually down The Chase with their dog or family because they would constantly have to be vigilant on the alert and less relaxed.

Mr Shaw referred to the comments of Councillor Mrs French whereby it would damage the integrity of the landscape of The Chase by demolishing a heritage wall which is supposed to be protected. He feels that the vast majority of the people who live in the area do not know about this application as they have not been consulted and, therefore, will only learn about it when it is too late to do anything about it.

Mr Shaw expressed the view that the third reason why this is a dangerous policy that should be rejected is that it sets a precedent for further development along The Chase as what is offered to one applicant cannot be readily refused to another. He feels that members need to choose whether they favour a single applicant with one house to be built or support the broader interest of the majority of the community who use The Chase in an amenable and rewarding way at the moment.

Mr Shaw expressed the opinion that this is a point of no return as this application would be crossing a line that Fenland have previously said you must not cross and asked members to refuse the application.

Members asked questions of Mr Shaw as follows:

- Councillor Connor asked Mr Shaw what safety issues he has in mind? Mr Shaw responded that these are quite clearly stated by the Planning Inspectorate when considering similar previous applications and they made it clear that there were compelling reasons why the development should not be allowed on safety grounds. He stated that they said first of all that allowing even a modest increase in any traffic on The Chase would be an unacceptable risk to pedestrians and he feels that widening The Chase by 1.5 metres will not solve the problems of endangering pedestrians as there still would not be room for 2 cars to pass and where are those pedestrians going to go if they find a large vehicle coming along The Chase. Mr Shaw expressed the view that there is also the problem of larger vehicles reversing up the entire length of The Chase as there is nowhere for them to turn once they access it. He made the point that the Planning Inspector placed a lot of stress on the problems of the junction of The Chase with Gaul Road as they said there was a visibility problem and, in his view, this proposal does not satisfactorily remove those problems and he does not see how they can be removed. Mr Shaw is not sure if Highways visited The Chase, but, in his view, there is no visibility on the eastern side of the junction as this is obstructed by a telegraph pole, a light standard and large commercial vehicle parked in the driveway of the adjacent property and on the other side, the splay that is proposed to be put there still would not give you enough visibility to be safe, so you are going to have pedestrians turning into The Chase without being able to see if anyone is coming. He

stated that the Inspector placed a lot of stress on what they called shuffling in Gaul Road, they said there is a big problem with vehicles attempting to turn into The Chase which is very narrow at the entrance, encountering vehicles trying to come out of it at the same time and this would create a dangerous problem of congestion on Gaul Road, this was 15 years ago and a lot has happened in Gaul Road since then to exacerbate and intensify that danger, it now much busier and has increased the problem. He does not think the problems that the Inspector elaborated on and identified have been addressed by Cambridgeshire Highways in their assessment and he does not feel the proposed solutions about endangering people on The Chase have been answered.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent. Mr Hall stated that before the application was submitted there were meetings and discussions on site with Fenland District Council's Assets Department to discuss The Chase, which is owned by the Council, and possible improvements to it. He made the point that The Chase already has streetlights, foul sewer and associated infrastructure and three dwellings at the moment all have access off The Chase.

Mr Hall stated that he has reviewed the previous planning and appeal refusals, which are 18 years old, and, in his opinion, the reason for refusal on each application was The Chase and the junction onto Gaul Road, with all of the previous applications not proposing any improvements whatsoever and this application is the first which proposes improvements to The Chase and to the junction at Gaul Road. He made the point that the Highway Officer has visited the site on two occasions and he has confirmed that he believes the splay can be achieved in both directions on Gaul Road.

Mr Hall stated that they initially proposed a 1.5 metre wide dedicated footway for pedestrians, which would obviously be subject to design agreement with the Assets Department at Cambridgeshire County Council, but on 19 October Cambridgeshire County Council Highways advised that their preference was for a wider carriageway and to tie in with the existing Gaul Road footpath. He expressed the view with the proposed widening of the carriageway it would still be 1.5 metres away from the majority of the wall, which abuts the site next door.

Mr Hall feels that what has not come out of the officer's report is the assistance he has received during this application from Sarah Bell of Fenland District Council and Phil Caves, Cambridgeshire County Council's Highways Officer, to bring this application forward. He made the point that the Council in this report confirm that a bin lorry already enters The Chase to serve the existing properties, which would then serve this site.

Mr Hall made the point the site is in Flood Zone 1, not in a Conservation Area, on the edge of town and improvements are proposed to The Chase. He stated that there have been numerous consultees as well as site visits on this application and no objections have been raised by the statutory consultees, with officers recommending approval.

Members asked questions of Mr Hall as follows:

- Councillor Miscandlon asked whether any assessment has been undertaken of the current motor vehicle usage of The Chase? Mr Hall responded that they had asked for accident data along The Chase and the junction with Gaul Road of which there was none, but there have been no specific surveys of vehicle movements.
- Councillor Connor stated that he had visited the site and is concerned about safety. He acknowledged that an extra 1.5 metres was going to be tarmacked, which will leave just the grass, but to get the entrance to The Chase off Gaul Road without widening is only 3 metres and to achieve the required vehicle access 18 metres of the wall will need to be taken down. Mr Hall responded that only 5 metres of the wall will need to be taken down and explained using the officer's photographs where the wall would be affected.

Members asked officers the following questions:

- Councillor Murphy referred to the history where an application was refused and dismissed on appeal in 2002/2003 and asked what has changed for officers now to propose approval when the traffic is heavier? David Rowen responded that the previous application proposed no improvements to The Chase and this application proposes works to improve The Chase in potentially widening the length of The Chase by 1.5 metres and improving the visibility of the junction with Gaul Road.
- Councillor Cornwell stated that he understands the highway implications at the Gaul Road end of The Chase, but the rest of The Chase is clearly not highway but a Fenland District Council owned footpath, which is in fact a heritage footpath. He asked if the applicant has been asked to survey the pedestrians that use that footpath every day? David Rowen stated that this request has not been made by the County Council's Highway Officer and planning officers are guided by what the County Council says. Councillor Cornwell made the point that it is Fenland property and the footpath is maintained by this Council, the essential grass strips on each side he assumes are maintained by the District Council and there is evidence of damage by large vehicles along this footpath. He would have thought a survey would have been asked for as it is a heavily trafficked footpath as it links that part of March to the Town Centre and safety is an important element of this application. David Rowen responded that whilst The Chase is owned by Fenland District Council, highway safety issues when dealing with planning applications are dealt with by the County Council as they have officers qualified to give advice and no survey work was requested as part of the application. He made the point that the Estates Team have commented on the application and not raised any issues or concerns. Nick Harding stated that it is not uncommon to come across on residential development a shared surface, which is a road shared with pedestrians and vehicles of 4.5 metres width and these roads could accommodate up to 50 dwellings. He made the point that this application is for a lower number of dwellings with 4.5 metres width along the whole length.
- Councillor Cornwell queried the 4.5 metres as he feels it is a varying width and there is a wide grass area. Nick Harding confirmed that the application proposes a 4.5 metre width from Gaul Road up to the application site, where it is currently about 3 metres.
- Councillor Booth referred to the comments made by Councillor Mrs French on why the Conservation Officer was not engaged, but he presumes this is because the site is not in a Conservation Area or a Listed Building? Officers confirmed this to be correct.

Members asked questions, made comments and received responses as follows:

- Councillor Booth expressed concern over the safety of pedestrians and can remember numerous times when applications have had no highway concerns but councillors have raised valid concerns, but had their hands tied by Highways saying there are no issues. He feels on this application officers are saying there are potential highway issues in 5.3 of the officer's report, which is a reason for refusal, which raises a red flag. Councillor Booth expressed the view that there is an issue with residential amenity and the impact on what is considered locally a heritage asset, although recognising it is not in a Conservation Area.
- Councillor Cornwell stated The Chase is in effect an old established footway, owned and maintained in a certain way by Fenland District Council. He feels the wall is protected by a previous decision of the Council and is confused how officers can recommend that element be changed to remove part of a wall which is protected under a previous decision. Councillor Cornwell made the point that The Chase is a footpath and not a road, with some residents having a right of way over it and the quantity of pedestrians using the footpath is considerable. He feels it is acknowledged that pedestrians and vehicles do not mix and the Council should not be encouraging more traffic to mix and on this basis he cannot support due to health and safety.
- Councillor Connor advised that he visited the site today and he was not surprised to see how many people use this footpath, with a mixture of about 20 people in the 15-20 minutes he was there, which made him think this is a walkway. He referred to his aunt living at 44 Gaul Road and can remember that it was a track in 60's and people were walking down it

then. Councillor Connor feels it does have history and if that wall does have a condition or protection then it should not be touched and queried why officers are agreeing to this proposal now.

- David Rowen stated that as part of the residential development to the west of the site there was a condition imposed on that planning permission for the wall to be retained and the prohibition of any vehicular or pedestrian access being made through the wall onto The Chase. He made the point that this application proposes the removal of a 6 metre span of wall, which would be repositioned and rebuilt, which in officers view does not constitute a significant loss of the wall or its character or the contribution it makes to The Chase.
- Councillor Cornwell queried why this condition should be changed for a heritage asset which is an essential part of the street scene.

Proposed by Councillor Booth, seconded by Councillor Cornwell and agreed that the application be REFUSED against officer's recommendation.

Members do not support officer's recommendation of approval of planning permission as they feel there is a highway safety issue from pedestrians and vehicular conflict as highlighted in the report from the Highway Officer and the previous appeal decision, there would be a detrimental impact to users by the loss of a general amenity with the nature of the footpath being changed and a detrimental impact on a local heritage asset by the removal of the wall which is protected by a condition on a neighbouring application.

(Councillor Skoulding declared an interest in this application, by virtue of the application involving a family member, and retired from the meeting for the duration of the discussion and voting thereon)

(Councillor Mrs French took no part in the discussion and voting on this application as she had made a presentation as part of the public participation procedure and was, therefore, pre-determined)

(Councillor Benney declared an interest, by virtue of knowing and employing the agent and as Portfolio Holder for Assets he has had some minor involvement as the footpath is owned by Fenland District Council, and took no part in the discussion and voting thereon)

(Councillors Mrs French registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that she is a member of March Town Council, but takes no part in planning matters)

P72/21

F/YR21/0908/F

LAND SOUTH AND WEST OF 12 HIGH ROAD, GUYHIRN

ERECT 1 X DWELLING (2-STOREY, 4-BED) INVOLVING FORMATION OF A NEW ACCESS

Alison Hoffman presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Gareth Edwards, the agent. Mr Edwards stated that the application has the support of the Parish Council and was previously considered by the committee last year when members were minded to approve, subject to changes. He made the point that the changes discussed at that time have been made, which were to move the dwelling so it was in line with the neighbouring properties and locating the garage doors to the side from the front to maintain windows to the front elevation, which is consistent with the majority of properties in Guyhirn.

Mr Edwards made the point that the site is in Flood Zone 3, but it is no different to other developments within the village, and a sequential and exceptions test has been carried out as part of the submission, which demonstrated there were no other reasonable sites at lower risk of

flooding available and, therefore, the sequential test has been met. He expressed the view that the site is in a continual line of development extending throughout the village on this side of the road as the majority of Guyhirn can only be developed on one side due to the river and its banks, sites like this are extremely valuable to provide dwellings to sustain facilities in the village.

Mr Edwards feels that Guyhirn has a mixture of dwelling types and this section of the village is no different, with different heights, sizes and styles, and whilst this proposal is larger than neighbouring properties it is consistent, in his view, with other dwellings being built in the village and may be considered aspirational. He stated that as the applicant already owns the land and uses it as his extended garden to the host property and feels surely a mixture of dwelling types should be encouraged.

Mr Edwards expressed the opinion that Guyhirn has seen a modest amount of growth in recent years and needs more development to support amenities in the village and a diverse housing mix is critical not only to Guyhirn but the District as a whole. He feels that the proposal provides the opportunity for a large family dwelling on a very large plot in line with the existing dwellings, with an existing access onto High Road and the host property utilising a new access which has the support of the Highways Department.

Mr Edwards expressed the opinion that the proposal makes the best use of the land, will finish off this part of the village and add a diverse housing mix addressing the points raised at the previous Planning Committee. He asked members to support the application with the conditions they deem appropriate.

Members asked questions, made comments and received responses as follows:

- Councillor Benney stated that he was at the committee when the previous application was refused as it came forward of the building line with the rest of the road and feels that the agent has taken the advice provided at that time on board. He feels that there is a mix of houses in the area and the proposal might be bigger than some of the other houses but it sits on a massive plot. Councillor Benney agreed that it is an aspirational house, which will make a good home, and feels that LP16 as a reason for refusal is subjective. He reiterated that the site is a large plot, it needs a large house and, in his view, it is in keeping with the rest of the street scene which is a mix of dwellings.
- Councillor Connor agreed with the comments of Councillor Benney, with the applicant/agent coming back with a redesigned scheme that the committee asked them to do.
- Councillor Murphy stated that he cannot personally see anything wrong with this application, which has the Parish Council's support and no objections from the various consultees.

Proposed by Councillor Benney, seconded by Councillor Skoulding and agreed that the application be APPROVED against officer's recommendation, with delegated authority being given to officers to apply appropriate conditions.

Members do not support officer's recommendation of refusal of planning permission as they feel that the proposal does comply with Policy LP16 of the Fenland Local Plan as it will make a positive contribution to the character of the area and street scene and is in keeping with the mixture of dwellings in the area.

(Councillor Booth registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is a member of Wisbech St Mary Parish Council and was in attendance when this application was discussed, and took no part in the discussion and voting thereon)

P73/21

F/YR21/1033/F/

ELDERNELL FARM, ELDERNELL LANE, COATES

CONVERSION OF AGRICULTURAL BUILDINGS TO 1 X 2-BED AND 2 X 3-BED DWELLINGS INVOLVING ERECTION SINGLE-STOREY LINK FOR BARN 2, AND

ASSOCIATED WILDLIFE TOWER INCLUDING DEMOLITION OF 4NO BUILDINGS

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Andrew Middleditch, the agent. Mr Middleditch stated that the proposal came before committee in 2018 when it was originally supported and he hoped that members would support this renewal application. He made the point that the scheme is unchanged as are the planning policies which underpin the decision making, but the report and surveys have been updated to ensure the development continues to address ecological, arboricultural and drainage concerns, with their being no objections from the various technical consultees.

Mr Middleditch expressed the view that the proposal is still policy compliant, which is confirmed by officers, and is a sensitive conversion of a range a 100 year old rural buildings, which would secure their viability as buildings of interest and will lead to a positive enhancement of the character and setting of the area. He stated that the marketing of the site coincided with Covid, but in the last six months there has been significant upturn in interest and he is confident that subject to planning being renewed a buyer will be found for the site, which will ensure the scheme can be implemented and the future of the buildings can be secured.

Members asked questions, made comments and received responses as follows:

- Councillor Benney made the point that the proposal is a policy compliant application. He visited the site yesterday and it will only fall into further disrepair if some action is not taken. Councillor Benney expressed the opinion that it is an excellent scheme, when it is converted it will be a nice property to own and he cannot see anything wrong with the proposal.
- Councillor Murphy agreed as in is in Flood Zone 1, has room for bins, consultees support the proposal and there are all nice big houses in the area and, in his view, this development will complement the surroundings.
- Councillor Booth supported the comments of Councillors Benney and Murphy. He noted the objection from the Town Council, but feels some of their objections have been overcome in the planning application.

Proposed by Councillor Murphy, seconded by Councillor Benney and agreed that the application be APPROVED as per the officer's recommendation.

(Councillor Mrs Mayor registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that she is a member of Whittlesey Town Council's Planning Committee, and took no part in the discussion or voting thereon)

(Councillor Miscandlon registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is Chairman of Whittlesey Town Council's Planning Committee, and took no part in the discussion or voting thereon)

P74/21

F/YR19/1106/F

**LAND EAST OF ST MARYS CHURCH HALL, WISBECH ROAD, WESTRY
ERECT 4 DWELLINGS (4 X 2-STOREY 2-BED) AND ASSOCIATED WORKS**

David Rowen presented the report to members and drew members attention to the update that had been circulated.

Members received a presentation, in accordance with the public participation procedure, from Robert Wickham, the agent. Mr Wickham referred to the bundles of paper that he had with him, which is evidence of the work that has been undertaken over 3 years with officers to evolve a scheme which is now recommended for approval. He made the point that the initial proposal was for 9, which has been reduced to 4 and officers were keen on the idea of Almhouses, low rise,

subservient to the Church, which he has gone along with.

Mr Wickham expressed the view that the development will not interfere with anybody or provide any harm to the Church. He stated that the Minister of the Parish at the time was keen for small homes and they have to balance the duties under the Charities Act with a need to provide a mix of housing.

Members asked questions of the officers as follows:

- Councillor Mrs French asked for clarification on where the surface water is going and whether it was towards the A141 into the dyke at the front of the Church? Officers responded that this is one of the options available, but from the Internal Drainage Board comments there is also an option to the East and this is why there is a condition requiring the details of this.

Members asked questions, made comments and received responses as follows:

- Councillor Cornwell stated that he too is attracted by the 2-bed property idea rather than the luxurious dwellings that surround the area. He feels it is a gorgeous site, surrounded by trees and is a very genteel area, which is crying out for development and thinks what is being proposed is appropriate. Councillor Cornwell expressed the view that the proposal protects the Church Hall, which is very much a community facility, and protects the car parking around the Hall, which is important.
- Councillor Mrs Mayor referred to the trees, which are splendid, and there is an in-depth arboricultural report and believes that some trees will be removed, but she would hate to see the whole site decimated. She asked that care is taken and the root structures protected during the development as those trees do hide a multitude of sins from the buildings at the back.
- Councillor Mrs French stated that St Marys Church was badly affected by flooding on 23 December 2020, with the County Council having to pump the Church Hall out 3 times, and there is a riparian dyke, with half of it belonging to the County Council and half belonging to the Church, and on certain occasions when there is heavy rain some of the graves actually move, which has been a problem for several years because it is clay and part of the original pilings. She explained that the dyke has now been cleared out after about 30 years, and the layby to the right of the site has been a flooding issue for many years, but last year she managed to get the County Council to repair the footpath and put a proper drainage system in the footpath because the surface water from the A141 drains backwards into riparian dykes. Councillor Mrs French stated that she has read the Middle Level report and she is concerned if all this water is coming down one way, taking into consideration the development next door, which is Lime Tree Close, which is in the process of being developed and has a drainage issue and they have been told they cannot put the surface water into these dykes and have to take it 1.3 kilometres away, which she find amazing. She does understand that the 8 dwellings to the rear that are completed have linked up to a sewerage system in St Martins Avenue, with the permission of FACT as it crosses their drains, and she believes that the 9 dwellings at Lime Tree Close are in the process of trying to buy a piece of land to the rear which belongs to March Food so they can link up to a sewerage system as the whole of Westry does not have a sewerage system. Councillor Mrs French made the point that she has no problems with the dwellings being built near to the beautiful church and lovely area, but is concerned about flooding issues. She expressed the view that if the surface water goes into that front dyke, which goes up to KFC then under the A141 to Middle Level, and the problem is that KFC has repeatedly had to have the County Council to slurry it out and she is waiting for a report back from County Council on what the problem is. Councillor Mrs French expressed the view that when KFC and Cobblestones were built there was a broken pipe under the main road which caused severe flooding so the more water you put down into this drain the more problems you are going to get. She asked that this development is not allowed to drain into that front dyke, but goes out to the rear.

- Councillor Miscandlon referred to the removal of some trees during the construction of the development and asked if a condition could be placed on any approval that mature replacement trees are located somewhere within the site to replace any that are removed. Councillor Mrs French pointed out that the officer's report does say that 8 trees are to be removed, but these are not the TPOs these are poor quality trees that have self-seeded over the years so she does not think they need to be replaced, but if there is room it would be nice to see them replaced. Councillor Miscandlon stated that it may be found that some of these TPOs do need replacing due to their condition and they should be replaced. Councillor Mrs French responded that the Tree Officer and Enforcement Officer are out doing visits on a regular basis.
- Councillor Mrs French asked that her comments on flooding and surface water are taken into consideration on any approval. David Rowen responded that Condition 7 deals with this issue.

Proposed by Councillor Booth, seconded by Councillor Skoulding and agreed that the application be APPROVED as per the officer's recommendation.

(Councillors Mrs French and Skoulding registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that they are members of March Town Council, but take no part in planning issues)

**P75/21 F/YR21/1306/F
GOLDEN VIEW, NORTH BRINK, WISBECH
ERECT 1 X DWELLING (2-STOREY 3-BED) INVOLVING THE REMOVAL OF THE
EXISTING MOBILE HOME**

Alison Hoffman presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Councillor Booth, a District Councillor. Councillor Booth stated that he asked for this application to go before committee because this is an existing site that has been in use for over 30 years now and he feels that the replacement dwelling would be an improvement in planning terms to what is there. He made the point that the applicant has had some integrity issues with the existing property on site and wants to improve the situation.

Councillor Booth explained that he was involved with the previous application on the neighbouring site, which is part of the extended family, and the issues they have in trying to get mobile homes with the safe refuge has been substantial. He does not feel that this site would ever go back to open countryside, it has a long history of planning and although it is classed as an 'elsewhere' location in the Local Plan, in his view, this is one of the older settlement areas in Wisbech St Mary as 100 yards down the road you have Ingham Hall, which is one of the oldest buildings in the Wisbech St Mary parish so to say it is 'elsewhere' is disingenuous to the history of Wisbech St Mary.

Councillor Booth pointed out that there is support from Wisbech Town Council and statutory consultees and, in his opinion, it is just one of the technicalities from planning guidance that is saying it should not be supported but he feels it should be a planning gain that should be supported.

Members received a written representation, in accordance with the public participation procedure, from Alexandra Patrick, the agent read out by Member Services. Ms Patrick stated that the site is located immediately adjacent to a traditional construction bungalow and 2 mobile home properties, which were both previously approved as 2-storey mobile homes that have an appearance very similar to this proposal and were 2-storey as they have a flood evacuation escape on the first floor. She made the point that the mobile homes adjacent to the proposal have conditions on them that a

person of a gypsy/traveller or living a nomadic lifestyle can only stay on site, whilst Golden View's mobile home approval states "Use of land for the stationing of a mobile home and erection of a toilet block (part retrospective)", with the wording of the approval not relating to a direct requirement for a gypsy/traveller to live on site.

Ms Patrick expressed the view that replacement dwelling applications such as this proposal are seen to be appropriate by the Council when considering F/YR14/0609/F (Erection of a 2-storey 4-bed dwelling with detached garage involving removal of residential caravans and existing dwelling), with the former Hazeldene cottage straddling two plots which were separately approved, which was not a clear-cut replacement permanent dwelling for a larger one. She feels the site was utilised to have two modest permanent dwellings replacing the mobile homes as well as an existing permanent residence.

Ms Patrick stated that whilst the site lies outside the established settlement core it does sit within existing approved properties and, in her view, it could be contended that the scheme would represent an "infill" opportunity, which whilst away from the main settlement core would have a direct relationship with its surroundings. She made the point that the site is already being used as residential so there is no loss of agricultural land, it retains and respects the natural features of the site where appropriate and does not result in an important open space within the village being lost and, therefore, in her opinion, is compliant with LP12 and LP16.

Ms Patrick asked members to support the application given the nature of the site and its pre-existing location.

Members received a presentation, in accordance with the public participation procedure, from Mrs Wilson, on behalf of the applicant for the proposal. Mrs Wilson stated that her father first brought the land in 1987 and has lived at Golden View since 1989, with the mobile homes falling into disrepair over the years and needing replacing, which happened in 1999 and resulted in putting on the current twin unit chalet and this is now at the same point. She explained that her father did apply for a bungalow dwelling at the time of replacing the old mobile home, and accepted the no given at that time.

Mrs Wilson stated that her father cannot read and write that well and her younger sister was in primary school, her brother in secondary school and she had just started college and he did not understand planning leaving it to the professionals. She expressed the opinion that her father has not had much luck with the Council and planning, he used to own all the land around the corner at Bevis Lane and at the time did stock car racing, he used to store his cars on the land and was told by the Council that if he did not remove them he would be fined £100 per car per day and was also told that he had to sell the land, with this land now having 5 Gypsy Romany Traveller sites on it, one of which is a local transit site, three executive houses and a bungalow on the corner, which was literally built within months of the land being sold. She made the point that her father cannot understand the difference between him and them but listened to the Council and did what they asked.

Mrs Wilson stated that the current property has also been investigated by the Council a few years ago to change it into a Gypsy Romany Traveller site, however, he was offered way less than it was valued at and could not find another location to replace it. She explained that her mum and dad now have long-term health issues, with her mum relying on the care of her and her brother and the rest of the family.

Mrs Wilson expressed the view that the aesthetics of this proposal is of a similar nature to what has been approved next door for her, however, due to the restrictions the Council put on them they are in a catch-22 situation where they now have the permission granted but are unable to implement it as they cannot get a mortgage because the land has to go back to its original state when they leave it. She made the point that they can get a mortgage as they all have good jobs

but are unable to get a mortgage as they are Romany Gypsies and she does not feel that anyone else from any ethnicity would have this issue.

Mrs Wilson stated that her father could have applied for a day room but it would have to be a two-storey building because of the flood risk and it makes more sense to apply for a chalet bungalow otherwise her father would still have to live in his tourer alongside and would not be able to manage due to his health. She made the point that the proposal has no objections from consultees and letters of support from all the surrounding neighbours, with no additional burdens on any existing facilities as he has lived in the area the longest out of all the surrounding properties.

Members asked questions, made comments and received responses as follows:

- Councillor Benney made the point this is a home for people and reminds him of a replacement house on a site at Guyhirn near Emblings bus garage, which was looked at in a favourable way. He sees nothing wrong with this application and it will be an improvement to the applicant's quality of life if they have health problems. Councillor Benney expressed the view that Councillor Booth did the right thing calling in the application so the committee could look at it.
- Councillor Topgood echoed the comments of Councillor Benney, with the applicant wanting a permanent location to live with their family, it will help with their health and there has been no objections from Wisbech Town Council or consultees.
- Councillor Mrs Davis stated that she sympathises with the applicant but feels that allowing the application would set a huge precedent for other sites. She made the point that it is a traveller's site and if it is replaced with a permanent home it would allow other similar applications in an 'elsewhere' location against national policy.
- Nick Harding stated that Councillor Mrs Davis raises a good point and in addition it will effectively remove a traveller gypsy pitch if the proposal is allowed, but members may feel that the health factors outweigh the relaxation of policy requirements.
- Alison Hoffman clarified that the consent applicable to Golden View is personal to Mr Cunningham and not explicit in terms of gypsy/traveller status, however, in considering the application for the two adjacent plots they were granted based on gypsy/traveller status and the heritage of the applicants was explored through the documentation supported in that file. She made the point that if this existing mobile home had been specifically restricted to gypsy and traveller accommodation it would have formed one of the reasons for refusal, but because it is personal rather than gypsy and traveller consent that requirement fell away but the principles are still the same in considering future applications, for instance, the two adjacent plots does undermine the case in replacing the temporary accommodation with permanent dwellings although taking on board Mr Harding's comments regarding the specific medical needs of the applicant.
- Councillor Connor made the point that Mrs Wilson commented that they had had the land for around 35 years, he is not likely to sell this property and would continue to live here for the rest of his life. He recognises the comments of Councillor Mrs Davis but feels he could support it if as they have lived here that long and the applicant has health problems.
- Councillor Benney reiterated that they have lived at this location for 35 years and made the point that when talking about travellers they have not travelled far. He feels that there are exceptional circumstances that could be used in this instance, such as Mr Cunningham and his family's health, and his family also living next door.
- Councillor Connor echoed the sentiments of Councillor Benney and applauds what Mrs Wilson and her brother are doing to help their parents with their health issues.
- Councillor Mrs French stated that members have previously given permission on special circumstances and from listening to the presentation she feels this is special circumstances.

Proposed by Councillor Mrs French, seconded by Councillor Mrs Mayor and agreed that the application be APPROVED against the officer's recommendation, with delegated authority given to officers to apply conditions.

Members do not support the refusal of planning permission as they feel that the special circumstances of the applicant's health outweigh policy.

(Councillor Booth took no part in the discussion and voting on this application as he had made a presentation as part of the public participation procedure and was, therefore, pre-determined)

P76/21 **F/YR21/1165/F**
LAND EAST OF 24-26 MILL CLOSE, WISBECH
ERECT 6NO DWELLINGS (1-BED, SINGLE-STOREY)

David Rowen presented the report to members.

Members asked officers the following questions:

- Councillor Cornwell expressed the opinion that the comment about the development will not be detrimental to the street scene is, in his view, an understatement and asked if this is the only piece of land that Fenland has available for this development? David Rowen responded that whether there is alternative land or not is not a consideration as this is the location proposed for this application and it is about whether it is appropriate.
- Councillor Marks referred to the land previously being a car park and asked where the cars are now parking? David Rowen responded that the cars are probably parking on the highway in Mill Close, but the land is not presently being used as a car park.
- Councillor Connor asked for clarification that the residents would only reside at the proposal for a couple of years maximum? David Rowen responded that it is understanding that it is only for short term transit accommodation to remove people from homelessness and to a more permanent form of accommodation.

Members asked questions, made comments and received responses as follows:

- Councillor Cornwell stated that he welcomes the application to assist the homeless situation, but, in his view, the location seems for these units to be shoved up a corner, which is not ideal to give people a bit more confidence.
- Councillor Mrs French stated that she fully supports this application and knows Fenland has been working closely over the last 22 months with homeless people doing an exceptional job and this proposal helps to give them a roof over their head.
- Councillor Booth made the point that the first step is to have a fixed abode to get on the housing ladder and this proposal is needed to help with this situation.

Proposed by Councillor Mrs French, seconded by Councillor Booth and agreed that the application be APPROVED as per officer's recommendation.

(Councillor Topgood had left the meeting prior to this application being considered)

P77/21 **APPEAL DECISIONS REPORT**

Members noted the appeal decisions report presented by David Rowen.

(Councillor Topgood had left the meeting prior to this item being discussed)

17.18pm

Chairman

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F/YR21/0580/F

Applicant: Mr & Mrs Shepherd

**Agent : Mr Ian Gowler
Gowler Architectural**

**Plot 2 Land South East Of 1 Curf Terrace, Doddington Road, Chatteris,
Cambridgeshire**

**Erect 2no dwellings (3-storey, 4-bed) and change the use of existing
garage/playroom to annexe for use of plot 2 only including 1.2 metre and 1.8
metre (approx) high fencing (part-retrospective)**

Officer recommendation: Refuse

**Reason for Committee: Referred by the Head of Planning on advice of Committee
Chairman**

1 EXECUTIVE SUMMARY

- 1.1 The application seeks full permission for the construction of a pair of semi-detached dwellings of 4 bedrooms each within a row of existing residential properties, on the north-eastern side of Doddington Road, 500m north of the junction with the A141.
- 1.2 The principle of new frontage residential development along this stretch of road is acceptable, would accord with policy and local form and character.
- 1.3 The main area of concern relates to the conversion of an existing detached garage/playroom to a three-bedroom, self-contained residential unit, with vehicular access and parking spaces to the rear of, and occupied in association with, one of the proposed four-bed dwellings. This results in a 7-bedroom unit when occupied together with the new frontage property.
- 1.4 The application is partly retrospective as the garage/playroom has already been constructed as per the proposed plans.
- 1.5 The main area of concern relates to the overdevelopment of the site to the detriment of the character, appearance and amenities of the area. The annexe would create a tandem or 'backland' form of development when combined with a four-bedroom house, potentially to the detriment of adjoining residents' amenities.
- 1.6 As a result of the assessment, the application is recommended for refusal.

2 SITE DESCRIPTION

- 2.1 The application site is located on the north-eastern side of Doddington Road approximately 500m to the north-west of the roundabout junction with the A141.

- 2.2 The site is located within an area of generally two-storey semi-detached former Council-owned properties and more modern detached housing, all fronting the main road.

3 PROPOSAL

- 3.1 The application seeks full permission for the construction of a pair of semi-detached houses comprising two-storey accommodation plus additional bedroom space within the roof. As a result, each of the dwellings would provide four-bedroom accommodation.
- 3.2 Parking provision to the right-hand unit (Plot 1) would be provided on a paved area to the front of the site.
- 3.3 For Plot 2, parking provision would be provided to the rear of the site, from a separate vehicular access on its left-hand side to the rear, where a brick-built and tiled detached garage/playroom has been constructed, and proposed for conversion of to a three-bedroom self-contained annexe.
- 3.4 The annexe is to be occupied by the Applicant's son and his family.
- 3.5 The works on the new dwellings have commenced, the garage/playroom has been built as per the proposed plans, and the application is therefore partly retrospective.

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

[F/YR21/0580/F | Erect 2no dwellings \(3-storey, 4-bed\) and change the use of existing garage/playroom to annexe for use of plot 2 only including 1.2 metre and 1.8 metre \(approx\) high fencing \(part-retrospective\) | Plot 2 Land South East Of 1 Curf Terrace Doddington Road Chatteris Cambridgeshire \(fenland.gov.uk\)](#)

4 SITE PLANNING HISTORY

F/YR20/0700/F	Erection 2 x 2-storey 3-bed dwellings including 1.2m and 1.8m high fencing	Granted 30.10.2020
F/YR17/1006/F	Erection of a two-storey 5-bed dwelling with double garage and 1.2m high post and rail fence	Granted 12.01.2018
F/YR9/0776/NONMAT	Non-material amendment: To insert a window and door to garage relating to F/YR17/0088/F (Erection of a 2-storey 4-bed dwelling with 2-storey detached triple garage with playroom above; 2.5m high playhouse and temporary siting of caravan and detached utility room during construction of dwelling (part retrospective)	Approved 30.09.2019
F/YR17/3135/COND	Details reserved by Conditions 5 and 7 of planning permission F/YR17/0088/F (Erection of a 2-storey 4-bed dwelling with 2-storey detached triple garage with playroom above; 2.5m high playhouse and temporary siting of caravan and detached utility room during construction of dwelling (part retrospective)	Approved 15.11.2017
F/YR17/0070/O	Erection of up to 2 x detached dwellings (Outline application with all matters reserved)	Grant 24.03.2017
F/YR17/0088/F	Erection of a 2-storey 4-bed dwelling with 2-storey detached triple garage with playroom above; 2.5m high playhouse and temporary siting of caravan and detached utility room during construction of dwelling (part retrospective)	Grant 29.06.2017
F/YR16/0810/O	Erection of a dwelling (Outline application with all matters reserved)	GRANT 14.11.2016

5. CONSULTATIONS

Town Council: No comments received

Environmental Health (FDC)

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

The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed development. The proposal is unlikely to have a detrimental effect on local air quality or the noise climate. Given the location of the development the following condition should be imposed.

UNSUSPECTED GROUND CONTAMINATION

CONDITION: If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, a Method Statement detailing how this unsuspected contamination shall be dealt with.

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

Local Highway Authority

The access parking and turning is very similar to planning consent F/YR20/0700/F, with exception to Plot 2 parking being located adjacent to the back land annex. The proposal results in no material highway impact. No highway objections subject to planning consent F/YR20/0700/F Highway conditions.

Local Residents/Interested Parties

Four letters of support have been received from residents of Chatteris (One each from Westbourne Road, Wenny Estate, Delve Terrace and Marritt Close) welcoming the proposal for more housing and stating that the proposal is not overdevelopment.

6. STATUTORY DUTY

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

7. POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

Paragraphs 90 and 94 relating to design and local built form and character

National Planning Practice Guidance (NPPG)

National Design Guide 2019

Context
Identity
Built Form

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development
LP2 – Facilitating Health and Wellbeing of Fenland Residents
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
LP5 – Meeting Housing Need
LP10 – Chatteris
LP16 – Delivering and Protecting High Quality Environments across the District

8. KEY ISSUES

- **Principle of Development**
- **Design considerations and visual amenity**
- **Residential amenity/Health and wellbeing**
- **Parking and highways**
- **Flood risk**

9. BACKGROUND

9.1 Planning permission has previously been granted for the site under F/YR20/0700/F (See History section above) and which remains extant. The Site History reveals a number of planning applications and permissions. The current proposal represents a combination of the previous permissions.

10. ASSESSMENT

Principle of Development

- 10.1 The principle of developing this site has already been established by virtue of previous planning permissions (please see Planning History above)
- 10.2 The application site is located within the settlement of Chatteris which is identified within the Settlement Hierarchy as a Primary Market Town; Market Towns are identified within Policy LP3 as the focus for housing growth, accordingly there is a presumption in favour of development within this location.
- 10.3 This is however on the basis that the development is in keeping with and reflects the character of the area and that there are no significant issues in respect of residential or visual amenity, design, parking, highways, flood risk and biodiversity.

Design considerations and visual amenity

- 10.4 The semi-detached dwellings are three-storey, 4 bed dwellings. Whilst three storey dwellings are not typical of this particular area and are large in terms of living accommodation, this in itself is not a particular cause of concern. The property is surrounded by a mixture of houses, some larger detached dwellings and some more modest in scale.
- 10.5 The main issue relates to an additional annexe comprising a three-bed unit, kitchen and living room with rooms in the roof and set back on the site. Plot 2 incorporate 3 parking space to the rear of the site positioned around the annexe and using an existing driveway and providing vehicular access to the annexe on its northern side.
- 10.6 The scale of a semi-detached, 4-bedroom dwelling plus a 3 bedroom detached self-contained annexe including parking provision within a modest plot gives rise to the overdevelopment of the site and potentially suggests two dwellings being created on Plot 2.
- 10.7 The position of a large annexe, situated to the rear of the pair of the semi-detached houses fronting the road, also gives rise to a backland or tandem form of development, out of keeping with development in the locality. A new dwelling in such a location, out of keeping and character with the area would not be approved

in this position as it would be considered to represent a substandard form of development.

Residential amenity/Health and wellbeing

- 10.8 The dwellings on this site, including a self-contained annexe with its own separate parking provision would potentially give rise to the overdevelopment of the site, and would be likely to result in an adverse impact on neighbouring amenity by virtue of noise, disturbance and vehicular movements generated by the dwelling and annexe. Accordingly, the proposal would fail to accord with Policy LP2 and LP16 of the adopted Fenland Local Plan.

Parking and highways

- 10.9 The current scheme proposes a frontage parking to Plot 1 and a side vehicular access and parking to the rear of Plot 2 for the 4-bed house and the annexe.
- 10.10 Highways have no objections to the proposed access subject to conditions to be reimposed as per planning permission ref. F/YR20/0700/F as the parking arrangements are not dissimilar to that approved previously; as such there are no issues to address in respect of the access and parking.

Flood risk

- 10.11 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.

11. CONCLUSIONS

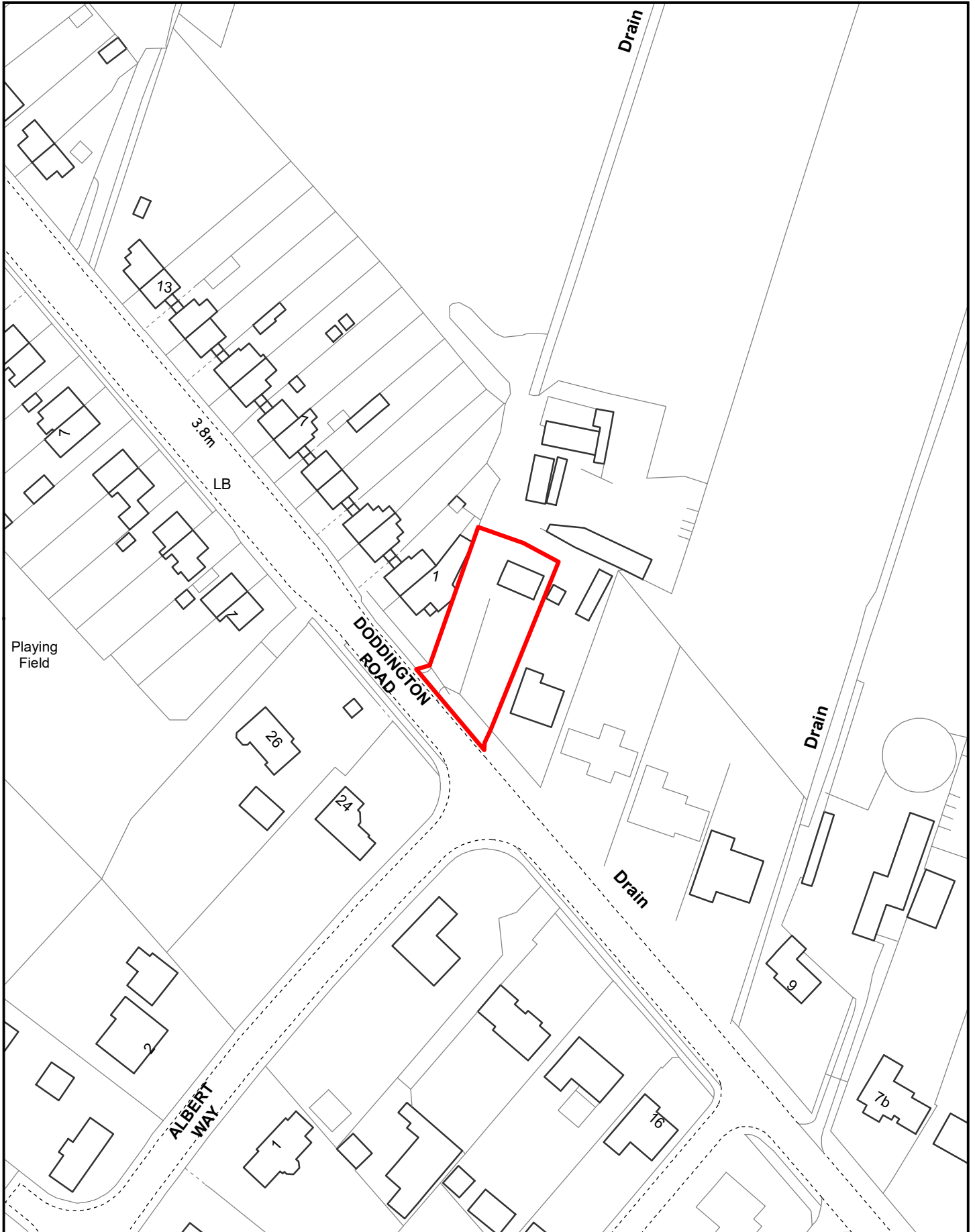
- 11.1 The principle of developing this site has already been established and is supported by Policy LP3 which seeks to ensure that Market Towns are the focus for housing growth.
- 11.2 However, the design and implications of a 3 bedroom annexe in the rear garden of a four-bedroom dwelling on Plot 2 is considered to be a retrograde step by virtue of the overdevelopment of the site, is tantamount to two dwellings on Plot 2, which could accommodate a significant number residents and their associated vehicle movements and associated activity, and would be likely to undermine residential amenity in the area.
- 11.3 The development of the annex would additionally represent a backland or tandem form of development. Accordingly, the proposal would be contrary to Policies LP2, LP3 and LP16 of the adopted Fenland Local Plan 2014.

