

AGENDA

PLANNING COMMITTEE

WEDNESDAY, 16 OCTOBER 2024

1.00 PM

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

Committee Officer: Jo Goodrum
Tel: 01354 622424
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- 1 To receive apologies for absence.
- 2 Previous Minutes (Pages 5 - 36)

To confirm and sign the minutes from the previous meetings of 21 August 2024 and 18 September 2024.
- 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/YR23/0245/O
Land South of 250, Drybread Road, Whittlesey
Erect up to 175 x dwellings (outline application with matters committed in respect of access) (Pages 37 - 86)

To determine the application.
- 6 F/YR23/0705/O
Land North Of, 271 - 311 Eastrea Road, Whittlesey

Erect up to 249 x dwellings (outline application with matters committed in respect of access) and the formation/works to 2 x accesses (Pages 87 - 136)

To determine the application.

7 F/YR24/0276/F

Gaultree Farm, High Road, Guyhirn

Erect 7 x dwellings (4 x 3-storey 4-bed and 3 x 2-storey 3-bed) and the formation of a new access, involving the demolition of existing dwelling and outbuildings (Pages 137 - 156)

To determine the application.

8 F/YR24/0303/F

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

Erect 2 x dwellings (2-storey, 4-bed), including formation of an access (Pages 157 - 178)

To determine the application.

9 F/YR24/0342/F

51 Market Place, Wisbech

Formation of 2 x studio flats on the first and second floor including change of use of part of ground floor (for access to flats) (Pages 179 - 190)

To determine the application.

10 F/YR24/0532/O

Land South East Of 190, Wype Road, Eastrea

Erect up to 2 x dwellings (outline application with matters committed in respect of access) (Pages 191 - 204)

To determine the application.

11 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 XX of Part I of Schedule 12A of the Local Government Act 1972 (as amended) as indicated."

12 CONFIDENTIAL -Previous Minutes (Pages 205 - 206)

To confirm and sign the confidential minutes from the meeting of 21 August 2024.

Members: Councillor D Connor (Chairman), Councillor C Marks (Vice-Chairman), Councillor I Benney, Councillor Mrs J French, Councillor P Hicks, Councillor S Imafidon and Councillor E Sennitt Clough,

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PLANNING COMMITTEE

WEDNESDAY, 21 AUGUST 2024 - 1.00 PM



PRESENT: Councillor C Marks (Vice-Chairman), Councillor I Benney, Councillor Mrs J French and Councillor S Imafidon, Councillor G Booth (Substitute) and Councillor M Purser (Substitute).

APOLOGIES: Councillor D Connor (Chairman), Councillor P Hicks and Councillor E Sennitt Clough.

Officers in attendance: Matthew Leigh (Head of Planning), Gavin Taylor (Principal Development Officer), Andrew Dudley (Planning Enforcement Officer), Victoria Searle (Legal Officer) and Jo Goodrum (Member Services & Governance Officer)

P29/24 PREVIOUS MINUTES

The minutes of the meeting of the 24 July were signed and agreed as an accurate record.

P30/24 F/YR23/0696/O LAND SOUTH OF BARKERS LANE AND EAST OF WIMBLINGTON ROAD, MARCH OUTLINE PLANNING PERMISSION (ALL MATTERS RESERVED, EXCEPT FOR ACCESS) FOR UP TO 425 DWELLINGS (INCLUDING AFFORDABLE HOUSING), FORMATION OF 2 X ACCESSES, AND A DROPPED KERB (FOR 38 WIMBLINGTON ROAD), SAFEGUARDED LAND FOR GRASS PLAYING FIELDS, PUBLIC OPEN SPACE, LANDSCAPING, COMMUNITY GARDEN, COMMUNITY ORCHARD, CHILDREN'S PLAY AREAS, SUSTAINABLE DRAINAGE INFRASTRUCTURE, RETENTION OF INFORMAL PARKING AREA, ALL OTHER ASSOCIATED INFRASTRUCTURE, AND DEMOLITION OF AN EXISTING DWELLING (40 WIMBLINGTON ROAD)

Gavin Taylor presented the report and drew members attention to the update report that had been circulated.

Members received a presentation, in accordance with the public participation procedure, from Will Hodgson, the applicant Mr Hodgson explained that Barratt David Wilson Homes already control 65% of the allocated site and he has been in discussions with both of the land owners involved with regards to bringing forward the whole site, which are subject to current separate planning applications, but he is committed to delivering and helping the other two applicants in delivering the whole allocation. He stated that, from the start, his strategy has been to ensure that the whole allocation can be delivered comprehensively and to achieve this he has ensured both of the access points have sufficient capacity to deliver the whole 600 to 650 units across the allocation.

Mr Hodgson explained that the proposal includes a comprehensive drainage strategy and there will be an equitable approach to the land split in order to determine how many dwellings are proposed on each parcel of land. He stated that the site will be delivered with both of the house building brands namely Barratt Homes and David Wilson Homes and the combination will bring forward a greater house type variety and will, therefore, provide the ability to deliver different design traits across the site.

Mr Hodgson made the point that, although subject to approval, the intention is to use Lambs Hill Drove as the construction access point and all construction vehicles would be limited through

March Town Centre and up Wimblington Road, with the show homes and primary access for early parts of the site being off the Wimblington Road accessed at number 40. He added that he has listened to and responded to members, residents and statutory consultees throughout the planning application, and this will continue through the progression of the reserved matters stage.

Mr Hodgson stated that he is now proposing bus infrastructure measures along Wimblington Road and within the site itself along with better pedestrian and cyclist connectivity throughout the site and off-site highway improvements are being proposed along with a drainage strategy which avoids existing infrastructure issues on Barkers Lane. He explained that he is committed to delivering the scheme along with the Council and he sees it as a fantastic opportunity to create a legacy to support the growth of March.

Members received a presentation, in accordance with the public participation procedure, from Andrew Hodgson, the agent, along with George Beevor-Reid, their drainage expert present to answer any questions. Mr Hodgson stated that 425 houses are being delivered as part of the allocation and one of the points raised as part of the consultation with the public and with local members was the issue of foul drainage, which is referred to in the officer's report where mitigation measures have been taken to avoid any further issues along Barkers Lane by implementing a separate pumping station which pumps along to The Avenue. He advised the committee that the other two applications which form part of the allocation will also be able to feed into that system as well and, therefore, that should negate any capacity issues from the scheme.

Mr Hodgson referred to the benefits of the scheme which have been included with the application and they include up to 85 units of affordable housing depending on how many of the 425 they deliver, 1.59 hectares of safeguarded playing fields for Neale Wade College and if they do not go to the college, there is always the option in the future for that to be put as additional open space. He added that there is also 7.47 hectares against a requirement of 5 hectares for public open space across the development as well as a NEAP and a LEAP, Community Orchard and Garden and he made the point that with regards to biodiversity net gain, whilst there is no requirement to deliver it, the figure would be approximately 11%.

Mr Hodgson stated that overall, in addition to the £2,000 per unit and the Section 106 contributions, the applicant is also contributing £1,500 per unit to Peas Hill and Mill Hill roundabout mitigations and those figures equate to double the obligations that are normally found in such sites in terms of viability. He made the point that the scheme has been carefully considered and they have worked closely with the officer to ensure all the issues had been addressed prior to coming before the committee.

Members asked the following questions:

- Councillor Mrs French stated that she is delighted with the contributions being made which exceeds what is requested and she asked whether Section 38 Agreements are being considered for road adoptions? Will Hodgson confirmed that they are.
- Councillor Mrs French stated that the application is only in outline stage, and she is hopeful that when the reserved matters stage is brought before the committee, the enhanced contributions which have been promised today are still going to be viable.
- Councillor Mrs French asked whether the applicant has been in communication with the drainage board as it is very disturbing that they have not provided any input into the application. She added that she is aware that they are not a statutory consultee, but they have been asked to provide something in writing for all larger allocations. Mr Beevor-Reid explained that at the commencement of the application they completed the Middle Level Commissioners pre-application form on 9 February 2023 and despite numerous attempts to chase them with regards to the application, a response has never been forthcoming. Mr Beevor-Reid added that there is no intention to go directly into their network as it will be the greenfield rate and, therefore, there should be nothing to discuss as the natural drainage regime is being maintained.

- Councillor Booth stated that with regards to the use of SuDs on the site, is there the intention for the local Internal Drainage Board to manage it, if they agree or will it be maintained by a private management company? Mr Beevor–Reid stated that the preference would be for the drainage board to assume responsibility if they are willing to do so with the fallback position being a management company.
- Councillor Marks expressed the view that one of the biggest concerns does appear to be that of flooding and he asked what mitigation can be implemented straightaway to clear the dykes when development commences. He added that the dykes to the roadway are full and there have already been flooding issues due to foul and surface water and there needs to be assurance that it will be one of the first things which takes place on the site. Will Hodgson stated that the dykes which are situated on the site and adjacent to the site will be cleared following purchase of the site, with one of the big issues that he saw at the public consultation was with regards to the foul water issue along Barkers Lane which has historically flooded some residents back gardens. He stated that he has had discussions with Anglian Water over the last year or so with regards to the maintenance regime of that and surveys have been undertaken but expressed the view that it is a maintenance issue for Anglian Water to resolve along Barkers Lane in terms of the physical foul water infrastructure there.
- Councillor Marks asked for clarification with regards to the point raised concerning undertaking of surveys of the Anglian Water network there already and it was confirmed that it was no surveying as such, however, the sewers that are there had surveys undertaken in order to ascertain what is already there and what the current condition was. Mr Beevor–Reid explained that as a result of the public consultation where the issue of the foul water was raised in Barkers Lane a discussion took place with Anglian Water in order to find a different solution and, as a result, they have come up with the suggestion of bypassing the foul sewers.
- Councillor Marks questioned whether the reason for the applicant putting their own sewers in is because it is felt that the current Anglian Water system would not be able to cope or because of the state of repair. Mr Beevor–Reid expressed the view it is the state of repair and he added that due to the pipe sizing there would be capacity in the sewers in Barkers Lane and that was the original response provided by Anglian Water. He added that he believes that those issues arise because of the level and the maintenance of those that get blocked up which is why the bypass solution is being used.
- Councillor Booth stated that the officer's report at 10.28 states that the runoff from the current greenfield rate would not increase volume and he questioned that if hard standing is built then there may not be an increase in volume but in general there would be a decrease in time for it to get into the system and then that is where the flooding issues would occur. He added that whilst he understands what will happen in practice, there will be more water at a quicker rate going into the drainage system and he asked how that can be mitigated? Mr Beevor-Reid explained that there are the three large basins on the western boundary of the site and, therefore, the water will go to those effectively unrestricted from the development hardstanding and then from those into the ditches, where the restriction will be. He added that the restriction will be at the greenfield rate and then the ponds will fill up whilst the restriction is in place and then slowly go back into the network, which replicates the existing regime.
- Councillor Booth stated that he was grateful for the explanation but, in his opinion, it highlights that when severe weather events take place such as those which March has experienced it is the time span which becomes a significant factor. He added that if there are ponds and water features for the water to go into then there could be the risk of the water backing up into the residential area which is where a lot of the concern will be. Mr Beevor–Reid stated that the combination of the size of the basins means that they can accommodate a 1 in 100-year storm, plus 40% climate change on top, which is the requirement deemed by the Lead Local Flood Authority (LLFA) for the site. He added that through the detailed design, the water would be part conveyed to those basins through swales as opposed to pipes in some parts of the site which would then help to slow down

the rate in which it would reach the features.

- Councillor Booth made the point that this area has suffered 3 times from 1 in 100-year events over the last five or six years and, in his view, it is not the right standard and he expressed the view that the measures do need to be looked at to make sure that they are further improved.

Members asked officers, including Ben Woolf, LLFA, Hannah Wilson, Anglian Water and Andrew Connolly, Transport Assessment Team at Cambridgeshire County Council, the following questions:

- Councillor Mrs French asked Andrew Connolly how the proposal would affect the March Area Transport Scheme (MATS)? She stated that she was sent an email in June which stated that the County Council had requested that the application should not be determined until further additional information has been submitted and reviewed. She added that she has another email dated 5 August which states that they are now happy with the proposal, and she asked for an explanation to be provided. Andrew Connolly stated that in relation to the first email that Councillor Mrs French refers to, there were still a couple of outstanding points at that time which were related to Peas Hill. He explained that the second email that referred to from August confirms that those outstanding issues had been addressed and, therefore, there are no objections to the proposal.
- Councillor Imafidon asked for elaboration on the point with regards to discussions concerning the railway line leading to further access. Gavin Taylor stated that on 24 October 2023, the Council's Assets and Projects Team stated that they had no comment to make but they had a proposal for CPCA funding to bring the disused railway footpath up to a usable standard which they were currently exploring. He added that the BCP indicates that there may be opportunities to tie into that and it is dependent on how it progresses but there may be opportunities through more detailed matters to create points of access into that to encourage countryside access and more sustainable modes of travel and healthier lifestyles. Gavin Taylor stated that it is something that is in its infancy at the current time and it is dependent on how the Council progresses with future works on the railway line.
- Councillor Mrs French stated that she is a member of the County Council's Highways and Transport Committee and in the officer's report at 10.8 it states that the applicant has undertaken detailed discussions with regards to the supporting travel plan and in particular with regards to securing a new demand responsive bus service. She added that is in operation in the south of the country and it costs £165 per person, and she asked officers whether they are sure that this is definitely not going to happen because it is not feasible. Gavin Taylor referred to the update report and he explained that it is not a new bus service, it is the existing FACT bus service, and the contributions are to go towards financing that. Councillor Mrs French stated that she does not think that it is a permanent arrangement due to the fact that transport is now under the umbrella of the Combined Authority. Andrew Connolly stated that it does fall under the remit of the Combined Authority and discussions have taken place with them and they are happy to route the bus this way with the supporting contribution.
- Councillor Booth stated that a lot of the finer detail with regards to the drainage scheme will be developed at the next stage of the application and, in his view, members have been told previously that there are no drainage issues which could not be overcome without proper design, with water tending to follow gravity which has become evident at times in the local area. He made the point that he would like assurances that, although the commitment has been promised with regards to the minimum standards being implemented, as the local area has suffered over the last few years with flooding events, delivery must be to the right standard for that location. Councillor Booth expressed the view that he would like to see in the recommendation that the SuDs should be managed by a local public body as he believes that the Local Flood Policy from the County Council does state that as the preference. Gavin Taylor stated that the Section 106 Agreement would contain SuDs in terms of the adoption route and if the preference is for Anglian Water to adopt then something could be built into the Section 106, which can cascade that down into the adoption. Councillor Booth added that the Internal Drainage Boards must not be forgotten

as they are the experts in managing these types of facilities.