12. RECOMMENDATION

Refuse for the following reasons:

1.	The development plan requires new development to promote high levels of residential amenity, to avoid adverse effects and to promote and facilitate healthy lifestyles. The proposed development would represent the
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	<p>overdevelopment of the site and detrimentally affect adjoining residential amenity by virtue of activity, noise and general disturbance resulting from the scale of development.</p> <p>Accordingly, the proposal would fail to comply with Policies LP2 and LP16 of the adopted Fenland Local Plan 2014 and which seek to facilitate the health and wellbeing of Fenland Residents.</p>
2.	<p>The proposed development, indicating a self-contained residential unit constructed to the rear of proposed frontage development and accessed by a vehicular access between existing dwellings, would represent a tandem or backland form of development which would result in a substandard form of development that would conflict with and undermine the prevailing form of linear frontage development this location.</p> <p>Accordingly, the proposal would fail to accord with the provisions of the National Planning Policy Framework, specifically paragraphs 130 and 134, and Policies LP1, LP2, LP3 and LP16 of the adopted Fenland Local Plan 2014.</p>



Created on: 03/06/2021

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F/YR21/0580/F

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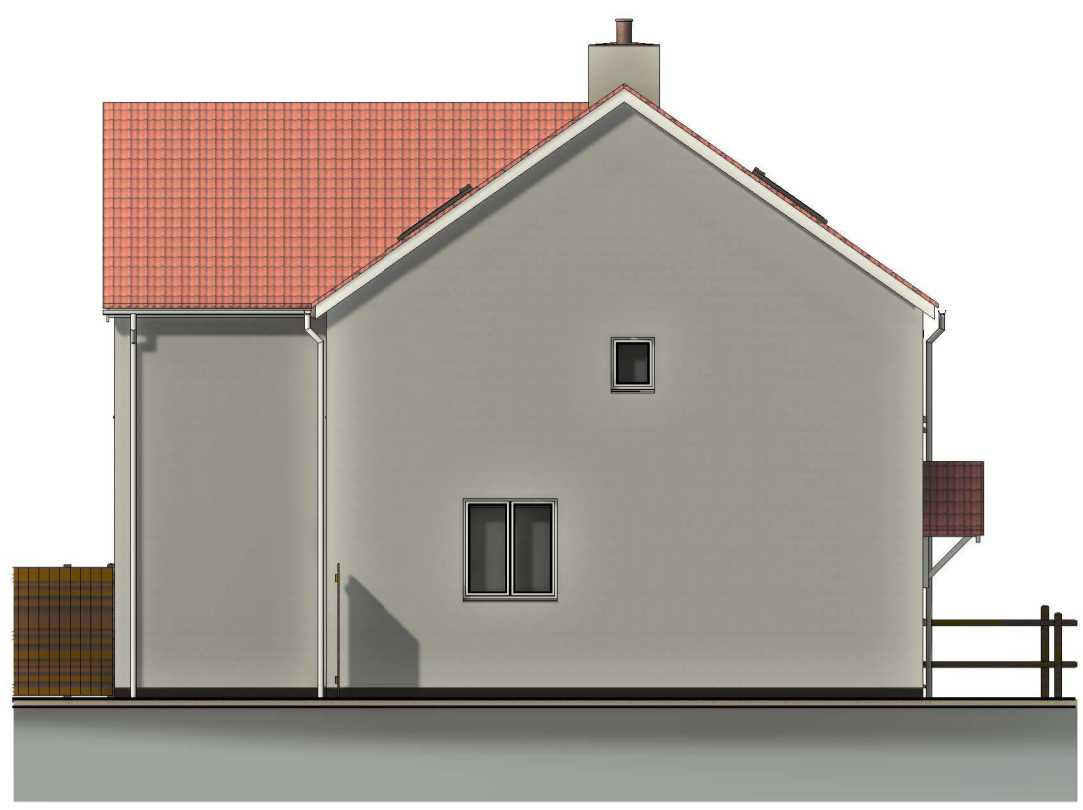




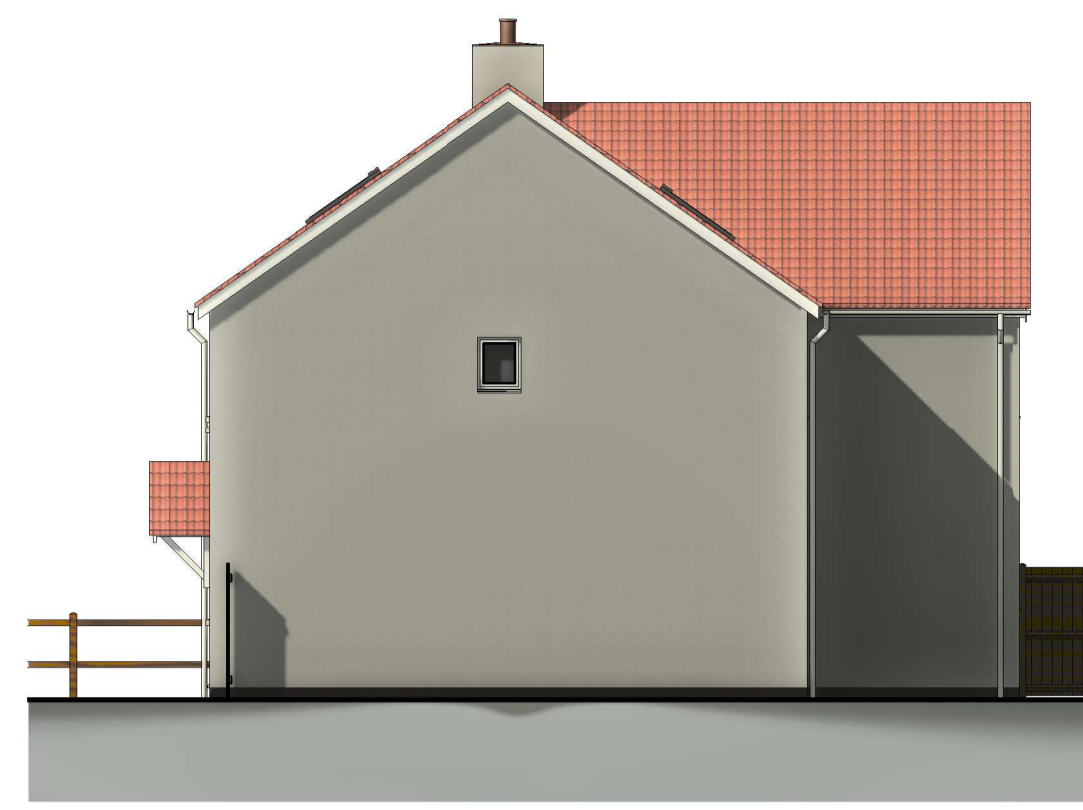
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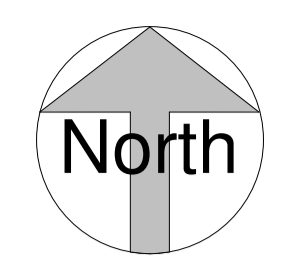
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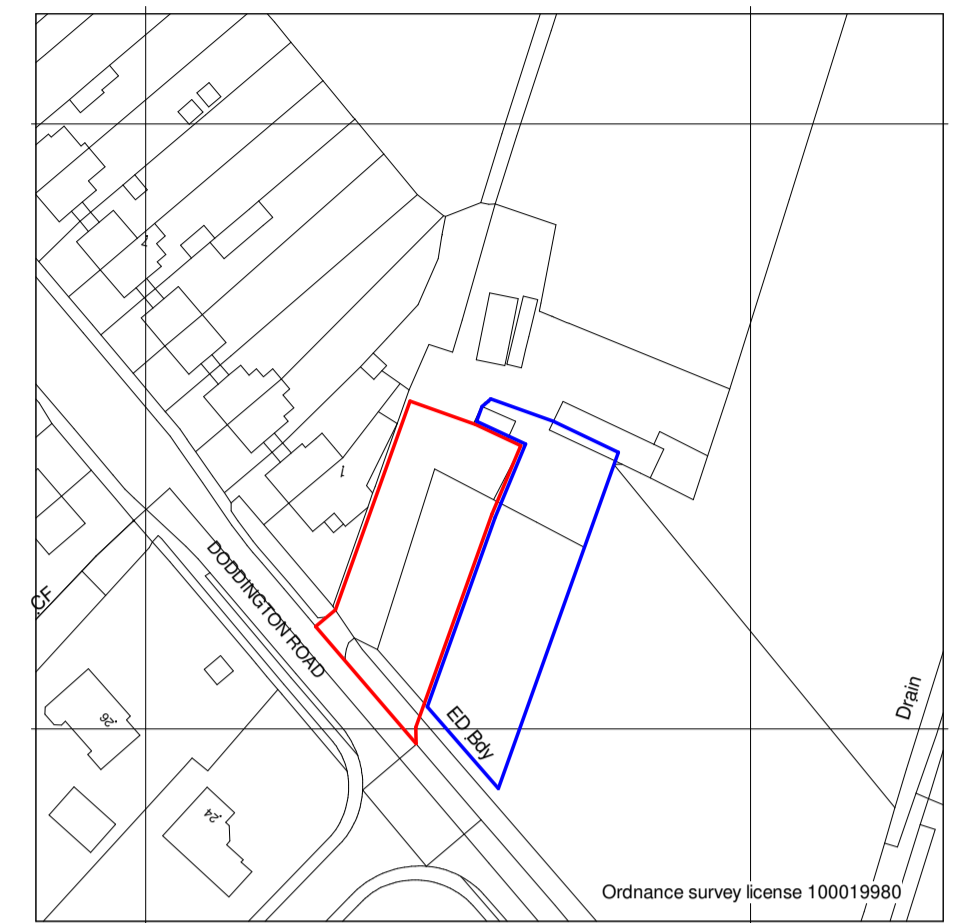
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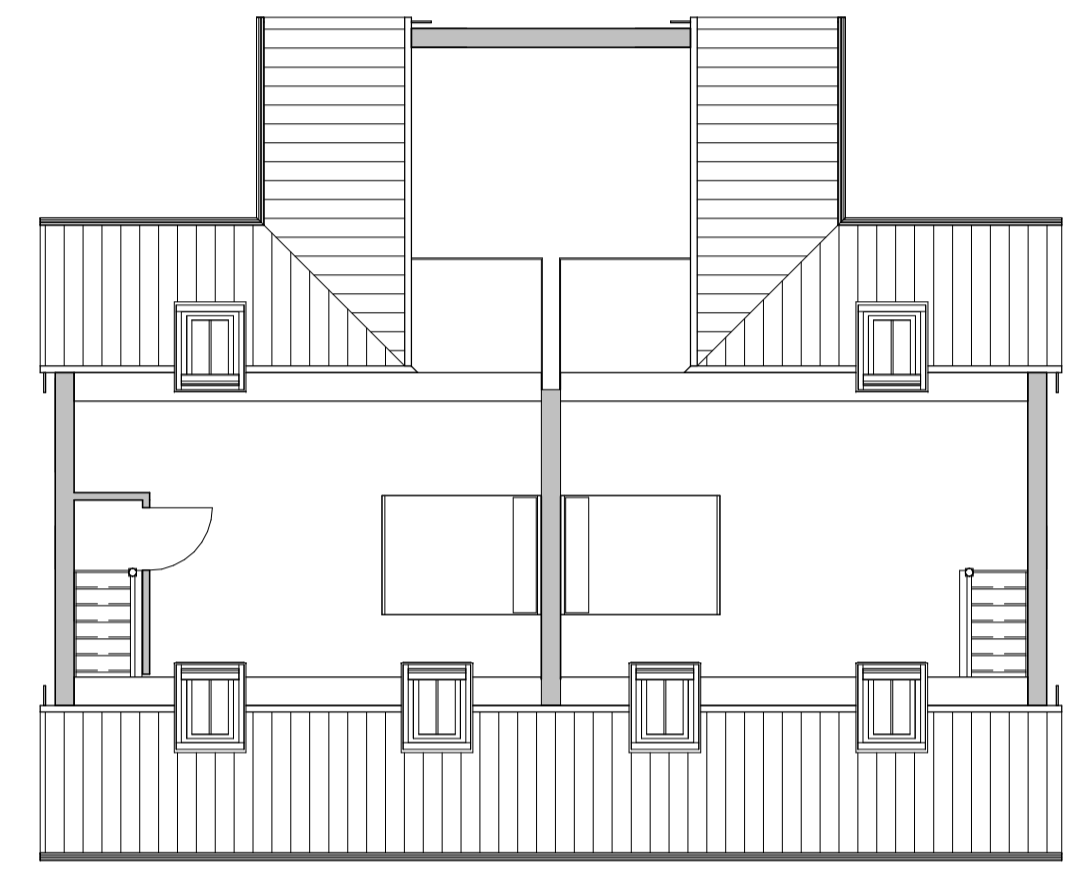
Proposed Side Elevation (south east)
Scale 1 : 100



Notes
Any discrepancies to be brought to attention of Author as soon as possible.
All dimensions shown in "mm" unless otherwise shown.
Unless stated otherwise, this drawing has been assessed for risks and nothing is deemed to be outside of normal good safe working practice that would be covered by a contractors Construction Phase Health and Safety Plan.



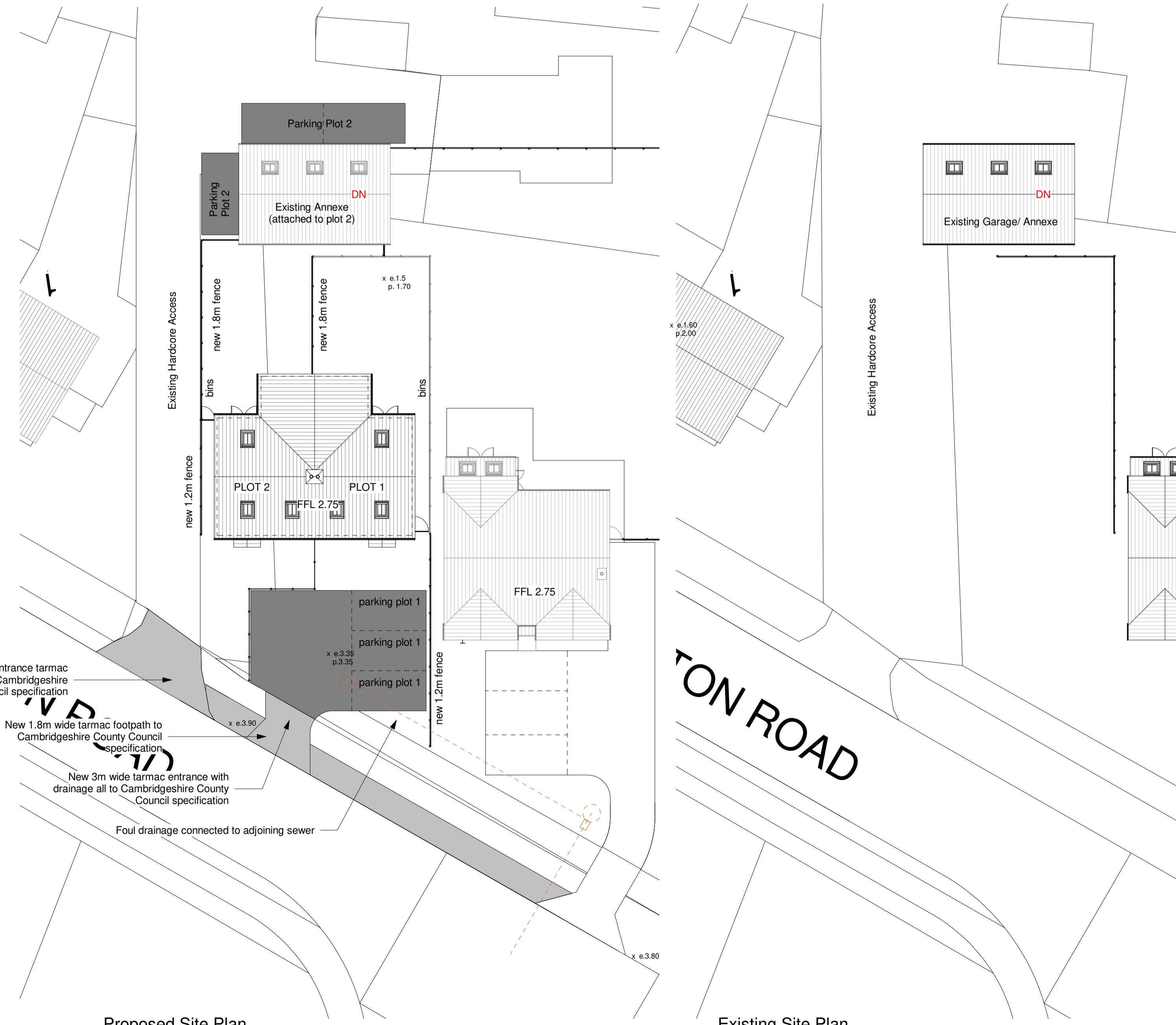
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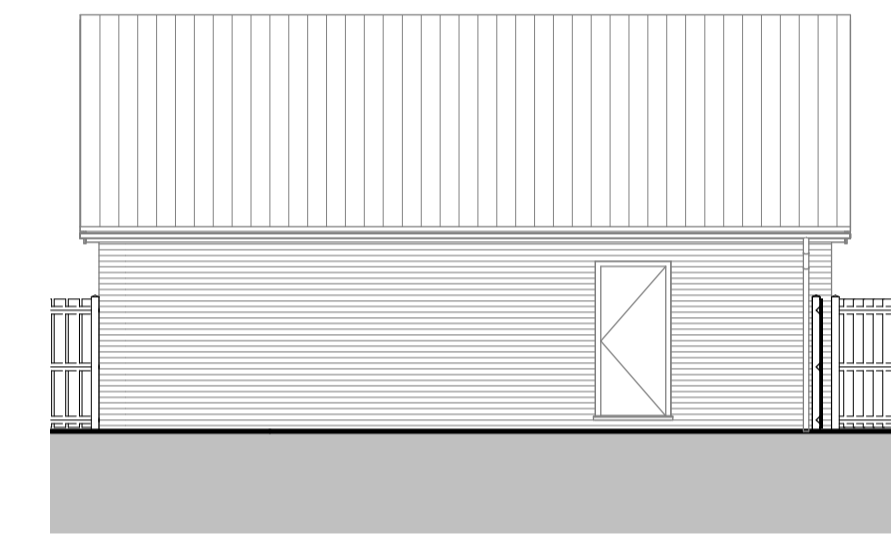
Planning Second Floor
Scale 1 : 100



Street Elevation
Scale 1 : 200



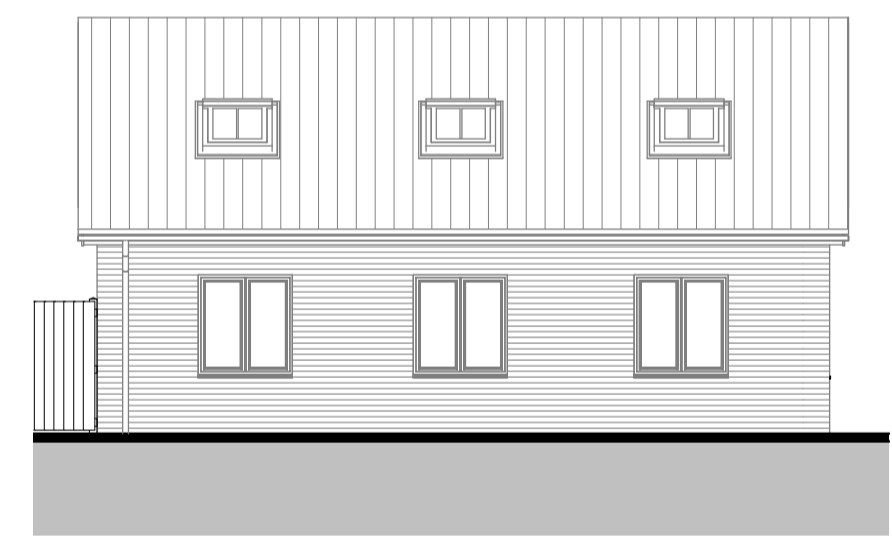
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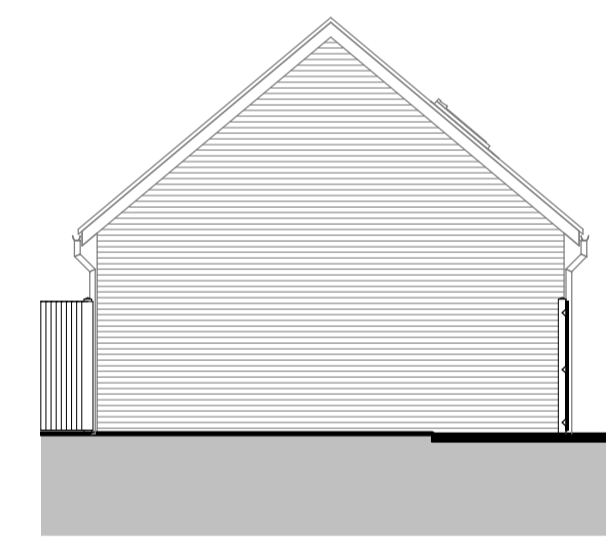
Annexe Front Elevation
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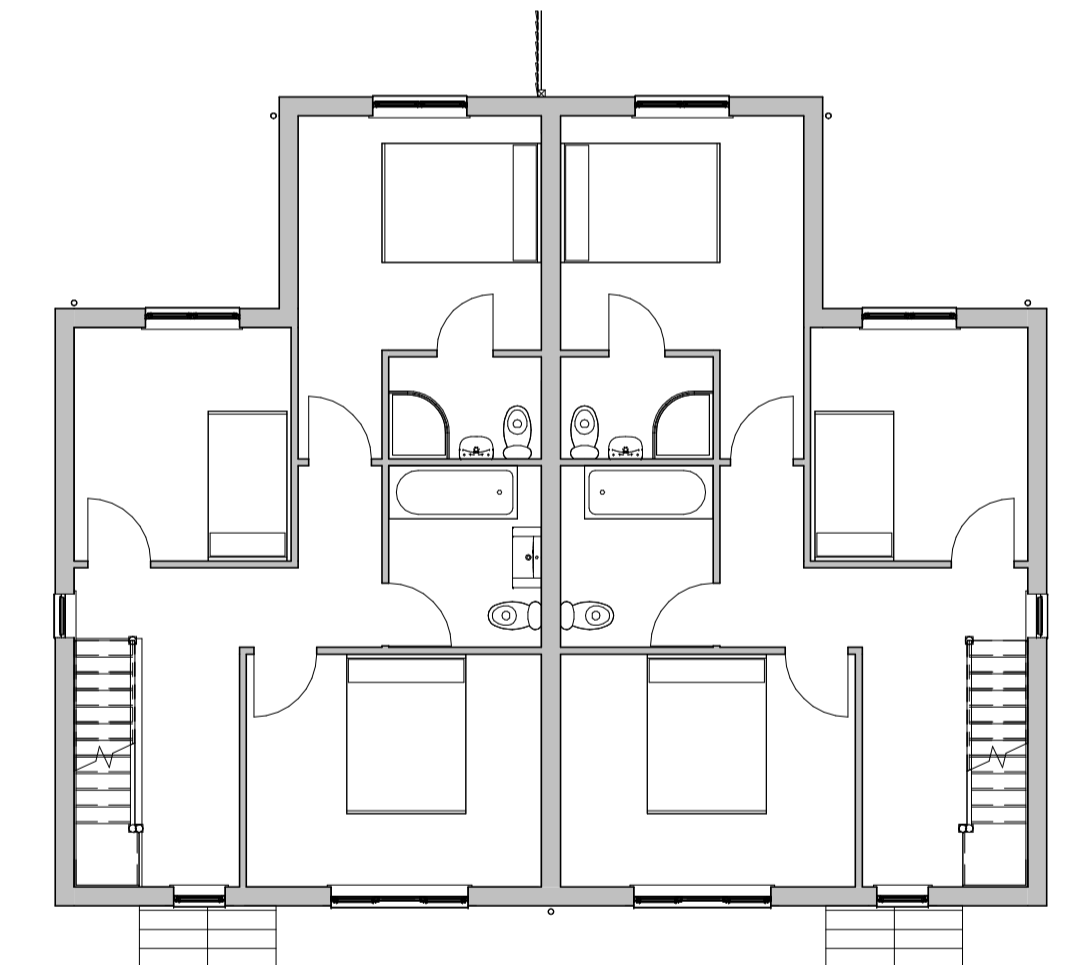
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Scale 1 : 100



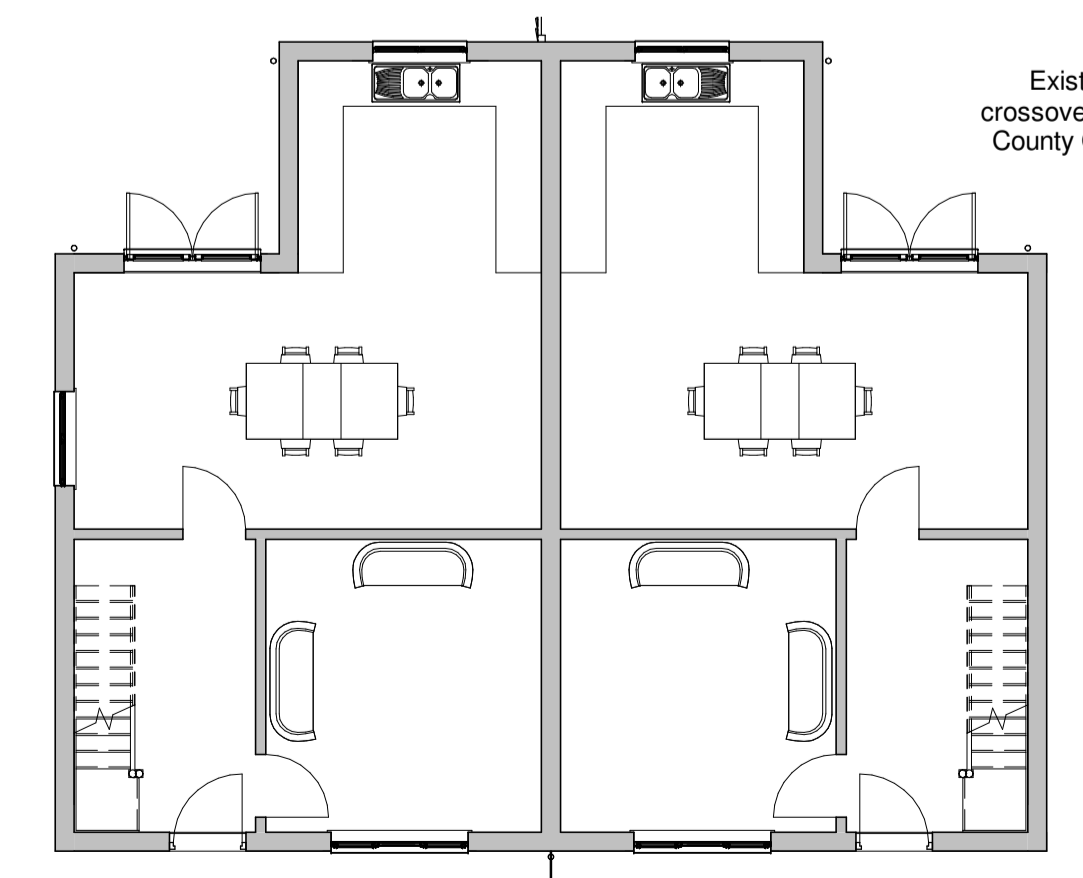
Annexe Rear Elevation
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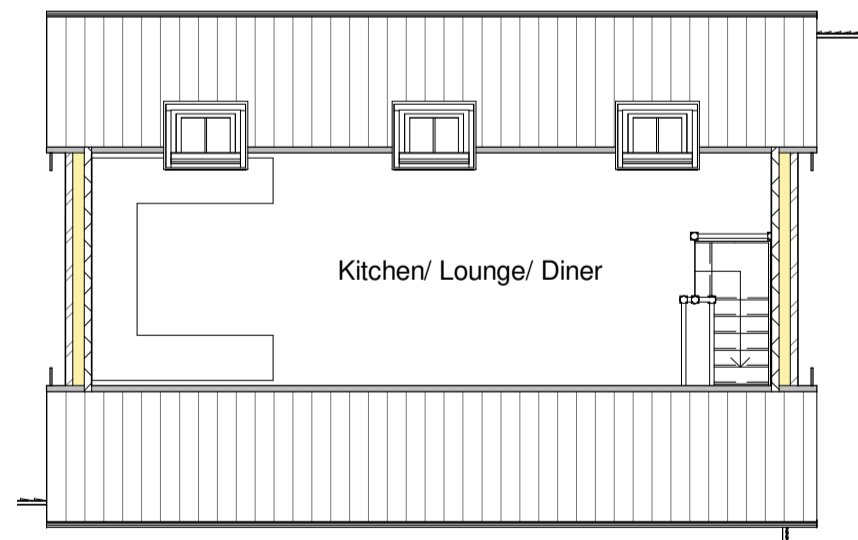
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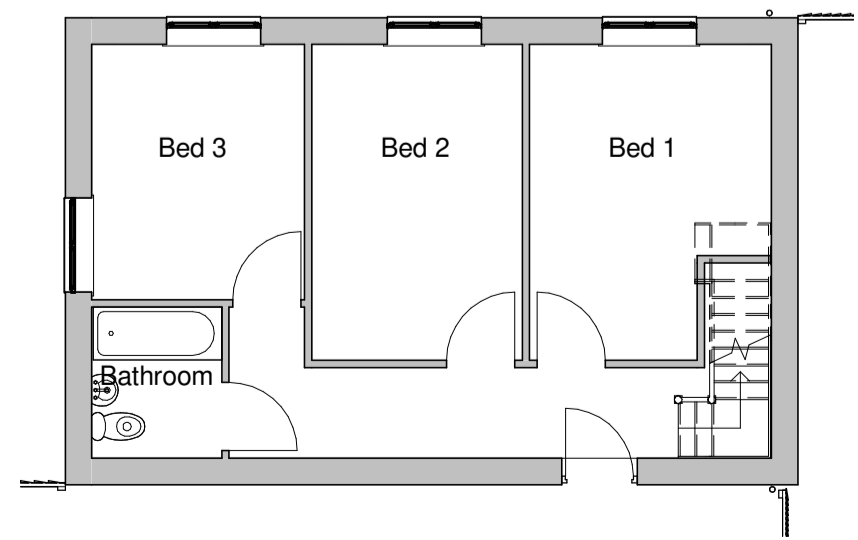
Proposed First Floor
Scale 1 : 100



Proposed Ground Floor
Scale 1 : 100



Planning Annexe First
Scale 1 : 100



Planning Annexe Ground
Scale 1 : 100

A	Annexe amended	05-08-21
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Ian Gowler Consulting Ltd
Architectural and Domestic Energy Consultant
Grove House, 22 Primrose Hill, Dodington, Cambs, PE15 0SU
tel. 01354 667005 email. ian@gowler-architectural.co.uk

Proposed Dwellings at 1 Curf Terrace, Chatteris for Mr Kenny Shepherd

Planning Drawing

date created	scale	drawing no.	rev.
14-04-21	As indicated @ A1	151 - P301	A

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F/YR20/0861/F

**Applicant: Mr Chris Dwan
Allison Homes**

Agent :

Phase 4 Land At Bassenhally Farm, Drybread Road, Whittlesey, Cambridgeshire

Erect 130 x dwellings (8 x 3-storey 4-bed, 18 x 3-storey 3-bed, 26 x 2-storey 4-bed, 59 x 2-storey 3-bed, 19 x 2-storey 2-bed) with associated garages, parking and landscaping

Officer recommendation: Grant

Reason for Committee: Update to Committee in respect of Viability Report submission following recommendation to grant

1 EXECUTIVE SUMMARY

- 1.1 Members last considered this application at the Planning Committee meeting held on 18th August 2021.
- 1.2 It should be noted that the planning permission has not been issued as the viability matter was raised before the S106 was finalised.
- 1.3 The application returns to committee to update Members in respect of the post recommendation submission of a Viability Assessment which evidences that the scheme is currently unviable based on the S106 contributions identified in the earlier report.
- 1.4 The revised proposals seek to agree a revised S106 schedule and Officers recommend that the revisions are accepted, and authority given to conclude the S106 process on the basis of the new Heads of Terms outlined.

2.0 UPDATE

- 2.1 Members will recall that this application was formally considered at the Planning Committee Meeting of the 18th August 2021. The committee considered the original report, included as an appendix to this update along with a written update advising that the FDC Environmental Protection Team and CCC Archaeology team had confirmed the amended details had no implications for their original recommendations. In addition, it was noted that the applicant had confirmed their agreement to the pre-commencement conditions outlined in the above report and had provided an updated drawing which corresponded with the access/footway drawing which formed part of the applicant.
- 2.2 Members resolved to delegate authority to the Head of Planning to finalise the planning conditions and complete the S106 agreement to secure the necessary contributions and affordable housing as detailed in the original report below.
- 2.3 Subsequent to the above the applicant has advised on the 7th October 2021 that it had become apparent that the scheme was '*struggling to remain viable with full affordable provision and S106 Payments*'. To this end they requested that

the Council consider the viability report which accompanied their correspondence.

- 2.4 Formal re-consultations were raised with the ‘non-technical’ consultees, noting that the ‘technical’ details of the scheme, e.g. drainage, highways, biodiversity and archaeology would be unchanged by S106 considerations. In addition, all the neighbours/interested parties who had originally been consulted/responded were notified. The outcome of this consultation exercise are detailed below.

3.0 CONSULTATIONS

- 3.1 **Whittlesey Town Council:** No comments received

- 3.2 **FDC Housing Strategy:** *‘As I understand it, a viability assessment has been submitted by the applicant to demonstrate that the scheme is only viable with reduced affordable housing provisions and other S106 contributions.’*

At this stage, the outcome of the assessment has not been determined however we would like to see the delivery of affordable housing maximised as part of the decision process. [...] I would like the opportunity to be included in future discussions about the property mix by tenure for the affordable housing when those discussions take place once the viability assessment has been concluded.’

- 3.2 **Local Residents/Interested Parties:** No comments received

4.0 HEADLINES FROM VIABILITY REPORT

- 4.1 Sensitivity analysis has been conducted within the Viability Report which illustrates that the scheme is not viable on the basis of the provision of affordable and other S106 contributions at the level originally proposed. The report assumes a profit level of 17.5% for market units.
- 4.2 A range of scenarios have been outlined within the report as follows:

Scheme	Surplus/Deficit
130 Units with 25% affordable housing and S106 cash contributions of £1,508,239	-£1,148,951
130 Units with 20% affordable housing and reduced S106 cash contributions of £515,000	-£93
130 Units with 1no affordable house (affordable rented) and full cash S106 contributions of £1,508,239	-£1,724
130 Units with 10% affordable housing and reduced S106 cash contributions of £1,036,000	-£619

5.0 ASSESSMENT

- 5.1 It is acknowledged that the earlier phases of this development have delivered a fully policy compliant level of affordable housing, along with the other financial obligations outlined in the local policy framework. The applicant has highlighted within their viability submission that the *‘the general build cost inflation and also the project unproductive costs that have accumulated throughout the rest of the*

'viable' phases in respect of infrastructure and ground costs, which have to be recovered from the final phase'.

5.2 The Viability Report has been accepted by the Viability Officer and subsequent to this the Head of Planning has negotiated the precise S106 heads of terms (HoT) which are outlined below to ensure the best outcomes from the project. The HoT have been accepted by the applicant, noting that the applicants details have been updated to Allison Homes at the request of the applicant following a 're-brand' in November 2021 to reflect the new ownership of the company.

5.3 **Terms of revised S106 Agreement**

- 23 Affordable housing units – which equates to 17.7 % affordable units across the scheme. The units are shown to be delivered as 50% affordable rented units and 50% Affordable Shared Ownership units. An updated layout plan has been submitted detailing the proposed Affordable Housing Scheme which is currently under review by the Housing Strategy Officer.
- Financial contributions of £1,000,000.00 to be used towards the following projects:
 - (i) increased provision at Park Lane Primary & Nursery School;
 - (ii) increased provision at Alderman Jacobs Primary School; and
 - (iii) increased provision at Sir Harry Smith Community College

The contributions will be payable at certain trigger points, and these will be reflected in the S106. It is further noted that the financial contributions will be payable at certain trigger points. If, within the period of eight years from the date the Financial Contribution is transferred to the County Council by the District Council, the County Council has not spent or allocated to be spent the whole or a portion of the Financial Contribution, such unexpended portion shall be returned to the District Council. The District Council shall spend or allocate to be spent the aforementioned portion of the Financial Contribution on any or all of the following –

- (a) provision of Affordable Housing (throughout the district),
- (b) improved sport and recreation facilities, or improved community facilities within the administrative area of Whittlesey Town Council.

5.4 Officers are content that the viability case has been made and that the terms of the revised S106 may be accepted.

6 RECOMMENDATION: Grant subject to:

1. That the Committee delegates authority to finalise the planning conditions and agree the Affordable Housing scheme layout to the Head of Planning, and
2. Following completion of the S106 obligation to secure the necessary contributions and affordable housing as detailed in the update at Section 4.3, application F/YR20/0861/F be granted subject to conditions.

OR

3. Refuse the application in the event that the S.106 agreement referred to above has not been completed within 4 months and that the applicant is unwilling to

agree to an extended period of determination to accommodate this, or on the grounds that the applicant is unwilling to complete the obligation necessary to make the development acceptable.

APPENDIX TO UPDATE REPORT: Original report considered by Planning Committee 18th August 2021

F/YR20/0861/F

**Applicant: Mark Mann
Larkfleet Homes**

Agent :

Phase 4 Land At Bassenhally Farm, Drybread Road, Whittlesey, Cambridgeshire

Erect 130 x dwellings (8 x 3-storey 4-bed, 18 x 3-storey 3-bed, 26 x 2-storey 4-bed, 59 x 2-storey 3-bed, 19 x 2-storey 2-bed) with associated garages, parking and landscaping

Officer recommendation: Grant

Reason for Committee: Level of representations received contrary to Officer recommendation.

1 EXECUTIVE SUMMARY

- | |
|---|
| <p>1.1 This submission relates to the final phase of a residential development first granted outline planning permission in 2010 for approximately 460 dwellings along with an extra care facility.</p> <p>1.2 The principle of development on the site has been firmly established and there are no technical issues or site constraints that would render the proposals unacceptable.</p> <p>1.3 The comments of the Town Council have been noted however there is no indication from earlier files that there was a commitment, or indeed a requirement, to restrict through traffic on the main estate road which links Eastrea Road to Drybread Road. The Transport Assessment team and Local Highway Officer have raised no objection to the scheme and there are no matters to reconcile from a highway safety perspective.</p> <p>1.4 The scheme as outlined will make appropriate provision for affordable housing and will make contributions towards Education and Libraries in line with policy.</p> <p>1.5 There are no policy or material considerations which would indicate that the scheme as detailed should not receive a favourable recommendation.</p> |
|---|

2 SITE DESCRIPTION

- 2.1 The site forms part of a larger development which has previously benefitted from outline planning consent, although this is time expired. Earlier phases of the development as listed in the history are either complete (Phase 1 and 2), underway (Phase 2a) or scheduled to start (Phase 3). Phase 4 remains the final 'parcel' of

the wider site. The site is open land with a landscaped western boundary, which demarcates the existing residential development at Feldale Place and Crescent Road which is two-storey in nature.

- 2.2 To the east of the site is the Whittlesey Athletic Football ground which comprises a pavilion building and sports pitches; this is at present accessed through the site from Drybread Road adjacent to No 112. Drybread Road features two-storey dwellings adjacent to the site (southern side) with single-storey development immediately opposite to the northern side of the road; albeit this reverts to two-storey development opposite the layby.
- 2.3 The site is located within a flood zone 1 area.