- Councillor Mrs French asked Hannah Wilson whether there is the intention to deal with the sandbags left in Barkers Lane following the issue with foul water and flooding? She stated that the sandbags have not been removed to date and the issues have been occurring for many years which is not pleasant for the local residents. Hannah Wilson explained that works have been undertaken to resolve issues at Barkers Lane and the Knights End pumping station which have included maintenance works, wet well cleans as well as updating the non-return valves and installation of new sewer monitors which display any issues arising in that network. She made the point that she cannot definitively state that there will be no further issues and that no further instances of flooding will occur. Hannah Wilson explained that when storm events take place that is when the issues arise, and they are caused from the rainwater and surface water getting into the foul network. She explained that new sewer monitors will also be located within the network as well as them being located at the pumping stations. Hannah Wilson stated that with regards to the application, the avoidance of any connections within the Barkers Lane constrained area are going into the 300mm sewer on The Avenue and, therefore, will not be making the situation any worse.
- Councillor Marks stated that he does not know when the monitoring work took place but there has definitely been recent flooding in this area, adding that he undertook a very recent visit to the site and found the area to be disgusting along with broken sandbags. He stated that he has concerns and, after hearing from the applicant today, there are issues which have been identified and he made the point that he would like to know when Anglian Water are going to act, with it not being right for the committee to approve or refuse a planning application especially when there are known issues and he asked Hannah Wilson what time frames have been identified to address the issue? Hannah Wilson stated that a great deal of the work that she has already referred to, especially at the pumping station, has already been undertaken and she agreed to consult with her maintenance team to resolve the mess and issues concerning the sandbags. She explained that as part of the future works there is going to be a CCTV survey undertaken of Barkers Lane and she added that one has been carried out previously, but an updated one is going to be undertaken. Hannah Wilson made the point that the root cause of the situation at Barkers Lane is down to the surface water getting into the foul only network and the shallow gradient of that network makes it very difficult. She added that proactive works need to be undertaken with the local residents and the Town Council to ensure any misconnections which have gone into a sewer network can be resolved in collaboration with the LLFA and other flood management bodies.
- Councillor Marks stated that he would like to see some guarantees from Anglian Water, making reference to the applicants and agents for the application who have given assurances that they will clear the dykes to try and resolve that part of the flooding but he still has concerns with the addition of another 425 homes, finding it surprising that there have not been other recommendations made to cure the existing problems before more houses are added. Ben Woolf from the LLFA stated that as far as the problems on Barkers Lane are concerned there is no reason for the LLFA to object to the development, explaining that the development will not exacerbate the situation and the connection and discharge point is nowhere near where the existing issues are. He stated that the surface water is not coming from the site and, therefore, there are no grounds for objection.
- Councillor Mrs French stated with regards to working with the Town Council, they are only consultees and can only make recommendations. She added that she has been a member of March Town Council for 34 years and the problems are ongoing and have been repeatedly reported over many years. Councillor Mrs French stated that the sandbags need to be removed as they are disgusting and are a health hazard. Hannah Wilson stated that she will feed back to her maintenance team and will report back on the issues raised today. She stated that in terms of the planning application the surface water is being managed on site and they are not connecting to the network as well as bypassing the foul network totally where the issues have arisen.

- Councillor Booth stated that the issue that March has suffered from is that there is so much water going into the whole system is actually backed up and, therefore, there would be nowhere else for the water to go. He added that for the point to be made that the water cannot go into Barkers Lane, in his view, is an incorrect statement to make because water will flow eventually to where it wants to flow. Councillor Booth added that if the outstanding issues can be resolved if the other part of the system is at capacity then there will be no opportunity to divert the water away from Barkers Lane. He added that there must be assurances that this does not happen with this planning application.
- Matthew Leigh stated that the committee can only consider the planning application before them, and he added that as the officer's report clearly states its position with regards to surface water drainage whilst accepting that there may be existing problems outside of this site but as long as the application does not exacerbate them, they cannot be considered as part of the application. He stated that he appreciates the frustration felt by the local residents, but it is not something to be considered as part of the planning application.
- Councillor Booth stated that there have been some extreme weather events where the whole system has been overloaded and for the point to be made that the water is going to discharge into a different point and, therefore, will have no impact, in his opinion, is wrong as there can be no cast iron guarantees. Matthew Leigh explained that the point he was trying to make is that any impact that happens because of extreme flooding would happen now and the evidence states that the application would result in a neutral impact and, therefore, anything that currently happens will be the same.
- Councillor Mrs French stated that she is pleased to see that the sewage and the surface water is not going to be directed down Barkers Lane, however, the problem exists and councillors have to take this into consideration when determining the application due to the number of angry residents who have raised concerns. Matthew Leigh stated that he totally understands the frustrations of the local residents, but the committee are here to determine the application before them and the planning matters with regards to what is before them.
- The Legal Officer stated that whilst she appreciates the genuine concerns of the local residents with regards to the flooding issues in the current situation, she cautioned the committee with regards to the considerations that they are regarding as material on the application when making their decision. She added that the application will not alter the position with regards to foul or surface water drainage in Barkers Lane and it will not exacerbate any existing issues. The Legal Officer reiterated that the application site deals with its own run off and drainage and those are the facts. She added that if members of the committee have regard to existing situations which the application does not impact and then use that as a reason to refuse the application then the Council would lose at any appeal and would most certainly incur costs.
- Councillor Mrs French stated that as there is an officer present from Anglian Water, she has taken the opportunity to raise the concerns with regards to the issue in Barkers Lane to try and assist the disgruntled residents. Hannah Wilson suggested that attends a meeting at March Town Council where members of the District Council's Planning Committee would also be invited to attend.
- Councillor Booth requested clarification from officers with regards to the fact that even if there is a severe weather event then with the drainage from the application site, there will be no issues caused at Barkers Lane. Ben Woolf stated that the system has been modelled extensively using up to date data and in the 1 in 100-year episode plus 40%, there is no flooding on site and the site will continue to discharge at the greenfield qbar rate whereas currently it would be way above that. He added it will slightly improve the runoff going into the Internal Drainage Board ditch. Ben Woolf added that in terms of the IDB capacity, which is down to them as they have been consulted and if they agree to adopt those flows it is not a matter for the development.
- Councillor Marks stated that he has noted from the report that there have been comments with regards to the fact that speeding along the main road is an issue and whilst he would not wish to see a 20mph speed limit, he asked what mitigation measures can be introduced to slow the traffic along that particular stretch of road? Andrew Connolly stated that the

existing speeding situation is not something for the applicant to remedy as it is an existing issue. He added that there is a possibility of considering a signage package but that would need to be discussed with development management officers. Councillor Marks asked what type of signage that would include? Andrew Connolly stated that flashing signage, speed limit signs and markings on the road could be considered.

- Councillor Booth asked whether that would include activated speed signs and speed reduction devices? Andrew Connolly stated that would need to be discussed by officers from Development Management.
- Councillor Mrs French stated that she would discuss this with colleagues at the County Council to ascertain whether there are any funds available under the March Area Transport Scheme to address the issue.

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

- Councillor Mrs French stated that she is delighted to hear that the surface water and sewage is not going to impact Barkers Lane. She added that she is completely overwhelmed with the additional Section 106 money which is being included and she also congratulated the applicants on their decision that the £96,000 is not being placed into a halo operation.
- Councillor Imafidon stated that he has never seen such a generous offer from an applicant since he assumed his role on the Planning Committee, and he commended the developer for their Section 106 contributions and for all the additional provisions included within the application.
- Councillor Booth stated that he has read the reports and all of the issues have been addressed at the meeting today including that of flooding. He added that the application has already been agreed in principle through the local development plan, the BCP and March Neighbourhood Plan and the site has effectively been given the green light for development. Councillor Booth made the point that the only aspect he would like to see firmed up would be the management of the SuDs.
- Councillor Mrs French stated that it is looking likely that the application is going to be approved and she added that she had intended to ask the applicant when the likelihood of the reserved matters application would be received. It was confirmed that it would be submitted as soon as is practicable.
- Councillor Marks stated that he would like to see a condition added to the application should it be approved that the ditches should be cleared prior to any development commencing on the site.
- Councillor Booth stated that the conditions do allow for that and, therefore, officers appear to have covered that under the existing conditions.
- Councillor Mrs French stated that she will highlight the issue to the Chief Executive of the IDB and she agreed that the ditches all need clearing out.
- Councillor Booth stated that the IDB will not clear the ditches free of charge and they normally add a levy which they apply to the developer, but he would prefer for it to be managed by the IDB rather than a private management company.
- Councillor Marks stated that if the developer is going onto the site then it maybe something that they do prior to commencement of development and then hand it to the IDB.
- Gavin Taylor explained that with regards to the points made concerning the SuDs and Section 106, he has made a note, however, it is quite a standard entry into the 106. He added that with regards to the clearing of ditches prior to commencement of development, the proposal is for the development to take place in phases and there is a condition requiring a phasing plan to be agreed. Gavin Taylor made the point that it is important to note that from a drainage aspect, it is one of the first aspects of a development to be implemented because not only is the drainage for housing being introduced there is also the requirement to ensure that any drainage that might run off during the construction phase does not enter into the water courses. He stated that in terms of general site arrangements it normally follows that you would set out your drainage as part of the first phase of construction before commencement of works and then you need to ensure that the site

drains properly, and you cannot ask for all of the ditches to be cleared in one go because it would not meet the tests due to the fact that you can only request for works to be carried out on the development that it is going to have an impact on. Gavin Taylor explained that the ditch clearing would be undertaken in accordance with the phases of the development.

- Councillor Marks made the point that as there are already drainage issues there surely the clearing of the site in its entirety would be better from day one. He added that as time goes on it is a known fact that the water needs to go somewhere as clearing the ditches in their entirety is for the betterment of the site.
- Gavin Taylor expressed the view that he would be cautious of adding planning conditions requiring works to be carried out which do not meet the tests of planning conditions, which have to be reasonable, and necessary and related, and he explained that if members are requesting for a ditch to be cleared at the north of the site when it is not going to be touched for another two or three years through the development then it may not meet the test of planning conditions. He stated that he does not want to agree at today's meeting for that condition to be included because it may mean that subsequently it may not be able to be included because it does not meet the tests of those conditions. Gavin Taylor explained that he is happy to consider it as a condition and then through formatting and formulating the final condition which he would hope the committee will delegate to officers to resolve. He made the point that once he has the final schedule of conditions agreed internally and with the applicant as well, he would be content to communicate the conditions to the committee prior to the decision being released which will not be until such a time as to the finalisation of the Section 106.
- Councillor Mrs French stated that she has not heard any members of the committee request for all the ditches to be cleared all at once. She added that she does not want there to be a delay with the Section 106 Agreement as is the case sometimes and it does have an impact on development across the whole of Fenland.

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

(Councillor Mrs French declared that, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, she is a member of March Town Council but takes no part in any planning applications and she is also a member of eleven Internal Drainage Boards, but she does not discuss planning applications at any drainage board meetings)

(Councillor Purser declared that, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, he had been verbally lobbied on the application but it would not effect his decision making when determining the application)

P31/24

F/YR24/0040/F

THE MANOR HOUSE, 102 ELDERNELL LANE, COATES

CHANGE OF USE OF EXISTING GARAGE/STORE AND ASSOCIATED LAND TO A VENUE FOR CEREMONIES, INCLUDING THE FORMATION OF A CAR PARK (PART RETROSPECTIVE)

Gavin Taylor presented the report and drew members attention to the update report that had been circulated.

Members received a presentation, in accordance with the public participation procedure, from Councillor Alex Miscandlon of Fenland District Council and Whittlesey Town Council. Councillor Miscandlon stated that whilst Whittlesey Town Council objected to the application, they are not against objecting to businesses in the area and actively encourage them, but the reason the Town Council objected to the proposal was due to the number of complaints that the Town Council received from residents of Eldernell Lane and residents residing in properties leading up to the application area. He stated that the application area is at the furthest point from the A605, and he

explained that there are no passing places along Eldernell Lane or in the private road to allow vehicles to pass each other, which is quite dangerous and some vehicles who use the access road do so at significant speed.

Councillor Miscandlon explained that he was alerted to the issue by some of the residents of Eldernell Lane with regards to the attitude of some of the drivers that visit the premises, and the road is not suitable for speeding or heavy goods vehicles although they do use the road. He referred to the officer's report and stated that the recommendation is for a 7.5 tonne lorry, but he is aware that there have been 18 wheeled vehicles with gravel using the roadway and there has also been a 9-metre transport vehicle for visitors using the road, which is 30 ft long and the turning into the private road from Eldernell Lane with a 30ft vehicle would be very difficult and as such in his view is not tenable.

Councillor Miscandlon explained that there is an alternative entrance located off the A605, which leads into the rear of the premises and that would not interfere with any of the residents in Eldernell Lane. He stated that he would like to see the application deferred to allow the outstanding issues to be remedied or refuse the application due to its non-compliance with highway safety.

Councillor Miscandlon made the point that he disagrees with the point made in the report that there are no highway safety issues due to the fact that the residents who live in the road feel that there are and are having to suffer a constant barrage from the vehicles who are using the road. He expressed the opinion that there needs to be a solution to this issue and the health and wellbeing of the resident who live there needs to be considered as they purchased their homes in this location to live a quiet rural life.

Councillor Miscandlon added that they are being interrupted in their leisure time by people coming down the lane, being verbally abusive to them, urinating in their driveways and conducting themselves inappropriately, which is not fair. He made the point that the applicant needs to be wary of who uses the facility and an alternative entrance off of the A605 would be highly desirable and whilst he is aware that the roadway would need to be made up to an appropriate standard that is the responsibility of the applicant to do so and not for the local authority.

Members asked Councillor Miscandlon the following questions:

- Councillor Imafidon stated that he did not think it would be possible to speed along the road due to the speed humps on the road. Councillor Miscandlon explained that he lives in close proximity to Eldernell Lane, and he is aware of the speeding vehicles, and that there have been some very near misses. He added that cars are also using people's driveways in order to allow other vehicles to pass which is not acceptable.
- Councillor Marks stated that there have been a couple of planning applications which have been before the committee over the last two or three years and the issue of speeding vehicles has never been an issue previously and he questioned why this now seems to be causing a concern. Councillor Miscandlon stated that speeding traffic has been an issue which was raised previously and remains an issue.
- Councillor Marks stated that when he visited the site, he counted seven passing places albeit not official passing places. Councillor Miscandlon stated that there are people's driveways, a farm entrance and by the turning for the actual private road there is a section on the left-hand side which allows the lorries to swing into that section. He added that the owners of the private driveways that people use as passing places are perfectly within their rights to install a gate on the end of the driveways to stop that happening. Councillor Miscandlon expressed the view that to make an official passing place is paramount, for safety and highway safety and it would alleviate any issues. He made the point that the alternative road off of the A605 would also alleviate that problem and would lead directly to the application site.

- Councillor Booth stated that it is possible that agricultural vehicles can use the road without any limitations on size of width or length of those vehicles. He added that the view of the County Council is that there can be no restrictions imposed on somebody else if that existing use is there particularly for agricultural purposes. Councillor Miscandlon stated that the agricultural vehicles go into the field on the left-hand side and do a turn in order to go into the private road. He added that the owner of the thatched cottage has stated that on numerous occasions, lorries go up, reverse into the field and then go straight across as they cannot access the private road any other way due to the tight nature of the road layout. Councillor Miscandlon stated that the officer report makes reference to a 9-metre vehicle which is 30 ft and 7.5 tonne, expressing the view that 7.5 tonne lorries are not that big, but it is the weight of the vehicles which needs to be considered.

Members received a presentation, in accordance with the public participation procedure, from Robert Cowsill, an objector to the proposal. Mr Cowsill stated that he has a long association with Eldernell due to his involvement with the bird sanctuary and conservation work on Eldernell Lane. He made the point that the Manor House is a perfect location for a country house for a local businessman, however, as a location for a party and events palace it is totally inappropriate.

Mr Cowsill stated that the applicant appears to be successful in gathering support for the proposal with many of the expressions of support but, in his opinion, many of those supporting comments have a hidden meaning. He made the point that those supporters may not be aware that by supporting the proposal they are going to be damaging one of the factors that they wish to promote.

Mr Cowsill referred to the officer's report and stated that policy LP16 requires the proposal to not adversely effect the landscape character of the surrounding area but expressed the view that the landscape character is the Fens natural character area including the strong presumption of tranquillity and there is no way that the proposal would enhance the tranquil environment. He expressed the view that he finds it strange that the officers' comments do not actually concern the nature of the application and the comments seem to be based on a physical application which it is but only in a very small part and appears to ignore the change of use.

Mr Cowsill made the point that many of the supporters to the proposal appear to be trades people, such as hairstylists, manicurists and stylists and the applicant also explicitly supports these industries but there is no mention of those in the traffic analysis, with the traffic analysis making it appear that all the services are managed from the organisation based at the house and it explicitly calls for support from local trades. He added that there is a huge difference between the nature of the traffic for agricultural activities and people and wildlife in the countryside are quite used to that but that is quite different to an array of cars turning up for an event.

Mr Cowsill added that the officer recognises that there will be some bunching but then appears to dismiss that fact which, in his opinion, is incorrect as he expects that over a one-hour period close to midnight there is bound to be some sort of disturbance. He added that with regards to the red line it appears to include the private road which forms the first part of Eldernell Lane, which the applicant enjoys and has access rights over that road but ,in his view, the access rights do not extend to re-engineering the property that he does not own and designating passing places.

Mr Cowsill stated that within the certificate of ownership on the application it states that the applicant is required to have notified the owner of any part to which the application relates and he stated that this has not been done and, therefore, in his opinion it seems to be quite arrogant to re-engineer somebody else's property without following the correct protocol. He asked the committee to refuse the application and if they choose to approve the proposal, he would like to see the conditions modified to reflect that there be no Sunday working or the number of events to be restricted to 40 days per year.

Members asked Mr Cowsill the following questions:

- Councillor Booth stated that Mr Cowsill has stated that there had been no notice supplied to the neighbouring owner and he asked Mr Cowsill how he is aware of that. Mr Cowsill explained that he spoke to the neighbouring owner earlier that morning who confirmed that fact.

Members received a presentation, in accordance with the public participation procedure, from Mr Heath Thomas speaking on behalf of the applicant and Mr Chris Walford, the agent. Mr Thomas stated that as the committee are aware they are required to determine the application in line with the development plan and it is the applicant's case that the proposed use of the site is supported in policy terms and there appears to be no policy conflict so as to indicate the principles of development cannot be supported. He expressed the view that the proposal accords with both local and national planning policies and the objections and concerns raised are not insurmountable and they can be overcome and can be satisfactorily addressed by the scheme as it stands or by the imposition of planning conditions which are outlined in the officer's report.

Mr Thomas made the point that the same view is supported by the Planning Officer in their report which, in his opinion, is very comprehensive and he also adopts the assessment made by the officer on behalf of the applicant and also supports the final conclusion made that the proposal is considered acceptable and accords with local and national planning policies as it represents no adverse harm in terms of material planning considerations. He added that amenity concerns of traffic disturbance and noise can be mitigated by the use of appropriate planning conditions, with the officer's report indicating that the application is compliant and accords with policies LP2, LP6, LP2, LP15 and LP16.

Mr Thomas made the point that the application has been properly consulted and out of the standard consultees the only objection has been made by the Town Council, with the concerns of the Town Council being addressed both within the report and the proposed conditions. He explained that the principle concerns are of noise from the site and also from traffic and he stated that the applicant has an established right of way for all purposes and at all times which would be the same for any visitor to the site, with any matters raised with regards to access ways and those on the private road not being considerations for the committee as they are about enforcing the rights of way that the applicant has and that would need to be considered in a separate forum.

Mr Thomas explained that the Highway Authority have considered the proposed development and have found it to be acceptable and he added that the impact will be no greater than that associated with other consented uses of the site such as things which have gone before and happened on the site. He made the point that the proposal will have no greater impact than anything else which has happened and the design and access statement which has been updated sets out the previous historical movements along with the attendance records for actual events which have taken place over the last three years, with those figures providing an indication on the number of persons and vehicles which have attended the site.

Mr Thomas added that he has had discussions with both the Police and Highways, and he is confident that there are no highway safety issues which have been reported, explaining that when the premises was discussed by Licensing Committee, the Police raised no concerns with regards to crime, disorder or anti-social behaviour including coming to and from the premises. He explained that the Highways Officers have proposed a condition limiting the size of the vehicles during events and for the purpose of events the applicant would be quite happy to agree with the committee that any vehicles over 9 metres in length would be prohibited.

Mr Thomas stated that there is no legal limit of weight on the road and any sign which has been put up would have been done so by the landowner and not by the Highway Authority, with there being no unacceptable impact on highway safety or cumulative impact on the road network which would mean that the application could be refused on highway grounds. He stated that the

proposed conditions are agreeable with the applicant which means the limitation of the frequency of events to two per week and then limiting the number of occasions in a year to 52 including the start and end times of the events, with the hours as stated in the condition are also what is detailed within the premises licence.

Mr Thomas stated that, with regards to noise levels, the Environmental Health Officer has agreed with the findings of an acoustic and noise report which was commissioned by the applicant and the Environmental Health Team have received no formal complaints but state that there might be the potential for noise which can be mitigated against, and the conditions are set out in 12.5 of the officer's report. He explained that in terms of proposal there was a modification detailed at paragraph 12 in terms of recommendation that the operating hours include Sundays and Public Holidays which was already agreed but the Planning Officer did not mention this.

Members asked Mr Thomas and Mr Walford the following questions:

- Councillor Booth asked for clarity with regards to the neighbour consultation concerning the right of way and he asked whether any consultation has taken place with the neighbours? Mr Walford stated that there was no formal consultation with neighbours, adding that the applicant does not own all of the road but for a valid application there has to be a red line to an adopted carriageway, and in this case the red line is quite long although it is not within the ownership of the applicant. He added that there is no proposal to modify the road in any way and he added that one of the objectors has stated that the applicant is intending to amend a road without permission but that is not the case. Mr Walford explained that Eldernell Lane is a tarmacked road with speedbumps and there are historic passing provisions along the road which has been the same for many years and has never caused an issue before. He made the point that the unrestricted use has enabled a multitude of different usage and size of vehicles and should the proposal be granted there will be a reduction in the number of agricultural vehicles using the road as they are moving away from that and diversifying the site which will mean it will be more reliant on cars. Mr Walford stated that the main objector is the owner of the part of the road that the applicant does not own, and he added that the main objector is more than aware of the application due to the number of comments that they have made in relation to the application.
- Councillor Booth referred to the other access point on the A605 and he asked for the thoughts and possibilities of that being used as access? Mr Thomas stated that the applicant does not own that access way and, therefore, has no right to enforce the use of it. He added that the applicant has a right of way over the roadway for all purposes and at all times from a very historic conveyance which is referred to in the statement that the applicants have submitted.
- Councillor Booth stated that, with regards to the revised condition concerning opening hours, he has interpreted it so that it does not include Mondays at all, and he asked Mr Thomas whether he has understood that correctly? Mr Thomas explained that the applicant was requesting those days which are set out in the officer's report and he explained that the business does not intend to operate every day of the week with it being Wednesday to Sunday and with no more than 52 occasions in the year and no more than 2 events in any week.
- Councillor Booth asked for clarity over Bank Holiday Monday opening. Mr Walford stated that there was an anomaly in the initial paperwork by virtue of the fact that it listed Sunday opening hours and then in the following paragraph it stated that there would be no opening on Sundays or bank holidays, when it was pointed out to the Planning Officer the paperwork was duly amended. He explained that the applicant does want to open on a Sunday and will not be looking to open on a Bank Holiday because that is not one of the proposed working days. Mr Thomas added that not all bank holidays fall on a Monday, however, the applicant does not intend to open on a Monday which is why the proposed opening is Wednesday to Sunday, however, they cannot restrict bank holidays if some fall on a Friday.
- Councillor Booth referred to the revised condition and states that the condition could be

interpreted so that events take place on Easter Friday, and he does not think that is what it was looking to be achieved. Mr Thomas stated that there may be events which the applicant would like to hold on a Friday and the Premises Licence which the applicant holds is from Wednesday to Sunday and closed on a Monday and Tuesday. Mr Walford asked the committee whether they are looking to determine that a Friday Bank Holiday is not an openable day? Mr Thomas stated that the applicant would like the Friday to be a day on which they are open even if it falls on a bank holiday. He added that when it states not on Public Holidays it is not on a Bank Holiday Monday or not on any Monday. Mr Thomas made the point that the applicant is looking for Wednesday to Sundays whether it is a normal day or a Public Holiday.

Members asked officers the following questions:

- Councillor Booth stated that he would like clarity over the bank holiday issue as the way that the current condition reads is if Christmas Day falls on a Friday then the business would be entitled to be open, and he is not sure whether it is something that the committee should be supporting. Gavin Taylor stated that the Planning Officer and applicant have had discussions over the condition which was incorrectly drafted the first time and subsequently corrected and provided in the update report. He explained that there is nothing to suggest that anything other than Monday would not be appropriate but if members wished then it is maybe something that can be included in an update to a condition. Gavin Taylor stated that the applicants have indicated that Good Friday would be agreeable to them and he agrees that other bank holidays may fall on a Friday, however, the premises is an events business and some events do fall over those holiday periods. He expressed the view that he is not sure whether it would fall within the applicant's business case, and he added that he does not know whether officers hold any evidence to suggest that they would not be appropriate either. Councillor Booth stated that, as he has worked within the retail sector, he is aware that Easter Sunday and Christmas Day are days that are prohibited for opening and he asked whether it would be appropriate that the business would be allowed to operate on those days as the revised condition appears to dictate that opening would be permitted now.

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

- Councillor Purser stated that he has seen a number of venues sadly close over recent years for various reasons and to see an avenue wishing to expand, in his opinion, is an excellent idea. He added that having listened to Councillor Miscandlon's presentation where he explained the possibility of using the different entry point whether it would be possible to defer the application whilst this was looked into.
- Councillor Marks stated that it was his understanding that the agent had stated that the applicant does not have a right of way across the second access and, therefore, in his view, a deferral would not be suitable.
- Councillor Benney stated that the committee need to consider what is in front of them today and they should not be looking at what the other options and possibilities around the application site are.
- Councillor Imafidon stated that the leisure and entertainment industry is a very difficult industry to work in during the current climate, making the point that Fenland is open for business, and he does not see why the applicant should be discouraged or stifled when they are making efforts to establish and expand their business. He stated that the applicants are running their business from a premises that they own, it is located via a roadway which has been in existence for a long time and when he visited the site, he did not see any issue with speed when he drove down the road due to the very harsh speed bumps on the road and any normal vehicles speeding along the road would most certainly cause damage to their vehicle. Councillor Imafidon added that he is unsure how much land that the applicant owns but it has been there for a long time, but he will be looking to support the application.
- Councillor Mrs French stated that she visited the site and expressed the view that the road is awful, adding that when she was leaving the site she met a refuse freighter from the Council, and she used a passing place and both vehicles were able to pass. She stated that

she cannot see how any vehicle would be able to speed along the road. Councillor Mrs French reiterated the point that Fenland is open for business and the Council should be supporting business, making reference to another business that closed many years ago and became derelict. She explained that the committee gave approval a few months ago for that building to be demolished and for a dwelling to be built in its place. Councillor Mrs French expressed the view that businesses do need support and whilst she appreciates the concerns and views of the Town Council, the applicant has confirmed that they do not have control over the other access point and the committee must determine what is in front of them and nothing else.

- Councillor Booth stated that he has heard the concerns of Whittlesey Town Council, and the highways report answers those comments which the Town Council have made, with the committee needing to give regard to the comments made by the Highway Authority as they are the experts in such matters. He stated that he also lives in a rural area and the tractors at this time of year who are undertaking harvest probably cause a lot more disturbance than cars and he does not see that as a reason for the application to be refused. Councillor Booth added that Fenland is open for business and the business is a rural location where the applicants are trying to diversify in order to make it sustainable and for what is before the committee he can see no reason for it to be refused. He added that he is still slightly concerned over the opening on bank holidays and he added that part of the reason for adding conditions are to consider the amenity of the neighbouring properties and if consideration could be given to the conditions it may go some way of alleviating the concerns of the neighbours. Councillor Booth expressed the view that he would like to see the condition revised further to exclude Easter Sunday and Christmas Day.
- Councillor Marks stated that when he visited the site, he met another couple of cars and both vehicles were able to pass by pulling over to give way, adding that he also met five dog walkers on the road who moved over onto the verge where there was ample space to let vehicles pass. He stated that there is no way vehicles can speed on the private road due to the speed bumps and he made the point that Fenland is open for business and he will be supporting the application.
- Councillor Imafidon stated that he is concerned about imposing conditions onto the application with regards to closing on a bank holiday if it falls on a Friday as that is when many events take place, with some people planning their events to take place on a bank holiday specifically if it falls on a Friday.
- Councillor Booth stated that he is only referring to Christmas Day and Easter Sunday due to the significance of them and other venues have to adhere to closures on those days.
- Councillor Benney expressed the view that as a Planning Committee to put restrictions on any type of trading day, in his view, is wrong. He made the point that there are no issues with it operating on a Sunday at the present time as it is working, and the Licensing Team are in place to deal with any problems or issues that may arise with the premises, with it being a licensing issue rather than a planning issue and he would not be content to add restrictions onto any planning conditions.
- Councillor Marks stated that he is not convinced that there needs to be a restriction on vehicles, limiting them to 7.5 tonnes, as it appears it is only a resident who has added a sign to that effect.
- Councillor Mrs French stated that many very large vehicles use Gaul Road, Burrowmoor Road and Knights End Road who are restricted to 7.5 tonnes, and, therefore, she has no idea how restricting vehicles to that size is going to be achieved.
- Councillor Booth referred to a point made by Councillor Benney with regards to adding restrictions onto an application and he stated that there is a condition that is restricting the premises from operating from Wednesday to Sunday anyway and all he was suggesting was that the business should be closed on those two extra bank holidays in order to ensure residential amenity given the nature of concerns that have been raised.
- Councillor Mrs French asked the Legal Officer to provide some advice with regards to restricting opening on Easter Sunday Bank Holiday and Christmas Day Bank Holiday. The Legal Officer stated that in principle it is permissible to have a condition like that and the

committee would need to be satisfied that it met the six tests for planning conditions, with in planning terms is it necessary, is it reasonably required and is it proportionate. She added that there is a legitimate point which has been made about which of the Council's departments is the proper function to police matters if concerns arise and noise issues would principally be a licensing consideration and whilst she appreciates that there is a condition attached to the draft permission all that the condition actually does is reflect the decision that the Licensing Committee has already made. The Legal Officer cautioned the committee and explained that whilst it is possible for the committee to do it, she is not convinced that the six tests for a planning condition are met for the Christmas and Easter closure.

- Councillor Booth expressed the view that in this case the condition should not be affixed to the permission, and he asked whether the original condition reflected the Licensing Committee decision or is the condition in the update report the actual condition as there has obviously been a change. Matthew Leigh stated that as the agent has stated there was an error in the original condition but what has been proposed by officers in the update report is consistent with the decision made by the Licensing Committee. The Legal Officer was provided a copy of the Premises Licence by Mr Thomas and the Legal Officer confirmed that the planning condition in the update report reflects the Licensing Committee decision and what is contained on the licence.

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

P32/24

F/YR23/1073/F

LAND EAST OF CIRSTON HOUSE, HOCKLAND ROAD, TYDD ST GILES

ERECT 1 X DWELLING (2-STOREY 3-BED) AND GARAGE, INVOLVING THE DEMOLITION OF EXISTING STABLES

Gavin Taylor presented the report.