3 PROPOSAL

- 3.1 This application seeks to agree the details in respect of phase 4 of the development. It proposes a development of three-storey and two-storey properties as a continuation to the wider site. The dwellings are a mix of detached, semi-detached and terraced properties. A full materials schedule forms part of the application which proposes a continuation of the earlier phase approvals.
- 3.2 It should be noted that the scheme has evolved since it was submitted to address matters raised during the initial consultations, the most significant of these changes being the creation of a separate access to serve the sports facilities to the east, whereas previously these were proposed to be accessed via the main estate. In addition, the drawings now indicate a 3-metre cycleway to Drybread Road.
- 3.3 Access is to be derived from both the main estate road to the south, as a continuation of the highway serving Phase 3 and from Drybread Road to the north, the main road will spur to the east to facilitate access to the eastern part of the site. Further southward the main access will feature roads to the west and east which will in turn link back to Phase 2 and Phase 3
- 3.4 SUDs features will be located midway within the site.
- 3.5 There are a mix of dwellings within Phase 4 as captured in the description of development at the beginning of the report.

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

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

4 SITE PLANNING HISTORY

F/YR18/0331/F	Erection of 110 x dwellings comprising of: 5 x 2-storey 5-bed, 19 x 2-storey 4-bed, 73 x 2-storey 3-bed, 11 x 2-storey 2-bed and 2 x 2-bed flats with associated garages, parking and landscaping	Granted 02.10.2018
F/YR18/0018/VOC	Variation of condition 12 (imposition of a condition listing approved plans) relating to planning permission F/YR17/0711/F - reduction in building size and amendments to roof	Granted 04/04/2018

elevations balconies doors and windows and landscaping

F/YR17/0711/F	Erection of a 3-storey Extra Care Housing Scheme comprising of 13 x 2-bed and 47 x 1-bed; communal facilities (lounge bistro laundry beauty room scooter and cycle stores etc); offices and external works	Granted 11/01/2017
F/YR16/0994/NO	Non-material amendment: Substitution of house types on Plots 316 and 317 from type 2224 to type 2323 relating to planning application F/YR16/0316/F	Approved 06/12/2016
F/YR16/0316/F	Erection of 47 x 2-storey dwellings (Phase 2a) comprising of 6 x 1-bed apartments 10 x 2-bed 26 x 3-bed 1 x 4-bed and 4 x 5-bed with garages	Granted 30/09/2016
F/YR15/0877/F	Erection of 93 residential dwellings with associated garages and infrastructure to form Phase 2 of Whittlesey Green.	Granted 18/08/2016
F/YR13/0473/RM	Erection of 120 x 2-storey dwellings comprising; 3 x 2-bed flats 5 x 2-bed 87 x 3-bed 22 x 4-bed 3 x 5-bed with associated garages and landscaping	Approved 20/09/2013
F/YR12/0723/F	Variation of Condition 21 of planning permission F/YR10/0904/O to allow relocation of roundabout	Granted 06/04/2013
F/YR10/0904/O	Residential/Mixed Development of 460 (approx) market and affordable dwellings 70-bed nursing home extra care accommodation local centre associated landscaping open space water attenuation features and highway works	Granted 05/03/2012

5 CONSULTATIONS

5.1 **Whittlesey Town Council:** It was noted that no response was received in respect of 27th May 2021 consultation, and on following this up with the Town Council it became apparent that the consultation actioned had not been received by the Town Council or Ward Councillors; albeit other consultations actioned at the same time using the same process had been received and responded to. The Town Clerk has subsequently advised that the Ward Councillors have confirmed that they have no objection to the re-consultation.

April 2021 consultation response noted that: 'Cllr Mayor proposed approval, this was seconded by Cllr Munns, there was no other councillors in favour, therefore the item was refused for the following reasons, Internal road layout within the site and lack of restrictions to allow vehicles to travel throughout the site and onto Drybread Road. The Clerk was asked to see if there was any historic evidence regarding this. Cllr Gerstner advised it was verbal agreement to have bollards at this point and not full site access. The bollards would be retractable to all for emergency vehicles. He also confirmed that an independent traffic survey had been carried and confirmed that the A605 would be at full capacity by 2025.'

November 2020: The Town Council recommend rejection of phase 4 in its current form, but are mindful to approve a revised layout with the type and number of properties (50) accessing the site from Drybread Road. The proposed layout is very problematic, Whittlesey Town Council would welcome Larkfleet communicate with the council or the officer at Fenland District council to discuss changes to the proposed layout and resolve the issues that have arisen.

5.2 Transport Assessment Team - Cambridgeshire County Council Highways Authority

It should be noted that the Transport Assessment has been through several iterations regarding matters of detail and content culminating in the following formal consultation response (for simplicity of reporting earlier responses are not included however these are available via Public Access):

'No Objection Subject to Mitigation: The Highway Authority do not object the proposals subject to the following mitigation to be delivered by the developer:

- o New 3m wide cycleway on the southern edge of Drybread Road between Coronation Avenue and the new Whittlesey Athletic Football Ground access*
- o Travel Plan with bus taster and/or cycle discount vouchers*

Background - The documents reviewed are the Transport Assessment Addendum and Response Letter both dated 18th June 2021 and produced by ADC Infrastructure Ltd for the proposed development of 130 dwellings. This full planning application is for Phase 4 of the Bassenhally Farm development which was granted outline planning permission in 2010. Since planning permission was granted in 2010 the deadline for submitting reserved matters applications has expired. Therefore Phases 2, 2a, 3 and 4 have all been submitted as full planning applications, because of this the Highway Authority will ensure all the information required for this application is included within this submission.

Transport Assessment Review

Cycling Accessibility: *It is noted a 3m wide cycleway along Drybread Road will be delivered as part of the proposals. Such cycleway will route along the southern edge of Drybread Road between Coronation Avenue and the new Whittlesey Athletic Football Ground access and will facilitate pedestrian and cycle movement to nearby facilities in Whittlesey.*

Public Transport Network: *The closest bus stops to the site are situated 200m east of the development access junction onto the A605 (westbound services) and 500m west of the development on Victory Avenue (eastbound services). Both stops are served by the Stagecoach 33 service which operates between March and Peterborough every 30 minutes Monday to Saturday and comprise a bus flag, timetable, and shelter.*

Parking Provision: *It is noted the development will provide 294 car parking spaces comprising of 252 parking spaces and 42 garage spaces. It will ultimately be up to the Local Planning Authority to agree car and cycle parking provision.*

Trip Generation: *Vehicle trip generation for the development has been calculated using TRICS software. The Phase 4 development is anticipated to generate 81 two-way vehicle trips in the AM peak and 89 two-way vehicle trips in*

the PM peak. This is agreed. Multi-modal trip generation for the Phase 4 development is agreed

Study Area and Trip Distribution: The applicant has proposed the following study area for the site:

- A605 Eastrea Road/Dandelion Drive roundabout (southern site access)
- A605 Eastrea Road/Cemetery Road/Blunt's Lane roundabout
- A605 Syers Road/B1040 Orchard Road roundabout
- A605 West End/Church Street T-junction

It is noted details of the Site Access/Drybread Road T-junction (northern site access) were agreed as part of the original outline permission which is still extant as it was implemented (Phase 1). It was not a reserved matter. It was agreed at the outline stage that the northern site access was suitable to accommodate the total Bassenhally Farm development traffic.

The development traffic flow diagrams are acceptable for use. It is noted the internal spine road will be designed to limit vehicle speeds to 20mph where possible to reduce the attractiveness of the route through the site as a 'rat-run'.

Assessment Year Traffic Flows: The following assessment year scenarios used within this assessment are acceptable for use:

- 2025 Future year scenario without development (2018 flows + TEMPRO Growth + committed development)
- 2025 Future year scenario with development (2018 flows + TEMPRO Growth + committed development + development)
- 2031 Design year (sensitivity test) scenario without development (base + TEMPRO Growth + committed development)
- 2031 Design year (sensitivity test) scenario with development (base + TEMPRO Growth + committed development + development)

The TEMPRO growth factors submitted are acceptable for use.

Committed Developments: The applicant has included the following committed developments within the assessment:

- 169 Dwellings on former Eastfield Nursery site - F/YR16/1017/O
- 250 Dwellings on land at Bassenhally Farm (Phases 2, 2a, and 3) F/YR10/0904/O
- Food retail premises, café, and petrol filling station on land off Eastrea Road - F/YR15/0657/F
- 220 Dwellings on land east of East Delph - F/YR15/0134/O

Given Phase 1 of the Bassenhally site has already been constructed, it is agreed that Phase 1 traffic flows are included in the baseline traffic surveys. It is also agreed that planning application ref: F/YR15/0657/F has been included as committed development within this assessment.

The rationale provided in the Response Letter detailing the committed developments included within this assessment is agreed. The committed developments included within this assessment are acceptable for use.

Junction Capacity Assessments: Use of ARCADY/PICADY software to model the development's impact on junction capacity is agreed. Both the geometries input into the model and traffic profile type input into the models are accepted on this occasion.

Whilst the A605 Eastrea Road/Dandelion Drive roundabout (southern site access) is anticipated to operate over capacity on the A605 (E) arm in the PM peak of the 2031 with development (Sensitivity Test) scenario with a maximum RFC value of 0.97, it is considered the development will not have a severe impact to capacity at this roundabout given it is anticipated to increase RFC values by 0.05 on the A605 (E) arm in the PM peak between the 2031 with and without development sensitivity test scenarios. It is noted that the southern access roundabout has been modelled assuming 100% of Phase 2, 2a and 3 development traffic will use this junction instead of the 86% of Phase 2, 2a, and 3 traffic anticipated to use the junction, thus providing a robust assessment.

Whilst the A605 Eastrea Road/Cemetery Road/Blunt's Lane roundabout is anticipated to operate over capacity on the A605 (E) arm in the AM peak and the A605 (W) arm in the PM peak of the 2031 with development (Sensitivity Test) scenario, it is considered the development will not have a severe impact to capacity at this roundabout given it is anticipated to increase RFC values by 0.05 on the A605 (E) arm in the AM peak and by 0.03 on the A605 (W) arm in the PM peak between the 2031 with and without development sensitivity test scenarios. Vehicle queues on the A605 (E) arm in the AM peak are anticipated to increase by 5 vehicles, whilst vehicle queues on the A605 (W) arm in the PM peak are anticipated to increase by 6 vehicles between the 2031 with and without development sensitivity test scenario

The development not considered to cause detriment to capacity at the A605 Syers Road/B1040 Orchard Road roundabout with RFC, queues and delays remaining similar to the 2031 baseline model outputs. The development is anticipated to increase RFC values by a maximum 0.04 RFC adding a worst-case 2 additional vehicles to queues at the A605 Syers Lane arm in the AM peak.

The A605 West End/Church Street T-junction is anticipated to operate within capacity under all future year scenarios.

Whilst capacity challenges will occur along the A605 corridor in the 2031 future year assessments, given the development is anticipated to increase RFC values on the roundabouts on this corridor by a maximum 0.05 RFC and queue lengths by a maximum 9 vehicles, it is evident that the development alone will not have a significant impact to capacity along this corridor. As such we do not consider these impacts to be severe enough to warrant an objection. This is identified as a strategic issue. The improvements to sustainable travel infrastructure requested for this development will look to encourage a modal shift to further reduce the development impact.

Travel Plan: The Travel Plan will be subject to a condition should approval be given. The Travel Plan should include suitable measures and incentives such as bus taster and/or cycle discount vouchers to promote sustainable travel.

Mitigation: The following will form the mitigation package for this development and will be delivered by the developer:

- *New 3m wide cycleway on the southern edge of Drybread Road between Coronation Avenue and the new Whittlesey Athletic Football Ground access*
- *Travel Plan with bus taster and/or cycle discount vouchers*

The above mitigation package is considered reasonable, proportional, and satisfactory to mitigate the impact of the development and complies with para 108 of the NPPF (2019).'

- 5.3 **CCC Highways:** Originally raised issue with regard to the scheme details in respect of layout particularly with regard to the provision of a footway along the southern side of Drybread Road along with a cycleway to serve the school. The matter of access to the MUGA was also raised. It was also requested that some geometric details were addressed and that swept path plans should be provided.

The LHA response of 4 June 2021 requested further details in the form of a geometric general arrangement which detailed the following:

- Carriageway widths (this applies to the access to MUGA)
- Kerb/junction radii (6m)
- Access geometry for accesses proposed along DBR
- Visibility splays for accesses proposed along DBR should be detailed (2.4m x 43m)

A separate GA plan should be provided for the full length of footway/cycleway along DBR.

- Cycleway should wrap round the junction and taper to footway after tangent point. This is so suitable transition and signage can be provided for cyclist dismount.

In response to this the Developers Highway Engineer provided an updated drawing direct to the LHA which responds to the matters raised above and it is noted that the LHA are to provide their recommendations for appropriate conditions which will be reported to the committee.

- 5.4 **Environment & Health Services (FDC):** *'The Environmental Health Team note and accept the submitted information and have 'No Objections' in principle as the proposed development is unlikely to have a detrimental effect on local air quality or the noise climate.*

The applicant should ensure measures to address noise and dust are implemented and maintained throughout the construction stage where given that sensitive receptors exist West and South of the application site. Depending on the risk of dust effects occurring for example, monitoring should be carried out by the developer to ensure applied mitigation measures remain effective in controlling dust emissions.

Given the scale and location of this next phase in development we recommend therefore a condition be imposed that requires the applicant to follow latest construction noise and dust guidance that demonstrates their commitment to following quality design and construction principles in potentially sensitive areas.

From information provided in an earlier phase of development at Bassenhally Farm, ground contamination is not likely to be an issue. The Phase II Exploratory

Investigation report prepared by DeoDyne submitted under planning reference [F/YR16/0316/F] with regard to potential ground contamination has previously been accepted by this service. The results from the intrusive investigation shows this latest application site has been deemed suitable for its intended end use.

In Chapter 7.15 of the above report a recommendation was made that in the event contaminated soil was encountered during site construction works, contaminated soils should be left in-situ and subjected to further assessment, to potentially include further chemical testing and risk assessment. Given the scale of the application site Environmental Health agrees with this recommendation and therefore asks for the 'Unsuspected Contamination' to be applied to any permission granted to protect the interest of both human health and the environment.

Following re-consultation on revised scheme note that their earlier recommendation remains appropriate.

- 5.5 **Lead Local Flood Authority:** Originally noted that they had *'no objection in principle to the proposed development [as the submitted documents] demonstrate that surface water from Phase 4 can be managed through the use of two attenuation ponds and a flow control device. This will restrict surface water runoff to 5 l/s during all events up to and including a 1 in 100-year storm event plus a 40% allowance for climate change, before it is discharged into the wider Whittlesey East site drainage system.*

The LLFA is supportive of the use of attenuation ponds as in addition to controlling the rate of surface water leaving the site they also provide water quality treatment which is of particular importance when discharging into a watercourse).

The site lies entirely within Flood Zone 1 and is at low risk to both surface water and groundwater flooding.

Water quality has been adequately addressed when assessed against the Simple Index Approach outlined in the CIRIA SuDS Manual'.

Requested conditions regarding submission of a detailed SWD scheme based on the principles in the agreed FRA and proposals for the long-term maintenance arrangements for the SWD system. Also recommends informatives regarding the need to gain Ordinary Watercourse Consent from the LLFA and Pollution Control,

Reconsultations on the scheme amendments prompted the following response from the LLFA noting that 'The applicant [had] clarified that the amendments will not result in changes to the proposed impermeable area extent and will therefore not have any impact on the previously agreed surface water drainage strategy. We therefore have no further comments to make beyond those set out in our previous response dated the 8th October 2020 (outlined above).'

- 5.6 **Anglian Water Services Ltd:** Summary of consultation response as follows:

Assets Affected – Notes that there are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water request informative in this regard

Wastewater Treatment - The foul drainage from this development is in the catchment of Whittlesey Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

Used Water Network - The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. [...] again requests informative

Surface Water Disposal – SW Management scheme does not relate to AW operated assets and LPA should take advice from LLFA

- 5.7 **Natural England:** *'Natural England has previously commented on this proposal and made comments to the authority in our letter dated 5 October 2020.*

The advice provided in our previous response applies equally to these amended plans.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again'

- 5.8 **PCC Wildlife Officer:** *'Please find below comments from the PCCs interim ecologist on the above application. I trust this information is of assistance however do not hesitate to contact me if you require any further help.*

In strict planning terms I don't think there's anything in this one to cause me to object. However, the ecological report is not consistent with CIEEM guidance on report writing and (for example) does not include a Phase I habitat map. Of particular concern though is the surveyor found tree sparrow nesting in the scrub. Without the Phase I map it's not clear where the scrub habitat is, and there is no target note to indicate the precise location of the nest. Tree sparrow is a priority/s.41 species and according to the Cambs BAP website there are only a few colonies in the county, and the records suggest that one colony has historically been in the area surrounding the site. In my view there has been a fairly cursory treatment of what could be quite a significant finding, and I'm not entirely comfortable with simply saying that erecting some sparrow boxes on site is sufficient mitigation. Because the precise nest location isn't known it's not clear that the site layout has attempted to (or is even able to) avoid losing the nest.

Ideally I would want more information about the tree sparrow nest, and perhaps informed by some thoughts from the local bird recorder as to the potential status of and impact on any local colony. I think this would provide a more robust evidence base for an approach to mitigation. My preference would be that this be done pre-determination so the potential impact is known before a planning decision is made.

I recognise that the tree sparrow is only protected while on the nest so legally the council can impose a condition that clearance works not take place during the bird nesting season and the relevant wildlife legislation would be satisfied. If the council is minded to take this approach and not request more information from the applicant then I would recommend a number of conditions:

- A Construction Environmental Management Plan (CEMP) should be required; this should include a suite of precautionary working measures for biodiversity (called 'biodiversity safeguards' in other conditions for the wider site).*
- Specifications for the 'wildlife enhancement' measures on the mocked-up version of drawing SK01 rev E should be conditioned to ensure the most appropriate nest box models etc. are installed. I don't see any issue with the proposed locations, however I think more detail is warranted.*
- The close board fencing, timber panel fencing and ideally the brick walls identified in the boundary treatment plan should all include hedgehog holes to allow hedgehogs to move among the gardens. It doesn't make much sense to install hedgehog domes/boxes and then not provide a permeable environment so they can forage. I'd suggest the detailed fence designs be conditioned to secure this.*
- No vegetation removal should take place during the bird nesting season. Normally I'm happy for this to be an informative however in this case with tree sparrow on site I think a condition is warranted.*

Again, I'd rather the tree sparrow issue were explored in more detail pre-determination, so if there are other factors which might delay determination then I would suggest the applicant get their ecologist to look into this. I don't however see any legal reason why the application cannot be determined'.

5.9 Senior Archaeologist (CCC): 'I have reviewed our files and confirm that this area requires an archaeological condition to be reimposed and altered to accommodate post-excavation analysis requirements.

The previous condition, for which the WSI for a scheme of investigation was discharged in 2013, should now be refreshed to accommodate this area in the northern block (F/YR20/0861/F). We have this identified as Phase 4 on the attached plan (using Larkfleet Homes' original phasing) that was submitted to you in 2018 in relation to the then application for Phase 3 development. Phase 3, to my knowledge, has not progressed. I would be grateful if you could confirm if this is still the case.

I am concerned that we have received no post-excavation assessment reports for Phases 1 and 2. The archaeological contractor was subject to significant structural changes a few years ago, which led to the parking of their post-excavation commitments. Further archaeological work undertaken at the site should, therefore, include provision to present the results of the Phase 1 and 2 work on the eastern side of the development area where the remains of Bronze Age settlement and funerary site were found.

To address this need, a modified version of the 2018 condition should be applied for this 2020 application [wording provided]

Following consultation note that: 'We do not object to the revised proposals but remind you that we have outlined an area for excavation to be completed in advance of any construction activity in this final development zone in the north-

west corner of the site. Please see the attached document for the location of the Phase 4 excavation area.'

5.10 **Refuse Collection Team (FDC)**

(25.03.2021) In broad principal we have no objection to this development however the following points regarding access would need addressing:

- A swept path plan would be required to demonstrate that a 11.5m refuse vehicle could access the site turn and leave the site in a forward direction.
- Grouped bin collections points BCP 8, BCP 10, BCP 13, BCP 14, BCP 4 and BCP 5 should be brought closer to the public highway
- New residents will require notification of collection and storage details by the developer before moving in and the first collection takes place.
- Refuse and recycling bins will be required to be provided as an integral part of the development.

5.11 **Environment & Health Services (FDC):** 'Note and accept the submitted information and have 'No Objections' in principle as the proposed development is unlikely to have a detrimental effect on local air quality or the noise climate.

The applicant should ensure measures to address noise and dust are implemented and maintained throughout the construction stage where given that sensitive receptors exist West and South of the application site. Depending on the risk of dust effects occurring for example, monitoring should be carried out by the developer to ensure applied mitigation measures remain effective in controlling dust emissions.

Given the scale and location of this next phase in development we recommend therefore a condition be imposed that requires the applicant to follow latest construction noise and dust guidance that demonstrates their commitment to following quality design and construction principles in potentially sensitive areas.

From information provided in an earlier phase of development at Bassenhally Farm, ground contamination is not likely to be an issue. The Phase II Exploratory Investigation report prepared by DeoDyne submitted under planning reference [F/YR16/0316/F] with regard to potential ground contamination has previously been accepted by this service. The results from the intrusive investigation shows this latest application site has been deemed suitable for its intended end use.

In Chapter 7.15 of the above report a recommendation was made that in the event contaminated soil was encountered during site construction works, contaminated soils should be left in-situ and subjected to further assessment, to potentially include further chemical testing and risk assessment. Given the scale of the application site Environmental Health agrees with this recommendation and therefore asks for the 'Unsuspected Contamination' to be applied to any permission granted to protect the interest of both human health and the environment. This referral has been considered.

The issues which have prompted the re-consultation dated 27 May 2021, appear to be issues concerning an amendment to the location. Having studied these,

they do not affect the recommendations in previous responses. Consequently, there are still no objections to this proposal subject to the previous responses.

- 5.12 **Housing Strategy (FDC):** *'I accept the 32 affordable dwellings proposed, and the 50% rented tenure and 50% shared ownership tenure split, in accordance with previous S106 agreements on this site and recent discussions with Mark Mann.*

I understand the proposed housing mix for the affordable dwellings is as below:

*16 x 2 bed houses for affordable rent
3 x 2 bed houses for shared ownership
13 x 3 bed houses for shared ownership*

I have pulled some figures together from our Housing Waiting List below, to give you a reflection of our current need for rented tenure housing in Fenland. This breakdown of demand by bedroom need shows 43% of applicants require 1 bed housing, 33% require 2 bed, 19% require 3 bed and 5% require 4+ bed housing.

Current Housing Waiting List Need as at 29/03/2021:

<i>Bed Need</i>	<i>No.</i>
<i>1 bed</i>	<i>596</i>
<i>2 bed</i>	<i>457</i>
<i>3 bed</i>	<i>257</i>
<i>4 bed</i>	<i>52</i>
<i>5 bed</i>	<i>7</i>
<i>6 bed</i>	<i>2</i>
<i>Total</i>	<i>1371</i>

We would like to see some 3-bedroom dwellings come forward as affordable rented tenure on this scheme. As a reflection of the percentages outlined above, this would equate to 11 x 2 bed dwellings and 5 x 3 bed dwellings. I accept the housing mix proposed for the shared ownership dwellings, but would be happy to have further discussions if you wished to switch any of these dwellings around for the 3 bedroom affordable rented dwellings mentioned.'

In respect of the amended scheme proposals comment as follows:

'As I understand it, the amended proposal for the affordable homes on this site are as below:

*Affordable rent
15 x 2-bed two-storey
1 x 3-bed two-storey*

*Shared Ownership
4 x 2-bed two-storey
12 x 3-bed two-storey*

I am happy to support the amended mix above, as my original comments made on 29th March have been considered and reflected in the new proposal'.

- 5.13 **Cambridgeshire County Council (Growth & Economy):** Updated consultation response in respect of latest scheme layout.

Early Years Provision: $12.35 \times \text{£}19,869 = \text{£}245,382.15$

Trigger = 50% prior to commencement and remaining balance on 50% occupancy of phase.

Primary Provision: Contribution = $34.45 \times \text{£}19,869 = \text{£}684,487.05$

Triggers = 50% prior to commencement and remaining balance on 50% occupancy of phase.

Secondary Provision: Contribution = $23.25 \times \text{£}24,013 = \text{£}558,302.25$

Trigger = 50% prior to commencement and remaining balance on 50% occupancy of phase.

(In accordance with earlier phases of development alternative triggers may be considered, subject to need/viability. As earlier phase triggers are not yet finalised, standard triggers are set out above).

Library: Contribution = $346 \times \text{£}58.00$ per head of population increase = $\text{£}20,068$.

Trigger = 100% prior to 50% occupation of development

Monitoring fee $\text{£}150$

- 5.14 **Designing Out Crime Officers:** *'The proposed layout appears to provide for high levels of natural surveillance with pedestrian and vehicle routes in the main, aligned together, open spaces well overlooked, and that pedestrian safety has been considered. Permeability is limited to essential areas/routes only, away from access to rear of properties and this will also (hopefully) provide high levels of territoriality amongst residents which should deter searching behaviour and/or distraction burglary, which targets vulnerable or elderly occupants. Homes demonstrate some defensible space to their front. Use of rear alley access is restricted and where it is used the routes appear direct - I would only ask for self-closures to be fitted to any rear gates.*

Vehicle parking is in-curtilage to the front/sides of properties, allowing owners the ability to view their vehicles from inside their home from active windows.

In regards to external street lighting we would always recommend column lighting across the development. This office would not recommend bollard lighting other than for wayfinding on paths or open space, because it can be easily obscured. It does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime. It should be avoided and this office could not support its use when column lighting could be supplied. The Institute of Lighting Professionals (ILP) currently favours the use of good quality LED lighting and other energy effective light sources - if security lighting is to be supplied to each property we no longer support presence sensing lighting as it produces nuisance switching and become a problem to residents.

'Dusk to Dawn' lighting would be recommended. I look forward to seeing a lighting plan when available.

I am happy to support the proposed design and layout for this development. Should the developer be considering a Secured by Design application I welcome the opportunity to work with them to ensure they receive a Gold accreditation standard.

Following re-consultation confirm that they have no further comments at this stage but reiterate that they would wish to be consulted with regard external lighting proposals

With regard to the latest site layout note that *'I can confirm that this office has reviewed the revised scheme details - we are fully supportive in terms of community safety and reducing vulnerability to crime. The proposals in regard to cycleways and improving footpath links will encourage their use which also increases natural surveillance across the area. No further comments at this time'*

- 5.15 **Cambridgeshire Fire & Rescue Service:** 'With regard to the above application, should the Planning Authority be minded to grant approval, the Fire Authority would ask that adequate provision be made for fire hydrants, which may be by way of Section 106 agreement or a planning condition. [...]'
- 5.16 **Natural England:** 'Natural England has previously commented on this proposal and made comments to the authority in our letter ref - 328646, dated 05 October 2020. I have included a copy for ease of access.'

The advice provided in our previous response applies equally to this amendment.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

- 5.17 **Local Residents/Interested Parties:** 3 letters of objection have been received, all from residents in Drybread Road, which may be summarised as follows:

Traffic or Highways

- Already a busy road. Would increase the amount of traffic joining Drybread Road.
- The only sensible alternative is for a mini roundabout at the lay by by the Crusaders football field.,
- Concerned about the school and traffic increase going into Peterborough, nobody sticks to 20 miles per hour speed limit in my opinion. Sometimes it's a race track to the corner.
- The roadway will come out directly opposite my property. I have misgivings on the road coming out there, as it would cause a rat run through certain times of the day. Not only saying that it does come out on a road that is only meant to be 20mph. Anyone living on the road knows that this is far from truth they come along a lot faster than that.
- The access road for the football ground is going through the estate.
- If you took the road out near the football ground on the existing layby. Then making a mini roundabout there. This would not only give direct access to the football ground but would also be a way of slowing the traffic on the bend.
- I can foresee an accident happening on this stretch of road.
- Drybread is the main road for Alderman Jacobs School.

Seven letters of representation have been received - one on behalf of the Whittlesey Athletic Football Club; one from a Town Councillor, the further 4 letters all originate from Whittlesey residents (2 x Larkspur Way, 1 x Snowley Park, 1 x Drybread Road and 1 x West End)

- Urge the Planning Authority to insist on some level of Affordable Housing and S106 as there are no exceptional costs to build out the phase of this site.
- Please ensure that all roads and shared drives on site are adopted by the Highway Authority and that all houses, even 1 beds, have off road parking plus a few visitor spaces on site.
- *'It would be good to have dual access out of the estate but if the plans do go ahead to have access from Eastrea Road and Drybread Road could the developer and council consider putting in traffic calming measures down Sorrell Avenue and Dandelion Drive to prevent traffic speeding down the already narrow roads?'*
- *'Ideally we would not want the estate to become a cut through for traffic from the A605 as the roads are already narrow and we have cars parked on the road either side as well. Don't really want the estate to be any more of a rat run'.*
- *'I can see from the site plans that there are some green spaces on Phase 3 and Phase 4 can the developer please ensure that these remain wildlife habitats and not clear through established undergrowth where possible. Ensuring that they replace any trees that must be removed for safety'.*
- *'My concern with all the building work going on in Whittlesey is the infrastructure, schools, doctors you struggle to see a doctor as it is, so heaven knows what is going to happen'.*
- *'There needs to be a way of stopping through traffic on to the A605. Living on Phase 2 of this development, the access roads are always partially blocked by cars parking on the road. Increase traffic from Drybread Road using the estate as a cut-through would cause mayhem'.*
- Concern regarding the access facilities and reduction of green space in the area.
- *'it will be possible to access the full width section of Drybread Road (as opposed to the single track section East of this location) from the A605 roundabout' which will 'inevitably increase motorised traffic on Drybread Road at a time when pupils will be travelling to and from the AJS Primary school and SHSCC senior schools. Air-borne pollution from stationary and slow-moving vehicles (this section of Drybread Road is a 20mph zone) which is a potential danger to a cycle route that does not appear on the plans, but is specified in the S106 contribution'.*
- Suggest layout is amended to 'allow access/egress close to plot 72, a roundabout could be constructed to serve the estate and the football playing facility'.
- A roundabout would reduce vehicles speeds and provide better access to the football club
- No green spaces identified as part of Phase 4
- Queries whether electric vehicle charging points could be provided
- On behalf of **Whittlesey Athletic Football Club** (based at Feldale Playing Fields, Drybread Road). *'Despite not being included as part of the neighbour notifications it has come to our attention that this application has an impact on the community hub/playing fields which is mentioned within the highways response.*

We are fundamentally not able to fund the moving of our gates accessing our site and would kindly request that this be covered by either the developer or community funding. We note that it appears one potential access is straight on to our main pitch - which we simply cannot alter. We believe this is a great

opportunity to enhance our community asset by making the entrance in keeping with the new development, which we would be happy to discuss.

From what we can see on the application, it also looks like the entrance would require the removal of some of our existing trees and also be in direct conflict with the current location of our clubhouse - a vital aspect of the clubs survival.

We would welcome the opportunity to discuss these matters and any other potential solutions with yourselves and/or the developer to take the opportunity to improve a community asset directly next to the development and one that we hope will provide somewhere the new residents of the development will use and be proud of.

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF) (July 2021)

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

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

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

Para 34. Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure).

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

Para 55. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition

Para 56. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects

Chapter 5. Delivering a sufficient supply of homes

Chapter 8. Promoting healthy and safe communities

Chapter 9. Promoting sustainable transport

Para 111. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Chapter 12. Achieving well-designed places

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

Para 169. Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

Chapter 15. Conserving and enhancing the natural environment

Chapter 16. Conserving and enhancing the historic environment

7.2 National Planning Practice Guidance (NPPG)

7.3 National Design Guide 2019

Context: C1 Understand and relate well to the site, its local and wider context; C2 Value heritage, local history and culture

Identity: I1 Respond to existing local character and identity; I2 Well-designed, high quality and attractive; I3 Create character and identity

Built Form: B1 Compact form of development; B2 Appropriate building types and forms

Movement: M2 A clear structure and hierarchy of connected streets; M3 Well-considered parking, servicing and utilities infrastructure for all users

Nature: N1 Provide high quality, green open spaces with a variety of landscapes and activities, including play; N3 Support rich and varied biodiversity

Public Spaces: P2 Provide well-designed spaces that are safe

Uses: U2 A mix of home tenures, types and sizes; U3 Socially inclusive

Homes and Buildings: H1 Healthy, comfortable and safe internal and external environment; H3 Attention to detail: storage, waste, servicing and utilities

Lifespan: L3 A sense of ownership

7.4 Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP5 – Meeting Housing Need

LP13 – Supporting and Managing the Impact of a Growing District

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

LP18 – The Historic Environment

Whittlesey Neighbourhood Plan (Draft Plan out to consultation)

Policy 1 Spatial Strategy

Policy 2 Local Housing Need

Policy 7 Design Quality

Policy 12 Delivering Sustainable Transport

8 KEY ISSUES

- **Principle of Development**
- **Character and visual amenity**
- **Design and residential amenity**
- **Transport and highways**

- **Flood risk**
- **Archaeology**
- **Biodiversity**
- **S106 Obligations**
- **Contamination and construction management**

9 ASSESSMENT

Principle of Development

- 9.1 The principle of development was established through the initial grant of outline planning permission, and the subsequent planning permissions issued in respect of Phases 1-3. Whilst it is noted that the original outline was for approximately 460 dwellings and that the current proposal, along with the earlier agreed phases totals 500 dwellings, the layout is such that this arbitrary limit on numbers is not a constraint to development subject to any such increase having no implications in terms of highway safety or indeed other pertinent policy considerations.
- 9.2 It is further noted that the general form of development aligns with the principles first set out in the original Masterplan which accompanied the original outline proposals.
- 9.3 Since this site was last considered the Whittlesey Neighbourhood Plan has been drafted, with the draft plan currently out to consultation. Whilst the emerging plan can be afforded limited weight at this time the development proposed as Phase 4 and the earlier Phases appear to accord with the policies expressed in the emerging plan.

Character, visual amenity and design

- 9.4 Linear development will be maintained along the Drybread Road frontage, and although this will stand forward of No 112 (immediately to the west) there is appropriate separation between properties.
- 9.5 The wider development continues the general themes of the earlier phases and whilst three-storey development is a feature of the proposals these properties are to contain accommodation in their roof spaces and as such they will assimilate within the development without detriment.
- 9.6 No issues are identified in terms of character or visual amenity and the scheme therefore achieves compliance with Policy LP16 of the FLP and the design characteristic themes outlined in the National Design Guide in terms of context and identity.

Residential amenity

- 9.7 As indicated above the scheme largely follows the originally established design principles for the wider site with each dwelling making provision for parking and private amenity space.
- 9.8 Provision is also made for the servicing of the properties with bin storage and collection points having been shown. It is noted that the earlier recommendations of the FDC Refuse team have not been fully accommodated in the latest site layout in terms of the relationship of several of the collection points with the

highway. Swept path details in terms of Refuse Vehicles have been supplied however and found satisfactory.

- 9.9 Revisions to the bin collection points have again been sought from the applicant and it is anticipated that this matter will be resolved in advance of the Committee Meeting; if this is not the case the detail may be secured by way of condition to ensure that this is addressed prior to the occupation of any dwelling within Phase 4.

Transport and highways

- 9.10 The main focus of the objection from the Town Council relates to the access and egress onto both Drybread Road and Eastrea Road, given that they had an expectation that the estate road would be segregated by bollards or similar so as not to allow this. Officers have referred to the original illustrative masterplan for the development and clarified that this did not include such a barrier, nor was it conditioned on the original outline planning permission or required by virtue of the original Section 106 Agreement. Indeed, the Framework Travel Plan clearly stated that 'a vehicle link will be provided between Eastrea Road and Drybread Road'.
- 9.11 Notwithstanding the above the transport 'detail' of the scheme has been through several iterations and the applicants have actively engaged with the Transport Assessment team who are now satisfied that the proposal is acceptable in transport and highway safety terms. Against such a backdrop and noting that there is no strategic requirement or justification for the main access road to be modified to preclude travel from north to south across the estate there would be no grounds to withhold consent in this regard.
- 9.12 With regard to detailed matters of design it is noted that amended details have been shared with the Local Highway Officer who has in turn forwarded these on to the LPA. It has been indicated that the revised detail addresses matters raised in the latest consultation response and detailed conditions are awaited.
- 9.13 As per Para. 111 of the NPPF (2021) development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. It is clear that there are no highway constraints which would warrant the scheme not receiving a favourable consideration and compliance with Policy LP15 has been demonstrated through the various iterations of the Transport Assessment and technical details.
- 9.14 It is noted that the access to the Football Club falls outside the application site boundary and will be the subject of a separate planning submission; accordingly an appropriate condition would need to be imposed on any grant of planning permission to ensure that this is secured at an appropriate stage within the delivery programme for Phase 4; to ensure access to this facility is uninterrupted.

Flood risk

- 9.15 The site is within a flood zone 1 area, however as a major scheme proposal it is necessary to secure the approval of the Lead Local Flood Authority with regard to drainage proposals. The LLFA have confirmed that the proposed surface water drainage strategy is acceptable and subject to safeguarding conditions relating to the scheme being delivered in accordance with the principles outlined in the

submitted Flood Risk Assessment and that details of the long-term maintenance strategy for the surface water drainage systems are secured. Subject to these conditions the scheme will comply with Policy LP14 of the Fenland Local Plan 2014.

Archaeology

- 9.16 The wider site has been the subject of archaeological investigation however there is a requirement to refresh the Written Scheme of Investigation to cover the northern area of the site. It was also identified in the consultation response from the CCC Archaeology Team that the results of the Phase 1 & 2 investigations remain to be presented. A bespoke condition has been recommended to deal with both matters and the wording is reproduced in the relevant section of this report below.
- 9.17 The imposition of the condition as recommended with ensure compliance with FLP Policy LP18 and the requirements of the NPPF with regard to heritage assets.

Biodiversity

- 9.18 The PCC Wildlife Officer raises no objection to the scheme albeit certain shortfalls are identified in the submission with regard to the formal of the report when applying *CIEEM* guidance. Notwithstanding this it was noted in their consultation response that the matters of concern could be dealt with post decision by condition; with a range of targeted conditions recommended relating to the submission of a Construction Environmental Management Plan (CEMP) , specifications for the 'wildlife enhancement' measures , the inclusion of hedgehog holes within the boundary treatments and that no vegetation is removed during the bird nesting season.

S106 Obligations

- 9.19 As a phased scheme matters of open space have been addressed elsewhere within the site, however it is noted that the scheme is compliant in terms of affordable housing provision and has been amended through negotiation to accommodate recommendations made by the Housing Strategy team.
- 9.20 In addition, there is a commitment to meet the policy obligations in terms of education and lifelong learning and details of the contributions attracted by the development are quoted at Section 5.14 of this report. Subject to these obligations being secured by S106 the scheme may be deemed fully compliant with Policy LP13 of the FLP (2014).

Contamination and construction management

- 9.21 It is noted that the wider site has been the subject of an Exploratory Investigation with regard to potential ground contamination which has previously been accepted by the FDC Environmental Protection team as showing the current application site has been deemed suitable for its intended end use; however given the scale of the site it is recommended that the unsuspected contamination condition be imposed as a safeguarding measure.
- 9.22 It is also recommended that the applicant should ensure measures to address noise and dust are implemented and maintained throughout construction given

that sensitive receptors exist West and South of the application site and a condition is recommended in this regard, it is noted that such matters were not conditioned on earlier phases and as such it is not considered appropriate to impose such a condition. This aligns with both the condition 'tests' outlined in Para. 56 of the NPPF and Paragraph: 005 Reference ID: 21a-005-20190723 of Planning Policy Guidance which outlines the that conditions requiring compliance with other regulatory regimes will not meet the test of necessity and may not be relevant to planning

Other Matters

- 9.23 Section 100ZA(5) of the Town and Country Planning Act 1990 provides that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition (except in the circumstances set out in the Town and Country Planning (Pre-commencement Conditions) Regulations 2018).

The applicant has been consulted on the proposed conditions and confirmation is awaited to their agreement to the same; subject to this agreement being forthcoming (this to be reported to the Planning Committee) the consent would be granted in accordance with the of section 100ZA (5) have been met.

The proposed conditions are as follows:

- (2) Vehicular access to Sports facilities
- (6) Archaeology
- (15) Construction Environmental Management Plan
- (16) Levels
- (19) Construction Ecological Management Plan

10 CONCLUSIONS

- 10.1 This submission relates to the final phase of a residential development first granted outline planning permission in 2010 for approximately 460 dwellings along with an extra care facility. Whilst this final phase will see an increase regarding the number of dwellings to be delivered cumulatively there are no technical issues which would render this increase unacceptable.
- 10.2 Robust assessment of the transport impacts has been undertaken by the CCC Transport Assessment Team and revisions have been secured to the scheme to deliver a dedicated access to the Whittlesey Athletic Football Club sports facility along with a cycleway which aligns with the recommendations of the Local Highways Officer.
- 10.3 The scheme as outlined will make appropriate provision for affordable housing and will make contributions towards Education and Libraries in line with policy.
- 10.4 There are no policy or material considerations which would indicate that the scheme as detailed should not receive a favourable recommendation.

11 RECOMMENDATION: Grant subject to:

1. That the Committee delegates authority to finalise the planning conditions to the Head of Planning, and

2. Following completion of the S106 obligation to secure the necessary contributions and affordable housing as detailed in this report, application F/YR20/0861/F be granted subject to conditions.

OR

3. Refuse the application in the event that the S.106 agreement referred to above has not been completed within 4 months and that the applicant is unwilling to agree to an extended period of determination to accommodate this, or on the grounds that the applicant is unwilling to complete the obligation necessary to make the development acceptable.