Members received a presentation, in accordance with the public participation procedure, from Chirs Walford, the agent and Angie Stewart, the applicant. Ms Stewart stated that she was pleased to see the changes that were recognised by the Planning Officer for two of the three reasons for refusal from the previous application have been addressed and are no longer an issue. She added that the current proposed site is located within Flood Zones 2 and 3 and the officer's report refers to the Flood Risk Assessment which states that there is a low risk of flooding.

Ms Stewart made the point that the Council has stated that they have no strong objection to the proposed development on flood risk grounds, explaining that if the application is approved then flood risk mitigation measures will be implemented which have been suggested by the officer which will include finished floor levels to be set no lower than 300mm above ordnance data and the development should here at least two storeys and any future occupants would be requested to sign up to the Flood Line warnings direct and flood resilience and resistant measures to be incorporated into the proposed development. She explained that the reason for refusal for the current application is that the proposal does not pass the sequential exception test and she added that, with regards to the sequential test, officers identified four plots which are currently available within Tydd St Giles village boundary, but it is her understanding that three of the plots are not available, referring to F/YR23/0280/F, which is not on the market and maybe developed by the original applicant, F/YR23/0920/O which has been withdrawn following a Planning Committee refusal and F/YR22/0374/O which was an application which gained planning permission at appeal and has been sold subject to contract.

Ms Stewart advised that with regards to F/YR24/0030/O the application gained planning permission at committee and the land is currently for sale, but the plot has been recorded as being located beyond the built form of the settlement and is, therefore, an elsewhere location. She made

the point that the Cambridgeshire Flood and Water Supplementary Planning Document alongside the Council's approach to the sequential test for housing states that the sequential test should be applied on a district wide basis, and she added that it for this reason that she questions how the two plots can be sequentially compared.

Ms Stewart referred to the NPPF and made the point that it states that development should create spaces that are safe, inclusive and accessible and the plot has access to sustainable footpaths leading to village amenities including a school, park, pub, village hall and golf course. She made the point that as the applicant she has personal experience of specific housing needs that some people have such as wheelchair users, neuro development disorder or parents of children with special educational needs or life limiting illnesses.

Ms Stewart added that this is something that is quite dear to her and it is through this experience that she has come to realise that the plot whilst centrally located offers a safe quiet haven off the main road with plenty of space to make appropriate adjustments to make space for a wheelchair user to get from their car to indoor and a quite low stimulus environment for people with autism and the opportunity to install kitchen work tops at the appropriate height. She stated that this is the reason why she feels that the plot will provide an inclusive housing opportunity in Tydd St Giles.

Members asked the following questions:

- Councillor Mrs French stated that she notes that the site is located in a great crested newt amber zone, and she asked what steps would be taken to relocate the newts if approval is given for the application. She added that she notes from the application site history in 2013 an appeal was won, in 2017 the application was granted, and she asked why development did not take place at that time. Ms Stewart stated that with regards to the newts an assessment was undertaken, and she explained that she would agree to the recommendations given as part of that survey. Councillor Mrs French asked what those recommendations were, but Ms Stewart was not able to provide that level of detail at the current time but added that the persons undertaking the survey did not foresee a problem with the development of the plot. She added that in 2013, it was the previous owners who put forward a planning application.

Members asked officers the following questions:

- Councillor Mrs French stated that in 2023, there was a refusal and she questioned what the difference between that application is and the one before the committee at the present time. Gavin Taylor explained that the actual design of the dwelling has altered, with previously the siting of the dwelling being further north, and it has been brought back into the build line and is now seen to be more appropriate for the location. He added that the design and the location of the dwelling has changed, and the flood risk status of the site has not and the sequential test for flood risk has determined that there are other sites which are deemed to be more appropriate as they are located in areas of lower flood risk. Gavin Taylor stated that with regards to the applicants concerns raised when outlining a site which was deemed as outside of the settlement, however, the committee approved that site recently and deemed that it was inside the settlement and, therefore, on that basis the Council has made the decision that the site is inside the settlement and arguably is a better site for developing out because it is in a lower area of flood risk. Councillor Mrs French asked whether there is any significant change? Gavin Taylor stated that there is no significant change in terms of flood risk and officers consider that there is sufficient change to overcome those further two reasons for refusal.
- Councillor Imafidon asked for clarification when Cirston House was approved, and it was confirmed it was 2017. He questioned what the difference is between Cirston House and the other development as it appears to be just located on the other side of the road? Councillor Imafidon made the point that members are told to be consistent in their decision making and asked for an explanation with regards to why the proposal is recommended for refusal if Cirston House was approved. Matthew Leigh stated that he

agrees that there is a need for consistency and applications need to be determined in accordance with the development plan unless material considerations indicate otherwise. He added that the site has been granted planning permission over 7 years ago and since that the National Planning Policy Framework has been updated at least twice in relation to flood risk by including more stricter and more of a difficult test to pass. Matthew Leigh explained that a year ago a piece of case law was introduced with regards to the sequential test and how that should be approached and how it should be taken into consideration and for those matters the situation in planning terms and the landscaping plan has significantly changed when it comes to flood risk in 2017. He added that there is a need for consistency and that consistency is only if everything is the same and in the case of the application there is now a difference.

- Councillor Booth stated that the main issue with the application appears to be with regards to the sequential test and it is different if it is in the settlement or if it is in the open countryside and he asked officers to confirm whether they consider the application site to be located in Tydd St Giles or the open countryside? Gavin Taylor confirmed that officers consider the application to be located within the settlement. Councillor Booth referred to the other sites which the applicant had made reference to and it appears that most of the sites are not actually available. Gavin Taylor explained that the site which has been identified as potentially available was deemed by the committee a few months ago as to being located in the settlement and is, therefore, on the same level playing field as the proposed site would be and officers would not determine it to be in an elsewhere location. He explained that in terms of both sites being in the settlement that is the starting point for the sequential test in terms of settlement and the scope of settlements, there has been a site identified which is available and at a lower area of flood risk that could accommodate the development in the settlement. Matthew Leigh stated that when it comes down to the sequential test it is not about individuals and, therefore, just because you do not have access to the site it does not mean that it does pass the sequential test. He added that consideration needs to be given as to whether the site has the potential to come forward as a development and the sites referred to have been given planning permission and, therefore, they are likely to come forward for development and in planning terms they are in front of this application proposal for delivering housing. Matthew Leigh made the point that Fenland are well in excess of their five-year land supply.
- Councillor Benney stated that one of the sites which is making the current proposal fail the sequential test was approved by the committee quite recently and he asked officers to clarify that if that previous application had not been approved would it now mean that the application before the committee today would have passed the sequential test. Gavin Taylor confirmed that it would have passed the sequential test.
- Councillor Benney stated that when both of the applications were submitted then either of them could have passed the sequential test. He made the point that this has happened previously and in some ways this can be attributed to the speed of the Planning Department and, in his view, it seems very unfair to penalise the applicant due to the fact that her application has come in a month or two later than the other proposal where they both appear to have started on an even playing field.
- Victoria Searle, the Legal Officer, stated that regardless of members views concerning the fairness of the sequential test and whether they may yield fair or unfair outcomes, the sequential test is laid down in the NPPF and is supported by the adopted Local Plan and policies, with there being significant case law which reinforces its application in practice. She advised members to act with caution when making value judgements on which parts of national planning policy it considers are right or wrong and correct or incorrect. The Legal Officer explained that as members of the committee they should be making decisions in accordance with the Council's development plan, Local Plan and NPPF where the sequential test is robustly fixed. She made the point that great care needs to be taken with regards to the fairness of the national policies when decision making as material planning considerations.
- Matthew Leigh stated that planning applications need to be determined with the information

which is front of members. He added that the application was held back due to the need for a bat survey to be undertaken and applications have to be determined with the information now, with it being inappropriate to try and factor in other considerations and tests which do not follow legislation or case law and he advised members that they need to determine the application with the circumstances as they are now and whether or not members consider it as unjust that the application only fails the sequential test due to the delay in the application but that is the way the planning system operates.

- Councillor Booth stated that he takes on the board the points made and agrees that the planning system is not necessarily fair, and the committee are here to abide by planning policies and legislation, however, there is a role for the committee to take when determining applications. He added that he is also concerned with the fact that the application is recommended for refusal because another application came in first. Councillor Booth stated that with regards to the planning history on the current site and that of the adjacent sites which have granted in the past, in his view, that it a material consideration if it went to appeal. He expressed the view that one of the sites has been through the appeal process previously and he asked officers to explain how that is factored in if was to go before the Planning Inspectorate. Gavin Taylor explained that the house to the left Cirston House of was originally granted in 2013 and predates the Local Plan and the NPPF updates. He added that because that was allowed in 2013 a subsequent application was submitted at a time when it was still a live extant permission and, therefore, it was granted under the Local Plan with significant weight given to essentially a fallback position that it could come forward as a dwelling. Gavin Taylor explained that since that time a Local Plan has been adopted and there have been numerous updates to the NPPF in terms of flood risk, with the Local Plan forming a development plan under which members are legally obliged to determine a planning application unless material considerations state otherwise. He stated that if the members feel that the fact that there is a house next door is a material consideration which outweighs the clear conflict of the policy then that is a consideration for the committee, however, in the view of officers in order to deliver sustainable forms of development and avoid flood risk in the first instance it is considered that they take precedence over the material considerations.
- Councillor Booth asked how it would be viewed if it went to appeal? Matthew Leigh stated that there have been significant changes to the guidance provided by Central Government in relation to delivering housing and, in his view, that would be given significant greater weight by any Planning Inspector than they would of a historic planning decision made seven years ago which was made under a different set of guidance.
- Councillor Booth stated that with regards to the sequential test and the five year land supply, the Government are considering new targets for areas which means that the Council's five year land supply could potentially be reduced and he questioned whether if that is the case could it mean that the application could be approved. Matthew Leigh stated that when considering the suggested figures, Fenland will still have a five-year land supply when the outlined changes are implemented. He added that the NPPF is clear that not having a land supply does not relieve the need for a sequential test and it is not automatically passed if there is not have a five-year land supply. Matthew Leigh made the point that consideration should be given at putting houses into areas which are at lower flood risk than the site being determined today before any consideration is given with regards to granting planning permission for housing in flood zones.
- Councillor Marks asked what proportion of the site is located within Flood Zones 2 and 3? Gavin Taylor stated that the Flood Risk Assessment which has been submitted identifies an area of land which the red line does not fully portrays exactly where the house is going. He referred to the presentation screen and pointed out to members that Cirston House is in Flood Zone 2, and he explained that if a line was drawn southeast from there it would show the footprint of the proposed dwelling. He pointed out that where Cirston House terminates the area then falls into Flood Zone 3 immediately.

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

- Councillor Benney made the point that the Local Plan is very out of date, and he expressed the view that the applicant has listened to what they have been told and have moved the proposed dwelling as a result of that advice and if the other application had not been passed in recent months then the application before the committee today would have passed the sequential test. He expressed the view that he can see a lot of reasons to approve the application as mitigation on flood issues can be achieved and, in his view, the applicant has been advised to move the dwelling forwards which they have listened to. Councillor Benney made the point that he feels as a committee decisions are made based on policy but equally as the human face of the Council to work with policy and to take mitigating circumstances into consideration too, adding that the applicant has been led to submit a further application and that has been delayed whilst a bat survey was undertaken which has then led to the application being recommended for refusal which, in his opinion, is very unlucky and that is where the human element of the committee is triggered. He made the point that the committee need to be consistent with their decision making and as the committee approved the application only very recently, he is minded to support the scheme before the committee now.
- Councillor Imafidon stated that there are many areas in Wisbech which fall into Flood Zone 3 and there is still development which takes place in that area. He added that consideration needs to be given to the human element and whilst there has to be consistency, and he appreciates that Cirston House was approved in 2017, there have been other sites where approval has been given far more recently and he will be looking to approve the application.
- Councillor Booth asked officers to clarify how much does the Code of Conduct on Planning Matters allow for the human element when determining applications and also when being consistent there is the need of being consistent with the current policies, making the point that whilst he appreciates that policies do change that would mean that committee would need to change their approach on different applications. He stated that he has heard what other members of the committee have said and he expressed the view that the reason that the NPPF has changed is to try and reduce the mitigation of people being flooded. Councillor Booth added that Councillor Imafidon has mentioned Wisbech, however, in the current Local Plan Wisbech has been given special designation so that development can take place in Flood Zone 3, however, that may be reconsidered in the new emerging Local Plan so based on the information which has been provided, he is unsure whether he can support the proposal. He added that he would like to gain a better understanding of the human factor and how that relates to the role of the Planning Committee and the Code of Conduct.
- The Legal Officer stated that within the Code of Conduct there is a section which deals with approval of applications which have previously been refused as that appears to be relevant to the position members find themselves in with the application before them. She added that the refusal last year was on three grounds of which officers are recommending that two have been resolved but one matter has not. The Legal Officer added that the Code of Conduct borrows and distils from key ombudsman and court findings on these proceedings, and it states that there is perversity and maladministration of a local planning authority which approves an application which has previously been refused where there has not been a significant change in the planning circumstances. She added that as a committee, members need to consider the test of significant change in the planning circumstances and the officer's recommendation is that there has been some significant change of circumstances in respect of the two previous reasons for refusal, but they do not consider that there has in terms of the sequential test. The Legal Officer added that the Code of Conduct also states that the perversity of approving a planning application which has been previously refused where there has been no significant change in the planning circumstances is maladministration if either insufficient weight has been given to officer's recommendations and to Central Government guidance and/or there is a failure to give and record reasons for the authority's change of mind. She advised that the committee need to consider the weight that they give to officer's recommendations particularly in respect of the

sequential test and members need to consider the weight that they are going to give to the national policy around the sequential test and how they apply that. The Legal Officer made the point that if members feel that there are still reasons for taking a different decision this time to that of the decision taken last year, there have to be very clear reasons given as a committee on what the reasons for that decision are. She explained that the Code of Conduct states that this is an area where there is a significant risk of challenge if there is a failure to give and record clear and convincing planning reasons which are proper material planning considerations and not immaterial considerations. The Legal Officer stated that the committee are entitled to make their own decision, having considered those factors, however, she urged caution when deciding on what their reasons might be from departing from the previous decision that they made and also from departing from the officer's advice.

- Councillor Booth stated that the Code of Conduct does not appear to allow for the human face per se as it appears to state that committee need to allow the policy and it appears to him that the sequential test appears to have been strengthened since the last decision.
- Matthew Leigh stated that since 2017 the sequential test has been strengthened and the case law introduced is after the decision. He added that members have stated that they have allowed development against the sequential test previously and he reiterated to the committee that this should not be a reason to go against Government guidance and applications should be determined in accordance with the development plan. The Legal Officer concurred with that fact.
- Councillor Mrs French stated that she has listened to other members, and she expressed the view that fairness is not a material consideration when determining applications. She added that she does not see a way to overcome the issue surrounding the sequential test and the application site has the potential of flooding and, in her view, the officers have made the correct recommendation, and she will fully support them.

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

**P33/24 ENF/006/24/S215
STRATHMORE HOUSE, 169 FRIDAYBRIDGE ROAD, ELM**

Andrew Dudley, Planning Enforcement Officer, presented the confidential report to members.

Members asked questions, made comments and received responses.

Proposed by Councillor Mrs French, seconded by Councillor Booth and AGREED that prosecution of the owners and occupiers of the land be authorised, under Section 216 of the Town and Country Planning Act 1990 (as amended).

(Members resolved to exclude the public from the meeting for this item of business on the grounds that it involved the disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972)

3.55 pm

Chairman

PLANNING COMMITTEE



**WEDNESDAY, 18 SEPTEMBER 2024 -
1.00 PM**

PRESENT: Councillor D Connor (Chairman), Councillor C Marks (Vice-Chairman), Councillor I Benney, Councillor Mrs J French, Councillor P Hicks, Councillor S Imafidon and Councillor E Sennitt Clough,

Officers in attendance: Matthew Leigh (Head of Planning), David Rowen (Development Manager), Stephen Turnbull (Legal Officer) and Jo Goodrum (Member Services & Governance Officer)

P34/24 PREVIOUS MINUTES

The minutes of the meeting of the 7 August were agreed and signed.

P35/24 F/YR24/0145/O THE THREE HORSESHOES, 344 MARCH ROAD, TURVES ERECT UP TO 5 X DWELLINGS (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF ACCESS) INVOLVING THE DEMOLITION OF EXISTING PUBLIC HOUSE

This item was withdrawn.

P36/24 F/YR24/0485/VOC NENE PARADE BEDFORD STREET, CHASE STREET, WISBECH VARIATION OF CONDITION 01 OF PLANNING PERMISSION F/YR22/0914/FDL (ERECT A CARE HOME FOR UP TO 70 APARTMENTS, COMMERCIAL FLOORSPACE (CLASS E) UP TO 900 SQUARE METRES AND UP TO 60 DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)) TO ENABLE PHASED DEVELOPMENT.

Tim Williams presented the report to members.

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

(Councillor Benney registered that he has been involved with this application by virtue of being a member of the Investment Board and took no part in the discussion and voting thereon)

(Councillor Mrs French stated that whilst the application deals with a Fenland District Council asset, she has not been involved with any element of the project and, therefore, is not pre-determined)

P37/24 F/YR19/0944/O LAND WEST OF 85-111 SUTTON ROAD, LEVERINGTON ERECTION OF UP TO 33NO DWELLINGS (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF ACCESS)

Tim Williams presented the report to members and drew attention to the update report that had been circulated.

Members received a presentation, in accordance with the public participation procedure, from Gareth Edwards, the agent. Mr Edwards explained that the site is a continuation of the developed line of Glendon Gardens and Sutton Meadows as well as the further development of agricultural buildings to the north. He added that the proposal uses all the land owned by the applicant with no third-party land other than the public footpath and the verge which is in the ownership of the County Council.

Mr Edwards stated that part of the site is within Flood Zone 1 and part of it falls within Flood Zone 3, pointing out that parts of the Flood Zone 3 land is actually higher than the Flood Zone 1. He made the point that the application site is located over 500 metres from the River Nene and the recently commenced development of 221 dwellings and the river.

Mr Edwards referred to the presentation screen and pointed out that the development site shown on the slide is located mostly in Flood Zone 3 and has been referred to on numerous occasions by members of the Planning Committee. He stated that the sequential test and exception tests have been undertaken on the site for Leverington and the site has passed as there are no other sites available that can meet the number of dwellings proposed.

Mr Edwards explained that he has also offered a reduced timeframe for the reserved matters for the exception test to pass and Leverington has been used for the sequential search as that is the postal address and it is Leverington Parish Council who have been consulted on the application and he added that the officer's reports states that the site is located in the Parish of Leverington. He added that the commitment to reduce the timeframes for the reserved matters demonstrates the commitment of bringing the site forward as soon as possible.

Mr Edwards made the point that the Environment Agency, Lead Local Flood Authority, North Level Internal Drainage Board and Anglian Water also support the proposal albeit subject to the relevant applications to them all and mitigation measures. He stated that the plan shows the indicative layout and will be subject to change if it comes forward at a reserved matters stage and as the officer's report states the indicative proposal would not generate serious concerns of loss of privacy or over dominance.

Mr Edwards made the point that the site area has been restricted to that which the applicant owns which has led to the opportunity of creating a priority lane which will act as a speed restrictor and will still provide the continuous footpath link through the site. He added that this part of the road is wider than half of the estate road and will, therefore, allow for both service and emergency vehicles to move through the site with adequate turning space so that entering and exiting can be undertaken in a forward gear.

Mr Edwards stated that the main access onto Sutton Road has an adoptable entrance but will require works to the existing footpath and potentially to one of the neighbouring entrances in order to achieve adoption. He explained that at the current time neither of the neighbouring properties have been contacted but he added that he would be happy to accept a condition which requires County Council approval for the access.

Mr Edwards expressed the view that there is an engineered solution available which would be fully investigated and with the approval of Highways. He added that the proposal comes with the approval of the majority of Statutory Consultees and can achieve a 17% biodiversity net gain on ecology when the requirement is one of neutrality.

Mr Edwards explained that he was not aware of any objection from Ecologists, and it was his understanding that all surveys had been undertaken including a reptile assessment, however, if

approval is given then he would be happy to accept a condition for it. He added that with regards to the Section 106 matter, the Planning Officer was emailed in October 2023 to confirm that he was happy to agree with the Council's request of a 10% provision of first homes on the site which is in line with the adopted Section 106 provision and he added that his client has also indicated that they would be happy to accept a payment per dwelling on top of this if felt necessary.

Mr Edwards made the point that the proposal is consistent with other developments in limited growth villages under LP3, especially Coates and Elm.

Members asked Mr Edwards the following questions:

- Councillor Marks asked why the neighbouring properties have not been consulted yet with regards to the access? Mr Edwards explained that he was looking to secure an approval first as it could have been seen as residential development. He added that there have been some local objections to the application, and he did not want to exacerbate the situation.
- Councillor Connor questioned the reasoning behind that decision. Mr Edwards stated that it was felt prudent to get an outline approval on the site in the first instance which then provides the opportunity to enhance and to further consider the access arrangements.
- Councillor Connor referred to 2.9 metre pinch point and questioned its suitability for a lorry to gain access. Mr Edwards stated that the proposed access for the site is 5 metres through the majority of the site and then there is the pinch point which goes to the residential section. He added that initially that had been shown as a shared surface and as a strip all the way through, however, the Highway Authority stated that they would prefer the footpath to be continued which was agreed. Mr Edwards stated that the pinch point is 2.9 metres to 3 metres wide which is greater than 2.5 metres for the actual access road.
- Councillor Connor asked Councillor Marks to confirm the size of a large construction lorry? Councillor Marks confirmed that the size is 2.5 metres to 2.8 metres wide.
- Councillor Hicks asked why a speed hump was not considered instead of the pinch point? Mr Edwards stated that the site is in an indicative layout and, therefore, consideration could be given to a footpath, a speed hump or utilise all of it as access and shared access with a tabletop if required.
- Councillor Marks asked for confirmation that the road was not going to be adopted? Mr Edwards stated that the County Council would not adopt it and, therefore, it would fall to a management company who would take on the public open space, drainage and SUDs.

Members asked officers the following questions:

- Councillor Mrs French referred to LP3 of the adopted Local Plan and stated that it refers to limited growth and she asked officers whether in their view 33 dwellings can be seen as limited? David Rowen stated that in the officer's opinion this is a site which relates more to the built form of Wisbech and is, therefore, assessed against the policies relevant to Wisbech rather than being part of Leverington and assessed as a growth village.
- Councillor Mrs French asked for clarity as to whether a sequential and exception test has been undertaken as she has attended a recent meeting where the Environment Agency, along with Anglian Water and other agencies, met and discussed the adoption of a policy which will require an exception test to be carried out as well. David Rowen stated that a sequential test has been carried out but only in respect of the village of Leverington and not in the context of Wisbech as the appropriate settlement as this is a site which is evidently bolted onto it.
- Councillor Mrs French stated that the Highway Authority object to the proposal as stated in the officer's report, but she questioned whether that is still their view? David Rowen

stated that their objection still stands, and he added that with regards to the point made by Mr Edwards with regards to discussions with neighbours concerning the access, the application is an outline application with matters committed in respect of access and, therefore, what is being applied for on the plan stands and is what would be granted if permission was approved.

- Councillor Mrs French stated that there are 24 letters of objection which have been submitted. David Rowen stated that the objections are set out in the officer's report.
- Councillor Marks made reference to an application at the Old Dairy Yard in Manea and stated that at that time the Highways Officer had raised issue concerning lack of passing places and then subsequently the road was identified as being a private road. He stated that with the application before the committee now, the issue of the pinch point on a private road is being discussed and he asked whether the Highway Authority are able to comment on that aspect? David Rowen expressed the view that the Dairy Yard is a different scenario due to the fact that it was utilising an existing roadway rather than creating a new one and the Highway Authority are providing advice in terms of the adopted highway network and they are also at liberty to comment on other potential highway safety matters which is why they have identified the pinch point as one of those. He made the point that it is rare for the Highway Authority to make comment on aspects such as these and, therefore, in his opinion, if they are flagging it as a potential issue then it must be more severe in its nature.
- Councillor Connor stated that he notes that Leverington Parish Council have objected to the proposal in 2022, and that objection still stands.

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

- Councillor Mrs French expressed the opinion that from the information contained within the officer's report and from what has been discussed at the meeting, there is no way that she can support the application.
- Councillor Marks stated that he agrees with Councillor Mrs French and he expressed the view that the highways issue is quite serious when considering the pinch point and the fact that the neighbouring properties have not been spoken to.

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

**P38/24 F/YR24/0458/PIP
LAND EAST OF HILL VIEW, EASTWOOD END, WIMBLINGTON
PERMISSION IN PRINCIPLE TO ERECT UP TO 7 X DWELLINGS**

David Rowen presented the report to members.

Members received a presentation, in accordance with the Public Participation Procedure, from Councillor Mrs Maureen Davis, speaking on behalf of Wimblington Parish Council. Councillor Mrs Davis thanked the committee for giving her the opportunity to represent Wimblington and Stonea Parish Council by speaking against the application. She explained that her understanding of a Planning in Principle (PIP) application is to assess whether a site is suitable for development and, therefore, she explained that her presentation would be limited to the three considerations of stage one, location, use and amount of development proposed.

Councillor Mrs Davis stated that the location of the proposed site lies off the southeast corner of Eastwood End and is on a narrow country lane without any pedestrian footpaths or verges to allow pedestrians, cyclists or horse riders to use as a place of safety, with passing vehicles having very

little room to manoeuvre and large vehicles finding it necessary to ride the verges. She stated that the site is not within the curtilage of the village settlement area as defined in the emerging Council's Local Plan as well as the emerging Wimblington and Stonea Neighbourhood Plan.

Councillor Mrs Davis made the point that dwellings to not run in the linear design that is present along Eastwood End and most dwellings have open frontages to the road whereas the application proposes that dwellings will be set into the countryside off Eastwood End into two separate dead-end roads. She explained that the access points are located with one being on a tight left-hand bend and the other opposite the proposed access for a PIP application for nine dwellings, with the location causing a road hazard and congestion whilst excluding access to views out over the open countryside and it will change the historic heritage character of the area.

Councillor Mrs Davis stated that with regards to the use of the land it has been used as a small residential home and a small agricultural business in keeping with the character and heritage of the village. She added that there is one perfectly good bungalow and a number of outbuildings and, in her opinion, it is also one of the only open countryside views left of Eastwood End and the proposed dwellings would mean changing the use and character of the site, demolition of existing buildings and closure of any open views.

Councillor Mrs Davis made reference to the amount of development proposed and stated that Wimblington has a number of developments under construction and many of these are not yet finished or even sold including 88 dwellings off March Road, 21 dwellings off Willow Gardens and 2 lots of 3 dwellings in Eastwood End which are all under construction. She added that there are also 2 lots of 9 dwellings which are also in Eastwood End as well as 48 off Eaton Estate which have planning permission, but development has yet to commence.

Councillor Mrs Davis expressed the view that there is no justification for further development at present in the village and she referred to the point made by the Planning Officer who stated that the amount of development is considered to be fundamentally unacceptable on the basis that it would result in the encroachment into the countryside. She added that the supporters' comments to the proposal have stated that the development will provide a mix of houses and compliment other developments in the area, but, in her view, the amount of development already in progress does not need complimenting, it covers a vast mix of housing and there is no justification for more housing in Wimblington and the granting of previous applications in Eastwood End should not set a precedent, with the Parish Council and local residents standing by the Planning Officer's decision that there really is no fundamental or justified reason to grant the application.

Members received a presentation, in accordance with the Public Participation Procedure, from Mr Matthew Hall, the agent. Mr Hall explained that the land has been in the applicant's ownership since the 1950's and was used for a dairy herd, adding that in 1965 the bungalow was built and the applicants parents moved into it in the 1980s until it became vacant in 2023 due to the occupants being unable to cope with the large grounds and bungalow. He made the point that sheds on the site were used for keeping pigs and farm machinery and the site was used for a plant nursery and shop from 1995 to 2005.

Mr Hall referred to the map of Wimblington and Eastwood End and made the point that the officer's report confirms that in an appeal decision it states that Eastwood End is part of Wimblington which is a growth village. He expressed the opinion that there are many estates which come off main roads such as Rhonda Park, Willow Gardens and Clayfields Drive, with some of them being fairly new and some of them having been established for 25 years.

Mr Hall stated that the officer's report confirms that the proposed use and the location for the development at the site is acceptable and referred to the presentation screen, stating that the map demonstrates an accurate reflection of the area with the application site being located in the southeastern corner and, in his view, it completes and rounds off the development in the corner.

He stated that the location abuts existing residential development and in the last four and a half years there have been quite a few approvals in this part of Eastwood End.

Mr Hall referred to the points made by Councillor Mrs Davis in her presentation and stated that on the opposite side of the road there has already been a footpath link approved, set out on site as well as a Section 104 Agreement in place. He stated that the site is 1 hectare in size and the area is low density with large gardens which is characteristic with many of the properties in Eastwood End.

Mr Hall explained that 20% of the application site cannot be built on due to the fact that along the western side of the site there is an Anglian Water main which is also across the other site and following discussions with Anglian Water it must not be located in any rear garden area, which is why the indicative plan shows that access is still available for Anglian Water. He added that the shaded area on the northeast of the site shows a PIP application which was submitted two years ago which was for 4 dwellings and it came before the Planning Committee with an officer recommendation for approval and was supported by members.

Mr Hall stated that on the indicative drawing the proposal was for 4 dwellings but when the approval was given it was for up to 9 and he explained that the application has been submitted to planning which is now a full application for 8 dwellings, and it is not linear development. He made the point that if the application before the committee is approved then it could match in with the other site.

Mr Hall stated that the officer's report confirms residential use and is acceptable at the location site and, in his opinion, the site abuts residential development and two accesses where the 2.4 metre by 43 metre visibility can be achieved. He added that a topographical survey of the site along with the adjacent sites has been undertaken so that the splays can be achieved as there is an existing access there now and an existing field accessed by a gate which Anglian Water may use to access the water main if required.

Members asked officers the following questions:

- Councillor Mrs French stated that there does not appear to have been any comments received from the Highway Authority and she questioned whether that is because the application is a PIP? David Rowen stated that no comments have been received and the fact that it is a PIP application whatever technical issues that they have raised would not be able to be factored into the decision anyway.