Conditions

1	<p>The development permitted shall be begun before the expiration of 3 years from the date of this permission.</p> <p>Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	<p>No development shall commence until a timetable for the delivery of the vehicular access to the sports facilities to north-east of the application site, as illustrated on drawing number MA1140/SK02 Rev D, has been submitted to and agreed in writing by the Local Planning Authority. With this access being delivered in full accordance with the timings agreed.</p> <p>Reason – To define the scope of the consent and to maintain access to the adjacent sports facility.</p>
3	<p>Prior to first occupation of the development, a 3m wide shared footway/ cycleway on the southern side of Drybread Road between Coronation Avenue and the new Whittlesey Athletic Football Ground access shall be provided. Details to have previously been submitted to and approved in writing by the Local Planning Authority and works to be carried out in accordance with the approved details</p> <p>Reason - In the interests of highway safety and to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan, adopted May 2014.</p>
4	<p>No above ground works shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in full accordance with the approved details prior to occupation of the first dwelling.</p> <p>The scheme shall be based upon the principles within the agreed Flood Risk Assessment Addendum Report for Phase 4 Area prepared by Millward Partnership Limited (ref: MA11140/JMcK/FRA/L01A) dated September 2020 and shall also include:</p> <ol style="list-style-type: none"> a) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers; b) Full details of the proposed attenuation and flow control measures; c) Temporary storage facilities if the development is to be phased; d) A timetable for implementation if the development is to be phased; e) Details of overland flood flow routes in the event of system exceedance, with demonstration

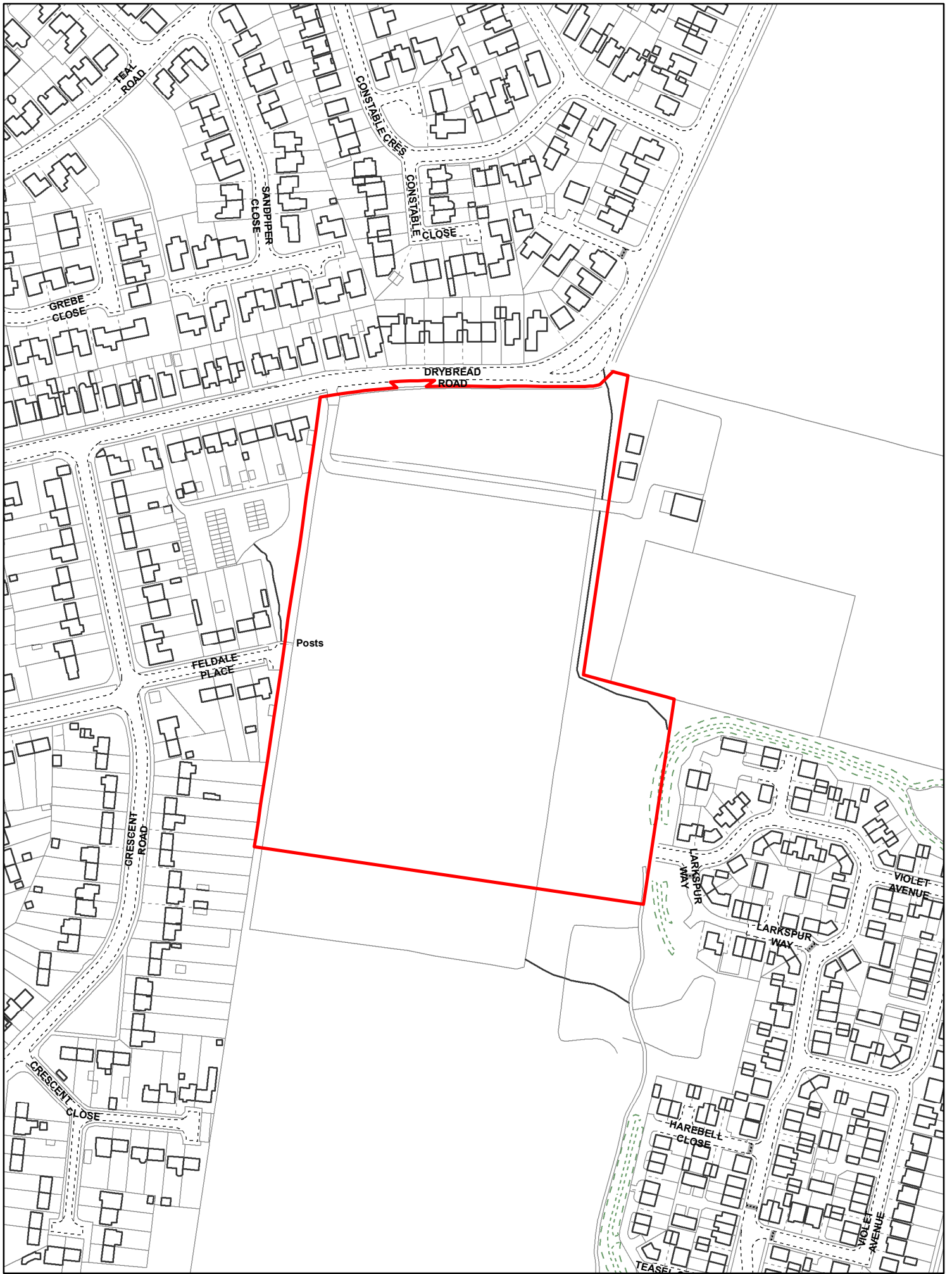
	<p>that such flows can be appropriately managed on site without increasing flood risk to occupants;</p> <p>f) Measures taken to prevent pollution of the receiving surface water</p> <p>The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF PPG</p> <p>Reason - To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development</p>
5	<p>Details for the long-term maintenance arrangements for the surface water drainage system (including all SuDS features) to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby permitted. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.</p> <p>Reason -To ensure the satisfactory maintenance of drainage systems that are not publically adopted, in accordance with the requirements of paragraphs 163 and 165 of the National Planning Policy Framework.</p>
6	<p>No development shall take place until an archaeological written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI which shall include:</p> <ul style="list-style-type: none"> a) the statement of significance and research objectives; b) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works c) The programme for post-excavation assessment of all of the landscape archaeology programme for Bassenhally Farm and subsequent analysis, reporting, publication & dissemination, and deposition of the resulting archive. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI. <p>Developers will wish to ensure that in drawing up their development programme, the timetable for the investigation is included within the details of the agreed scheme. A brief for the archaeological work can be obtained from the Historic Environment Team at Cambridgeshire County Council.</p> <p>Reason - To ensure that the significance of historic environment assets is conserved in line with NPPF section 16.</p>
7	<p>Prior to the first occupation of any part of the development hereby approved, a scheme for the provision of fire hydrants or equivalent emergency water supply shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and made available for use prior to the occupation of the first dwelling.</p> <p>Reason - In the interests of the safety of the occupiers and to ensure there</p>

	are available public water mains in the area to provide for a suitable water supply in accordance with infrastructure requirements within Policy LP13 of the Fenland Local Plan 2014.
8	<p>Within 6-months of the commencement of development hereby approved, a scheme for the provision of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to commencement of occupation of any dwellings and retained thereafter in perpetuity.</p> <p>Reason: In order to ensure that the site meets the crime prevention guidelines in accordance with Policy LP17 of the Fenland Local Plan 2014.</p>
9	<p>If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, and amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. The development shall then be carried out in full accordance with the approved remediation strategy.</p> <p>Reason - To control pollution of land and controlled waters in the interests of the environment and public safety in accordance with the National Planning Policy Framework, in particular paragraphs 178 and 179, and Policy LP16 of the Fenland Local Plan 2014.</p>
10	<p>Prior to the first occupation of any dwelling which forms part of this development details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into unto Section 38 of the Highways Act 198 or a Private Management and Maintenance Company has been established).</p> <p>Reason - To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policy LP15 of the Fenland Local Plan (2014)</p>
11	<p>Prior to the commencement of highway works detailed plans of the roads, footways and cycle ways shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. All construction works shall be carried out in accordance with the approved plans.</p> <p>Reason - To ensure satisfactory development of the site and a satisfactory standard of highway design and construction in accordance with Policy LP15 of the Fenland Local Plan (2014)</p>
12	<p>Prior to the first occupation of any dwelling the roads and footways shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County road.</p> <p>Reason - To ensure satisfactory development of the site and a satisfactory standard of highway design and construction in accordance with Policy LP15 of the Fenland Local Plan (2014)</p>

13	<p>Prior to the first occupation of individual dwellings their associated on-site parking /turning shall be laid out in accordance with the approved plan and thereafter retained for that specific use.</p> <p>Reason - To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan (2014).</p>
14	<p>Prior to first occupation of any part of the development hereby approved, the developer shall be responsible for the provision and implementation of a Travel Plan to be agreed in writing with the Local Planning Authority. The Travel Plan shall include the provision of bus taster tickets and/or cycle discount vouchers. The Travel Plan is to be monitored annually, with all measures reviewed to ensure targets are met</p> <p>Reason – To enhance accessibility and increase the use of non-car modes of travel through the influencing of travel choices in line with Policy LP15 of the Fenland Local Plan (2014) thereby securing modal shift.</p>
15	<p>No development shall take place until a construction environment management plan has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:</p> <ul style="list-style-type: none"> - Parking of vehicle of site operatives and visitors - Routes for construction traffic - Hours of operation - Method of prevention of mud being carried onto highway - Pedestrian and cyclist protection - Any proposed temporary traffic restrictions and proposals for associated safety signage <p>Reason - In the interests of safe operation of the highway in accordance with policy LP15 of the Fenland Local Plan (adopted May 2014).</p>
16	<p>Prior to commencement of development details of existing ground levels (in relation to an existing datum point), proposed finished floor levels and floor slab levels of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the approved details.</p> <p>Reason - To ensure that the precise height of the development can be considered in relation to adjoining dwellings in accordance with policy LP16(d and e) of the Fenland Local Plan (adopted May 2014).</p>
17	<p>Prior to the first planting season following commencement of works on site full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:</p> <ul style="list-style-type: none"> a) Means of enclosure, which shall include provision of adequate gaps at ground level to support hedgehog movement. b) Car parking layout c) Vehicle and pedestrian access and circulation areas d) Hard surfacing, other hard landscape features and materials

	<p>e) Existing trees, hedges or other soft features to be retained f) Planting plans, including specifications of species, sizes, planting centres number and percentage mix and incorporating a range of native tree and shrub species g) Details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife h) Details of siting and timing of all construction activities to avoid harm to all nature conservation features i) Location of service runs j) Management and maintenance details</p> <p>Reason - The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted and to ensure compliance with Policy LP18 of the FLP (2014)</p>
18	<p>All vegetation clearance at the site shall only take place outside the bird breeding season of 1st March to 31st August inclusive.</p> <p>Reason - To ensure compliance with Section 1 of the Wildlife and Countryside Act with respect to nesting birds and to provide biodiversity mitigation in line with the aims of Local Plan Policy LP18 of the FLP</p>
19	<p>A Construction Ecological Management Plan (CEMP) should be submitted prior to commencement of any development on the site this should include a suite of precautionary working measures for biodiversity (called 'biodiversity safeguards) informed by the Extended Phase 1 Survey of Land at Bassenhally Farm, Whittlesey produced by Hillier Ecology dated March 2020.</p> <p>Reason - To ensure compliance with Section 1 of the Wildlife and Countryside Act and Local Plan Policy LP18 of the FLP</p>
20	<p>The biodiversity protection and enhancement measures to be submitted in respect of Condition 15 (g) shall include:</p> <p>(i) <i>Precise specifications for the 'ecological enhancement' measures on drawing L ---/ECOENHANCE/01</i> (ii) <i>Full boundary treatment details indicating the positions of all hedgehog holes</i></p> <p>These details, together with a timetable for implementation, shall be submitted to and agreed by the LPA prior to the occupation of development and shall be fully implemented in accordance with the agreed details in accordance with the agreed timetable.</p> <p>Reason - To ensure compliance with Section 1 of the Wildlife and Countryside Act and to provide biodiversity mitigation in line with the aims of Local Plan Policy LP18 of the FLP.</p>
21	<p>Should no development take place within two years from the date of permission being granted, an updated ecological survey be required to take place.</p> <p>Reason - To ensure compliance with Section 1 of the Wildlife and Countryside Act and to ensure that due consideration is given to the biodiversity on the site in line with the aims of Local Plan Policy LP18 of the</p>

	FLP
22	The development hereby permitted shall be carried out in accordance with the following approved plans and documents Reason - For the avoidance of doubt and in the interest of proper planning.



Created on: 22/09/2020

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F/YR20/0861/F

Scale = 1:2,500





LEGEND	
	1.8m BRICK WALL
	1.8m CLOSE BOARDED FENCE
	1.8m TIMBER PANELLED FENCE
	1.2m BRICK WALL
	1.2m METAL ESTATE FENCE
	1.8m HIGH TIMBER PERSONNEL GATE
	SHARED OWNERSHIP AFFORDABLE HOUSES
	RENTED AFFORDABLE HOUSES

Plot	Type	Plot	Type	Plot	Type
1	2432	46	2329	91	3311
2	3402	47	2228	92	2324
3	3402	48	2228	93	2324
4	2434	49	2228	94	2329
5	2324	50	2228	95	2329
6	2324	51	2228	96	2329
7	2432	52	2228	97	3402
8	2432	53	2228	98	3402
9	2432	54	2318	99	2324
10	2432	55	2318	100	2440
11	2433	56	2440	101	2324
12	2433	57	2329	102	2310
13	2440	58	2329	103	2310
14	2440	59	2329	104	2318
15	2440	60	2440	105	2310
16	2433	61	3311	106	2324
17	2329	62	3311	107	2318
18	2329	63	3311	108	2310
19	2329	64	2324	109	2318
20	2329	65	2228	110	2310
21	2324	66	2228	111	2318
22	2228	67	2228	112	2324
23	2228	68	2310	113	2318
24	2228	69	2310	114	2310
25	2228	70	2324	115	2228
26	2318	71	3311	116	2228
27	2318	72	3311	117	2228
28	2324	73	2329	118	2228
29	2433	74	2329	119	2228
30	3311	75	2440	120	2324
31	3311	76	3311	121	2318
32	3311	77	3311	122	2310
33	2324	78	2324	123	2433
34	2434	79	2432	124	2329
35	3402	80	2432	125	2329
36	3402	81	2440	126	2329
37	3311	82	2434	127	3402
38	3311	83	2440	128	3402
39	2324	84	2324	129	3311
40	3311	85	2324	130	3311
41	3311	86	2434		
42	2433	87	2329		
43	2324	88	2329		
44	2329	89	2324		
45	2329	90	3311		

Market					
House type	#	Storeys	Beds	Quantity	Total #
2228	732	2	2	3	2196
2310	894	2	3	9	8046
2318	971	2	3	10	9710
2324	981	2	3	18	17658
2329	934	2	3	15	14010
2440	1436	2	4	9	12924
2432	1229	2	4	7	8603
2433	1260	2	4	6	7560
2434	1299	2	4	4	5196
3311	994	2.5	3	18	17892
3402	1275	2.5	4	8	10200
				107	113995

Affordable Rent					
House type	#	Storeys	Beds	Quantity	Total #
2228	732	2	2	12	8784
				12	8784

Shared Ownership					
House type	#	Storeys	Beds	Quantity	Total #
2228	732	2	2	4	2928
2324	981	2	3	2	1962
2329	934	2	3	5	4670
				11	9560
				130	132339

REVISION	DATE	DESCRIPTION	DRAWN
K	17.01.22	Affordable plots & split updated.	DAW
J	11.08.21	Cycle path & bin collection points updated.	LD
H	20.05.21	Turning area amended outside plots 115-117.	DAW
G	17.05.21	Access to Pump Station in Phase 3 added. 1.5m utility margin added to shared surface roads. private drives widened for delivery vehicle trucking. plot 44 now rented and plot 53 now shared ownership.	DAW
F	29.04.21	Access off of Drybread Rd amended. pedestrian gate access added back for school access and 5m cycleway amended.	DAW
E	20.04.21	Access off of Drybread Rd amended with 8m road.	DAW
D	07.04.21	Cycleway extended to Fall. 3m crossings removed along site road.	DAW
C	02.03.21	Planning and Highway amended. Plot 79-85 amended to remove access to field and provide alternate access off of Drybread Rd. bin storage points and new gates added.	DAW
B	26.02.21	Revised layout to reduce house type numbers and address highways comments.	DAW
A	08.09.20	Red line amended.	DAW



WHITTLESEY PHASE 4

PROPOSED SITE LAYOUT

SCALE	DATE	DRAWN	APPROVED
1:500 @ A1	07.07.2020	AB	-
DRAWING NO.	REVISION		
L---/SITE/01			K

F/YR21/1157/F

Applicant: Chatteris Town Council

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

14 Church Lane, Chatteris, Cambridgeshire, PE16 6JA

Change of use of existing museum/offices (Class F1(c)) & E(g)(i) to ground floor offices (E(g)(i) and 2 x dwellings (2-bed flats) at first floor level, involving the erection of a first-floor extension

Officer Recommendation: Refuse

Reason for Committee: Referred by the Head of Planning on advice of the Committee Chairman

1 EXECUTIVE SUMMARY

- 1.1 The application seeks full planning permission to change the use of the existing museum and offices to create an enlarged council chamber, offices, communal areas, kitchenette and community space at ground floor level, a 2-bed flat at first-floor level involving bricking up of existing window openings and erection of a first-floor extension to create a second 2-bed flat.
- 1.2 The principle of the expanded council chamber, offices and community space is supported, however insufficient evidence has been given to provide assurances that the museum, a community, cultural, tourist and visitor facility will be established at 2 Park Street should this application be successful.
- 1.3 There are no concerns regarding the impact of the proposal on surrounding heritage assets, however the proposed extension is considered to be overdevelopment, of poor design, does not respect the scale and design of the host building and introduces a further discordant feature to the significant detriment of the character and visual amenity of the area.
- 1.4 The proposal would result in significant detrimental impacts on the residential amenity of surrounding dwellings and the future occupants of the site and insufficient information has been provided in relation to the use of the commercial element, hence the impact on residential amenity and in relation to parking provision cannot be accurately assessed.
- 1.5 The proposed development is considered to be unacceptable and the recommendation is one of refusal.

2 SITE DESCRIPTION

The application site is located on the southern side of Church Lane, a narrow one-way street, there is also a footpath link to the east of the site that enables pedestrian access through to Church Walk to the south. The building itself is located on the back edge of the footpath with an inset entrance door and is constructed in multi brick (with an element of render to the rear) with a red pantile roof, the rear section is single-storey and with a flat roof and the building encompasses almost the entire plot. There is a close boarded fence separating the rear of the plot from 6 Church Walk (though this is not complete) and a low-level wall and partial hedge along the footpath link to the east with a gate enabling access to the rear. The site is adjacent Chatteris Conservation Area and the grade II listed building of 16 Church Lane.

3 PROPOSAL

3.1 The application seeks full planning permission to change the use of the existing museum and offices to create:

- an enlarged council chamber, offices, communal areas, kitchenette and community space at ground floor level
- a 2-bed flat at first-floor level involving bricking up of existing window openings
- erection of a first-floor extension to create a second 2-bed flat.

Both flats are accessed via an external door to the west of the building leading to a shared staircase.

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

[F/YR21/1157/F | Change of use of existing museum/offices \(Class F1\(c\) & E\(g\)\(i\)\) to ground floor offices \(E\(g\)\(i\)\) and 2 x dwellings \(2-bed flats\) at first floor level, involving the erection of a first-floor extension | 14 Church Lane Chatteris Cambridgeshire PE16 6JA \(fenland.gov.uk\)](#)

4 SITE PLANNING HISTORY

F/91/0544/F	Change of use of Doctors Surgery (Class D1 - Use Classes Order 1987) to part D1 and part Town Council Meeting Rooms	Granted 27/11/1991
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There are no restrictive conditions in relation to this permission.

5 CONSULTATIONS

5.1 Refuse Team (FDC)

Regarding the bin store area there appears to be sufficient space for storage for the required number of bins for the flats and commercial unit. The standard (and smallest) size bins are 585mm wide and 740mm deep, with the footpath being only 1500mm wide there will be limited space to access to pass to the cycle store.

Also with no direct access from the flats to the rear where the bins are stored residents will have to exit via the front of the building travel along the public footpath and into the bin store area, it is recommended that residents should not have to transport their waste more than 30m to the bin store area. A better alternative for the bin store area may be to the side via the access to the flats?

On collection day bins will need presenting at the boundary on Church Lane for collection (block paved area).

5.2 Town Council

Noted

5.3 Cambridgeshire County Council Archaeology

Thank you for your consultation. We have reviewed the above referenced planning application and have no objections or requirements for this development.

5.4 Environmental Health (FDC)

I have now reviewed F/YR21/1157/F on the Fenland District Council planning tracker.

The National Planning Policy Framework recommends that the planning policy system should contribute to, and enhance the natural and local environment by, amongst other things, preventing both new and existing developments from contributing to or being put at unacceptable risk, or being, adversely affected by unacceptable levels of pollution.

It goes onto recommend that planning policies and decisions should ensure that new development is appropriate for its location taking into consideration the effects of pollution on health, general amenity, and quality of life amongst other things.

In relation to this particular application, I note that it is for the “Change of use of existing museum/offices (Class F1(c)) & E(g)(i)) to ground floor offices (E(g)(i) and 2 x dwellings (2-bed flats) at first floor level, involving the erection of a first-floor extension”.

Matters for consideration for a proposed development of this type would ordinarily include :

- *impacts from demolition / construction on existing residents.*
- *the provision of a satisfactory internal acoustic environment for future occupiers of the dwellings as proposed.*
- *the potential exposure of future land users to contamination which could be present in the land.*

In relation to these matters, I note the following :

- *the site is located in an existing residential area.*
- *notwithstanding the relatively small scale of the development, it is important to acknowledge there is the potential for adverse environmental impacts on existing residents - relating to the demolition / construction phase of the development.*
- *notwithstanding the fact that there are no obvious specific sources of excessive levels of noise in the immediate vicinity, there is no information contained within the application to or supporting documentation detailing how satisfactory internal noise levels of the dwellings will be achieved.*
- *on the basis of the information submitted – and considering the apparent absence of any outdoor amenity space - there would appear to be no pathway for any contamination which may be present to cause harm to future users of this space.*

If you are minded to approve this application, I would recommend that the following condition is placed on any permission granted :

Operational Hours Condition

No machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times:

a) Monday - Friday 0800-1800,

b) Saturday 0800 - 1300

nor at any time on Sunday, Bank or Public holidays.

Reason: To protect the amenity of local residents from potential impacts whilst demolition, site clearance, groundworks and construction is underway.

I would also recommend that an informative note should be placed on any permission granted – to ensure the creation of a satisfactory internal acoustic environment free from intrusive levels of noise.

My recommended wording for such an informative would be :

Insulation Against External Noise (Informative)

It is recommended that the development should be designed and built in a way which ensures the creation of a satisfactory internal acoustic environment in accordance with the requirements of the relevant standards and technical guidance (including - but not necessarily limited to - “BS8233:2014 Guidance on Sound Insulation & Noise Reduction for Buildings”).

Further advice may be obtained from a suitably qualified person (holding “Member” status with the Institute of Acoustics - or equivalent).

5.5 Conservation Officer (FDC)

I do not consider this application to have any negative impact on either the adjacent listed building, or the conservation area, and so lengthy comments are not warranted in this case. The change of use, and the necessary alterations are wholly supported.

The only detail that will require careful consideration is the brick used to infill the rear windows and to create the first floor extension. The brick used to build the museum is not in keeping with the character or appearance of the conservation area, or the setting of the listed building, but to employ a different brick for the extension or infill, would create a visually jarring extension, and the potential for this should be minimised.

Therefore, the materials used for the external works in the proposal should form a condition of this application, and a sample panel of brick should be viewed on site, and thereafter approved in writing by the LPA.

5.6 Cambridgeshire County Council Highways

I have been out to site on this one and viewed the road and parking conditions at 0800 (today - 15/11/21). The car park had 3 cars in it which given the time were probably overnight. The car park has a 24 hour restriction on it so in theory no cars can park longer than one day without them being moved. This suggests that perhaps it would not be suitable to support an application without its own car parking.

Regardless of this FDC should consider whether they would in any case wish regular parking from a planning permission when that is not its purpose and reduces the capacity when needed to support parking demand from other uses such as from the Church and obviously the Town Council itself. Furthermore, any future change to parking hours by FDC (say a 4 hour limit) would mean it would not support longer term parking at all. It should also be pointed out that I noted extensive on street parking so clearly residents would prefer this to the off street public car park and it's highly likely that this pattern of on street parking would be added to were planning permission be granted.

The agent is stating that this is a town centre location and there is not a requirement for car parking. That statement is not completely accurate. The parking standards state:

“Where a site has good public transport links, such as in a central area of a market town, a reduction in car parking provision may be negotiated and, in special circumstances, nil parking provision may be appropriate.”

I would consider examples where a nil parking requirement may be appropriate is town centres where there are parking controls to manage instances of inappropriate parking. This is not the case here as the site is within a residential area not covered by parking controls. There is little to discourage car ownership.

5.7 Local Residents/Interested Parties

None received.

6 STATUTORY DUTY

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

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

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide 2021

Context – C1, C2

Identity – I1, I2

Built Form – B2

Movement – M3

Uses – U1

Homes and Buildings – H1, H2, H3

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing
LP6 – Employment, Tourism, Community Facilities and Retail
LP10 – Chatteris
LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
LP16 – Delivering and Protecting High Quality Environments across the District
LP18 – The Historic Environment

Delivering and Protecting High Quality Environments in Fenland SPD 2014

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

DM4 – Waste and Recycling Facilities

8 KEY ISSUES

- **Principle of Development and Community Facilities**
- **Heritage, Design and Visual Amenity**
- **Residential Amenity**
- **Highways/parking**
- **Flood Risk**

9 ASSESSMENT

Principle of Development, Economic Growth and Community Facilities

- 9.1 The application site is located within the settlement of Chatteris which is identified within the Settlement Hierarchy as a Market Town; Market Towns are identified within Policy LP3 as the focus for housing growth and wider service provision. This is however on the basis that the development is in keeping with and reflects the character of the area and that there are no significant issues in respect of heritage, residential or visual amenity, design, parking, highways and flood risk.
- 9.2 Policy LP6 of the Fenland Local Plan 2014 seeks to support economic growth, increase employment opportunities to retain community, cultural, tourist or visitor facilities unless there is adequate justification, or an appropriate alternative is provided. Paragraph 81 of the NPPF places significant weight on the need to support economic growth and Paragraph 93 seeks to retain facilities and services.
- 9.3 The application proposes an expanded council chamber, offices, kitchenette and community space (though there is no information regarding how this is proposed to be used) and as such would meet the aims of Paragraph 81 and Policy LP6 in this respect.
- 9.4 However, the scheme also results in the loss of the museum, a community, cultural, tourist and visitor facility. It is acknowledged that planning permission has been granted under F/YR21/1094/F which would enable relocation of the museum to 2 Park Street, Chatteris, the applicant's agent has advised that a Building Regulations application has been submitted and as such there is an indication that this relocation is to proceed, however Policy LP6 seeks to retain such facilities unless an alternative is provided, and until such time that the museum has successfully been relocated and functioning there is no assurance that this would be the case. It was suggested to the applicant's agent that a Unilateral Undertaking be provided which would give legal assurance that should this application be successful it would not be implemented until such time that the

museum was established, as this would not be possible via a planning condition, or alternatively the application could be put on hold/withdrawn until the museum was established. The applicant has chosen not to utilise either of these options and as such the application is considered contrary to Policy LP6 and Paragraph 93 of the NPPF 2021.

Heritage, Design and Visual Amenity

- 9.5 The application site is located adjacent to Chatteris Conservation Area and the grade II listed building of 16 Church Lane and as such is located within their setting, the Conservation Officer does not consider that the proposed development would have a negative impact on the surrounding heritage assets, however does recommend that if the application is successful a condition is imposed to ensure samples of materials are provided for consideration.
- 9.6 The existing building does not provide any particular enhancement to the area, particularly when viewed from the rear as there is a miss match of render, lean-to rooflights and a flat roofed extension with mesh security panels to the windows. This extension however, due to its single-storey nature, still provides a sense of openness in a particularly densely developed corner; 6 Church Walk has a 2-storey side extension which is located right on the boundary and the proposed first-floor extension would be located in very close proximity, increasing the bulk and massing of built form and creating a sense of enclosure with the limited open views that currently exist from Church Walk and the footpath link being eradicated and resulting in an overdevelopment of the site. Furthermore, due to the need to create a useable height within the extension, the eaves are higher than the eaves of the existing building, resulting in a larger expanse of wall with a very low-pitched roof which is of poor design, does not respect the scale and design of the host building and introduces a further discordant feature to the significant detriment of the character and visual amenity of the area. As such the development is considered contrary to Policy LP16 (d) of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments SPD 2014, paragraphs 130 and 134 of the NPPF 2021, and C1, I1, I2 and B2 of NDG 2021 which seek to ensure that developments are of a high standard of design, make a positive contribution to the local distinctiveness and character of the area and do not adversely impact, either in design or scale terms on the streetscene.
- 9.7 It is acknowledged that a street scene plan has been provided, however this is as viewed from a section through 6 Church Walk (which would not actually be possible) and as Church Walk is located further east much more prominent views are afforded than indicated, the submitted street scene is therefore considered unrepresentative and misleading.

Residential Amenity

- 9.8 To the front/north of the site on the opposite side of Church Lane is the Fenland District Council car park and walled garden serving The Vicarage, Church Lane. There are not proposed to be any physical alterations to the front elevation and therefore no scope for additional opportunities for overlooking, however the intensification of use and the fact that there is potential occupation 24/7 could result in a perceived lack of privacy and potential for noise and disturbance, that said, The Vicarage is located on a substantial plot with the dwelling being located to the east of this, some distance away and as such there is not considered to be a significant detrimental impact on the residential amenity of this dwelling.
- 9.9 To the east of the site on the opposite side of the footpath link to Church Walk is the 2-storey dwelling of 16 Church Lane. The proposal introduces an additional

window in the existing eastern gable facing towards No.16, there are no first-floor windows in the side of No.16 which could be affected, however there is a single-storey element with rooflights which could experience reduced privacy, this window could be conditioned to be obscure glazed as it is 1 of 3 windows serving the kitchen/living/dining area of the proposed flat, however the others are at the front and would result in the rear of the large room having very little natural light, which is far from ideal. The proposed extension is located approximately 9.5m from the boundary of No.16, as such there is unlikely to be any significant impact in relation to overshadowing, loss of light or outlook, there are however 3 large windows facing towards No.16 which would have views into the orangery and garden, at this distance and with such large windows there will be an adverse impact on the residential amenity of this dwelling.

- 9.10 To the rear/south is the semi-detached, 2-storey dwelling of 6 Church Walk, the proposal is located to the north and as such there are no issues in relation to overshadowing and loss of light to the garden, outlook would be impacted however this is not considered to be significantly detrimental. There are no windows in the side of the 2-storey extension serving No.6 which could be impacted by the proposal, there is a window in the rear of the proposed extension which could have oblique views of the garden, however as this is not direct this is not considered to be significantly detrimental.
- 9.11 To the west of the site is the 2-storey detached dwelling of 12 Church Lane, the proposed extension is located between approximately 4.2m-4.5m from the main dwelling, there are 2 windows proposed in the side elevation facing towards No.12, however these are to serve a bathroom and landing and as such could be conditioned to be obscure glazed. There are 4 windows in the side elevation of No.12 which face towards the proposal, these serve a kitchen/breakfast room at ground floor level and bathroom and WC at first-floor level, the proposal is considered to result in a loss of light to all of these windows and a loss of outlook to the ground floor windows, resulting in a significant detrimental impact on the residential amenity of this dwelling.
- 9.12 The proposed flats are not afforded any external amenity space, hence there is no space for the drying of laundry or any covered external storage, meaning to be stored securely all items would need to be stored within the flats. Cycle storage is indicated to the rear, however this is not covered/secure and is unlikely to be usable due to the presence of the bin storage area. Furthermore, in order to access the bins, residents would need to exit the building, walk along the front of the site and along the footpath link to Church Walk, there is no direct access. It has been suggested that it may be possible to utilise the area to the west of the building, however this is not proposed or evidenced and may result in a number of bins being visible in the streetscene. One of the bedrooms serving the rear flat would have an extremely poor and unacceptable outlook due to the 2-storey extension serving 6 Church Walk being located directly in front at a distance of 1.3m.
- 9.13 Environmental Health have recommended conditions in respect of hours of construction etc and in relation to securing a satisfactory internal acoustic environment. At present it is unclear how the proposed ground floor arrangement is to be used, further information was requested from the applicant's agent to enable the potential impact on the residential amenity of surrounding residents to be assessed, however this request was declined and as such there is insufficient information to enable full assessment of the scheme.

- 9.14 The proposed development is therefore considered to be contrary to Policies LP2 and LP16 of the Fenland Local Plan 2014, DM 4 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014, Paragraph 130 (f) of the NPPF 2021 and H1, H2 and H3 of the NDG 2021 which seek to ensure that developments promote health and wellbeing, provide high quality environments and avoid adverse impacts on residential amenity.

Highways/parking

- 9.15 The application site is located on the southern side of Church Lane, a narrow one-way street, there is also a footpath link to the east of the site that enables pedestrian access through to Church Walk, which is also narrow and offers limited opportunity for on street parking. There is a small public car park on the opposite side of Church Lane which has a 24hr restriction and appears well used as it was almost at capacity when the site was visited, though it is acknowledged that this could alter at different times of the day.
- 9.16 The existing building does not have any off-street parking, and none is proposed due to the constraints of the site. Concerns have been raised regarding the suitability of intensifying the use of the site, altering the character by introducing a residential element and the potential increase in on street parking in this constrained location. Further information was requested from the applicant's agent in relation to the existing and proposed uses of the site, to enable the impact on parking, the highway and residential amenity (in respect of potential for additional on street parking) however this request was declined and as such there is insufficient information to enable full assessment of the scheme.
- 9.17 As such, the scheme is considered contrary to Policies LP2 and LP15 of the Fenland Local Plan 2014 and Paragraph 131 (f) of the NPPF 2021 which seek to avoid adverse impacts, provide a high standard of amenity for existing and future users and require development schemes to demonstrate that there is appropriate parking provision available and that the development would not result in an unacceptable increased burden on the surrounding area.

Flood Risk

- 9.18 The application site is located within Flood Zone 1 (low risk) and as such the proposal is considered to be appropriate development. Issues of surface water will be considered under Building Regulations; accordingly, there are no issues to address in respect of Policy LP14.

10 CONCLUSIONS

The principle of the expanded council chamber, offices and community space is supported, however insufficient evidence has been given to provide assurances that the museum, a community, cultural, tourist and visitor facility will be established at 2 Park Street should this application be successful. There are no concerns regarding the impact of the proposal on surrounding heritage assets, however the proposed extension is considered to be overdevelopment, of poor design, does not respect the scale and design of the host building and introduces a further discordant feature to the significant detriment of the character and visual amenity of the area. The proposal would result in significant detrimental impacts on the residential amenity of surrounding dwellings and the future occupants of the site and insufficient information has been provided in relation to the use of the commercial element, hence the impact on residential amenity and in relation to parking provision cannot be accurately assessed.

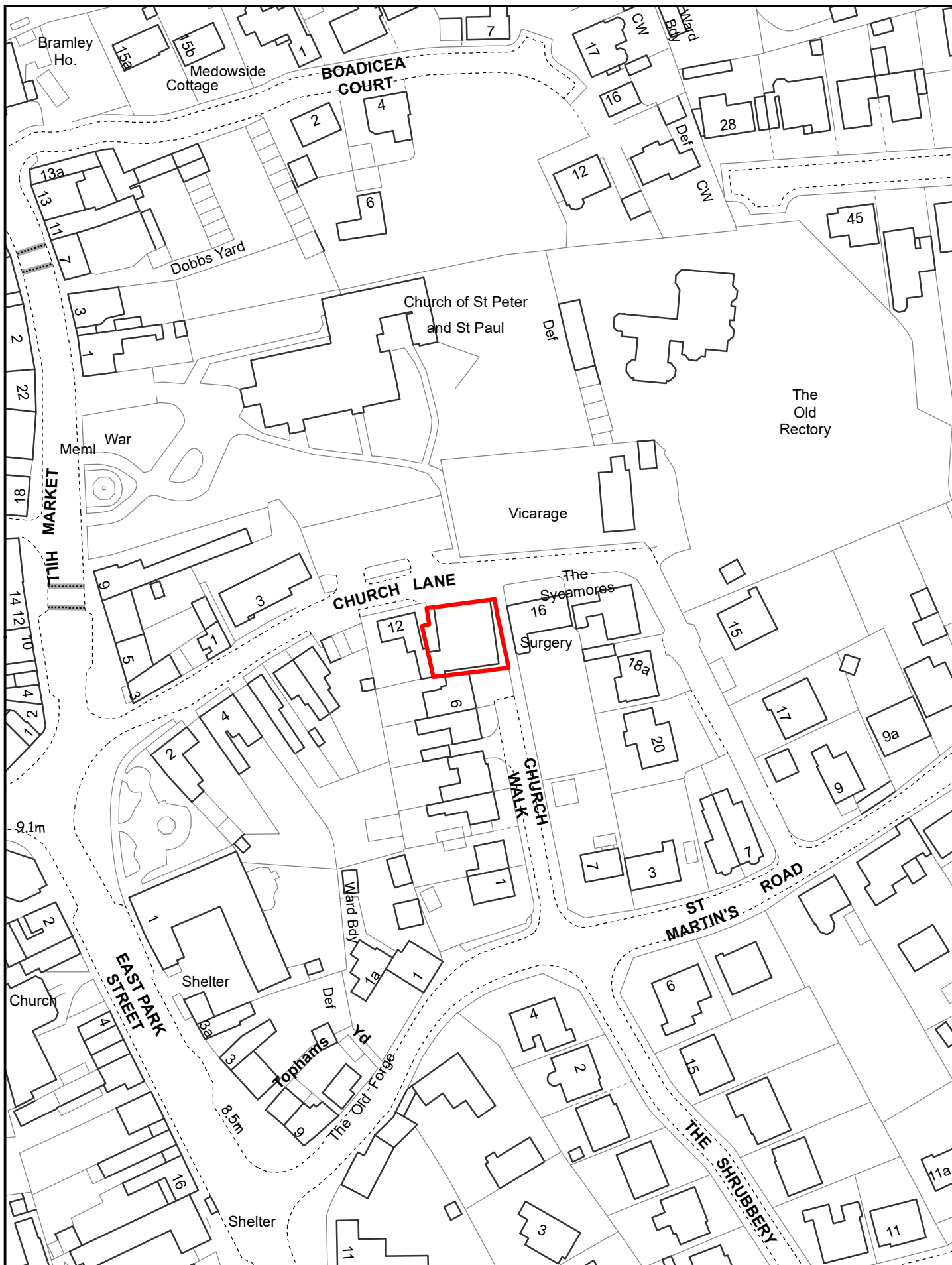
11 RECOMMENDATION

Refuse for the following reasons:

1.	<p>Policy LP6 of the Fenland Local Plan 2014 seeks to retain community, cultural, tourist or visitor facilities unless there is adequate justification, or an appropriate alternative is provided and Paragraph 93 of the NPPF 2021 seeks to retain facilities and services.</p> <p>The scheme results in the loss of the museum, a community, cultural, tourist and visitor facility. It is acknowledged that planning permission has been granted under F/YR21/1094/F which would enable relocation of the museum to 2 Park Street, Chatteris, however Policy LP6 seeks to retain such facilities unless an alternative is provided, until such time that the museum has successfully been relocated and functioning, and without a Unilateral Undertaking there is no assurance that this would be the case. As such the proposal is considered contrary to the aforementioned policies.</p>
2	<p>Policy LP16 (d) of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments SPD 2014, paragraphs 130 and 134 of the NPPF 2021, and C1, I1, I2 and B2 of NDG 2021 which seek to ensure that developments are of a high standard of design, make a positive contribution to the local distinctiveness and character of the area and do not adversely impact, either in design or scale terms on the streetscene.</p> <p>The proposed first-floor extension would be located in very close proximity to the existing 2-storey extension at 6 Church Walk, increasing the bulk and massing of built form and creating a sense of enclosure, with the limited open views that currently exist from Church Walk and the footpath link being eradicated and resulting in an overdevelopment of the site. Furthermore, the extension is considered to be of poor design, does not respect the scale and design of the host building and introduces a further discordant feature to the significant detriment of the character and visual amenity of the area. As such the development is considered contrary to the aforementioned policies.</p>
3	<p>Policies LP2 and LP16 of the Fenland Local Plan 2014, DM 4 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014, Paragraph 130 (f) of the NPPF 2021 and H1, H2 and H3 of the NDG 2021 seek to ensure that developments promote health and wellbeing, provide high quality environments and avoid adverse impacts on residential amenity.</p> <p>The proposed development will result in an unacceptable impact on the residential amenity of 12 Church Lane by virtue of the proximity of the proposed extension and impact on light and outlook, 16 Church Lane in respect of overlooking and loss of privacy, and the future residents of the proposed flats due to the lack of amenity space and external/cycle storage, proximity to 6 Church Walk resulting in extremely poor outlook, and inconvenient bin storage arrangements. Furthermore, full assessment of the impact on residential amenity has not been possible as insufficient information has been provided in relation to the proposed use of the ground floor. As such the development is considered contrary to the aforementioned policies.</p>
4	<p>Policies LP2 and LP15 of the Fenland Local Plan 2014 and Paragraph 131 (f) of the NPPF 2021 seek to avoid adverse impacts, provide a high standard of amenity for existing and future users and require development schemes</p>

to demonstrate that there is appropriate parking provision available and that the development would not result in an unacceptable increased burden on the surrounding area.