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

- Councillor Hicks stated that when he visited the site his first impression was that the proposal would look very nice, but now he has seen the overhead view, in his opinion, the development would be an encroachment into the countryside. He added that whilst he would love to see the application approved due to, in his view, the area being so nice and it being an asset, members need to adhere to planning policies.
- Councillor Benney stated that he has visited Eastwood End numerous times to look at various application sites and feels that the houses that have been built out already are an absolute credit in the way that they have been built. He added that they were recommended for refusal due to being in the open countryside, but now development has commenced, in his view, the proposal before the committee will finish the area off. Councillor Benney referred to another application at the other end of Eastwood End which had been refused, went to appeal which was dismissed due to the fact that they considered that the application site stood on its own

merit and, in his opinion, the current application stands on its own merit and there is building on both sides of the road there. He made the point that houses need to be delivered to meet Government targets and questioned whether houses should all be crammed in on top of each other or whether it would be preferable to see development spread out more and see very nice houses with nice gardens and keep that open space feel. Councillor Benney added that consideration needs to be given to the low density when determining the application and, in his view, he sees nothing wrong with the application. He referred to the other dwellings which were approved, and expressed the view that the builder deserves credit for his work as they are very nice to look at. Councillor Benney made the point that development out into the open countryside is not new, and it has always taken place and, in his view, the others were passed against the officer's recommendation and have evolved into fantastic homes, which are worthy of design awards. He added that he sees nothing wrong with the application and he will support it.

- Councillor Connor stated that he recalls the other application referred to by Councillor Benney and stated that it was a mile further out of Wimblington. He added that with regards to the application before members today, in his view, it is not in the open countryside however, he does have concerns with regards to where the foul water is going to go when taking into account the amount of development taking place and the amount due to take place in that area, with him having spoken to Anglian Water recently and he is aware that the sewers and the pumping stations are reaching their capacity. Councillor Connor expressed the opinion that he agrees with Councillor Benney, and he will be supporting the application.
- Councillor Marks stated that his concern is with the two properties beside it which are already being built, which appear to stand out and are quite visible from the Wimblington Road, making the point that the application does appear to be a smaller development and will be hidden more than the other two properties. He added that the road is very narrow and can be a very wet road in times of inclement weather episodes and the runoff from the road does need to be considered. Councillor Marks referred to the other application which went to appeal and added that the Inspector approved that application, and expressed the view that as much as he would like to say that the development is not satisfactory on this occasion, he will have to go against the officer's recommendation.
- Councillor Sennitt Clough stated that she disagrees with the comments made by other members, and she is minded to support the officer's recommendation. She expressed the view that the application is not in keeping and the design is not following the linear pattern along the lane at all and is contrary to policies LP16 which is delivering and protecting high quality environments across the district.
- Councillor Imafidon stated that he will support the proposal and when he saw the other adjacent developments he feels that the proposed dwellings will fit in. He expressed the view that initially it was not clear what the outcome was going to be for the single bungalow on site but now he is aware that it is going to be demolished, in his view, the new dwellings will fit in with the area and the dwellings will be quality homes of a good standard. Councillor Imafidon added that his initial thought when he reviewed the site plan was to have 7 dwellings on the site may have been too many but when he looked at the bungalow opposite it appears to be the same size footprint as one of the proposed units. He stated that his only concern is that he

appreciates that it is not a requirement for Highways to comment on a PIP application, however, he does have concerns with regards to the road and he added that when he went to the site there was another vehicle who was struggling to manoeuvre past another parked vehicle. Councillor Imafidon expressed the opinion that he is inclined to support the proposal.

- David Rowen stated that the reason for refusal is not on the basis of whether Eastwood End forms part of Wimblington or whether it is a separate settlement. He added that with regards to the appeal decision that members referred to a number of other permissions which have been granted in the vicinity over the last three or four years, which should not be considered and the reason for refusal for the application before members is with regards to the amount of development and the character impact which would arise from that when a more detailed application is brought forwards.

It was proposed by Councillor Sennitt Clough, seconded by Councillor Hicks to refuse the application as per the officer's recommendation but this proposal failed as it was not supported by the majority of members.

Proposed by Councillor Benney, seconded by Councillor Imafidon and agreed that the application be GRANTED against the officer's recommendation, with authority delegated to officers to apply conditions.

Members do not support the officer's recommendation of refusal as they feel that as applications have already been approved in the vicinity of the application site and the proposal will finish off that area, it is a PIP application and more detail will be forthcoming in the next stage of the application process, and they do not feel that the damage incurred by building out into the open countryside will be detrimental, with the houses being much needed in this area.

(Councillor Benney declared that the agent has undertaken work for Chatteris Town Council and himself personally, but he is not pre-determined and will consider the application with an open mind)

**P39/24 F/YR24/0551/O
LAND SOUTH OF 34A TO 34H NEWGATE STREET, DODDINGTON
ERECT UP TO 3 X DWELLINGS (OUTLINE APPLICATION WITH MATTERS
COMMITTED IN RESPECT OF ACCESS)**

David Rowen presented the report to members.

Members received a presentation, in accordance with the Public Participation Procedure, from Mr Matthew Hall, the agent. Mr Hall explained that the site has been under the same ownership of the applicant for 15 years and has not been agricultural land in that time, with part of the site already being built over with residential dwellings and the site is located within the built-up form of Doddington. He explained that the proposal will include some flood mitigation measures to match in with floor levels of the adjacent already built properties that were approved in 2016, with the properties floor levels being brought into Flood Zone 1, however, he explained that the applicant has confirmed that the site has never encountered any flooding episodes since his ownership.

Mr Hall referred to the presentation screen and highlighted the houses shown which depict 2 out of the 3 already approved in 2016 which have been built up out of the ground and they are located directly opposite the application site and are under the same ownership. He referred to the presentation screen which displayed the Environment Agency Flood Map and made reference to the three dwellings shown earlier in the presentation and explained that the bottom plot to the south where half of the dwelling is located in Flood Zone 3 and at least another third located in

Flood Zone 2.

Mr Hall explained that the middle plot, which is yet to be built, is located partially in Flood Zone 3 and partly in Flood Zone 2, leaving the nearest one to the north being located in the Flood Zone 2 line. He made the point that those three properties are also accessible from the same drive which is located in Flood Zones 1 and 3.

Mr Hall stated that there are no objections from the Environment Agency, Environmental Health or Highways to the proposal and floor levels have been shown to match in with those dwellings that were approved in 2016 to bring them into the Flood Zone 1 area. He explained that the access is already in place as well as sewer connections and utilities and the proposal would finish off the development in this area as there is no other land that this could be built on.

Members asked Mr Hall the following questions:

- Councillor Marks referred to the planning permission, which was granted in 2016, and asked whether there was any flood mitigation measures included at all? Mr Hall stated that he was not involved with that development, however, currently there is a Flood Risk Assessment for the site which has not raised any concern from the Environment Agency, and they do not believe that the possible flooding at the site is from rivers or sea, and they recommend that comments of the Internal Drainage Board are sought. He stated that it is his understanding that there was no Flood Risk Assessment submitted for the site in 2016.
- Councillor Hicks asked whether the trees on the left-hand side are existing trees or new ones which are going to be planted? Mr Hall explained that on the northern boundary there are trees there and the intention is to plant trees on the left-hand side should the application be approved.

Members asked officers the following questions:

- Councillor Marks asked for clarity with regards to the 2016 application and whether any detail concerning flood risk was included. David Rowen stated that in 2016 a detailed plan was submitted with the application which indicated that all three dwellings were located outside Flood Zone 3 and, therefore, in Flood Zone 1 so a Flood Risk Assessment would not have been required and that application was determined on the basis of those properties not falling within the flood zone. He stated that it now appears that the Environment Agency map indicates that those properties are now in Flood Zone 2 and in the meantime, it is not clear whether the Environment Agency maps have altered in terms of modelling or whether the houses have actually been built in the correct place. David Rowen stated that the committee need to put that particular application aside and to determine the application before them, whilst considering the planning policies which are relevant which state that if a site is located in Flood Zone 3, then a sequential test needs to be undertaken, which is the starting point in terms of addressing flood risk.

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

- Councillor Marks stated that determining this application is proving to be more difficult on this occasion due to the issues concerning flood risk, with there being factors to consider when making the decision as there may have been changes to the flood map which has possibly been moved according to officers and the fact that the agent has stated the same mitigation with regards to floor levels can be incorporated so that it reflects that of the floor levels in the

application approved previously. He expressed the view that it is a good application apart from the issue of flood zones and from what the agent has said the Environment Agency has said that there is no risk of flood from rivers or sea, however, it will be the Internal Drainage Board (IDB) who have to give their opinion, and they do not provide any detail to Planning Officers.

- Councillor Mrs French stated that she does have concerns with regards to the flooding issues and added that North Level do comment on planning applications, but Middle Level Commissioners do not. She expressed the opinion that those members who hold positions on the IDB's need to be highlighting this at the next meeting that they attend. Councillor Mrs French stated that she cannot support the application.
- Councillor Hicks stated that what equates to a hill in the Fens is literally just up the road, namely Primrose Hill, and, therefore, any surface water will flow further down to the road. He expressed the opinion that a precedent has already been set with other buildings around and in line with it.
- Councillor Benney stated that he does see anything wrong with the application and it is a good use of land, but it is located in Flood Zone 3. He added that some members are representatives on IDB's, and he is aware that they are struggling with the excessive amount of rain which has caused flooding over the last few years in certain areas and much of that has been caused by people filling drains in which stops the flow of water. Councillor Benney expressed the view that the National Planning Policy Framework gives guidance that development should not take place in Flood Zone 3 unless the exception test can be passed and that is not available today. He made the point that he does not like the exception test as he feels it is a block to development and whilst that land has not flooded and possibly never will, in light of the recent training members had and the fact that the site is located in Flood Zone 3, he does not feel that members have any other choice other than to refuse the application. Councillor Benney stated that the right decision is to refuse the application based on the guidance and policy.
- David Rowen made reference to the other application which members had highlighted and he explained that the approved plan which was submitted in terms of the site layout showed three dwellings on a more staggered arrangement which were placed in such a way so that they were outside of Flood Zone 3 and the layout that is shown on the submitted details provided by the applicant show the properties in more of a line and does not appear to accord with what has been approved. He stated that he wished to give members assurance that the issue of flood risk was adequately considered in 2016 and onsite circumstances appear to have changed in terms of the actual layout and, therefore, it does not set the precedent that some members are indicating in terms of how the current application should be considered.
- Councillor Connor asked how many reasons have been listed in the officer's recommendation for refusal of the application. David Rowen stated that there is one reason for refusal as set out in the officer's report.

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

(Councillor Benney declared that the agent has undertaken work for Chatteris Town Council and himself personally, but he is not pre-determined and will consider the application with an open

mind)

P40/24 **F/YR24/0115/FDC**
LAND SOUTH WEST OF 2 BROAD STREET, MARCH
ERECT A SINGLE STOREY TOILET BLOCK

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

Members asked officers the following questions:

- Councillor Connor stated that historically this location has suffered from anti-social behaviour (ASB), and he would hope that the new facilities do not suffer from the same issues again. He added that the proposal looks very good, but he would like to know what precautions are going to be included in the application such as extra lighting and CCTV to go towards alleviating any ASB problems. David Rowen stated that as part of the application, the Cambridgeshire Constabulary Designing Out Crime Officers were consulted, and their comments are contained in the officer's report. He explained that CCTV and lighting are proposed, and he referred to the presentation screen and highlighted the annotations on the proposed design. David Rowen added that the issue of ASB partly comes down to a management issue rather than a planning consideration and he would hope that as it is a Council asset it will be managed in an appropriate manner. He expressed the view that from a planning perspective there are measures included such as the lighting and CCTV which will go some way towards dealing with those issues and whilst there have been issues allegedly at that site in the past, they do form part of a wider issue such as the policing of the town centre and, therefore, there is separation between that of planning and other bodies who hold that area of responsibility.
- Councillor Connor stated that the steps being taken to include the extra lighting and CCTV gives him extra comfort when considering the application.
- Councillor Imafidon questioned whether any consent letter has been received from the Middle Level Commissioners? David Rowen stated that there is no consent letter, however, the applicant has advised officers that the relevant application has been made to Middle Level and that will be dealt with as a separate consenting process that they operate.

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

- Councillor Marks expressed the opinion that it is a much-needed facility and is located in the vicinity of the old toilet block and does not look out of character. He added that he is aware that a resident does have concerns with regards to the impact on his property, however, the facilities are needed for the town of March, and he will support the proposal.
- Councillor Connor stated that it is imperative that the toilets are provided for the town centre and the proposal will provide up to date facilities and it is essential for the application to be supported in accordance with the officer's recommendation.

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

(Councillors Mrs French, Benney and Hicks had left the meeting prior to this item and did not return for the duration of the rest of the meeting)

2.26 pm

Chairman

F/YR23/0245/O

**Applicant: Mr George Wilkinson
Allison Homes Ltd**

Agent :

Land South of 250, Drybread Road, Whittlesey, Cambridgeshire

Erect up to 175 x dwellings (outline application with matters committed in respect of access)

Officer recommendation: Grant subject to conditions and completion of S106

Reason for Committee: Number of representations submitted which conflict with the Officer recommendation, including Whittlesey Town Council's

Government Planning Guarantee

Statutory Target Date for Determination: 19 June 2023

EOT in Place: Yes

EOT Expiry: 31 October 2024

Application Fee: £19,574

Risk Statement:

This application must be determined by 31 October 2024 otherwise it will be out of time and therefore negatively affect the performance figures and poses a risk to an appeal against non-determination of the application.

1 EXECUTIVE SUMMARY

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| <p>1.1 The site comprises approximately 8.1 hectares of agricultural land on the north eastern side of the town of Whittlesey and is almost rectangular in shape. A new vehicular access is proposed to be taken from Drybread Road on the western boundary.</p> <p>1.2 The application seeks consent for up to 175 dwellings, open space and play provision as well as supporting infrastructure. The application is made in outline so detailed matters of layout, scale, appearance and landscaping are reserved for future consideration, although a Development Framework Plan provides certain parameters regarding the positioning of the dwellings, open space, landscaping and drainage features. The development proposes the provision of 20% on-site affordable housing.</p> <p>1.3 The application site is not allocated for development in either the Local or Neighbourhood Plan. However, the principle of a housing development would accord with the Spatial Strategy as set out policy LP3 of the adopted Local Plan. Whilst the housing proposed would further exceed the approximate housing figure for Whittlesey given in Part A of Local Plan policy LP4, this would not in itself be contrary to that part of the policy and would further increase supply and</p> |
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provide much needed on site affordable dwellings. The number of homes applied for in this location is acceptable and is therefore in conformity with Part B of policy LP4 of the adopted Local Plan and Policy 1 of the Whittlesey Neighbourhood Plan.

- 1.4 As well as the principle of the development, the application has considered a number of site-specific key issues arising being informed by relevant consultation responses whereby the proposals are adjudged to be in conformity with relevant Local and Neighbourhood Plan policies regarding the new access, highways, flood risk and drainage, residential amenity, and ecology and biodiversity.
- 1.5 The nature of the proposals would result in an inevitable impact on the character of the site and its immediate locality given its current use. However, the site is adjacent to the edge of the built up area of Whittlesey, with built development to the south and west of the site and therefore the level of impact on the character of the area is accepted within that context. Whilst it is recognised that the development will result in some unavoidable landscape harm, however this is localised, short term as landscaping matures and inevitable given the nature of the development. Furthermore, due to known viability constraints that exist with the district, the full amount of infrastructure contributions cannot be secured.
- 1.6 Fullfilment of infrastructure requirements as requested by public sector providers is not possible, due to existing viability constraints within the district, and so the full amount of infrastructure contributions cannot be secured. Notwithstanding this, a comprehensive package of mitigation has been agreed by the applicant, with a mixture of financial contributions and direct delivery of affordable housing and transport infrastructure.
- 1.7 Overall, it is considered that the proposal would, on balance, amount to sustainable development and would accord with the Development Plan taken as a whole. The proposed development would result in on site delivery of 35 affordable dwellings and this is of significance given the identified need within Whittlesey and the under provision of affordable housing within the district in recent years. There are no material considerations worthy of sufficient weight that indicate that a decision should be made other than in accordance with the Development Plan.
- 1.8 The recommendation is to approve the application subject to the signing of a Section 106 legal agreement and finalising planning conditions.

2 SITE DESCRIPTION

- 2.1 The site comprises approximately 8.1 hectares of agricultural land on the north eastern side of the town of Whittlesey and is almost rectangular in shape. To the west and north the site is bounded by hedgerow and trees. Beyond the western hedgerow is Drybread Road which runs parallel to this boundary. To the west of Drybread Road for around three quarters of the western boundary length lie residential streets.

- 2.2 To the north of the site, beyond a hedgerow boundary, Drybread Road turns into a single-track lane that separates the site with more agricultural fields. Decoy Lakes providing a facility for coarse fishing can be found to the north-east of the site, roughly 500m away.
- 2.3 To the east of the site, is a field used for agriculture but there is no hedgerow boundary separating the two fields, instead there is a small dyke running north-to-south between the two fields.
- 2.4 At the site's southern boundary is green palisade fencing beyond which are football pitches associated with Whittlesey Athletic Football Club. To the south west of the of the site are new homes under construction that are the final phase of a development that has been built up from Eastree Road to the south.
- 2.5 The application site is partly within a Minerals Safeguarding Area (MSA) for sand and gravel in the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) where Policy 5 of the Plan seeks to safeguard minerals of local and/or national importance. In relation to flood risk, the site is wholly within Flood Zone 1, which are areas identified as being at the lowest risk of flooding from rivers.

3 PROPOSAL

- 3.1 The planning application is made in outline with all matters reserved other than those concerning access. Thus, details of the proposal relating to the final layout of the development, its scale, external appearance of buildings and landscaping are at this stage the subject of a future reserved matters application, or applications, should outline consent be granted. Nevertheless, this outline application does establish the certain parameters for the development of the site.
- 3.2 The submitted application seeks consent for up to 175 dwellings of between 1 and 4 bedrooms, with the majority being for sale on the open market but also a percentage that would be classified as affordable housing. The exact housing mix, type and tenure would be secured through subsequent reserved matters.
- 3.3 A Development Framework Plan submitted with the application provides an indicative layout of the proposals showing that the vehicular access into the site would be taken off Drybread Road, to the south of Newlands Road on the opposite side. An emergency access point into the site is also proposed onto Drybread Road, further north beyond Newlands Road. To the south of the proposed new access a 3 metre wide shared use footway/cycleway route between the site and the shared use route currently being delivered by the development to the south west is proposed.
- 3.4 Internally, from the access proposed from Drybread Road, a Primary Street would lead eastwards into the site before turning northwards in the middle of the site. From this Primary Street a number of Secondary Streets are shown whereby the housing would occupy approximately two thirds of the site from the south, within a peripheral landscape buffer around. The Development Framework Plan shows that the northern third of the site would consist of an area of Public Open Space of some 3.6 hectares within which would be a Neighbourhood Equipped Area of Play in the centre and an attenuation basin for surface water run-off in the north east corner, as well as proposed planting.

- 3.5 Full plans and associated documents for this application can be found at:
<https://www.publicaccess.fenland.gov.uk/publicaccess/>

4 SITE PLANNING HISTORY

Reference	Description	Decision
F/YR00/0844/SCO	Screening Opinion: Residential Development Land At Bassenhally Farm, Eastrea Road, Whittlesey	Further Details not required 02.10.2000
F/YR01/0067/SCO	Screening Opinion: Residential Development Land At Bassenhally Farm, Eastrea Road, Whittlesey	Further Details not required 31.01.2001
F/YR01/1270/O	Residential development (32.75 ha) including affordable housing and relocation of playing fields Land At Bassenhally Farm Eastrea Road/, Drybread Road, Whittlesey	Withdrawn 17.05.2002
F/YR09/0433/F	Siting of portacabin unit to provide changing and toilet facilities for use in association with football pitches and re-positioning of existing 2 no portacabins and store Land East Of Feldale Playing Field, Drybread Road, Whittlesey	Granted 04.08.2009
F/YR12/0592/F	Siting of portacabin unit to provide changing and toilet facilities for use in association with football pitches and re-positioning of existing 2 no portacabins and store (renewal of planning permission F/YR09/0433/F) Land East Of Feldale Playing Field, Drybread Road, Whittlesey	Granted 20.09.2012

5 CONSULTATIONS (SUMMARISED OR VERBATIM)

5.1 Whittlesey Town Council 19.06.2024 - latest response

The Town Council would reiterate their original objections and state again that this is contrary to policy 1 of the WTC Neighbourhood Plan and FDC LP7 and 13.

20.02.2023 - reconsultation response

The Town Council recommend refusal on the following grounds

The area is situated OUTSIDE of the Strategic Allocation for development outlined in Planning Policy LP11. This alone should be grounds for refusal as there is no clear justification as to why the development should be allowed to exceed the planned areas for development.

Most importantly, there is the matter of access. Planning guidelines state that an allowance of 10 vehicle movements per day per residence should be assumed.

That means close to 2,000 additional vehicle movements onto Drybread Road ? a road already considered so dangerous it has a 20mph speed limit. The congestion at AJS is legendary in Whittlesey and the only way OFF Drybread road is through residential roads without the capacity to take the additional traffic (or, half a mile of single track lane without passing places!).

New developments already in construction and planned at Hemmerley Drive will add to traffic joining through Otago Road. I note that CCC Highways have stated that Drybread Road (towards the A605) is unsuitable and needs to be addressed. They also refute the developer's assumption that the majority of traffic will go towards North Bank. This will result in additional traffic through Coronation Ave, Victory Ave, past the schools and down Cemetery Road.

The Fenland Local plan has, as its first objective that they "Minimise the irreversible loss of undeveloped land". This application is completely virgin farming land and fails this first objective.

Linked to this objective is the Vision stated in the plan that "Growth in homes and jobs will be closely linked to each other, with new infrastructure such as schools, roads, health facilities and open space provision planned and provided at the same time as the new buildings". No such provision or commitment is made in this proposal. Planning Policy LP7 states "Development of an urban extension (i.e. the broad or specific locations for growth identified in Policies LP8?11) must be planned and implemented in a coordinated way, through an agreed overarching broad concept plan, that is linked to the timely delivery of key infrastructure." Again, this proposal fails this criteria.

There is no new infrastructure, there is no coherent plan ? just another new development without the means to keep it sustainable. Policy LP13 states "Planning permission will only be granted if it can be demonstrated that there is, or will be, sufficient infrastructure capacity to support and meet all the requirements arising from the proposed development.". The most casual research will show that the infrastructure is totally inadequate to support this development. Both doctor's surgeries are oversubscribed, as are the primary and secondary schools.

There is no public transport links to this part of Whittlesey and it is sufficiently far to of town to make walking an unviable option for a significant proportion of the population.

Whittlesey Neighbourhood Plan Policy 1 states that developments should "Be supported by necessary infrastructure and facilities." As stated in the response to the previous point, this application fails to meet the first objective of the new Whittlesey Neighbourhood Plan.

06.04.2023 - initial response

The Town Council recommend refusal of this application as the existing road infrastructure (Drybread Road) is not suitable, neither is the single track road from the A605 via Decoy lakes, this area is also outside of the FDC emerging local plan as well as the agreed Neighbourhood plan for Whittlesey (which was approved recently) the council also would like to make the following comments:

At a recent FDC planning meeting when the Neighbourhood Plan was raised, there seemed to be more focus at undermining the plan than to adhere to the principals of the plan. 3.1.9 Policy 1b) this proposal IS significant and although East, is NOT North and South of Eastrea Road as the policy was written or intended.

The main point we need to raise is that our schools have no more room. Even with the extension of our senior school, this was predicted to have a life span of 8 years without taking in to account those developments that have been agreed since that proposal was agreed. We can evidence this with our current numbers and recent successful appeals for just one additional student, never mind the numbers any new development will bring.

Please consider that we also have an agreed consent for significant developments adjacent to Snowfields and in Coates. To this end we would like to recommend refusal of this application and to 'land bank' this site as the most sensible location to for a future primary school, to replace the existing Alderman Jacobs and thus allowing Sir Harry Smith's school to attain the whole site and remain central to our Town. The 'new' primary school would then alleviate all of the well-known traffic issues on Drybread Road and would have the already planned cycle route on Drybread Road to its doorstep.

5.2 CCC Historic Environment Team - 19.06.2024 - latest response

A satisfactory archaeological evaluation report has now been submitted to support the application. I can therefore advise fully on the archaeological impact of this scheme. A relatively small Iron Age and Roman settlement has been identified by the evaluation in the northern part of the site. The boundaries of the archaeology are well defined, and the significance of the remains (while holding considerable archaeological value) is not equivalent to a scheduled monument as per NPPF para 206 footnote 72. Therefore the appropriate way forward is likely to be a programme of mitigation to record this area of archaeology appropriately prior to development impact. We do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological mitigation secured through the inclusion of a negative condition.

Details of suggested condition and informatives given.

27.11.2023 - update response

I have received a satisfactory report on the recommended archaeological trial trenching evaluation from the applicant's agent. Significant archaeology was found, but it is not of such importance that it threatens the viability of the development (i.e. it is not of equivalent significance to a scheduled monument as per NPPF), and the impact of the proposed development on it can be mitigated either by archaeological excavation or by design.

16.05.2023 - reconsultation response

Continue to advise that the proposed development area is subject to an archaeological evaluation, to be commissioned and undertaken at the expense of the developer and carried out prior to the granting of planning permission.

03.4.2023 - initial response

Given the scale of the development and its archaeological potential, we recommend that the site is subject to an archaeological evaluation, to be commissioned and undertaken at the expense of the developer and carried out prior to the granting of planning permission.

5.3 FDC Environmental Health Team 20.05.2024 - reconsultation response

The Environmental Health Team note and accept the information submitted in respect of the above reconsultation and have 'No Objections' to the latest content.

13.04.2023 - initial response

The Environmental Health Team note and accept the submitted information and have 'No Objections' in principle to the above outline planning application.

However, should planning permission be granted, in the interests of protecting public health it is recommended that a number of issues are addressed from an environmental health standpoint by way of imposing conditions. Given the nature and scale of the proposed development, the issues of primary concern to this service during the construction phase would be the potential for noise, dust and possible vibration to adversely impact on the amenity of the occupiers at the nearest residential properties.

Therefore, this service would welcome the submission of a robust Construction Environmental Management Plan (CEMP) that shall include working time restrictions in line with the template for developers.

5.4 Designing Out Crime Officer 06.04.3023 - initial response

No objections to the proposed application but state there will be a need to ensure that community safety and vulnerability to crime is addressed at an early stage with this development. This proposed development should incorporate the principles of 'Secured by Design' and the applicant is encouraged to submit a "Secured By Design" (SBD) residential 2023 application as it is believed this development could attain accreditation with consultation based on the advice given on the response.

5.5 CCC Planning – Minerals and Waste 28.04.2023 - initial response

Part or all of the site lies within a Sand and Gravel Mineral Safeguarding Area as identified on the Cambridgeshire and Peterborough Minerals and Waste Local Plan, and it is considered likely that there is a sand and gravel resource within the site. Whilst it would be ideal to extract all the sand and gravel prior to the construction of this development, this is unlikely to be feasible. Therefore, to comply with Policy 5 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan it is requested that a condition is imposed.

Wording of condition provided with response.

5.6 Cambridgeshire Fire and Rescue Service 04.04.2023 - initial response

If the application is approved the Fire Authority asks that adequate provision be made for fire hydrants, which may be by way of Section 106 agreement or a planning condition. Where a Section 106 agreement or a planning condition has been secured, the cost of Fire Hydrants will be recovered from the developer.

5.7 NHS Integrated Care System 06.04.2023 - initial response

Thank you for consulting NHS Cambridgeshire and Peterborough Integrated Care System (CAPICS). Further to a review of the applicants' submission, the following comments are with regard to the primary healthcare provision on behalf of CAPICS.

The proposed development is likely to have an impact on the services of the 2 x GP Practices operating within the vicinity of the application and this is within the development: Jenner Healthcare and Lakeside Healthcare, New Queen Street Surgery. These practices have a combined registered patient list size of 36,790 and this development of 175 dwellings would see an increase patient pressure of circa 403 new residents which would require additional GP/Nurse / (Admin support) workforce to support increase in appointments : GP = 0.20 / Nurse = 0.14 and Admin = 0.39 with a resulting increase on estate demand of 27.60 sqm net internal area.

The ICB has sought advice from its NHS partner, NHS Property Services Ltd, on recent costs benchmarks for healthcare developments for a single storey extension to an existing premises and refurbishment. This equates to £5,224 per m² (once adjusted for professional fees, fit out and contingency). Having rebased this cost to Fenland using BCIS Tender Price Index, the cost remains the same at £5,224 per m².

A developer contribution will therefore be required to mitigate the impacts of this proposal. CAPICS calculates the level of contribution required, in this instance to be £144,182.40 (27.60sqm at £5,224 per sqm). Payment should be made before the development commences. CAPICS therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission - in the form of a Section 106 planning obligation – with the proposal that the sum be used to fund a project which increases clinical capacity at one of the GP Practices in the vicinity of the development.

In its capacity as the healthcare provider, CAPICS has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development. The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development.

Assuming the above is considered in conjunction with the current application process, CAPICS would not wish to raise an objection to the proposed development. Otherwise, the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.

The terms set out above are those that CAPICS deem appropriate having regard to the formulated needs arising from the development. CAPICS are satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF.

5.8 East of England Ambulance Service NHS Trust (EEAST) 28.04.2023 - initial response

Response concludes that EEAST identify that the development will give rise to a need for additional emergency ambulance healthcare provision to mitigate impacts arising as the proposed development will have an impact on the Whittlesey Ambulance Station. The terms set are those EEAST deem appropriate having regard to the formulated needs arising from the development and in this case equate to £56,000. EEAST say they are satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF.

EEAST say that the capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development. On the assumption the above is considered in conjunction with the current application process, EEAST would not wish to raise an objection to the proposed development. Otherwise, they consider the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.

5.9 CCC S106 – 12.05.2023 - initial response – clarified by email dated 30.09.2024

Response notes that the proposals for the site suggest that the development will consist of 175 new dwellings with a need to ensure provision for additional children. This development will generate 53 Early Years children (31 of whom could be eligible for funded places); 70 primary children and 44 secondary children. The response provides an analysis and mitigation proposed for each phase of education. It is based on the development mix set out in the planning application, with the affordable provision split between intermediate and social rent provision for the purposes of calculating child yield where this information is available. In total for the additional children arising the following indicative financial contributions can be calculated:

- Early Years - £363,740
- Primary Education - £1,273,090
- Secondary Education - £1,111,132

5.10 Anglian Water 20.05.2024 - latest response

Section 1 - Assets Affected

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 would ask that the following text be included within your Notice should permission be granted. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

Section 2 - Wastewater Treatment The foul drainage from this development is in the catchment of Whittlesey Water Recycling Centre that will have available capacity for these flows.