Concerns have been raised regarding the suitability of intensifying the use of the site, altering the character by introducing a residential element and the potential increase in on street parking in this constrained location, however insufficient information has been provided to enable full assessment of the scheme and its potential impacts, as such the development is considered contrary to the aforementioned policies.



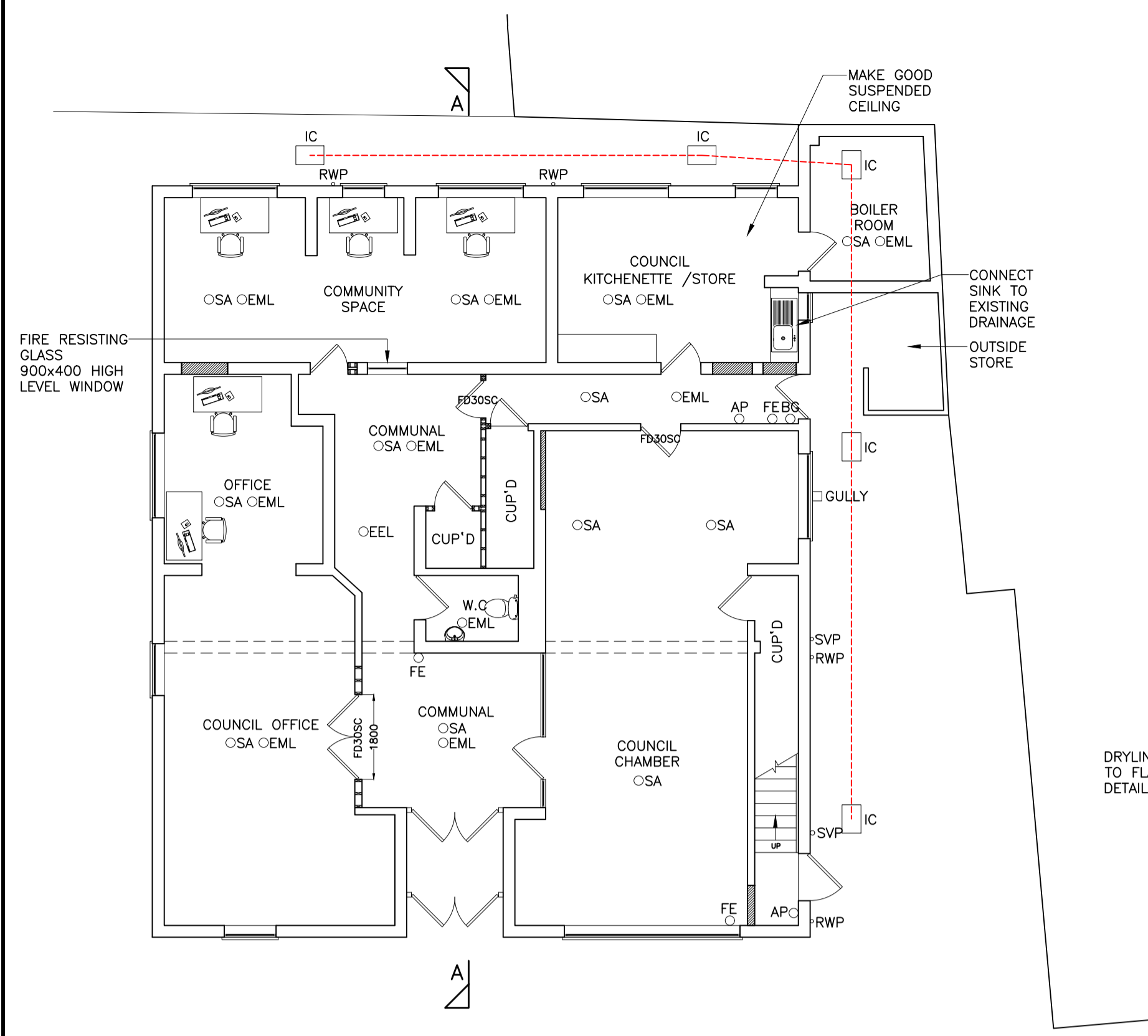
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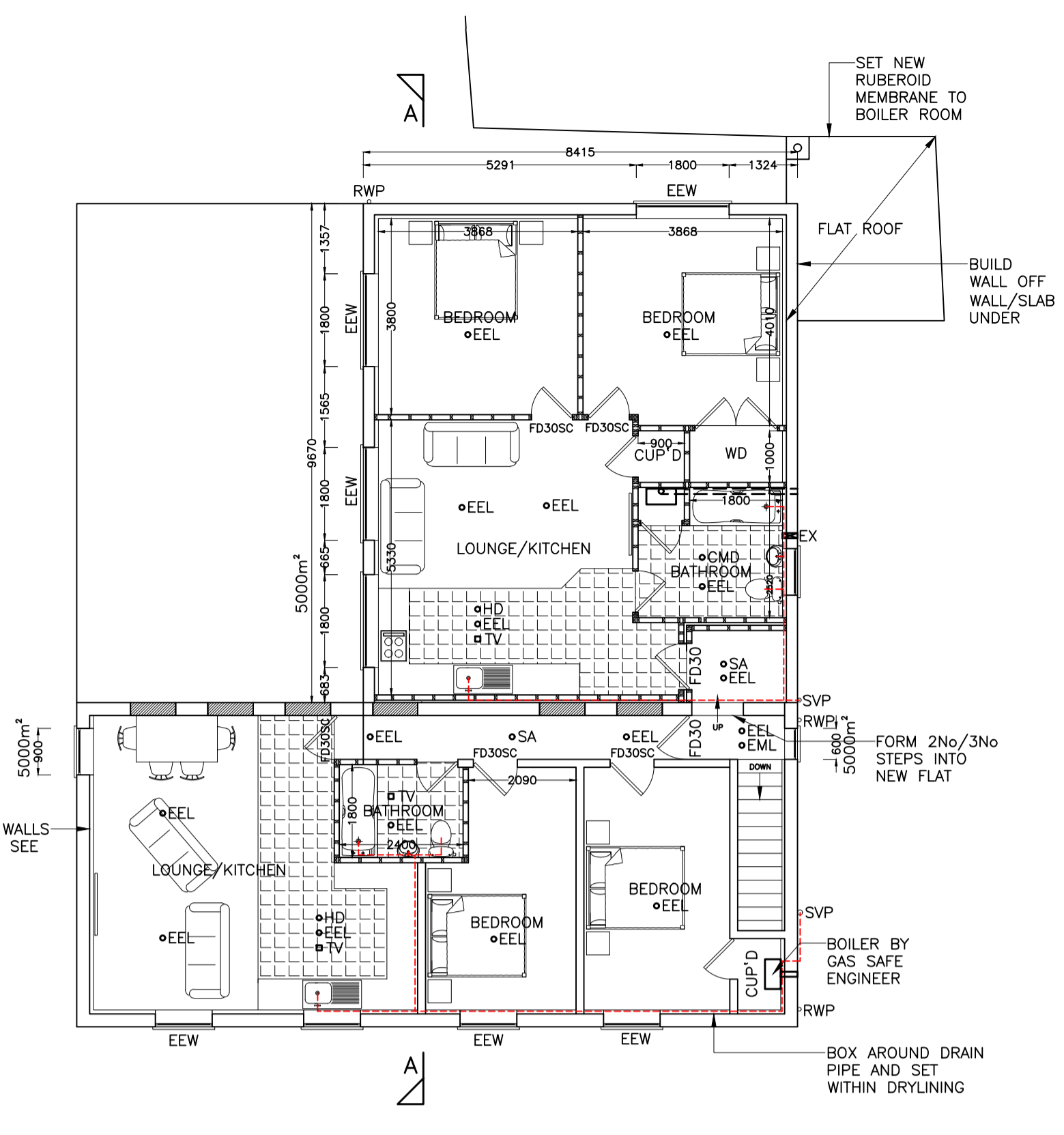
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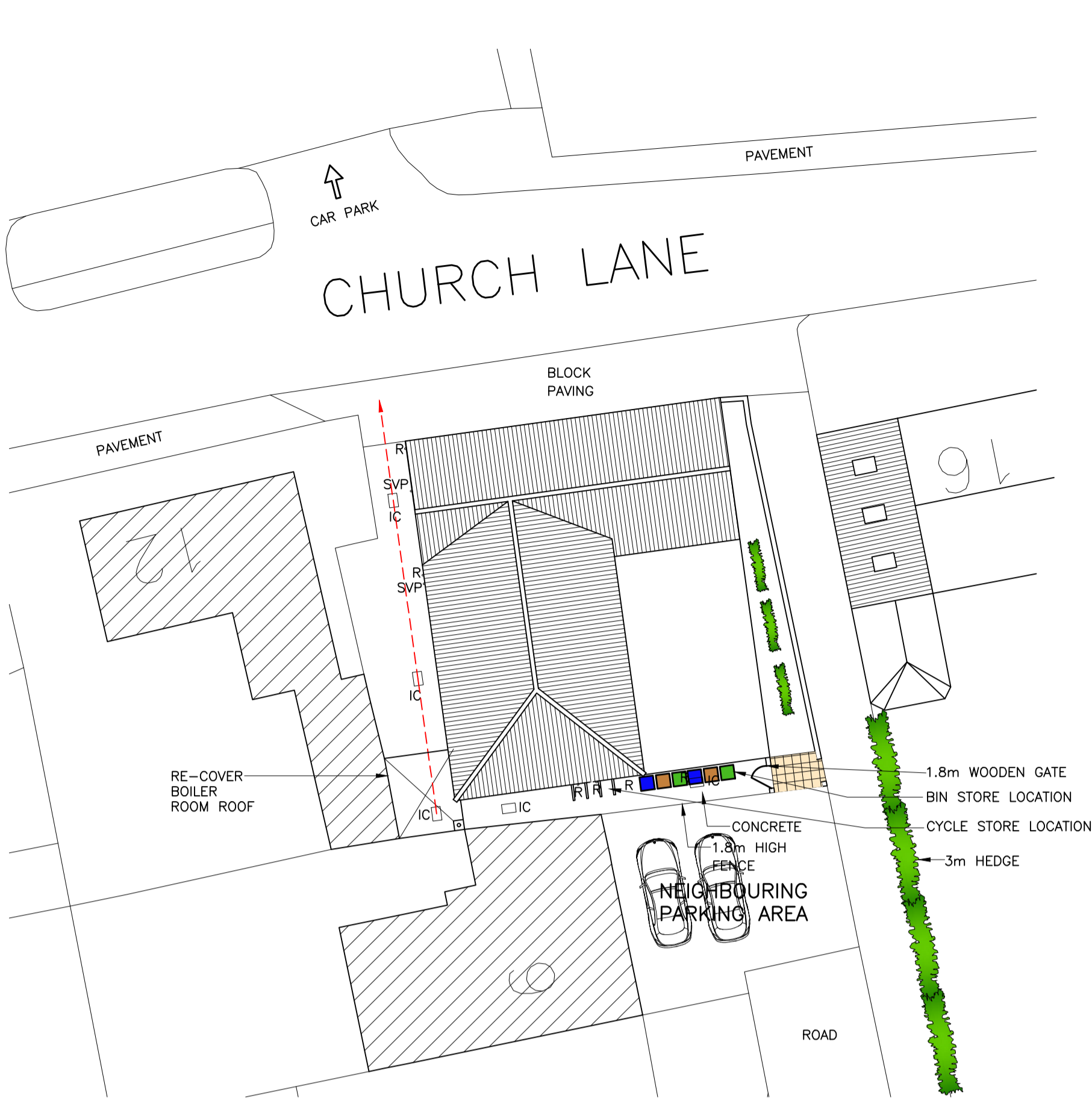




PROPOSED GROUND FLOOR PLAN (1:100)



PROPOSED FIRST FLOOR PLAN (1:100)

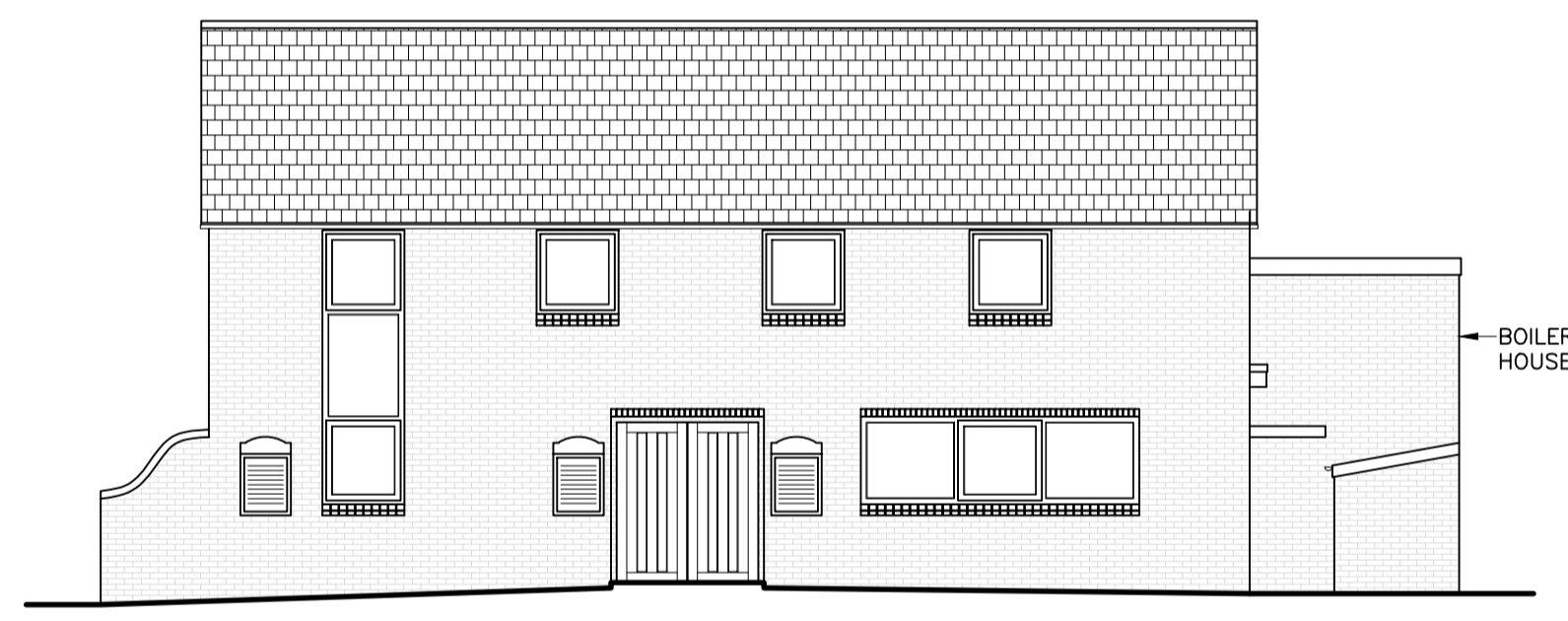


PROPOSED SITE PLAN (1:200)

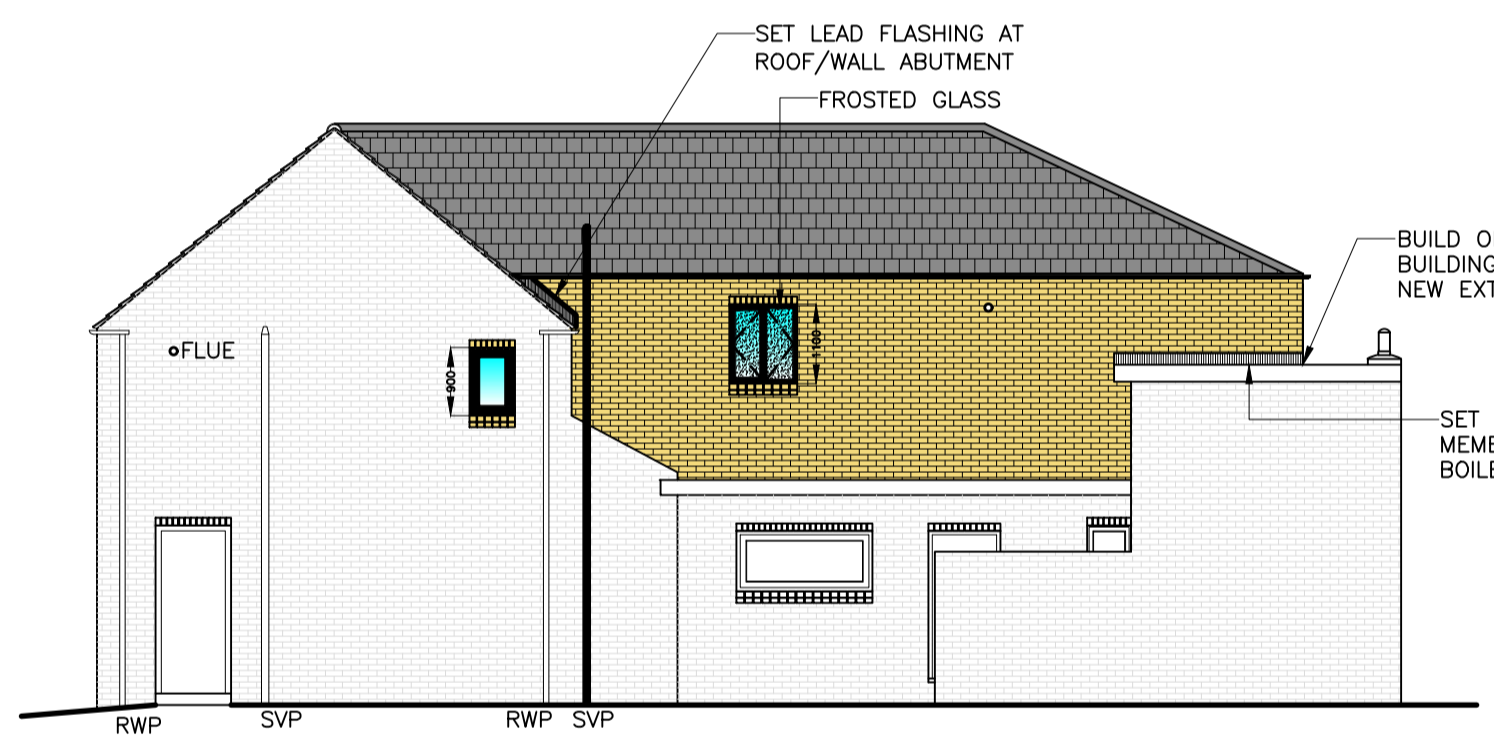
Copyright on all drawings prepared by Morton & Hall Consulting Limited is their property. Drawings and designs may not be reproduced in part or in whole without their written permission. Please read, if in doubt ask. Change nothing without consulting the Engineers. Contractor to check all dimensions on site before work starts or materials are ordered. If in doubt ask. All dimensions are in mm unless stated otherwise. Where materials, products and workmanship are not fully specified they are to be of the standard appropriate to the works and suitable for the purpose stated in or reasonably to be inferred from the drawings and specification. All work to be in accordance with good building practice and BS 8000 to the extent that the recommendations define the quality of the finished work. Materials products and workmanship to comply with all British Standards and EOTA standards with, where appropriate, BS or EC marks. All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations. The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer

LEGEND

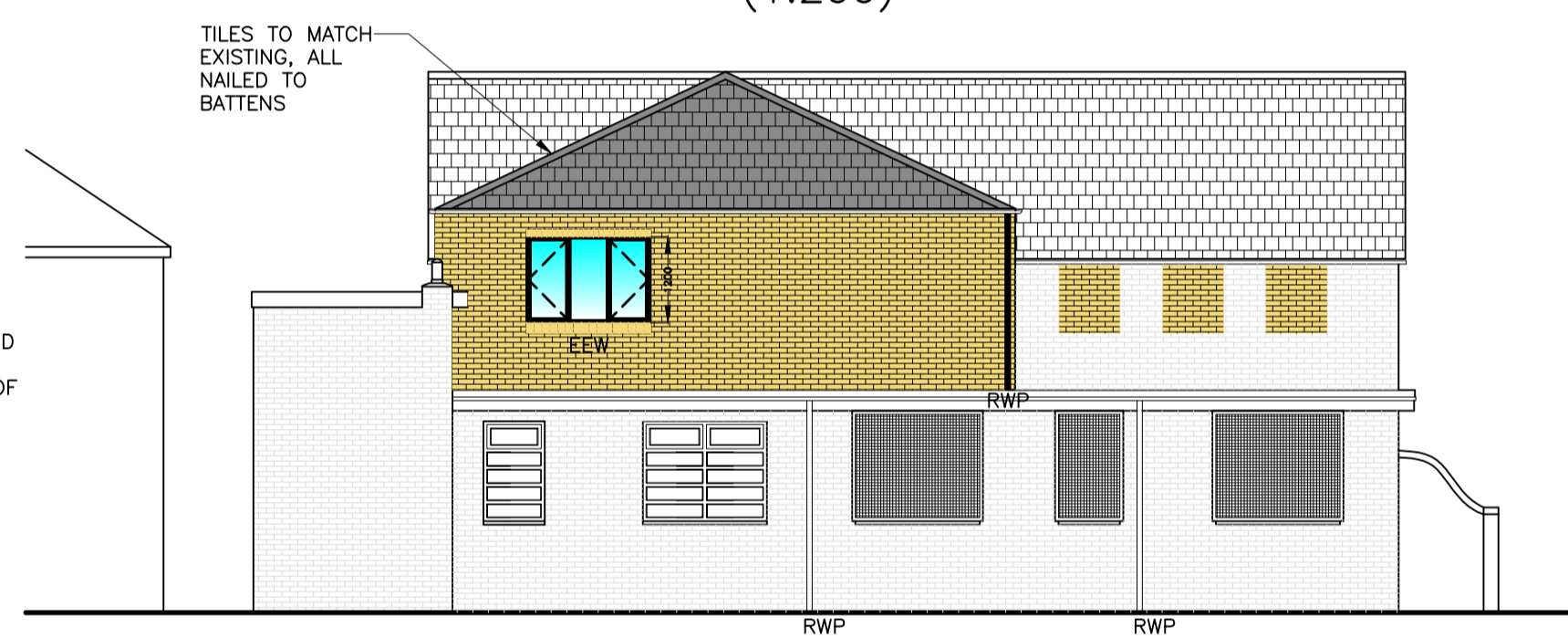
- SG = SAFETY GLASS
- EX = EXTRACTOR FAN, DUCTED TO EXTERNAL AIR, FAN TO B MOUNTED ON EXTERNAL WALL OR 1.5m MAXIMUM DUCT LENGTH, OR INCREASE EXTRACTOR CAPACITY TO COMPENSATE FOR THE AIR FLOW LOSSES
- SA = INTERLINKED SMOKE ALARM
- HD = HEAT DETECTOR
- EEL = ENERGY EFFICIENT LIGHT, NUMBER AND POSITION AND TYPE TO BE TO CLIENTS DETAILS
- SVP = UPVC SOIL AND VENT PIPE
- RWP = UPVC RAINWATER PIPE
- GULLY = RODDABLE GULLY
- SS = STUB STACK
- TV = TILE VENT FOR EXTRACTOR
- EEW = EMERGENCY ESCAPE WINDOW, 800-1100 FROM FLOOR LEVEL, ENSURE CLEAR AREA OF 0.33m², MINIMUM CLEAR DIMENSION OF 450mm
- RE = RODDING EYE
- CMD = CARBON MONOXIDE DETECTOR
- II = INSULATED CAVITY CLOSER
- EJ = EXPANSION JOINT IN MASONRY, SEALED BOTH SIDES, SET TIES AT 225mm VERTICAL CENTRES
- FD30SC = 30 MINUTE FIRE RESISTANT DOOR SELF CLOSING WITH SMOKE AND INTUMESCENT SEALS
- EML = EMERGENCY LIGHTS
- BC = BREAK GLASS FIRE ALARM POINT



PROPOSED FRONT ELEVATION (1:100)

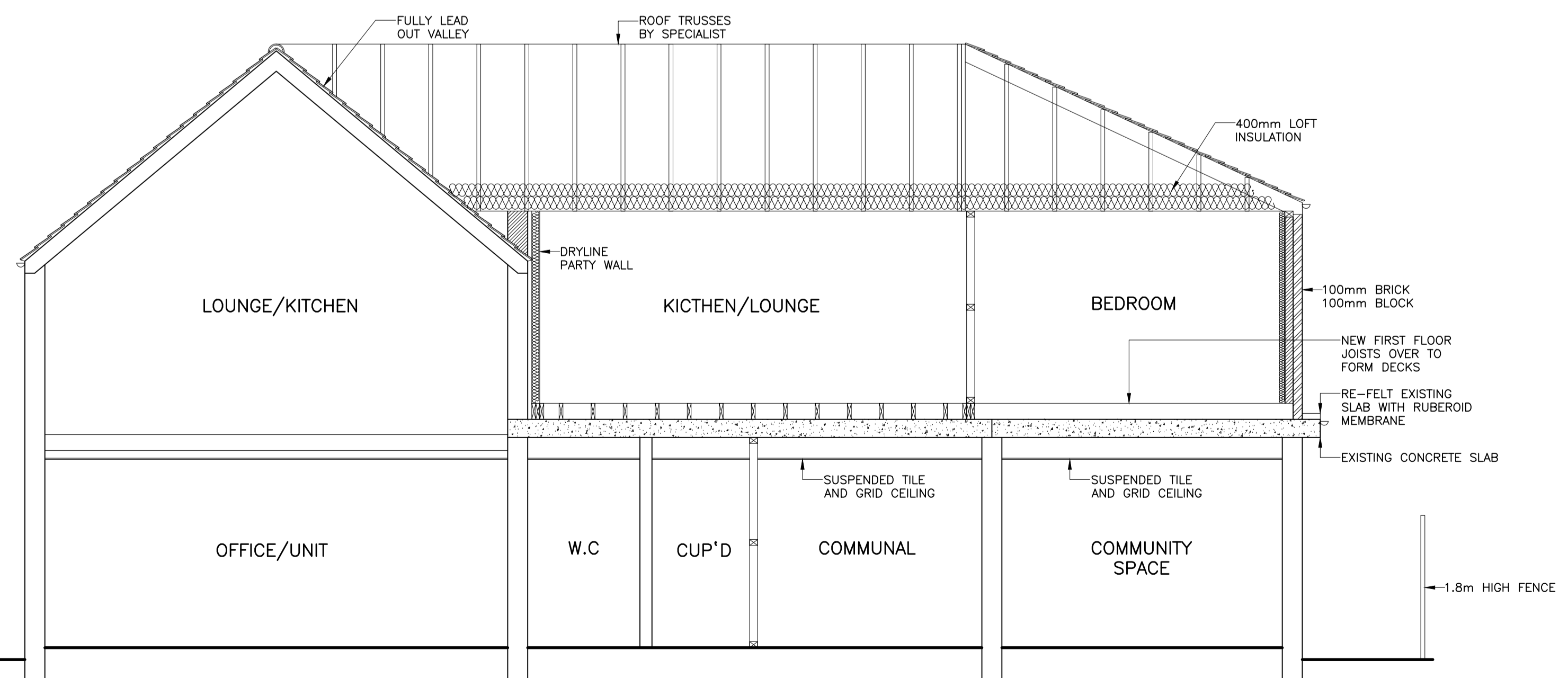


PROPOSED RHS ELEVATION (1:100)

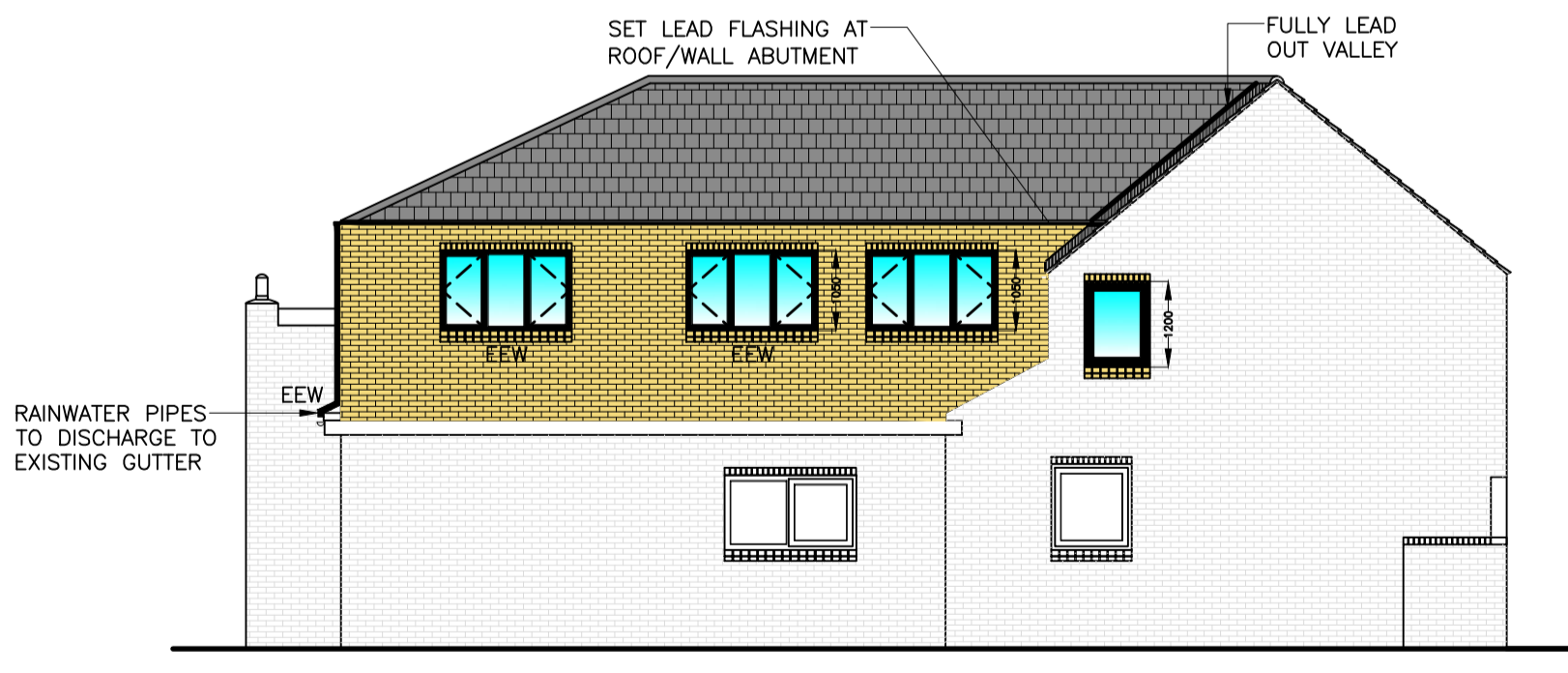


PROPOSED REAR ELEVATION (1:100)

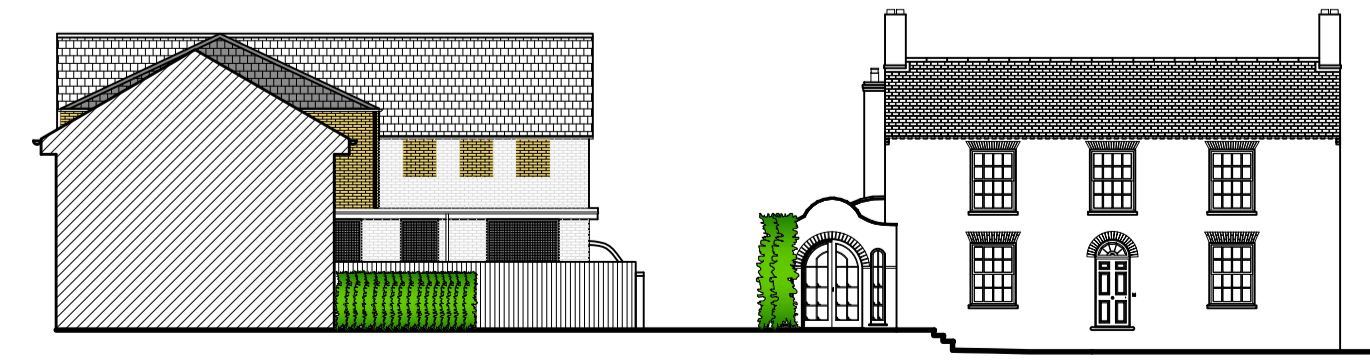
D	SCHEME REVISED	JAN 22
C	SCHEME REVISED	AUG 21
B	UPDATED FOR BUILDING REGULATIONS	FEB 21
A	CLIENTS COMMENTS	FEB 21
REVISIONS		DATE



PROPOSED SECTION A-A (1:50)



PROPOSED LHS ELEVATION (1:100)



PROPOSED STREET SCENE (1:200)

MORTON & HALL CONSULTING LIMITED
CONSULTING STRUCTURAL ENGINEERS

1 Gordon Avenue, March, Cambridgeshire, PE15 8AJ
Tel: 01354 655454, Fax: 01354 660467, E-mail: info@mortonandhall.co.uk, Website: www.mortonandhall.co.uk

Member of Fenland District Council Building Design Awards
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Chatteris Town Council

Chatteris Town Hall
14 Church Lane
Chatteris
PE16 6JA

Proposed Arrangement

DRAWN	R.Papworth	DATE OF ISSUE	
CHECKED		DRAWING NUMBER	H7402/02b
DATE	Feb 2021	SCALE	As Shown

F/YR21/1197/F

Applicant: Miss C Carver

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

Cornfields, Euximoor Drove, Christchurch, Wisbech

Erect 1 x dwelling (2-storey 4-bed) and a detached garage, involving the removal of existing caravan and demolition of existing outbuilding

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to Officer recommendation

1 EXECUTIVE SUMMARY

- 1.1 The application seeks full planning permission for a detached, 2-storey, 4-bed dwelling with raised (0.3m) patio area, detached double garage involving the removal of the existing caravan and demolition of existing outbuilding.
- 1.2 The existing residential unit on site comprises a mobile home which is specifically excluded from replacement by virtue of Policy LP12 - Part C (c); as such the scheme must be considered as a new dwelling and subject to Policies LP3 and LP12 of the Fenland Local Plan 2014, which both seek to restrict development within open countryside locations. No policy justification has been provided to support a dwelling in this location and as such the development is considered contrary to the aforementioned policies.
- 1.3 The proposed development, by virtue of its scale and design is considered to have a significant adverse impact on the rural context and character of the area, as such the scheme is considered contrary to policy LP12 Part C and LP16(d) of the Fenland Local Plan 2014, DM3 of the Delivering & Protecting High Quality Environments in Fenland SPD 2014 and Chapter 12 of the NPPF 2021.
- 1.4 It has not been demonstrated that suitable visibility splays can be achieved with the proposed access in its current position and as such whether this access is acceptable. The development is therefore considered to be contrary to Policy LP2 and LP15 of the Fenland Local Plan 2014 which seek to ensure that well designed and safe access is provided.
- 1.5 There are no significant issues in relation to flood risk, ecology or residential amenity and the proposed dwelling would result in a higher quality living environment than the existing mobile home and a betterment in relation to flood risk.
- 1.6 Whilst there is some benefit to the proposed development this is considered to be significantly outweighed by the in-principle unacceptability of a new dwelling in this location, the significant detrimental impact on visual amenity and the character of the area and inadequate demonstration that the proposed access is acceptable; as such the recommendation is one of refusal.

2 SITE DESCRIPTION

- 2.1 The application site is located on the eastern side of Euximoor Drove, between the single-storey dwelling of Country View to the south and 2-storey small scale cottage of The Cottage to the north, to the east and west of the site are agricultural fields and what appears to be a small holding with various livestock. The area is located within Flood Zone 3, the highest risk of flooding.
- 2.2 The site itself has a garden area laid to lawn, with some landscaping, play equipment and timber outbuilding and green houses, it is bounded by high close boarded fence to the west (road side), hedge to the north and post and wire to the east. There is a cream clad mobile home with timber lean-to to the side and raised timber decking and steps to the front. To the west of the mobile is a detached brick outbuilding with what appears to be an asbestos roof and a gravel parking area. The site is accessed via Euximoor Drove, a single track rural lane with limited passing opportunities.

3 PROPOSAL

- 3.1 The application seeks full planning permission for a detached, 2-storey, 4-bed dwelling with raised (0.3m) patio area, detached double garage involving the removal of the existing caravan and demolition of existing outbuilding.
- 3.2 The dwelling measures 10m (excluding porch) x 15.5m and 8.2m in height. Accommodation comprises an open plan kitchen/dining/family room, playroom, living room, utility and WC at ground level and 4 bedrooms (1 with walk in wardrobe and en-suite) and bathroom at first-floor level.
- 3.3 The garage measures 7.6m x 7.7m and 5.85m in height, solar panels are proposed to the southern roof slope.
- 3.4 Full plans and associated documents for this application can be found at:

[F/YR21/1197/F | Erect 1 x dwelling \(2-storey 4-bed\) and a detached garage, involving the removal of existing caravan and demolition of existing outbuilding | Cornfields Euximoor Drove Christchurch Wisbech PE14 9LT \(fenland.gov.uk\)](#)

4 SITE PLANNING HISTORY

F/YR20/1202/CERTLU	Certificate of Lawful Use (Existing): Material change of use of land for the siting of a residential caravan used as a separate dwelling unit	Certificate Issued 26/1/2021
F/YR20/0401/CERTLU	Certificate of Lawful Use (Existing): Siting of a mobile home for residential use (ancillary)	Certificate Issued 9/7/2021

5 CONSULTATIONS

5.1 Christchurch Parish Council

The Parish Council has no objection to the proposed development.

5.2 Environment Agency

Environment Agency Position

We consider that the main source of flood risk at this site is associated with watercourses under the jurisdiction of the relevant Internal Drainage Board (IDB). As such, we have no objection to the proposed development on flood risk grounds.

Advice to LPA

In accordance with paragraph 162 of the National Planning Policy Framework, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk. Our national flood risk standing advice reminds you of this and provides advice on how to do this.

The IDB should be consulted with regard to flood risk associated with watercourses under their jurisdiction and surface water drainage proposals.

In all circumstances where flood warning and evacuation are significant measures in contributing to managing flood risk, we expect local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Advice to Applicant

The site is located in an area which is not served by the public foul sewer. Accordingly, the proposal will need to be served by a non-mains drainage system.

In addition to planning permission you may also require an Environmental Permit from the Environment Agency. Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or from a treatment plant at 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone. Discharges from septic tanks directly to a surface water are not allowed under the general binding rules.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

For further guidance please see: <https://www.gov.uk/permits-you-need-for-septic-tanks/overview>

We hope this information is of assistance. If you have any queries, please do not hesitate to contact us.

Please forward a copy of this letter to the applicant.

5.3 Middle Level Commissioners IDB

No comments received.

5.4 Wildlife Officer (FDC)

Advice requested in respect of whether further information was required in relation to the demolition of the existing building and ecology:

I am leaning towards no, those asbestos roofs are rarely used and there is no clear drop underneath the feature to allow easy access and egress. It looks like the building is in heavy use as well.

Unlikely to have easy access for birds as well.

5.5 Environmental Health (FDC)

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

As the proposal involves demolition of an existing structure, we ask for the following condition to be imposed in the event planning consent is granted;

UNSUSPECTED CONTAMINATION

CONDITION: If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, a Method Statement detailing how this unsuspected contamination shall be dealt with.

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

5.6 Natural England

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published [Standing Advice](#) which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on [ancient woodland and veteran trees](#) which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to

result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on [Magic](#) and as a downloadable [dataset](#)) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on [gov.uk](#) at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

5.7 Cambridgeshire County Council Highways

The site is located in a rural location, remote from a village location without footways and street lighting. It seems likely that all journeys will be made by private motor transport. FDC should consider the general sustainability of the site.

The submitted details and streetview images show some parking on site and these were shown on the certificate of lawful use application. The existing access is not properly set out to CCC standard layout and construction but it seems the arrangement has been in place for some time.

My concern is that visibility towards the south is compromised by the access position being close to the southern boundary. Towards the north visibility is better and a splay could be provided along with a low level boundary treatment. An improvement to the scheme from an access point of view would be to place the access in a more central position of the site (perhaps with the dwelling on the southern part of the site). No visibility splays are shown on the plans.

The plans and street scene show the area to the north of the crossover being open with no boundary treatment covering this area. My concern is that vehicles will use the whole of the open area avoiding the crossover. I would recommend that a boundary treatment covers this area (noting the need to keep visibility clear). I would also add that the boundary treatment hedge proposed should be 0.6m (but could be higher if set back behind a splay).

It is appreciated that with the existing parking activity there's possibly little if any intensification of use of the site and there does not appear to be any injury related accidents in the vicinity of the site. Although I have not visited the site I am expecting that traffic volume is low. My recommendation would be to seek an improved access position but if you are minded to grant planning permission I would recommend the following conditions:

1. *Prior to the first occupation of the development the proposed on-site parking area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and thereafter retained for that specific use.*

Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.

2. *Prior to the first occupation of the development the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.*

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

3. *Prior to the first occupation of the development visibility splays shall be provided each side of the vehicular access in full accordance with details to be submitted and approved in writing by the Local Planning Authority. 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.

This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicants responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.

5.8 Local Residents/Interested Parties

Twelve supporting comments have been received (8 from Euximoor Drove, 1 from The Croft, 1 from Church Road, 1 from Wayside Estate all Christchurch and 1 from Half Penny Toll, Lotts Bridge), in relation to the following:

- Pleasure to see a family home on this site/provide adequate space for growing family, improve living conditions
- Support on the proviso construction vehicles do not obstruct Euximoor Drove, which is single track
- - will be an improvement on caravan and needed
- Finished dwelling will be more in keeping

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Determining a Planning Application

National Design Guide 2021

Context – C1

Identity – I1, I2
Built Form – B2
Movement – M3
Homes and Buildings – H2, H3

Fenland Local Plan 2014

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

Delivering and Protecting High Quality Environments in Fenland SPD 2014

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

Cambridgeshire Flood and Water SPD 2016

8 KEY ISSUES

- **Principle of Development**
- **Design considerations and visual amenity of area**
- **Residential Amenity/Health and wellbeing**
- **Flood Risk and Drainage**
- **Highways/parking**
- **Ecology**

9 BACKGROUND

- 9.1 A lawful development certificate was issued (F/YR20/0401/CERTLU) on 9/7/2020 for siting of a mobile home for residential use (ancillary). This was because the evidence provided by the applicant at the time suggested that there was a significant functional link between the house and mobile home as the occupant of the mobile home provided care to their mother who lived in the house.
- 9.2 The statement provided by the applicant in support of their subsequent application (F/YR20/1202/CERTLU) stated that for the period from 2004 to 2019 there was no care provided to the applicants' mother in the main house. This functional link did not exist until 2019. Therefore, the use of the caravan as an independent residential dwelling unit became lawful as of 2014. It was considered that the provision of care in 2019 did not represent an abandonment of the lawful use and as such a lawful development certificate for the change of use of land and siting of a caravan used as a separate dwelling unit was issued on 26/1/2021.

10 ASSESSMENT

Principle of Development

- 10.1 The application site is located in the open countryside, hence would be considered an elsewhere location in the settlement hierarchy and Policy LP3. Development here will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation transport or

utility services. No information/justification has been provided to indicate that it is demonstrably necessary for a new dwelling in this location.

10.2 However, replacement dwellings are accepted in principle subject to certain criteria being adhered to, these being considered below (LP12 Part C). It is also necessary to consider highway safety (LP15), flood risk (LP14), ecology (LP19) and the likely impact of the proposal in terms of residential and visual impact (LP2 & LP16).

10.3 Policy LP12 Part C: The replacement of a dwelling which is located outside, or not adjacent to, the developed footprint of a settlement will be supported where all of the specified criteria (a) – (f) are complied with.

(a) The residential use of the original dwelling has not been abandoned; and	The mobile home was being lived in when the site was visited, and as such has not been abandoned.
(b) The original dwelling is not important to retain due to its character and/or contribution to the landscape; and	The mobile home is a temporary dwelling unit with timber lean-to extension, it is not considered to convey visual merit.
(c); The original dwelling is not a temporary or mobile structure, such as a caravan; and	The existing dwelling is a mobile home and as such fails to comply with this element of the policy.
(d) It is of a design appropriate to its rural setting; and	Please see section below
(e) It is of a similar size and scale to the original dwelling; and	<p>The existing dwelling measures 12m x 4.2m and 3.2m in height, with a lean-to extension measuring 4m x 2.85m and a maximum of 2.8m in height.</p> <p>The proposed dwelling measures 10m (excluding porch) x 15.5m and 8.2m in height, which is significantly larger and therefore prominent in this rural, sparsely populated open countryside location and as such fails to comply with this element of the policy.</p> <p>There is also a large, detached garage proposed which measures 7.6m x 7.7m and 5.85m in height, completing with both the host dwelling and the neighbouring properties.</p> <p>The supporting information submitted indicates that the curtilage is larger than that established as lawful under F/YR20/1202/CERTLU, however having overlaid the location plans the extent of land remain the same.</p>
(f) It is located on the footprint of the	The proposed dwelling is located partially on

<p>original dwelling unless an alternative position within the curtilage would enhance the setting of the building on the plot and have no adverse impact on the wider setting.</p>	<p>the footprint of the mobile home but has been situated further north to accommodate the proposed parking area and garage.</p> <p>The overall development is located within the existing plot and is not considered to encroach on the open countryside, its relocation is not considered to exacerbate the harm identified in the section below</p>
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- 10.4 The proposed development fails to accord with Policy LP12 Part C, criteria (c), (d) and (e) as the dwelling it proposes to replace is a mobile home, the proposal is not of a design appropriate to its rural setting nor is it of a similar size and scale to the original dwelling. Furthermore, no information/justification has been provided to indicate that it is demonstrably necessary for a new dwelling in this location, contrary to Policy LP3.

Design considerations and visual amenity of area

- 10.5 In addition to the issues raised in the previous section the following are also considered to be relevant:
- 10.6 The area is characterised by a narrow drove, open fields and sporadic dwellings, those to the north and south of the site being a modest in scale 2-storey cottage and small detached single-storey dwelling, there also are a number of subservient outbuildings. The proposed dwelling whilst not particularly large in its own right is substantial when compared with the dwellings either side of it (as evidenced on the submitted street scene) and the mobile home it is intended to replace; it is of scale and design befitting of an urban environment, rather than its rural open countryside location. Furthermore, the proposed garage dominates the plot, is comparable in footprint to the main element of the bungalow to the south and greater in height. Overall the proposed development is considered to create an incongruous feature, having a significant adverse impact on the rural context and character of the area and would ultimately fail to make a positive contribution to the local distinctiveness and character of the local built environment contrary to policy LP12 Part C and LP16(d) of the Fenland Local Plan 2014, DM3 of the Delivering & Protecting High Quality Environments in Fenland SPD 2014 and Chapter 12 of the NPPF 2021 and Chapters C1, I1, I2 and B2 of the NDG 2021.
- 10.7 The development also results in the demolition of an existing brick-built outbuilding of vernacular character, which is considered unfortunate, however does not create significant enough harm to warrant a refusal in this regard.
- 10.8 With regards to materials, the surrounding dwellings are constructed in a mix of red brick/wall tile and render with outbuildings red multi brick and a variety of roof materials, the materials proposed for the development are considered acceptable for the locality and are as follows:

Walls: Traditional Brick and Stone Olde Althorne
Roof: Marley Modern tiles in Smooth Grey

Residential Amenity/Health and wellbeing

- 10.9 To the front and rear (west and east) of the site are open fields, to the south of the site is the single-storey dwelling of Country View and to the north modest 2-storey The Cottage, which is orientated towards the site rather than the road and separated from the site by what appears may be a field access.

- 10.10 The majority of windows serving the proposed dwelling are facing east and west and as such there are no direct views into the plots serving the existing dwellings, there is one first-floor window in the northern side elevation, however this serves an en-suite and as such would be obscure glazed. Distances between dwellings are such that there is not considered to be a significant detrimental impact on the residential amenity of the existing dwellings in relation to overshadowing, loss of light, outlook or privacy.
- 10.11 The proposed dwelling has in excess of a third of the plot for private amenity space in accordance with Policy LP16 (h), there would be a level of overlooking from The Cottage, however this is currently the case. Only low-level boundary treatments are proposed in the form of a 1m high hedge, this will in time establish to provide sufficient privacy and the location is such that this is not considered to cause a significant detrimental impact in respect of the residential amenity of future occupiers. The proposed dwelling would result in a higher quality living environment than the existing mobile home.

Highways/parking

- 10.12 The existing mobile home has an access and gravel parking area, though this is not properly set out to LHA standards, it is proposed to be replaced and sited further south, closer to Country View with a larger gravel and block paved parking area surrounding the garage.
- 10.13 Concerns have been raised by the LHA in relation to visibility as this is considered to be compromised by the location of the access on the southern boundary of the site and the 1m high boundary treatment proposed (this should be no higher than 0.6m within the visibility splay), furthermore visibility splays are not indicated on the submitted details and concerns have been raised regarding the opportunity to informally access the full width of hardstanding, as this remains open to the road. Visibility splays were requested to be provided but have not been submitted and in light of the fact that it has not been demonstrated that suitable visibility splays can be achieved with the proposed access in its current position the development is considered to be contrary to Policy LP2 and LP15 which seek to ensure that well designed and safe access is provided
- 10.14 Policy LP15 and Appendix A require 3 parking spaces for a 4-bed dwelling such as this, a double garage is proposed which meets the dimensions to be considered 2 spaces and there is then sufficient space surrounding the garage for further vehicles to be parked, as such the scheme complies with the parking provision requirements.

Flood Risk and Drainage

- 10.15 Policy LP14 seeks for proposals to be safe from the risk of flooding and to not exacerbate flood risk elsewhere within the locality. As the proposal is for a replacement dwelling it will not result in an additional dwelling within a flood zone 3 location and therefore the scheme is deemed to pass the sequential test. The exception test requires a demonstration that the development provides wider sustainability benefits that outweigh flood risk and a site specific Flood Risk Assessment that demonstrates that the development will be safe from all sources of flooding. A Flood Risk Assessment has been submitted which recommends that ground levels are not less than 0.3m above ground level with a further 0.3m of flood resilient construction above finished floor level and the Environment Agency have no objection to the proposal. In relation to sustainability benefits this is not

referred to within the FRA however solar panels are to be provided and there is a betterment in flood risk terms by creation of a first-floor refuge

- 10.16 The site is at very low risk of surface water flooding, issues of surface water will be considered under Building Regulations; accordingly, there are no issues to address in respect of Policy LP14.

Ecology

- 10.17 The site is within a SSSI Impact Zone; the proposal results in no net increase in households and as such is considered to have a neutral impact on the SSSI, furthermore, Natural England have no objection to the proposal.
- 10.18 The scheme does result in the demolition of an existing brick-built outbuilding however the Wildlife Officer did not consider this would warrant the submission of an ecology survey. Nonetheless, the applicant can be reminded of their responsibilities in relation to protected species by way of an informative.

11 CONCLUSIONS

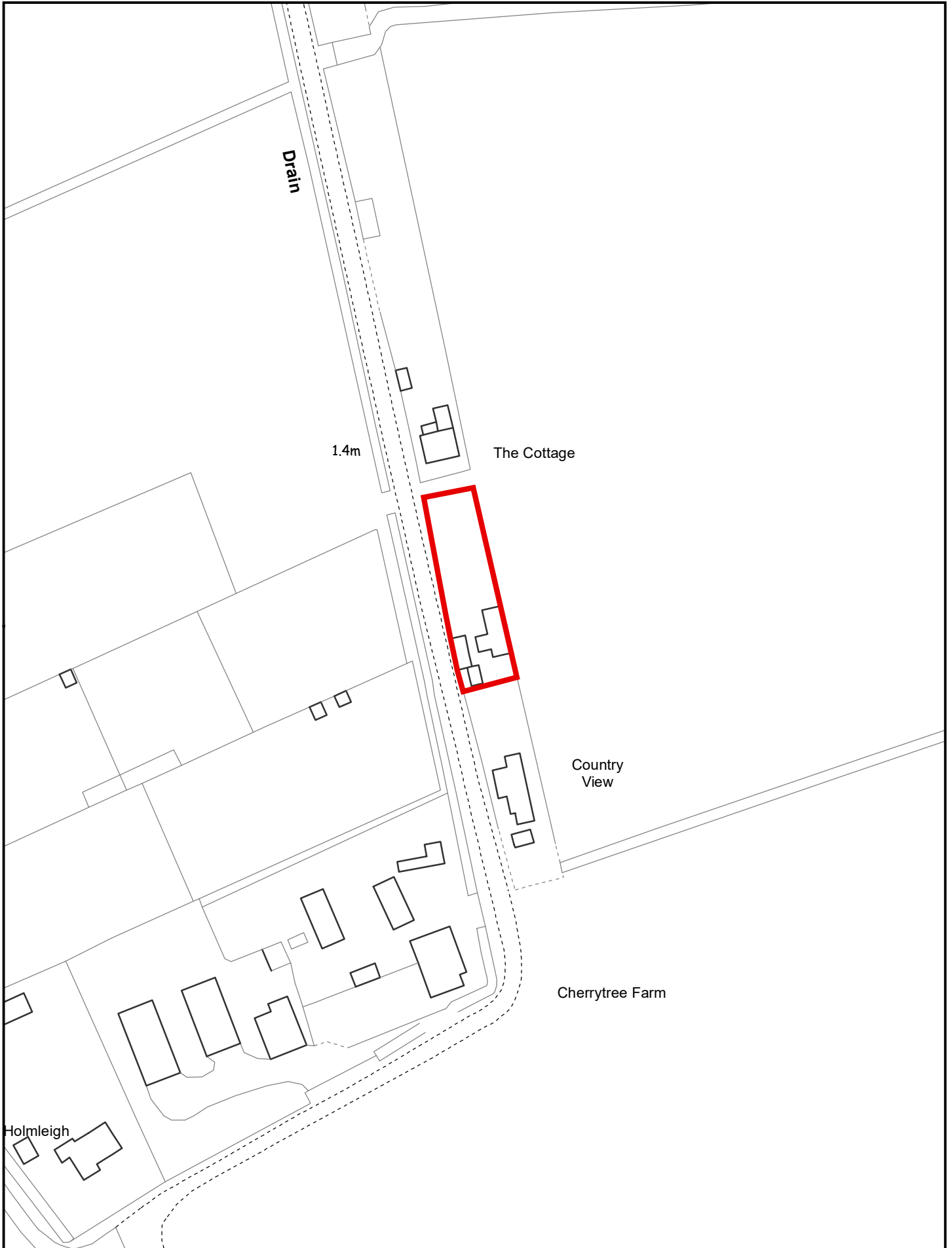
The principle of replacing a mobile home with a new dwelling is not supported and there is no policy justification for a new dwelling in this location, furthermore the proposed development is considered to have a significant adverse impact on the rural context and character of the area, and it has not been demonstrated that the proposed access is acceptable. Hence whilst it is acknowledged that there are no significant issues in relation to residential amenity, flood risk and ecology and that there are some benefits to the scheme in relation to the quality of living environment for occupiers and a betterment in flood risk terms, overall, the scheme is considered unacceptable and as such the recommendation is one of refusal.

12 RECOMMENDATION

Refuse, for the following reasons:

1	The existing residential unit on site comprises a mobile home which is specifically excluded from replacement by virtue of Policy LP12 - Part C (c); as such the scheme must be considered as a new dwelling and subject to Policies LP3 and LP12 of the Fenland Local Plan 2014 which both seek to restrict elsewhere development within open countryside locations. No policy justification has been provided to support a dwelling in this location and as such the development is considered contrary to the aforementioned policies.
2	The proposed dwelling and garage by virtue of their scale and design are at odds with the general character of the locality. As a result, the development would create an incongruous feature, having a significant adverse impact on the rural context and character of the area and would ultimately fail to make a positive contribution to the local distinctiveness and character of the local built environment contrary to policy LP12 Part C and LP16(d) of the Fenland Local Plan 2014, DM3 of the Delivering & Protecting High Quality Environments in Fenland SPD 2014 and Chapter 12 of the NPPF 2021 and Chapters C1, I1, I2 and B2 of the NDG 2021.
3	It has not been demonstrated that suitable visibility splays can be achieved with the proposed access in its current position and as such whether this access is acceptable. The development is therefore considered to be contrary to Policy LP2 and LP15 of the Fenland Local

	Plan 2014 which seek to ensure that well designed and safe access is provided.
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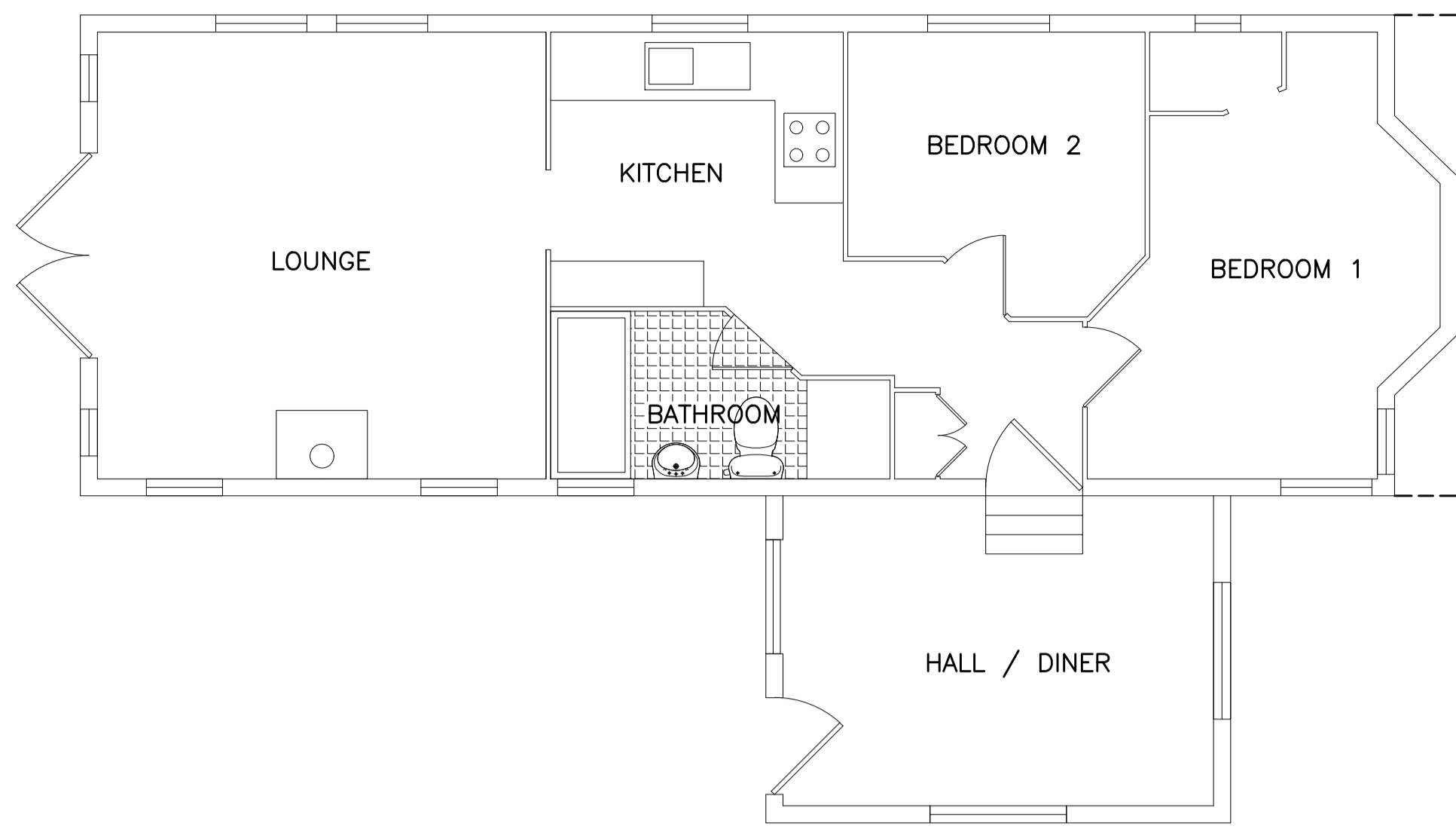
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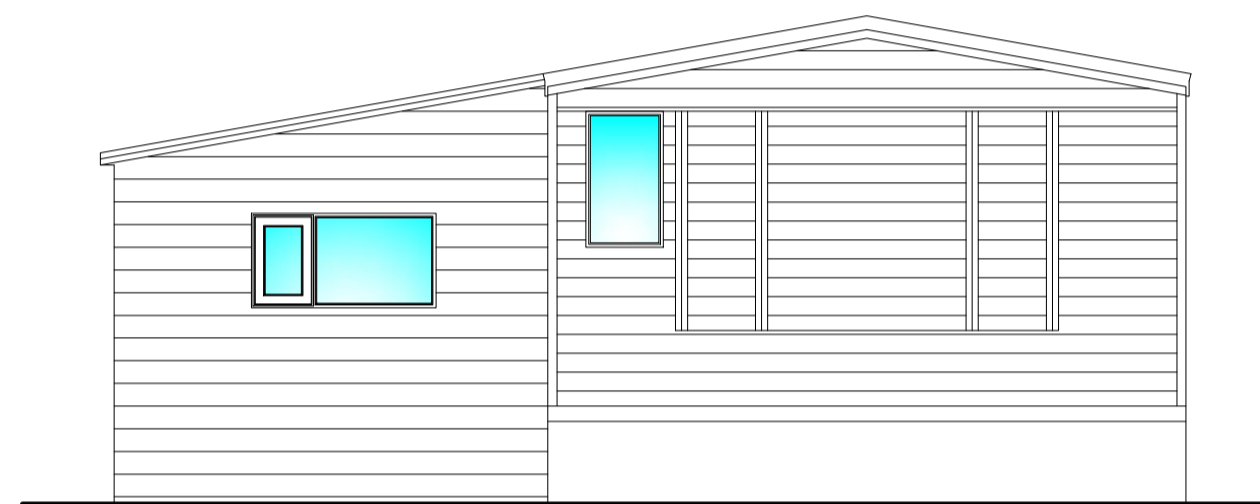
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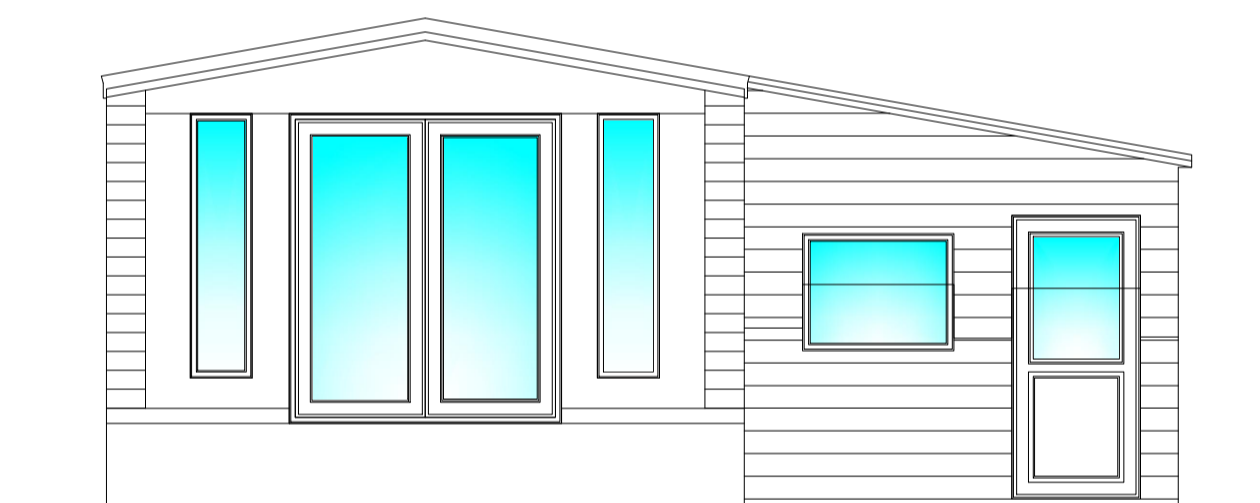




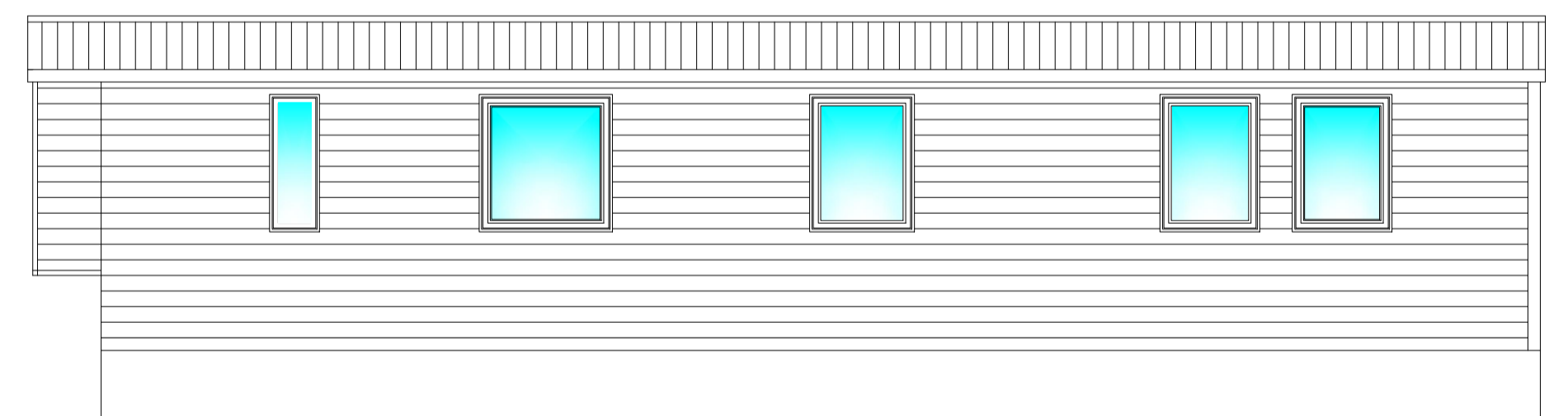
EXISTING GROUND FLOOR PLAN 1:50



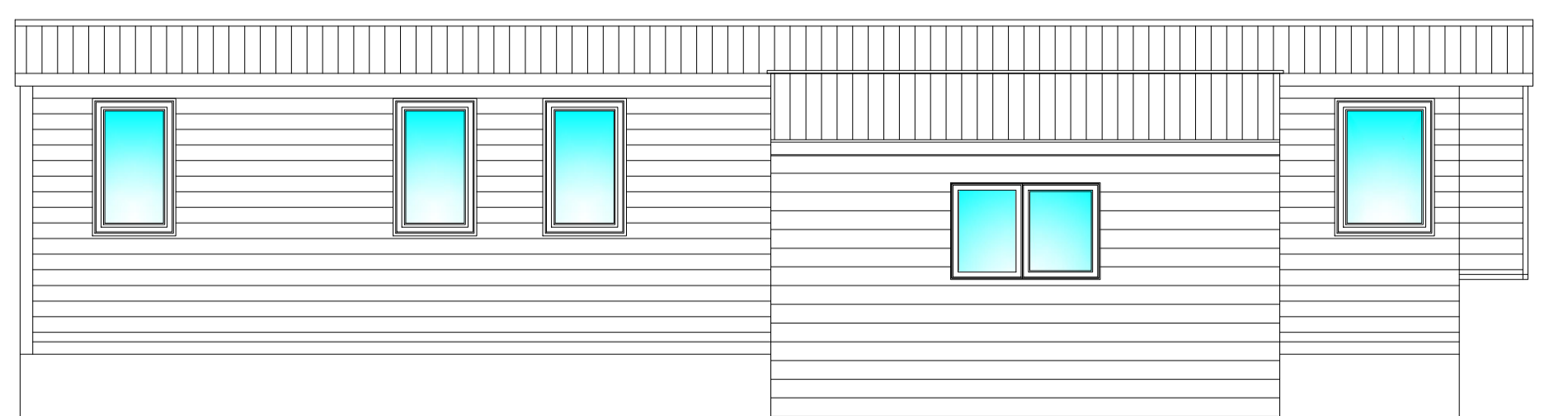
EXISTING RIGHT HAND SIDE ELEVATION 1:50



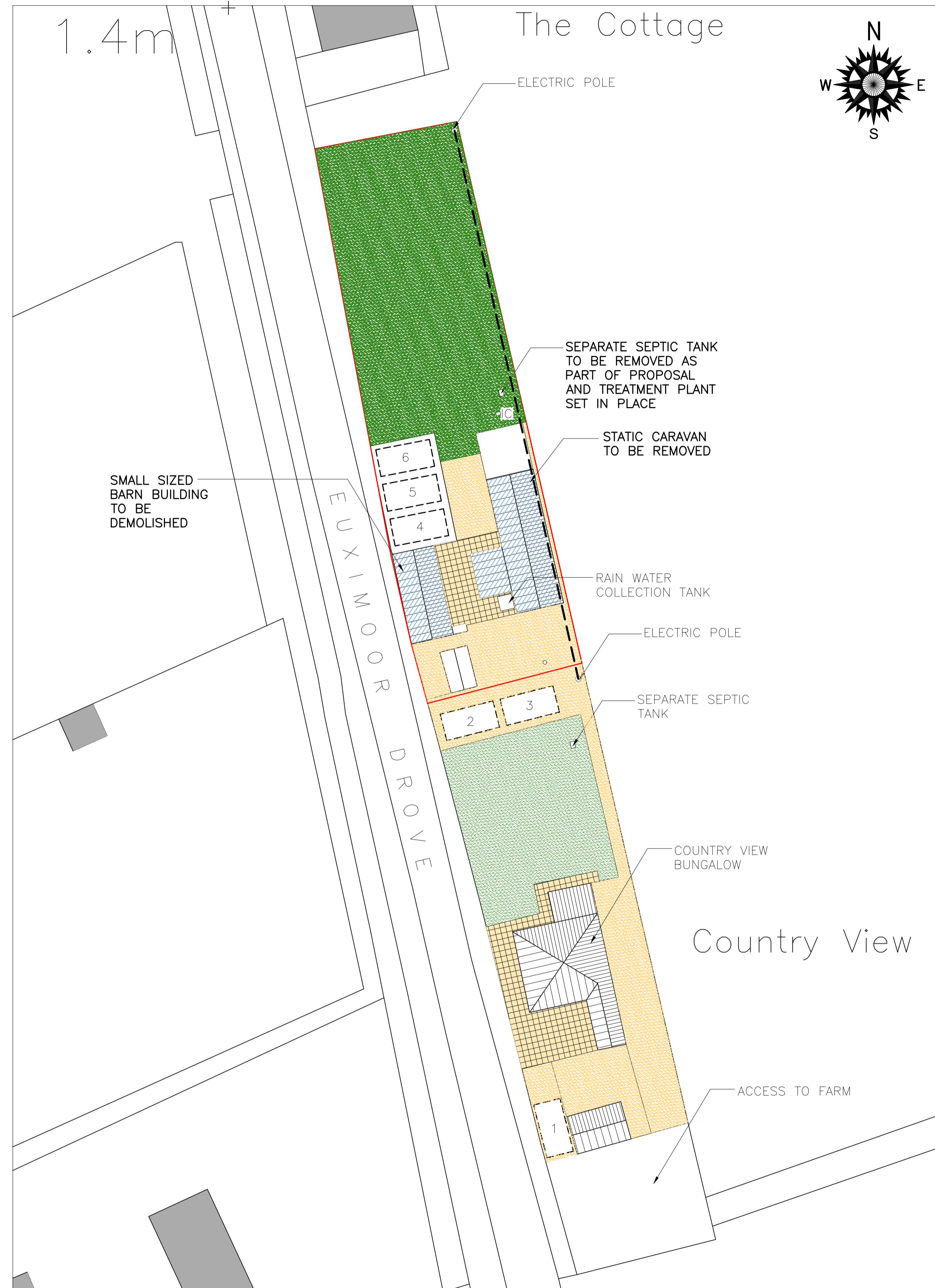
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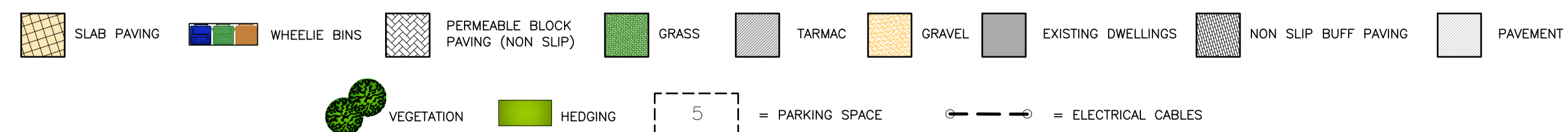
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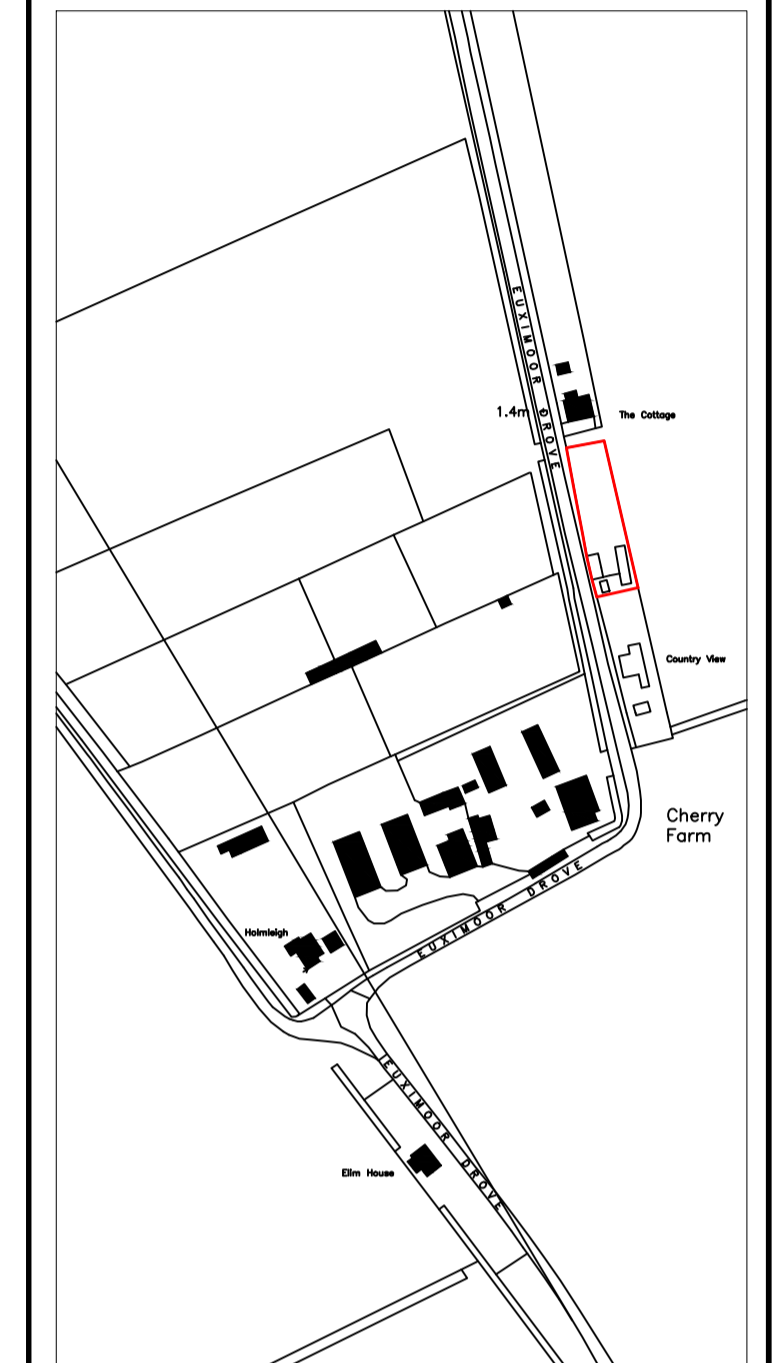
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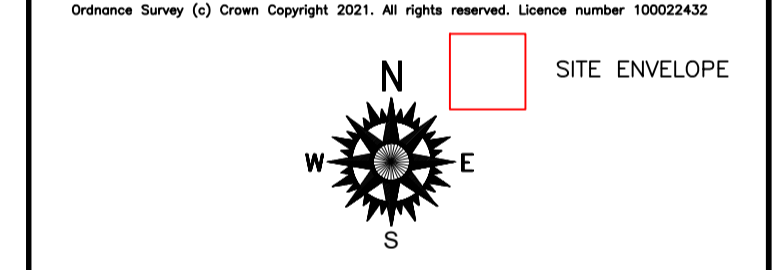
EXISTING SITE PLAN 1:250



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LOCATION PLAN 1:2500



D	CLIENTS COMMENTS	AUG 2021
C	CLIENTS COMMENTS	AUG 2021
B	CLIENTS COMMENTS	MAY 2021
A	CLIENTS COMMENTS	MAY 2021
REVISIONS		DATE

MORTON & HALL CONSULTING LIMITED

1 Gordon Avenue, March, Cambridgeshire, PE15 8AJ

Tel: 01354 655454
 Fax: 01354 660467
 E-mail: info@mortonandhall.co.uk
 Website: www.mortonandhall.co.uk

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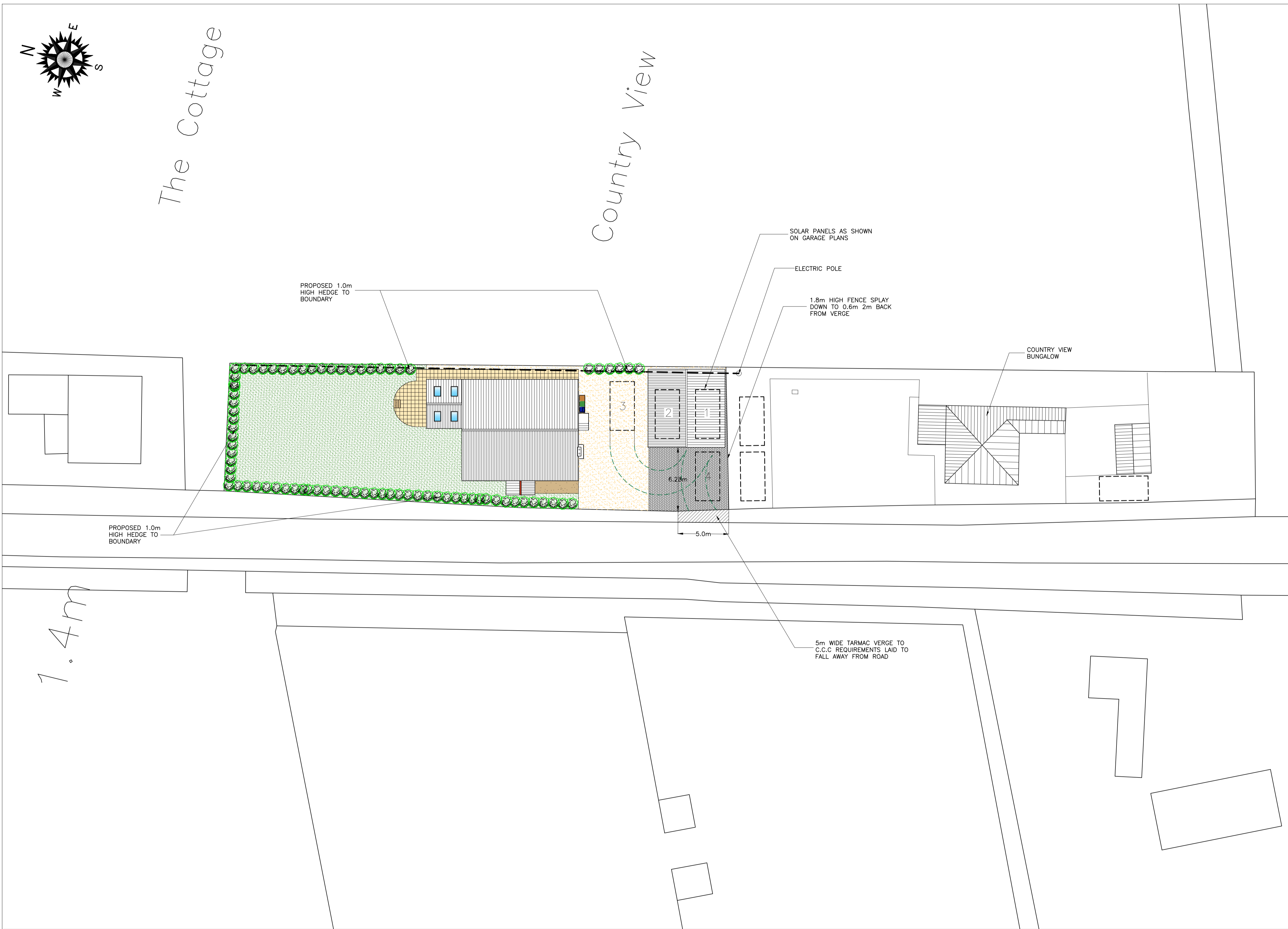
CLIENT
Miss Carver

PROJECT
Cornfields, Euximoor Drive, Christchurch, Cambs, PE14 9LT

TITLE
Existing Arrangemts (To Be Demolished)

DRAWN Mr J Scotcher	DATE OF ISSUE
CHECKED	
DATE Dec 2019	DRAWING NUMBER H6689/01 _D
SCALE As Shown - A1	

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



PROPOSED SITE PLAN (1:200)

- SLAB PAVING
- WHEELIE BINS
- PERMEABLE BLOCK PAVING (NON SLIP)
- GRASS
- TARMAC
- GRAVEL
- NON SLIP BUFF PAVING
- EXISTING DWELLINGS
- VEGETATION
- HEDGING

A CLIENTS COMMENTS	MAY 2021
REVISIONS	DATE

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1 Gordon Avenue, March, Cambridgeshire, PE15 8AJ
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CLIENT
 Miss Carver

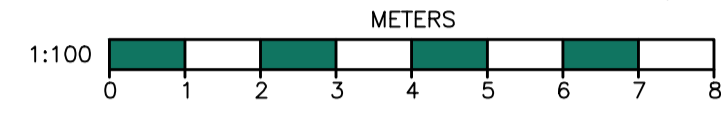
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 Cornfields,
 Euximoor Drive
 Christchurch, Cambs
 PE14 9LT

TITLE
 Proposed Site Arrangements

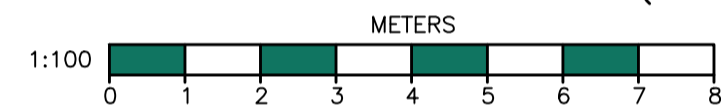
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DATE Dec 2021	DRAWING NUMBER H6689/04A
SCALE As Shown - A1	



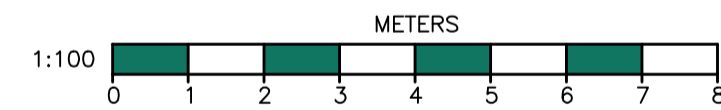
PROPOSED FRONT ELEVATION (1:100)



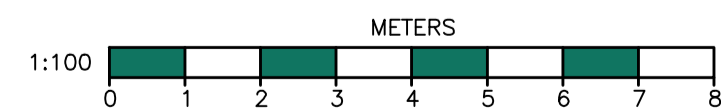
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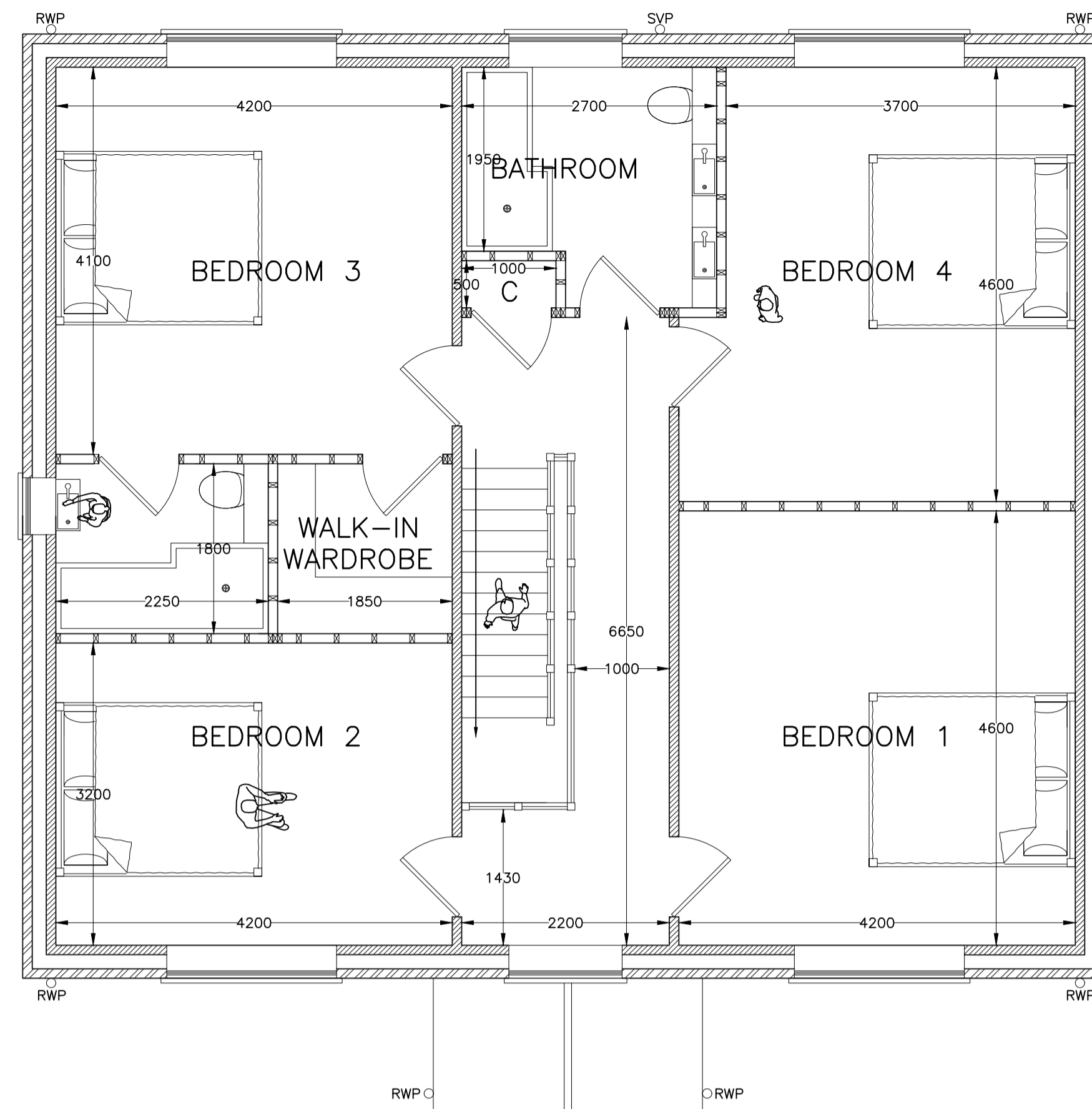
PROPOSED LEFT HAND SIDE ELEVATION (1:100)



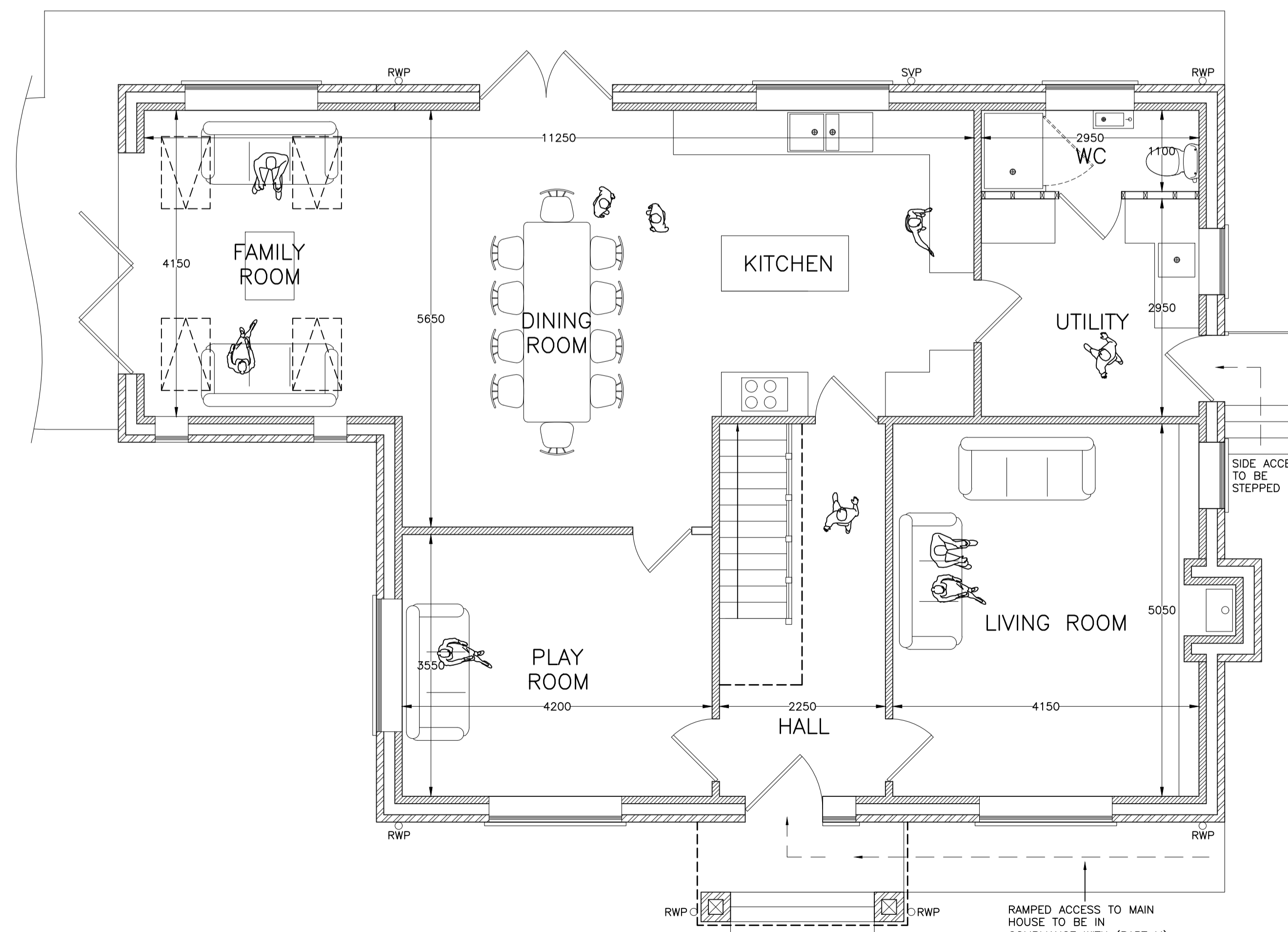
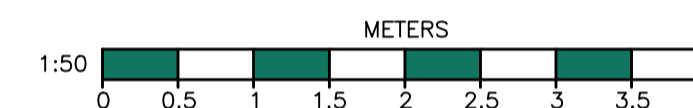
PROPOSED RIGHT HAND SIDE ELEVATION (1:100)



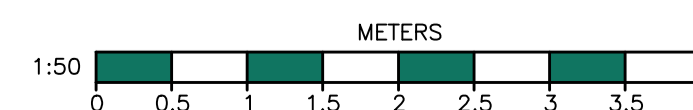
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 JOINERY: CREAM UPVC – RAINWATER GOOD: BLACK UPVC



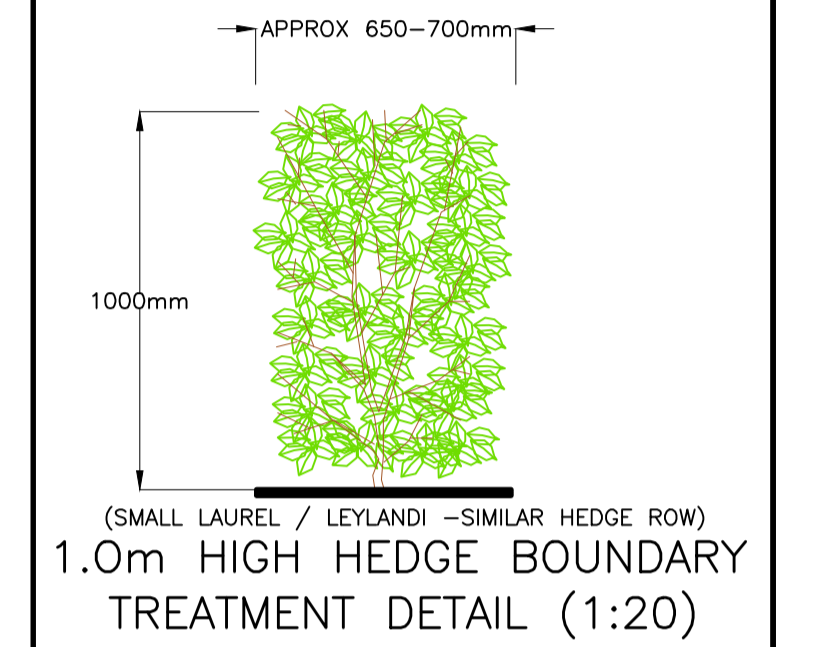
PROPOSED FIRST FLOOR PLAN (1:50)



PROPOSED GROUND FLOOR PLAN (1:50)



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



(SMALL LAUREL / LEYLANDI - SIMILAR HEDGE ROW)
 1.0m HIGH HEDGE BOUNDARY TREATMENT DETAIL (1:20)

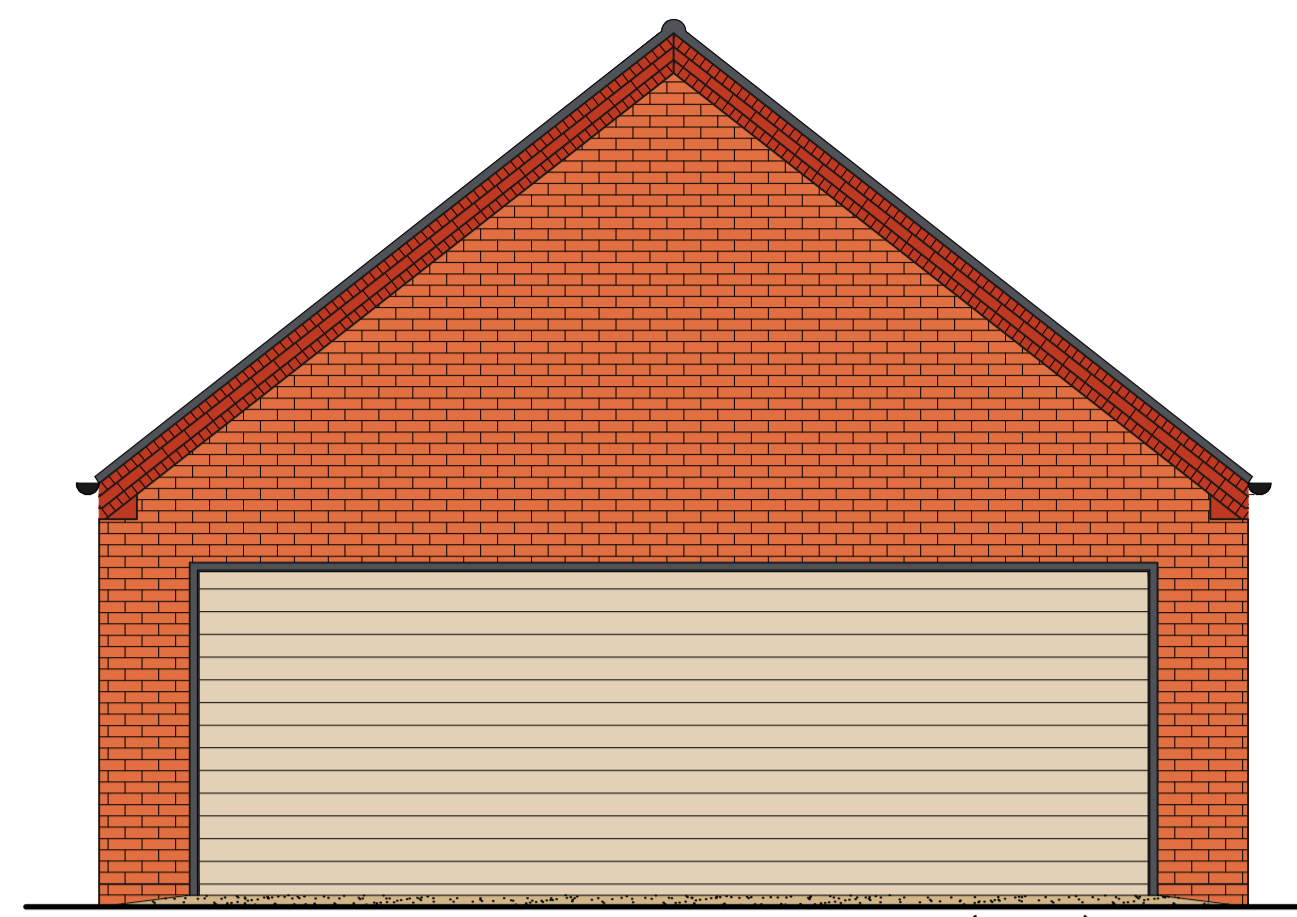
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B	CLIENTS COMMENTS	MAY 2021
A	CLIENTS COMMENTS	MAY 2021

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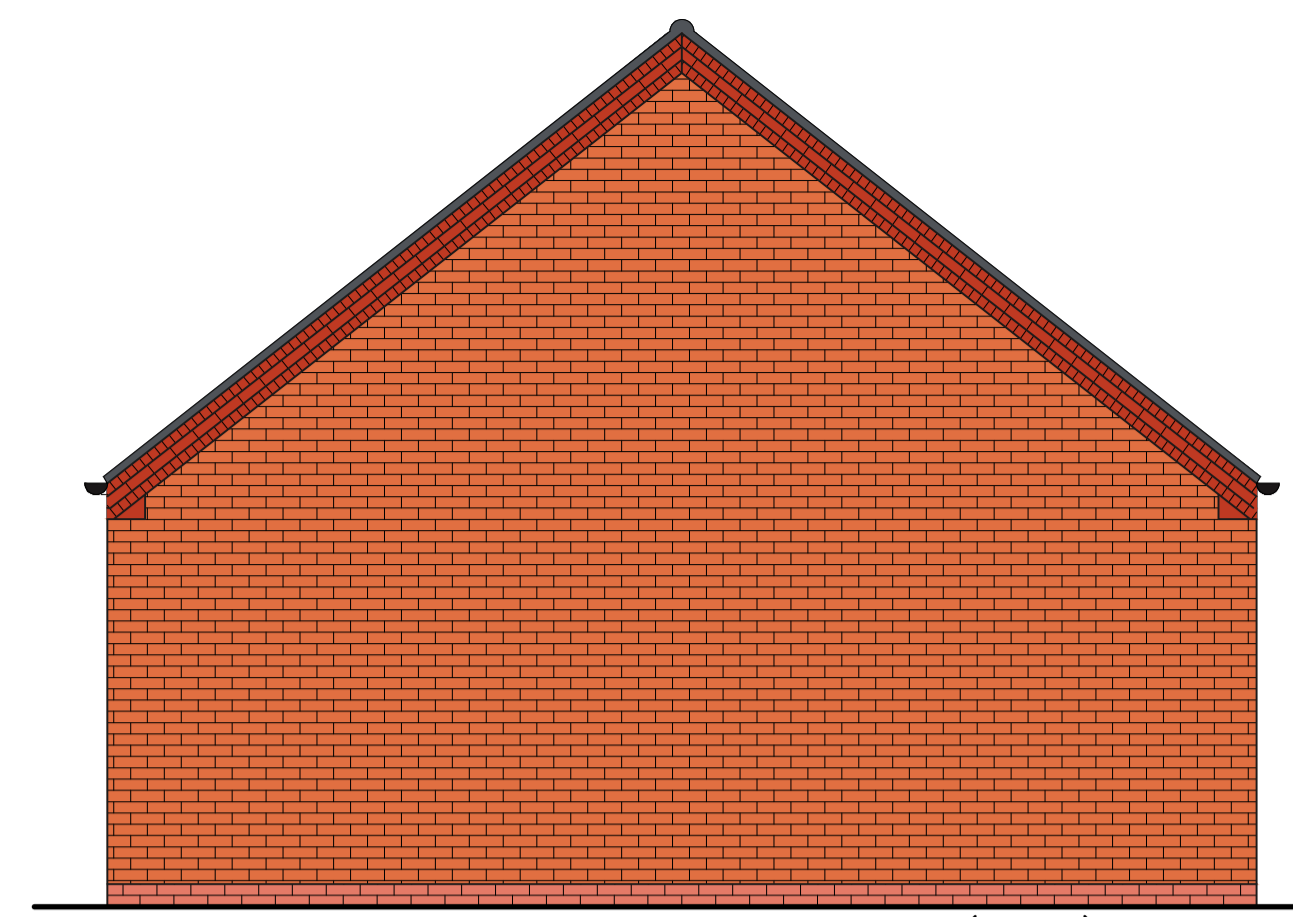
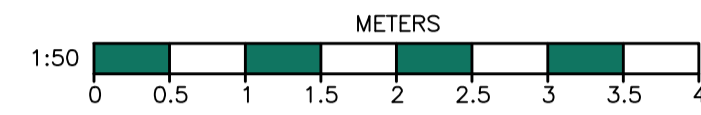
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ABC Fenland District Council Building Design Awards Winner

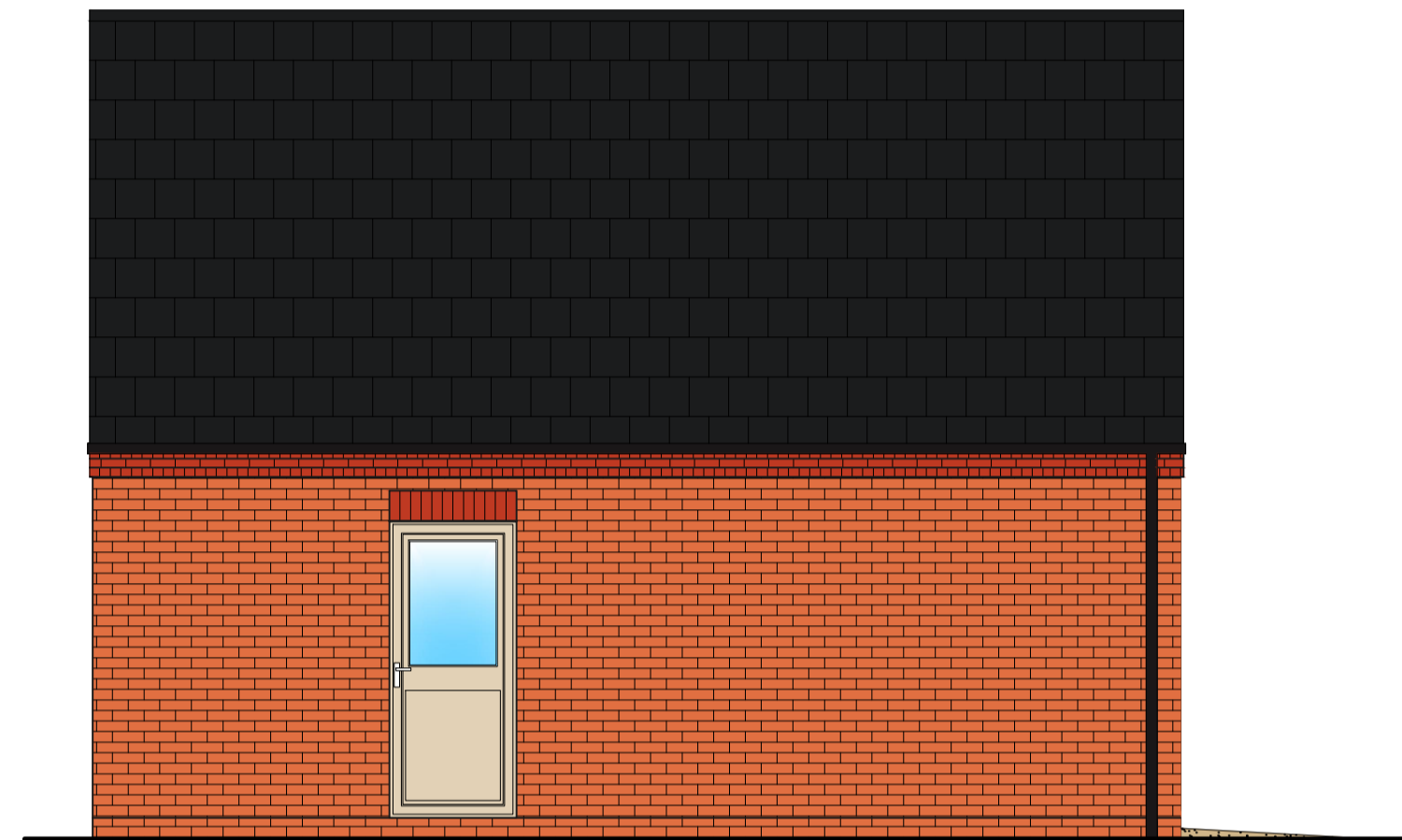
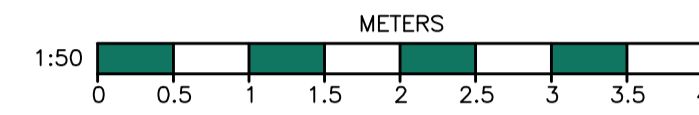
CLIENT	Miss Carver
PROJECT	Cornfields, Euximoor Drove, Christchurch, Cambs, PE14 9LT
TITLE	Proposed Building Arrangements
DRAWN	Mr J Scotcher
CHECKED	
DATE	April 2021
SCALE	As Shown - A1
DATE OF ISSUE	
DRAWING NUMBER	H6689/02_F



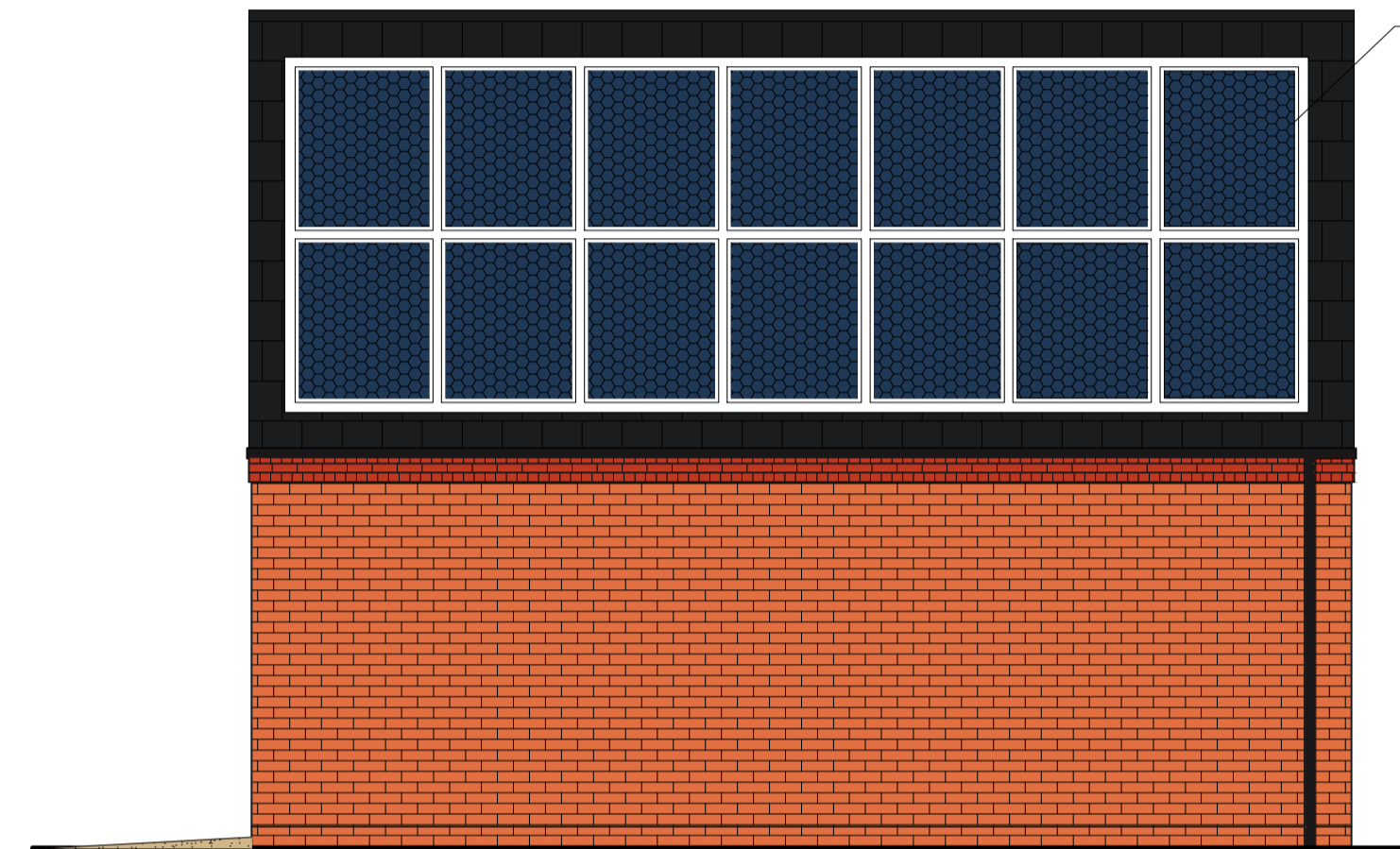
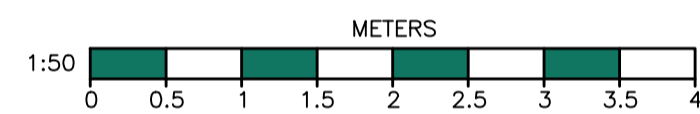
PROPOSED FRONT ELEVATION (1:50)



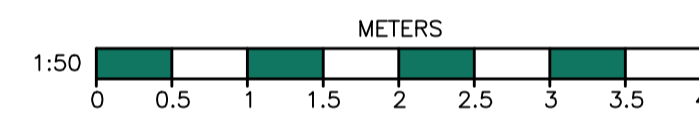
PROPOSED REAR ELEVATION (1:50)



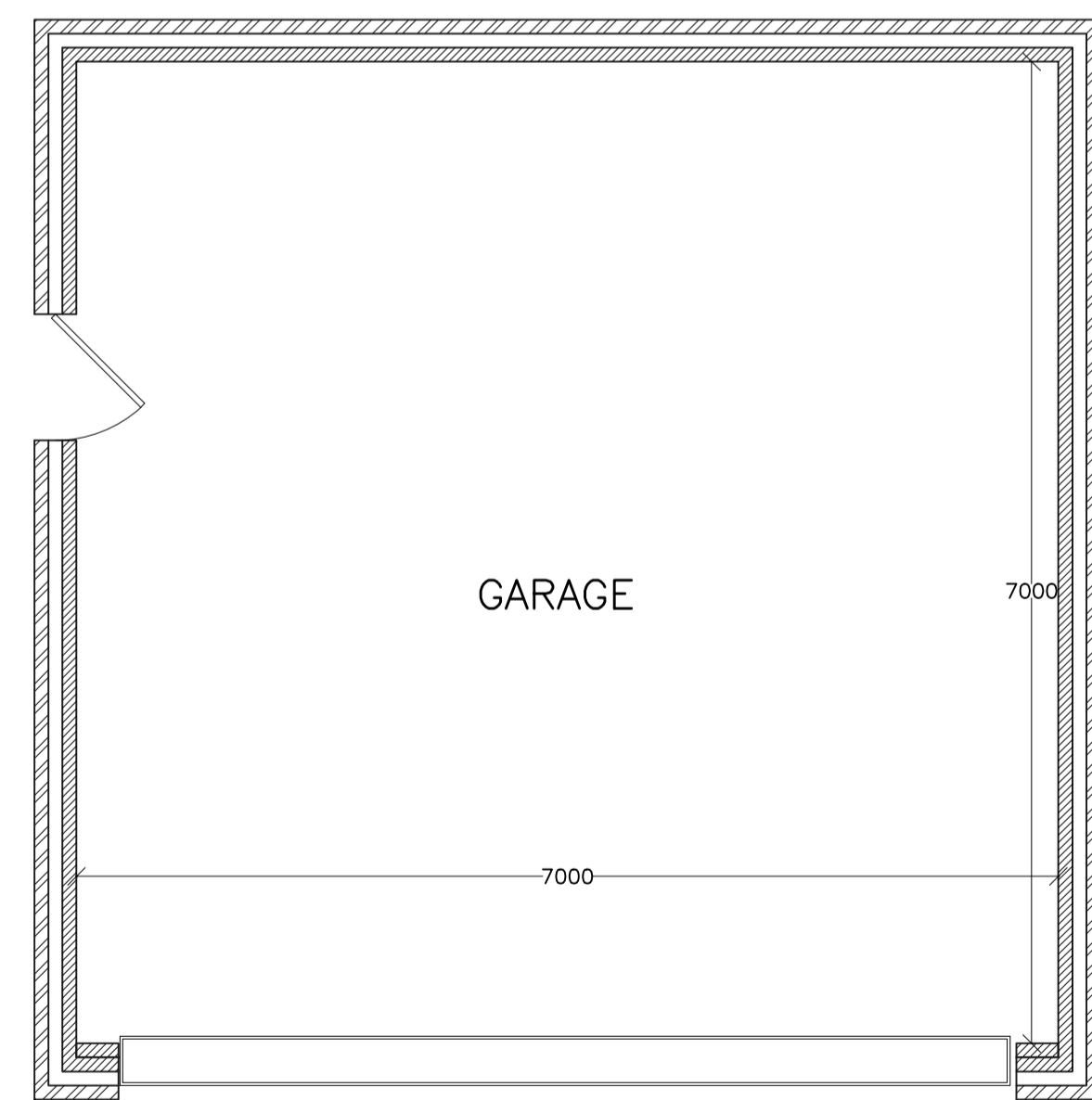
PROPOSED LEFT HAND SIDE ELEVATION (1:50)



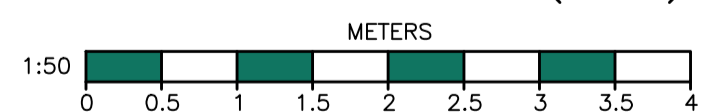
PROPOSED RIGHT HAND SIDE ELEVATION (1:50)



SOLAR PANELS
TO SOUTH FACING
ROOF FACE



PROPOSED GROUND FLOOR PLAN (1:50) – (GARAGE)



GARAGE MATERIALS:

 WALLS: TRADITIONAL BRICK AND STONE OLDE ALTHORNE

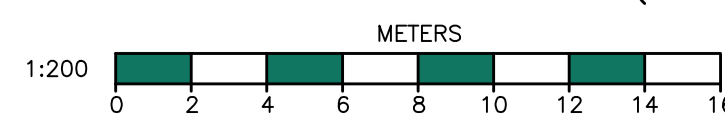
 ROOF : MARLEY MODERN PLAIN TILES GREY

 JOINERY: CREAM UPVC UNITS

 RAINWATER GOODS: BLACK UPVC GUTTERS AND DOWNPIPES



PROPOSED STREET SCENE (1:200)



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 Contractor to check all dimensions on site before work starts or materials are ordered. If in doubt ask. All dimensions are in mm unless stated otherwise.
 Where materials, products and workmanship are not fully specified they are to be of the standard appropriate to the works and suitable for the purpose stated in or reasonably to be inferred from the drawings and specification. All work to be in accordance with good building practice and BS 8000 to the extent that the recommendations define the quality of the finished work. Materials products and workmanship to comply with all British Standards and EOTA standards with, where appropriate, BS or EC marks.
 All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.
 The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer
 All finishes, insulation and damp-proofing to architect's details

REVISIONS	DATE
E	JAN 2022
D	DEC 2021
C	SEP 2021
B	AUG 2021
A	MAY 2021

MORTON & HALL CONSULTING LIMITED

1 Gordon Avenue, March, Cambridgeshire, PE15 8AJ
 Tel: 01354 655454
 Fax: 01354 660467
 E-mail: info@mortonandhall.co.uk
 Website: www.mortonconsultingengineers.co.uk

Fenland District Council
 Building Design Awards
 winner

CLIENT
 Miss Carver

PROJECT
 Cornfields,
 Euximoor Drove
 Christchurch, Cambs
 PE14 9LT

TITLE
 Proposed Garage
 Arrangements &
 Street Scene

DRAWN Mr J Scotcher	DATE OF ISSUE
CHECKED	
DATE April 2021	DRAWING NUMBER H6689/03E
SCALE As Shown – A1	

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F/YR21/1218/F

**Applicant: Mr J Punton
Wisbech Construction Ltd**

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

Land North West of Sunnyside, Cox's Lane, Wisbech, Cambridgeshire

Erect 4 x 2-storey 5-bed dwellings with double garages

1 EXECUTIVE SUMMARY

- | | |
|-----|---|
| 1.1 | The application site is located in the countryside beyond the extent of the town of Wisbech within flood zone 1, and the proposal is for the construction of four new two-storey dwellings with attached double garages. |
| 1.2 | The location is classified as 'elsewhere' within policy LP3 of the Fenland Local Plan, where development must meet one of a strict set of criteria if it is to gain policy support. No such indication is made. |
| 1.3 | The access to the site is off Cox's Lane, a single-track road with no passing provision in the vicinity of the site and no segregated footway to serve pedestrians, the nearest path being to the north of Bartons Road to the north of the site. |
| 1.4 | The junction of Cox's Lane with Barton Road is sub-standard, and the highways authority has indicated that the scheme as submitted would result in highway safety concerns sufficient to warrant refusal of the scheme. |
| 1.5 | The proposed layout of the site is of a linear style, more suited to a central urban area and is not sympathetic to the more organic and sporadic development pattern in the vicinity of the site. The scheme would therefore be harmful to the character of the area within which it is to be located. |
| 1.6 | The proposal is therefore recommended for refusal. |

2 SITE DESCRIPTION

- 2.1 The application site is an open section of former orchard land in the countryside beyond the settlement of Wisbech. There is an existing drain running along the site frontage. At the time of the officers site visit the land to the rear remains an orchard. The established hedgerow along the site frontage appeared to have been removed relatively recently and herras fencing erected.
- 2.2 The property to the south east of the site has no windows overlooking the site, and its double garage is located most closely to the shared boundary.
- 2.3 To the north west is another residential dwelling, with its double garage and driveway located adjacent to the application site boundary. Four windows ranging from ground floor through to first floor units overlook the site.
- 2.4 The application site is located within flood zone 1.

3 PROPOSAL

- 3.1 The proposal is for the construction of four dwellings on the site, each with five bedrooms and an attached double garage, with generous gardens located to the rear.

- 3.2 Each of the plots would be provided with a private access driveway over the drain to the front of the site, with a 9m easement provided at the front of the site from the line of the drain.
- 3.3 The site would be surrounded by 1.8m high fencing, which would also separate the gardens of the dwellings from each other. This fencing would reduce to 1.2m high within the front gardens of the properties.

4 SITE PLANNING HISTORY

- 4.1 No relevant site history

5 CONSULTATIONS

5.1 Wisbech Town Council

Object, on the basis that

- *The proposal would constitute overdevelopment of the site*
- *The nature of the proposed development (more suited to urban areas) is out of keeping with the existing properties in the vicinity of the application site*
- *Cox's Lane is inadequate to serve residential development of the scale proposed by this application.*

5.2 Cambridgeshire County Council Highways Authority

The site is located off Cox's Lane which is a single-track road, without footways or street lighting and the national speed limit applies.

To the north-west of the site is a 90-degree bend which has poor forward visibility. The single-track width and poor forward visibility lead to vehicle conflicts, verge damage (there is evidence of verge damage at several points along Cox's Lane) and risks to pedestrian and cycle safety.

Beyond the bend the lane leads to the junction with Barton Road and the approach to meet Barton Road is not perpendicular to it with a poor approach angle.

I have also viewed the visibility of approaching vehicles from the west and this is compromised by the inside of the bend in a westerly direction and the vegetation on the near side. There appears to be insufficient highway to improve the visibility at this junction so I am concerned that an increase in traffic will cause an intensification of use of a junction with sub-standard visibility.

There are no footways on Cox's Lane, and I have concerns for pedestrian safety along it (particularly at the 90-degree bend where forward visibility is reduced) and at Barton Road. At the junction with Barton Road pedestrians will be encouraged to cross at the junction (with restricted visibility as mentioned) in a diagonal direction to link with the footway on the opposite side of Barton Road as there is no footway on the south side of Barton Road.

The number of dwellings that are served along a single-track road is much higher than would normally be expected for new development.

There are no realistic options to accept deliveries with the proposed layout other than from the Cox's Lane and with a single-track width this would prevent other vehicles to pass or further verge damage to create additional width.

The quoted 2.4m x 43m visibility splays are for a 30mph road but national speed limit applies at this location.

The vehicle crossovers for the site do not include 45-degree splays. This is normally acceptable but on narrow sections coupled with a drain to cross there is risk of vehicles damaging the opposite verge or slipping off the crossing during a turn. I would expect that a different design with wider accesses (perhaps grouping pairs of accesses) would overcome these concerns.

It might be possible to mitigate some of the problems identified, for example by providing a footway and informal crossing point on Barton Road but as submitted I object to the planning application.

5.3 **North Level Internal Drainage Board**

No objections. Consents will be required for the proposed surface water discharge and the alteration of the watercourse to provide the accesses.

5.4 **Local Residents/Interested Parties**

11 responses have been received in relation to the proposal.

Six responses have been received stating support for the scheme from properties on Barton Road and Magazine Lane, citing the following reasons

- Lack of housing in the vicinity
- Design is good
- Not much impact on wildlife

Five objections have been received in relation to the scheme from properties along Cox's Lane, noting the following issues.

- Told categorically there would be no further building on Cox's Lane due to width
- Proposal is cramped
- Proposal is very close to adjacent dwelling boundary and will compromise privacy
- If dwellings are permitted, fewer would be a more appropriate layout
- All windows on north elevation of plot 1 should be fitted with obscure glazing and fixed shut.
- Lane is too narrow to take additional traffic
- Barton Road junction is dangerous
- Majority of supporters would not be affected as they are not residents of Cox's Lane
- Further disturbance to and destruction of wildlife habitat
- Proposal is in a flood plain
- Development should be tightly controlled due to previous work on site to clear the orchard
- Impact of construction on neighbouring amenity
- Danger to pedestrians with no footpath

6 **STATUTORY DUTY**

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

7 **POLICY FRAMEWORK**

National Planning Policy Framework (NPPF)

Para 2: NPPF is a material consideration in planning decisions.

Para 7: Purpose of the planning system is to contribute to the achievement of sustainable development

Para 11: Presumption in favour of sustainable development

Para 79: Housing should be located where it will enhance or maintain the vitality of rural communities.

Para 119: Promote effective use of land

Para 120: Opportunities and benefits of the reuse of land

Para 121: Be proactive about bringing forward redevelopment sites

Para 123: Take a positive approach to alternative land uses

Para 124: Making efficient use of land (density - need & character)

Para 125: Where land is limited, avoid building at low densities

Para 126: Creation of high-quality, beautiful and sustainable buildings and places

Para 130: Well-designed development

Para 131: Incorporation of trees into development proposals

Para 134: Development that is not well-designed should be refused, especially where it fails to reflect local design policies.

National Planning Practice Guidance (NPPG)

Determining a Planning Application

National Design Guide 2019

Context

Identity

Built Form

Movement

Homes and Buildings

Resources

Lifespan

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP8 – Wisbech

LP12 – Rural Areas Development Policy

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

LP16 – Delivering and Protecting High Quality Environments across the District

8 **KEY ISSUES**

- Principle of Development
- Highway Safety
- Impact on Character and Appearance
- Impact on Residential Amenity
- Other Matters

9 **BACKGROUND**

9.1 There is no background on the site in relation to the proposal.

10 ASSESSMENT

Principle of Development

- 10.1 Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the district, setting out the scale of development appropriate to each level of the hierarchy.
- 10.2 The application site lies outside the settlement of Wisbech and as such is classed as an 'Elsewhere' location in terms of the settlement hierarchy as set out in policy LP3 of the Fenland Local Plan (2014). The land is not previously developed, and there are no other material factors that would indicate that development should take place as a matter of principle on this site.
- 10.3 On that basis therefore, the principle of development on the site is contrary to the relevant policies of the development plan, and refusal of the scheme is justified on this basis.

Highway Safety

- 10.4 Policy LP15 of the Fenland Local Plan (2014) requires development to provide a well-designed, safe, and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport.
- 10.5 The application site is located off Cox's Lane, which is a single-track road to the west of Wisbech connecting Barton Road to North Brink.
- 10.6 The comments of the highways authority are noted in this respect, in particular with reference to the junction with Barton Road to the north, which would be likely to be the main route serving the proposed development, and the lack of any pedestrian provision in terms of footpath segregating pedestrians and vehicular traffic.
- 10.7 Visibility at the Barton Road junction is sub-standard and the angle of approach from Cox's Lane to Barton Road is such that turning west from Cox's Lane is a dangerous manoeuvre. Similarly, the lack of any pedestrian provision alongside the road between the site and the north side of Barton Road results in a dangerous environment for pedestrians, a relationship that is exacerbated by the narrowness of Cox's Lane itself that requires vehicles to utilise the roadside verges to pass each other.
- 10.8 Also as noted by the highways authority, there is no scope for the widening of Cox's Lane to provide such improvements as part of the development and therefore the other alterations indicated as improving the scheme have not been requested to be reflected in the proposed plans as they would not result in a scheme that could be supported.
- 10.9 The impacts of the proposed dwellings on pedestrian and vehicular safety on Cox's Lane result in a scheme that is contrary to policy LP15 of the Fenland Local Plan and there is no realistic prospect of resolution of these matters within the scope of the current planning application.

Impact on Character and Appearance

- 10.10 Policy LP16 of the Fenland Local Plan (2014) requires development proposals to deliver and protect high quality environments throughout the district. Proposals must demonstrate they make a positive contribution to the local distinctiveness and character of the area, enhancing their local setting and both

responding to and improving the character of the local built environment whilst not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area.

- 10.11 The proposal is for the construction of four dwellings, each of which is a two-storey property of five bedrooms with integrated double garage. The site is laid out in a way that presents the properties as two pairs, with the design and layout of the dwellings being handed. The garages are located in front of the dwellings resulting in the obscuration of a portion of the front elevation of each building from the street, with a blank side gable facing the public realm. The four dwellings appear to have been designed to match the height of the new replacement dwelling to the north west of the site, however the scheme provides no comparison with the property known as Sunnyside, to the south east of the site.
- 10.12 It is considered that the development of this site would, in conjunction with existing neighbouring dwellings, represent an urbanisation of this area, which is currently of a more rural nature with sporadic development only. This impact would be exacerbated by the design, scale and layout of the development which would present a harsh, uniform frontage appearing incongruous in this rural context.
- 10.13 On that basis the scheme would be contrary to the provisions of policy LP16 of the Fenland Local Plan (2014), with no scope to address this issue within the application site boundary.

Impact on Residential Amenity

- 10.14 Policy LP2 of the Fenland Local Plan (2014) requires development proposals to promote high levels of residential amenity, and policy LP16 requires development proposals to demonstrate that they do not adversely impact on the amenity of neighbouring users whilst providing sufficient amenity space for the proposal, with the guideline for non-flat development being one third of the plot area.
- 10.15 The proposals are for a linear development layout, parallel to Cox's Lane and with the main outlook from the proposed dwellings being to the front and rear. The detailed floorplans and elevations of the buildings show no upper floor windows are proposed to the side elevation, which would protect the privacy of the neighbouring properties given the indicated existing 1.8m boundary fences to either side of the site. The western side of Cox's Lane is formed from a tall hedgerow with no development behind it, whilst the land to the rear of the site is denoted to remain as an existing orchard. There is therefore considered to be no adverse privacy impact because of the scheme.
- 10.16 Additional potential residential amenity issues related to a planning application however are the possibility of a building having an overbearing impact on its neighbours or resulting in a loss of natural light to a property. In this regard the layout of the proposed development has been carefully considered to minimise the impact on the adjoining dwellings, by placing the single-storey structures in closest proximity to the shared boundaries – namely the double garages. This approach ensures that the proposals do not result in an overbearing impact on the neighbouring dwellings and will not result in an unacceptable level of overshadowing.

- 10.17 There is an acceptable impact on the residential amenity of the neighbouring properties from the proposed development, which also makes adequate provision for the amenity of the proposed occupiers and is therefore in accordance with the relevant policies of the development in respect of this issue.

Other Matters

- 10.18 Several other issues are either relevant to the scheme or have been raised by respondents in relation to the proposal, and are considered as follows:
- 10.19 The biodiversity checklist accompanying the application states that the proposal is not located within 5m of a river, stream, ditch, canal or lake and that as a result no survey is required for water vole. As noted above the application is adjoined by a land drain that is to be culverted to facilitate access to the site and therefore a survey should have been provided (or evidence from a suitably qualified ecologist to confirm that a survey was not required). This lack of information should comprise a further reason for refusal to ensure that the information is provided if the scheme is appealed or resubmitted.
- 10.20 Some comments indicated that the authors had been informed that there would be categorically no further building on Cox's Lane. No contact officer details were given in respect of these comments however every planning application must be considered on its own merits and such a comment would not be binding on the consideration of any future application.
- 10.21 The observation regarding the supporters of the proposal living in a location less affected by the scheme is noted but is not material to the recommendation made in respect of the proposal and is instead a matter for consideration if the scheme of delegation is reviewed.
- 10.22 The impact on the wildlife habitat is noted, however the site was previously a working orchard, and no permission was required for the removal of the orchard trees as a result.
- 10.23 The proposal as noted above is located within flood zone 1, which is the zone of lowest flood risk, not a functional flood plain as asserted.
- 10.24 The previous actions undertaken on the land do not impact on the consideration of the current application and construction impacts are generally controlled through separate legislation.

11 CONCLUSIONS

- 11.1 The proposal is located beyond any of the defined settlements in the Fenland Local Plan (2014) and as such the principle of its development is opposed by the policies of the plan.
- 11.2 Notwithstanding this, there are several issues in relation to the scheme that would result in conflict with other adopted policies of the development plan, including the impact of the scheme on highways safety in the vicinity of the site, and the character of the location.
- 11.3 None of these are matters that could be satisfactorily resolved through amendments to the current proposal within the scope of the submitted scheme and therefore rather than requesting alterations, the scheme is recommended for refusal based on the plans as originally submitted.

12 RECOMMENDATION

Refuse

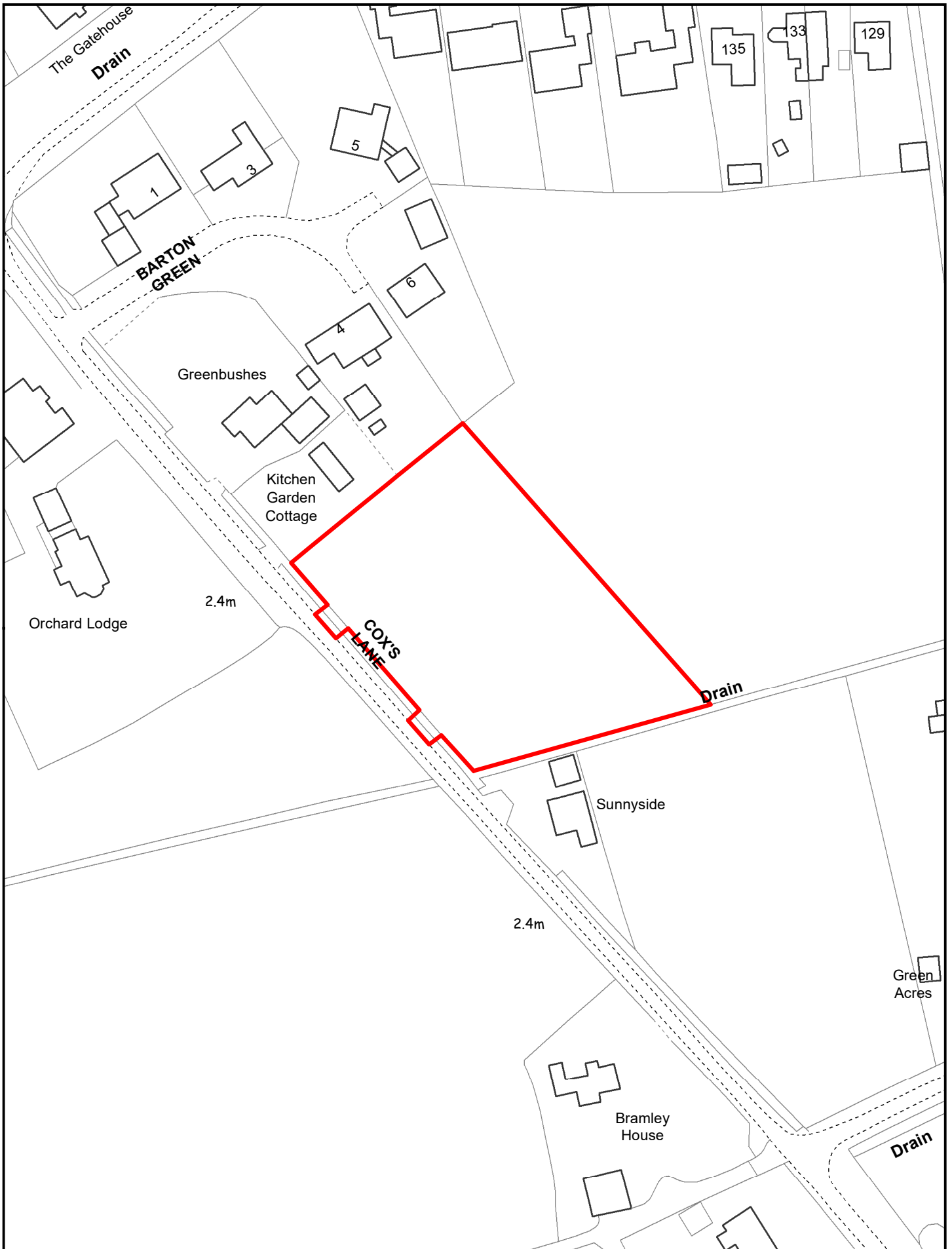
Reasons

1	<p>Principle of Development</p> <p>Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy for the district, identifying the scale of development that will be appropriate for each level of the hierarchy. The proposal is for the construction of 4 dwellings in an Elsewhere location as defined within LP3, where development is to be restricted to that falling within a specific set of categories. Policy LP12 part D supplements policy LP3 in identifying the supporting information required of proposals for new dwellings in Elsewhere locations. No evidence has been provided to indicate that the proposed development falls within any of these categories for consideration and therefore the proposal is contrary to policy LP3 and LP12 part D.</p>
2	<p>Highway Safety</p> <p>Policy LP15 of the Fenland Local Plan (2014) requires development to provide a well-designed, safe, and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport. The proposal would result in the provision of four new dwellings access off a single-track road with no formal passing provision for vehicles. The main junction with Barton Road to the north providing access to the wider highway network is sub-standard and the proposed increased levels of traffic using this junction would result in harm to highway safety in the area. The narrowness of Cox's Lane serving the development site combined with the lack of pedestrian footpath alongside the road would bring pedestrian and vehicular traffic into conflict and would result in a harmful impact to pedestrian safety. All these impacts would be contrary to policy LP15 of the Fenland Local Plan (2014).</p>
3	<p>Impact on Character and Appearance</p> <p>Policy LP16 of the Fenland Local Plan (2014) requires development proposals to deliver and protect high quality environments throughout the district. Proposals must demonstrate they make a positive contribution to the local distinctiveness and character of the area, enhancing their local setting and both responding to and improving the character of the local built environment whilst not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area. The development of the site for four residential dwellings would result in a significant urbanisation of this section of the countryside where development is generally of a more sporadic nature, and as such would appear incongruous within that context and result in harm to its rural character contrary to the requirements of policy LP16 of the Fenland Local Plan (2014).</p>
4	<p>Policy LP19 of the Fenland Local Plan (2014) states that the Council will conserve, enhance and promote the biodiversity and geological interest of the natural environment throughout Fenland, protecting designated sites, refusing permission for developments that cause demonstrable harm to a protected habitat or species, and ensure opportunities are taken to incorporate beneficial features into new developments. The application states that it is not within 5m</p>

of a river, stream, ditch, canal or lake and that a protected species survey of such a feature is not required. This is inaccurate however, as a ditch is required to be culverted to provide access to the land in question. Without an appropriate survey it is not possible to determine if the proposals would result in an impact on protected species and therefore the proposal is contrary to policy LP19 of the Fenland Local Plan (2014).

Informatives:

095A	Compliance with SI 2012 No 2274
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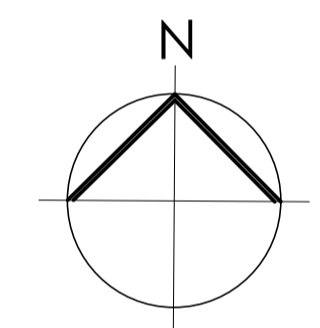
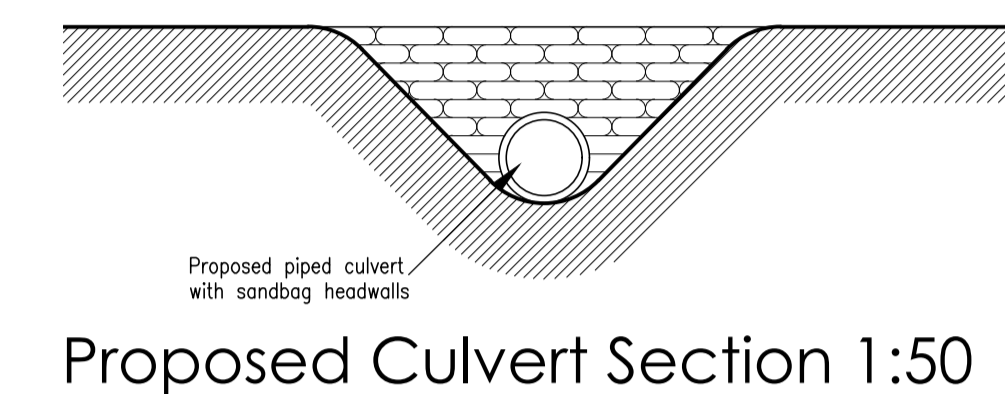
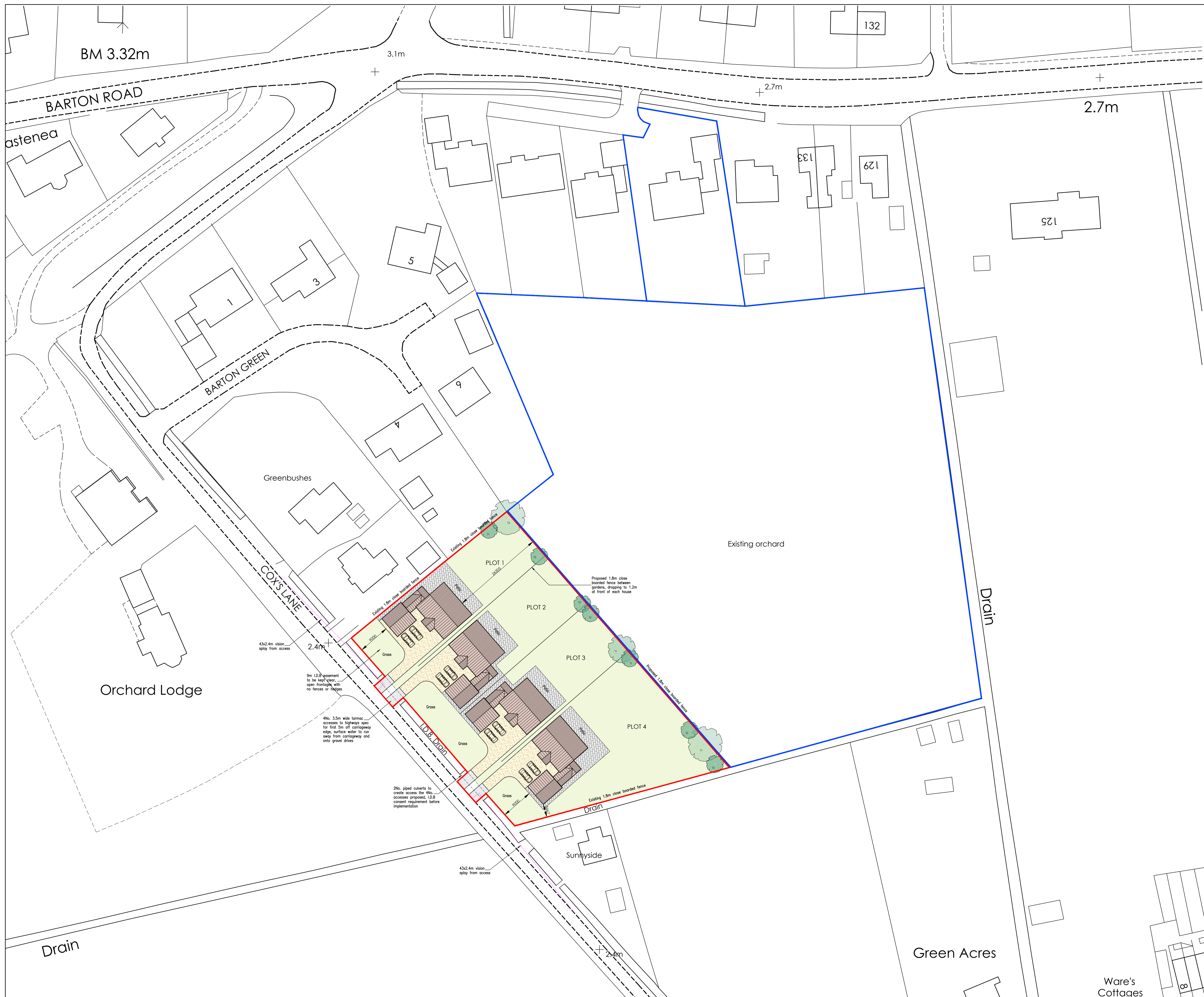
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A-
REVISIONS



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

CLIENT
WISBECH CONSTRUCTION LTD

PROJECT
PROPOSED 4No. DWELLINGS

SITE
LAND NORTH-WEST OF SUNNYSIDE
COXS LANE
WISBECH
CAMBS
PE13 4TD

DRAWING
PROPOSED SITE PLAN

JOB NO.	PAPER SIZE	DATE
6412/01A	A1	SEPT 2021

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Proposed Site Plan 1:500 @ A1

F/YR21/1356/F

Applicant: Mr Christopher Thurling

Agent :

32 Birch Avenue, Chatteris, Cambridgeshire, PE16 6JJ

Installation of 2 x 8.0 metre (approx) masts with 5no aerials for amateur radio (retrospective)

Officer recommendation: Refuse

Reason for Committee: Referred by Head of Planning on advice of Committee Chairman

1 EXECUTIVE SUMMARY

1.1. This application is for the retrospective installation of 2 x 8.0 metre (approx) masts with 5 aerials for amateur radio use.

1.2. The proposal is considered to be out of character within the surrounding existing residential uses within the area. The masts will introduce an incongruous feature within the street scene. There are no material considerations that justify the approval of the scheme contrary to Policy LP16(d) of the Fenland Local Plan (2014), and as such this application is recommended for refusal.

2 SITE DESCRIPTION

- 2.1. The application site is located on the southern side of Birch Avenue, within the market town of Chatteris.
- 2.2. The site is situated on a corner plot to the west of the Birch Avenue and The Elms junction.
- 2.3. The dwelling on site is a 2-storey detached dwelling. The rear garden of the site is bounded by a close boarded wooden fence.
- 2.4. Neighbouring residential properties sit directly south and west of the application site.

3 PROPOSAL

- 3.1. This application seeks retrospective planning consent for the installation of 2 x 8 metre masts with 5 aerials for amateur radio use. The masts are located on the eastern boundary of the site close to the back edge of the footpath.
- 3.2. Full plans and associated documents for this application can be found at:

4 SITE PLANNING HISTORY

- 4.1. No pertinent planning history on site.

5 CONSULTATIONS

5.1. Chatteris Town Council

Support

5.2. Local Residents/Interested Parties

One letter of representation was received with regard to the above development. The letter raised concerns regarding the installation of these aerials and the potential safety issues.

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

7.1. National Planning Policy Framework (NPPF)

Para 2 – Applications to be determined in accordance with the development plan unless material considerations indicate otherwise

Para 11 – A presumption in favour of sustainable development

Para 47 – All applications for development shall be determined in accordance with the development plan, unless material considerations indicate otherwise

Para 130 – Achieving well-designed places

7.2. National Planning Practice Guidance (NPPG)

Determining a Planning Application

7.3. National Design Guide 2019

Context

Identity

7.4. Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP16 – Delivering and Protecting High Quality Environments across the District

8 KEY ISSUES

- **Principle of Development**
- **Character and Visual Amenity of the Area**
- **Safety**

9 ASSESSMENT

Principle of Development

- 9.1. This application seeks retrospective planning consent for the installation of 2 x 8 metre radio masts. Policy LP16 supports the principle of such development subject to the significance of, and the likely impact on both the amenity of the area and neighbouring properties in its design and appearance.

Character and Visual Amenity of the Area

- 9.2. The masts are located on the eastern boundary of the site, adjacent to the boundary fence close to the back edge of the footpath.
- 9.3. Given the height of the masts, they are highly visible from the immediate street scene at The Elms, as well as along Birch Avenue.
- 9.4. The masts are located within a residential area. Given their height, they appear out of character within the surrounding existing residential uses, and introduce an incongruous feature within the street scene as such would be contrary to Policy LP16 (d).

Safety

- 9.5. A letter of concern was received with regard to the installation of the masts and additional safety concern due to previous issues with these masts falling/blowing into neighbouring gardens. However, it is the responsibility of the applicant to ensure that these masts are installed securely and safely.

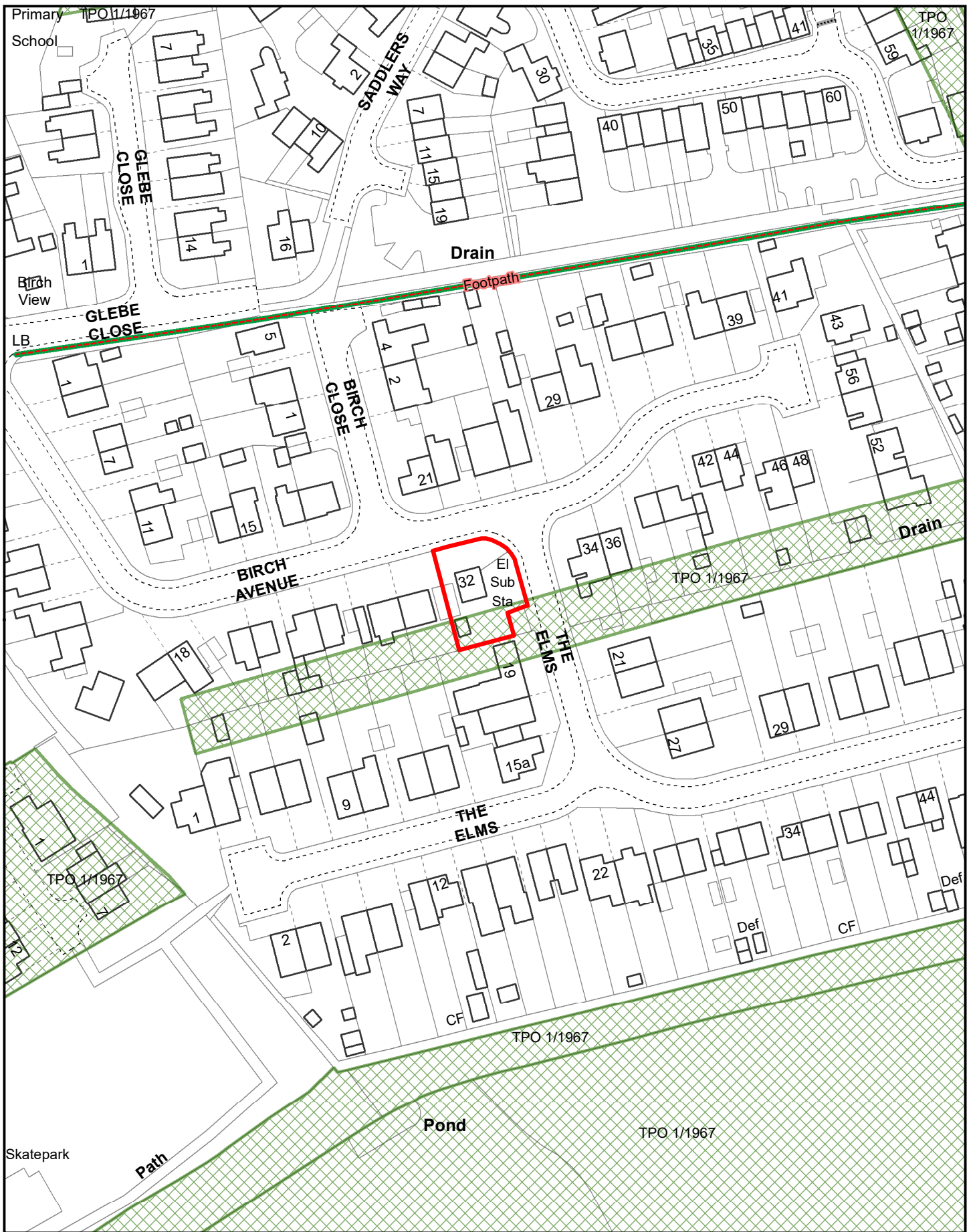
10 CONCLUSIONS

- 10.1. This application is for the retrospective installation of 2 x 8.0 metre aerial masts with 5 aerials for amateur radio.
- 10.2. For the reasons discussed above, the installation of 2 x 8 metre masts as 32 Birch Avenue is considered unacceptable given the visual impact that the masts have on the surrounding area and the subsequent harm they introduce on the surrounding character.
- 10.3. The visual impacts are considered to be detrimental to the surrounding area and therefore the scheme is considered to be contrary to Policy LP16(d) of the Fenland Local Plan 2014.

10 RECOMMENDATION

- 11.1. Refuse**, for the following reason

1	The installation of 2 x 8 metre masts at 32 Birch Avenue is considered unacceptable given the visual impact that the masts have on the surrounding area and the subsequent harm they introduce on the surrounding character. The visual impacts are considered to be detrimental to the surrounding area and therefore the scheme is considered to be contrary to Policy LP16(d) of the Fenland Local Plan 2014.
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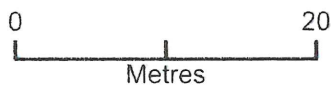
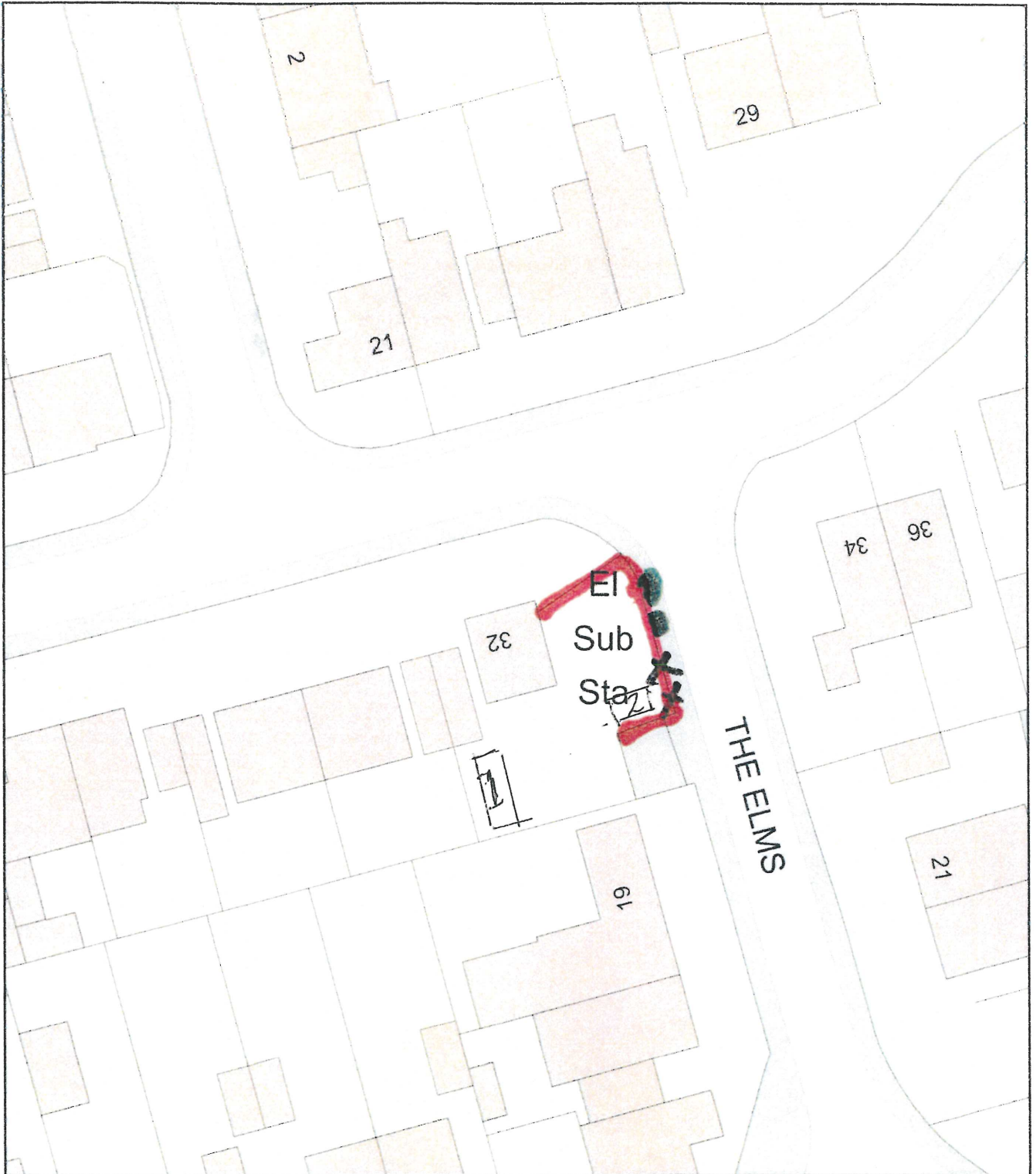
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F/YR21/1356/F

Scale = 1:1,250



32 Birch Avenue, Chatteris



- ① Garden Site
- ② Summer House



Plan Produced for: Christopher Thurling
 Date Produced: 14 Nov 2021
 Plan Reference Number: TQRQM21318082522466
 Scale: 1:500 @ A4

FENCE
 1.8m TALL
 Proposed SITE OF
 MATS
 SILVER Birch TREE

F/YR21/1358/O

Applicant: Construct Reason Ltd

Agent : Construct Reason Ltd

Land West Of 43, Lindsells Walk, Chatteris, Cambridgeshire

Erect 1 x dwelling (outline application with all matters reserved)

Officer recommendation: Refuse

Reason for Committee: Referred by Head of Planning on advice of Committee Chairman

1 EXECUTIVE SUMMARY

1.1 The site is located on an area of open space at the south-eastern end of Lindsells Walk, 170m east of High Street, Chatteris.

1.2 The application seeks outline permission for the construction of one dwelling on an area of open space adjacent a previously developed group of bungalows. All matters are reserved for future consideration. The Applicant seeks to establish the principle of development only at this stage.

1.3 The site abuts the Conservation Area on its southern side, and there is a TPO'd Chestnut tree on neighbouring land but overhanging the site as well as younger London Planes and Acacias planted to the immediate west of the site.

1.4 It is considered that the development of the site would result in the loss of an, albeit small, area of amenity value in a high-density built-up area. Any new dwelling on this site would be likely to be significantly overshadowed by adjoining important trees and, if approved, would be likely to lead to unacceptable pressure for the reduction and/or wholesale removal of important trees.

1.5 Therefore, the recommendation is one of refusal.

2 SITE DESCRIPTION

2.1 The application site is located at the eastern end of Lindsells Walk, approximately 170m to the east of its junction with High Street, Chatteris.

The application site comprises part of a larger 2014 application proposal which sought and was granted permission for the construction of 6 bungalows. The application was amended during the course of that application to omit a seventh building plot on the site of the current proposal.

2.2 The immediate area of the site incorporates modest single-storey development, with higher density two-storey terraced and semi-detached housing and flats closer to the High Street.

3 PROPOSAL

- 3.1 The current application proposes the construction of a single dwelling on the south western side of the end of the cul-de-sac.
- 3.2 The application is in outline form with all matters reserved for future consideration and an indicative layout accompanies the current proposal showing a modest bungalow on the site, facing east towards existing bungalows constructed under planning permission F/YR14/0778/F.

4 SITE PLANNING HISTORY

F/YR16/3055/COND	Details reserved by conditions 2 and 9 of planning permission F/YR14/0778/F (Erection of 6no single storey dwellings comprising of 4 x 3-bed with garages and 2 x 2-bed)	Approved 4.8.16
F/YR14/0778/F	Erection of 6no single storey dwellings comprising of 4 x 3-bed with garages and 2 x 2-bed	Granted 15.12.14

5 CONSULTATIONS

- 5.1 **Town Council** – Support proposal
- 5.2 **Environmental Health** – No objection subject to standard condition relating to unsuspected contamination
- 5.3 **Local Residents/Interested Parties**

4 letters received from two neighbouring occupiers objecting to the proposal for the following reasons:-

- Permission should not be granted on this green space but if it is, dwelling should be rotated though 90⁰ to prevent front of dwelling impacting on front of objectors' dwelling by overlooking.
- Would result in difficulties for local residents in manoeuvring from parking spaces and garages in this part of the cul-de-sac
- Loss of green space as a focal point of the local area, loss of wildlife and impact on trees.

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

Paras 92, 130 and 131 – Health and wellbeing, sense of place, amenity space and trees

National Planning Practice Guidance (NPPG)

Determining a planning application

National Design Guide 2019

Context of development

Local character and identity

Appropriate built form

Nature

Healthy, comfortable and safe internal and external spaces

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP10 – Chatteris

LP16 – Delivering and Protecting High Quality Environments across the District

LP19 – The Natural Environment

8 KEY ISSUES

- **Principle of development**
- **Character and appearance**
- **Residential amenity**
- **Trees, vegetation and undeveloped space (Biodiversity)**
- **Other issues**

9 BACKGROUND

- 9.1 A 2014 application sought permission for 7 bungalows, but was amended during the course of the application to omit a dwelling on this piece of land as it was considered to be a focal point to the development and its omission was welcomed by the Town Council at that time.

10 ASSESSMENT

Principle of Development

- 10.1 Policy LP3 of the adopted Local Plan identifies Chatteris as one of four Market Towns in the District. The application site is located within the established built form of this part of the town, close to the centre of town and within easy reach of health facilities, library, schools and retail/service provision. The site is considered to be situated within a highly sustainable location in which new development would accord with the principles of development in such locations.
- 10.2 Policy LP14 relates to areas at higher risk of flooding. The site is identified as being located within Flood Zone 1 and would meet the requirements of the Sequential Test. Accordingly, a site-specific flood risk assessment is not required.

- 10.3 Policy LP16 of the Local Plan requires new development to comply with a listed set of criteria in order for approval of development to be forthcoming.
The principle of development is therefore considered to be acceptable subject to the detailed considerations below.

Character and appearance

- 10.4 The original scheme submitted in 2014 proposed seven bungalows at the site. At that time the site was overgrown scrubland at the end of an existing no-through road occupied by terraced dwellings and bungalows towards its eastern end.
- 10.5 The scheme was amended during the course of the application by the omission of the seventh plot due to the identification of significant trees in the south west corner of the site, the majority originating just outside the application boundary but providing dense canopy spread across the plot for the seventh bungalow.
- 10.6 The subsequent grant of planning permission was for 6 bungalows only with the seventh dwelling having been omitted and retained as informal open amenity space. The officer report to Committee at that time stated of Plot 7, that *'the impact of the existing trees on future occupiers, and the focal point to the development (was of concern): As a result of these concerns revised plans were received showing the omission of Plot 7 and the reinstatement of the trees to be removed'*. Plot 7 of the 2014 proposal, omitted at the time, is now the subject of the current application with the remaining 6 bungalows constructed and since occupied.

Residential amenity

- 10.7 The proposal subject of this application shows an indicative siting of a new bungalow on the application site. Due to the constraints of the site (the trees and established vegetation), the bungalow is set close to the rear edge of the adjoining highway boundary, as are the existing plots opposite (which incorporate garden depths of under 6m).
- 10.8 The existing site for the proposed development is neatly maintained grass with trees and established vegetation to the rear (west and south-west). The site presently comprises a small area of neat undeveloped open space within an area almost entirely dominated by relatively high-density residential development. One of the local residents has pointed out that this undeveloped space attracts wild birds and squirrels, and represents an area of natural and unspoilt space which is a pleasant key feature in this town centre location.
- 10.9 Policy LP2 of the adopted Fenland Local Plan seeks to facilitate the health and wellbeing of Fenland residents by creating an environment in which communities can flourish and encouraging high levels of residential amenity.
- 10.10 The area of open space is unsuited to provide formal open space and is not sufficiently large or of a layout or location suited to provide pitches or formal play space. Instead, the site provides a pleasant outlook for the adjoining bungalow residents who have small gardens of their own and who can benefit from an unspoilt and natural green area with mature trees to the boundary and the wildlife and biodiversity it encourages. The majority of the bungalow occupiers in this location are generally older, retired people for whom a quiet green space provides

some relief to the built-up spaces surrounding. LP2 of the Local Plan seeks to facilitate the health and wellbeing of Fenland Residents.

Trees, vegetation and undeveloped space (Biodiversity)

- 10.11 The siting of the bungalow as indicated on the submitted plan would be positioned close to the road frontage with a distance of approximately 10m to 11m front-to-front with bungalows on the opposite side of the hammerhead turning space. The reason for the siting of the proposed bungalow so close to the road is due to the presence of the trees and vegetation to the west and south-west of the plot.
- 10.12 Whilst the submitted arboricultural survey indicates means of construction for the proposed additional bungalow, including identifying root protection areas, construction-exclusion zones, barrier fencing, some pruning of vegetation and roots if uncovered during site excavation etc, the developers would need to adhere to the advice provided: None of these practices would be required if the site was not proposed to be developed.
- 10.13 The findings and proposed measures to protect the wellbeing of the trees and vegetation is not being questioned, subject to the contractors abiding by the recommendations/requirements.
- 10.14 However, once constructed, the proposed bungalow and its associated domestic curtilage would be significantly affected by overshadowing from the pre-existing vegetation and leaf loss during autumn months. The residential occupier could request the thinning of branches and vegetation removal to the existing trees and bushes in the interests of their residential amenity and which it could be difficult to resist if the LPA approves the siting of a bungalow in this sensitive location.
- 10.15 The developers have previously achieved the siting of 6 modest single-storey dwellings on the site which, for bungalow development, is relatively high in density with limited separation distances and garden depths.
- 10.16 The construction of a further bungalow on an already constrained site, and which was considered to be unacceptable when the original estate was proposed, would be contrary to the principles of the NPPF and Policies LP01, LP02, LP3 and LP16 of the Local Plan which seeks to protect and enhance biodiversity, promote high levels of residential amenity, and to make a positive contribution to the local distinctiveness and character of the area.

Other Issues

- 10.17 Whilst the site is in a sustainable location, within walking distance of the town centre and local facilities and services and would accord with the principles of new housing development in the NPPF, there is also a requirement to protect residential amenity and to ensure the wellbeing of existing residents with access to green space, particularly within higher density built environments.
- 10.18 In terms of housing provision, the application would only achieve one modest dwelling when significant larger housing allocations are available for planned development elsewhere in the town.

10.19 Set against the loss of a significant area of open amenity space within a town centre built environment, with the detrimental effects of overshadowing and adverse effects on the future occupier/s of the dwelling and potential future pressure to significantly prune or remove trees which positively contribute to the amenity space, its associated impact on wildlife and wellbeing locally, it is considered that, on balance, that the LPA should be consistent in resisting the loss of important amenity space.

11 CONCLUSIONS

11.1 It is considered, on the basis of the above, that the proposal would fail to accord with the principles of good design and sustainable development as espoused in the NPPF and the relevant policies of the development plan as cited above.

12 RECOMMENDATION

Refuse for the following reasons:-

1.	<p>National planning policy and the development plan seek to encourage the health and wellbeing of residents throughout the district and to promote high levels of residential amenity and an environment in which communities can flourish.</p> <p>The construction of a further single-storey dwelling on the application site would necessitate the removal of a modest area of open space within a town centre location and surrounding relatively high-density development. The development of the open space and in the manner indicated would be detrimental to the residential amenities of nearby residential occupiers and character of the area. Accordingly, the proposal would be contrary to the policy advice provided in the National Planning Policy Framework 2021, specifically paragraphs 92, 130 and 131, and the adopted Fenland Local Plan (2014), Policies LP2 and LP16.</p>
2.	<p>The principle of development, if permitted, would result in the significant overshadowing and adverse effects on the occupiers of the proposed bungalow and its associated domestic curtilage by virtue of the large trees and vegetation to the south-western and western sides of the development plot which would result in unacceptable pressure being brought to bear for the reduction/removal of overhanging branches or their wholesale removal.</p> <p>The proposal would therefore fail to accord with the provisions of the NPPF 2021 and the adopted Fenland Local Plan, specifically Policies LP2, LP16 and LP19.</p>



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Allotment

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

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