Section 3 - Used Water Network This response has been based on the following submitted documents: Flood Risk Assessment 680578-R1(06)-FRA May 2024 and Appendices A and B to H and I to L 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. We will then advise them of the most suitable point of connection. 1. INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. 2. INFORMATIVE - Protection of existing assets - If a public sewer is shown on record plans within the land identified for the proposed development. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. 3. INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. 4. INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Section 4 - Surface Water Disposal The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water and the submitted drawings indicate that surface water discharge from this site runs to an attenuation pond and ultimately discharges to a ditch. On this basis, Anglian Water can confirm this is outside our jurisdiction for comment and the Planning Authority will need to seek the views of the Environment Agency.

15.02.2024 - reconsultation response

Same response as set out above.

04.04.2023 - initial response

Comments set out the matters covered in the latest response.

5.11 CCC Local Lead Flood Authority 29.05.2024 - latest response

We have reviewed the following documents:

- Proposed Drainage Layout, LDE, Ref: 882607, Rev: P5, Dated: 14th May 2024
- Flood Risk Assessment, LDE, Ref: 680578, Rev: 06, Dated: 14th May 2024

Based on these, as Lead Local Flood Authority (LLFA) we **have no objection** in principle to the proposed development.

The above documents demonstrate that surface water from the proposed development can be managed through the use of tanked permeable paving, swales and attenuation basin discharging from site via flow control at a controlled rate of 12.6l/s, the limited flooding that occurs during the 100 year +40% climate change rainfall event will be contained within the offline attenuation tanks. Maintenance and adoption details of the surface water network are provided in the maintenance plan.

The LLFA is supportive of the use of permeable paving as in addition to controlling the rate of surface water leaving the site it also provides water quality treatment which is of particular importance when discharging into a watercourse).

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

Response then requests the inclusion of three conditions relating to

- Detailed design of the surface water system
- Details of measures indicating how additional surface water run-off from the site will be avoided during the construction works
- Survey of surface water drainage system to be provided upon completion

Informatives also provided in response.

21.02.2024 - reconsultation response

Response raised objection and requested for details on exceedance flows and rainfall data.

12.04.2023 - initial response

Response raised objection in relation to details in connection with riparian maintenance, insufficient water quality/SuDS, hydraulic calculation and in-principle agreement of Feldale IDB.

5.12 North Level IDB and behalf of Feldale IDB 07.06.2024 - latest response

Can you please disregard our email of 31 May 2024 as the comments in the letter of 26 June 2023 have been superseded by our letter dated 16 April 2024. Could you please ensure that this is the most up to date response from North Level District Internal Drainage showing on the Planning Portal.

31.05.2024 - reconsultation response

Please note that the comments in the original response letter of 26 June 2023 still stand from North Level District Internal Drainage Board.

22.04.2024 - reconsultation response

Response includes letter sent on behalf of Feldale IDB. This letter dated 16 April 2024 states that the Feldale IDB has no objection in principle to the application with the revised FRA the survey of the receiving watercourse to the IDB maintained drain to the south east of the proposed site. Formal consent from the Board will be required for both the new access culvert and for the proposed new surface outlet discharging at 12.6 L/s to the north east of the site.

19.02.2024 - reconsultation response

My Board objects to the above application in its current form as we are yet to see evidence that the receiving watercourses are able to take the proposed flows and have the capacity to convey the water to the Feldale IDB watercourse located south east of the site. Once this information is with me, I will be able to re-assess the drainage layout proposed.

29.06.2023 - initial response

No objection in principle given but further evidence required to confirm that the riparian watercourses downstream of the site have sufficient capacity to take the increased surface water from the point of discharge to the IDB system.

5.13 Middle Level Commissioners 12.06.2024 - only response received

Please be advised that neither the Middle Level Commissioners nor our associated Boards are, in planning terms, statutory consultees and, therefore, do not actually have to provide a response to the planning authority and receive no external funding to do so.

The above site is located within the area of Feldale Internal Drainage Board, which is no longer administered by Middle Level Commissioners (MLC). Any requests regarding the disposal of surface water should therefore be forwarded to Richard Price, the Clerk for Feldale IDB.

There is likely to be a Discharge Consent application required by MLC as the treated effluent from the development will discharge to the Middle Level Commissioners' system via the Anglian Water Sewerage System in Whittlesey.

5.14 CCC Highways Development Management 06.08.2024 - latest response

Recommendation

On the basis of the information submitted, from the perspective of the Local Highway Authority, I consider the proposed development is acceptable.

Comments The revised site access proposals as shown on the drawing DRB-BWB-GEN-XX-DR-TR100 Revision P05 are acceptable. The tactile paving shown on this drawing will need to be revised to comply with Department for Transport guidance, but this is a minor detail which can be addressed as part of the detailed design post planning (S278).

I have reserved comments on the indicative internal site layout but should the applicant wish for future streets to be adopted by Cambridgeshire County Council, their design will need to comply with our 'General Principles for Development' document, a copy of which can be found at the link below. I

recommend that the applicant consult this document when preparing any future reserved matters application.

Response lists recommended conditions relating to the following, as well as informatives.

- Construction facilities
- Footway width
- Management of Estate Roads
- Wheel wash facilities

28.05.2024 - reconsultation response

Response sets out further information required in order to make an informed decision.

24.04.2024 - reconsultation response

Response sets out further information required in order to make an informed decision.

20.02.2024 - reconsultation response

Response outlines further clarity required in relation to footpath and cycleway provision.

28.04.2023 - initial response

Response notes that there are no objections in principle. However, a number of points, as set out, require attention to make the development acceptable in highway terms.

5.15 CCC Transport Assessment Team 01.08.2024 - latest response

Background

The document reviewed is the Transport Assessment Addendum 2 Rev P04 dated 30th July 2024 produced by BWB Consulting Limited to accompany the outline planning application for the erection of up to 175 dwellings on the Land East of Drybread Road, Whittlesey.

Transport Assessment Review

Drybread Road to the east of the site

Drybread Road to the north and east of the site is a single track road subject to 60mph with infrequent passing places. As previously requested, to accommodate development traffic which may use this stretch of Drybread Road to access/egress the A605, the developer will deliver passing provision on Drybread Road to the north and east of the site in accordance with the scheme shown indicatively on DRB-BWB-GEN-XX-DR-TR-101 S2 P5. The scheme shown on DRB-BWB-GEN-XX-DR-TR-101 S2 P5 is acceptable to the Highway Authority. The developer is expected to deliver the full scheme, however, should the developer of planning application ref: F/YR22/0710/F deliver the passing provision set out on the north to south stretch of Drybread Road prior to the developer of this application (these works are also proposed for such development), then the developer of this application will be required to deliver the works on the east to west stretch of Drybread Road only. Following an enhanced

check of the existing highway boundary extent made by CCC Searches Team, the works are considered to be deliverable within the highway boundary/land under the applicant's ownership and the Highway Authority are content that a workable passing place scheme along Drybread Road in accordance with that shown indicatively on DRB-BWB-GEN-XX-DR-TR-101 S2 P5 is deliverable within the highway boundary/land under the applicant's ownership. Detailed design of the works can be finalised at the S278 stage.

Development Site Access

Site access, emergency access, and servicing details should be agreed with Highways Development Management who will provide separate comments.

Whilst it is noted that this application is for outline permission, for reference purposes, the internal site layout will need to be LTN 1/20 compliant and provide high quality cycle infrastructure design. The internal site layout will be subject to detailed design at the reserved matters stage.

The proposed 3m wide shared use footway/cycleway route between the site and the shared use route to be delivered by the neighbouring Allison Homes development site as shown indicatively on DRBBWB-GEN-XX-DR-TR-100 S2 P5 is acceptable. Detailed design of this route can be finalised at the S278 stage.

Junction Capacity Analysis

The Site Access junction, Drybread Road/Coronation Avenue junction, and B1040/Bassenhally Road/Stonald Road signal junction are all anticipated to operate within capacity under all future year assessment scenarios.

The capacity assessment model submitted for the B1040 Orchard Street/B605 Syers Lane/B1040 Broad Street/Whitmore Street roundabout has been calibrated against the queue length survey and is now acceptable. The junction capacity assessment for the B1040 Orchard Street/B605 Syers Lane/B1040 Broad Street/Whitmore Street roundabout shows that the junction is at capacity. CCC do not currently have a capacity improvement scheme for this roundabout. The Highway Authority is aware from previous studies that there are no capacity enhancements that can be brought forward at this junction due to constraints of the surrounding buildings and infrastructure. The CCC scheme for active travel improvements through this junction is not coming forward at this present time. Therefore, a travel planning and information-based solution is sought to reduce car trips by promoting travel by sustainable modes. This will be suitably addressed by the Welcome Travel Packs that will be conditioned should approval be given. The Welcome Travel Packs shall include the provision of bus vouchers and/or active travel vouchers to encourage sustainable travel by residents of the site.

The Highway Authority are satisfied that the development mitigation package is suitable to mitigate the development impacts. Conclusion The Highway Authority have no objections to the proposals subject to the following:

Suggested conditions required prior to occupation relate to the following:

- Provision and implementation of Welcome Travel Packs*
- The developer to deliver a 3m wide shared use footway/cycleway on the eastern/southern side of Drybread Road between the site and the shared use path to be delivered along Drybread Road as part of the neighbouring Allison*

Homes site. To include a dropped crossing facility to the existing footway on the western/northern side of Drybread Road.

- Developer to deliver passing provision on Drybread Road to the north and east of the site.

24.05.2024 - reconsultation response

Detailed response made, concludes that the Transport Assessment as submitted does not include sufficient information to determine the impact of the development on the surrounding highway network. Were the above issues addressed the Highway Authority would reconsider the application.

01.03.2024 - reconsultation response

Detailed response made, concludes that the Transport Assessment as submitted does not include sufficient information to determine the impact of the development on the surrounding highway network. Were the above issues addressed the Highway Authority would reconsider the application.

27.04.2024 - initial response

Detailed response made, concludes that the Transport Assessment as submitted does not include sufficient information to determine the impact of the development on the surrounding highway network. Were the above issues addressed the Highway Authority would reconsider the application.

5.16 Natural England 17.07.2024 - latest response

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England now considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

A lack of objection does not mean that there are no significant environmental impacts. Natural England advises that all environmental impacts and opportunities are fully considered and relevant local bodies are consulted.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

This response follows our letters of 20 February 2024 (ref 466361), 18 April 2023 (ref 427556), and 3 June 2023 (ref 476992).

European sites – Nene Washes SPA, SAC and Ramsar site

Whilst we do not entirely agree with some of the reasoning in the Recreational Disturbance Assessment, based on the additional information published on the planning portal 3 July 2024 Natural England now considers that the proposed development will not have likely significant effects on the Nene Washes Special Protection Area, Special Area of Conservation and Ramsar site, and has no objection to the proposed development.

To meet the requirements of the Habitats Regulations, we advise you to check the submitted shadow 'Habitat Regulations Screening Assessment' and decide if you, as the competent authority, agree with the methodology, reasoning, and conclusions provided. It is then your authority's responsibility to produce a separate HRA report, which can draw on the information provided by the applicant, and to be accountable for its reasoning and conclusions. Please note that you are required to consult Natural England on any appropriate assessment you may need to undertake.

Bassenhally Pit Site of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Best and Most Versatile Agricultural Land

As previously advised, soil surveys should confirm actual on-site soil types and distributions to inform plans for soil management and re-use. Guidance on soil protection is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend its use in the design and construction of development, including any planning conditions.

Should the application be approved, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

03.06.2024 - reconsultation response

Detailed response provided which concludes that further information is required to determine impacts on Designated Sites. As submitted, the application could have potential significant effects on Nene Washes SSSI, SPA, SAC and Ramsar site, and Bassenhally Pit SSSI. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required: - Assessment of recreational disturbance - Inclusion of recreational disturbance in HRA - HRA screening of the quantity of drainage water (alone, and in-combination). Without this information, Natural England may need to object to the proposal.

20.02.2024 - reconsultation response

Detailed response provided which concludes that further information is required to determine impacts on Designated Sites. As submitted, the application could have potential significant effects on Nene Washes SSSI, SPA, SAC and Ramsar site, and Bassenhally Pit SSSI. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required: - Full Wintering Bird Surveys (WBS) - Updated HRA following the WBS, and Appropriate Assessment if required. Without this information, Natural England may need to object to the proposal.

19.04.2023 - initial response

Detailed response provided which concludes that further information is required to determine impacts on Designated Sites. As submitted, the application could have potential significant effects on Nene Washes SSSI, SPA, SAC and Ramsar

site, and Bassenhally Pit SSSI. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required: • Habitats Regulations Assessment (HRA) • Consideration of potential impacts on mobile species outside the SAC & SPA, including winter bird desk and/or field surveys • Ditch connectivity • SuDS details. Without this information, Natural England may need to object to the proposal.

5.17 Ecology/Wildlife Officer (CCC and Peterborough) 21.08.2024 - latest response

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

We recommend the following planning conditions:

1. Site-wide

- a. Ecological Design Strategy, to include a BNG strategy*
- b. Construction Ecological Management Plan (CEcMP)*

2. Phase / parcel (with b-d secured as part of reserved matters applications):

- a. Updated ecology surveys*
- b. Construction Ecological Management Plan, demonstrating compliance with site-wide CEcMP*
- c. Biodiversity Net Gain Plan, demonstrating compliance with EDS BNG Strategy*
- d. Detailed lighting scheme sensitively designed for wildlife, demonstrating delivery of EDS*
- e. Detailed landscape and biodiversity enhancement scheme, demonstrating compliance with EDS (beyond BNG), including highways and building design*

Reptiles

We welcome the submission of the reptile survey information, which addresses previous concerns. The presence of common lizard will need to be taking into account during construction, as part of the CEMP.

Biodiversity Net Gain Assessment

The Biodiversity Net Gain Assessment and accompanying Statutory Biodiversity Metric demonstrates that the scheme will deliver a increase in biodiversity net gain of +13.8% BNG for habitats and 90% BNG for hedgerows.

The scheme therefore accords with Local Plan polices LP16 / LP19, providing that the detailed landscape schema and its management, including delivery of BNG are secured through suitably worded conditions.

Habitats Regulations Assessment Stage 1 (screening)

We welcome the submission of the shadow Habitats Regulations Screening Assessment – Version 3. The latest version of this document provided additional information regarding recreational pressure (Recreational Disturbance Assessment), drainage strategy and drainage strategy in-combination with other effectors.

We agree with the methodology, assessment and conclusions of the shadow Habitat Regulations Screening Assessment and consider sufficient evidence has been provided for the LPA to determine there will be no likely significant effect on the Nene Washes Special Area of Conservation, Special Protection Area or Ramsar site. This accords with Natural England's consultation response of 17 July 2024 (see below for further information). Therefore, we considered that a HRA Appropriate Assessment is not required.

Response then includes a summary of the HRA Stage 1 Screening Report (a full copy of which was provided as a separate stand alone document). This summary sets out Natural England's consultation response, the identification and review of potential effects and whether these are likely significant effects on the qualifying features of the Nene Washes SAC/SPA/Ramsar. The judgement reached being that no likely significant effects have been identified.

Response also includes suggested wording for planning conditions.

25.07.2023 - reconsultation response

We note that additional ecological information has been submitted. However, the application still does not provide sufficient evidence to demonstrate the level of impact of the scheme on biodiversity. It is not possible to determine if the scheme accords with Fenland Local Plan 2014 policy LF-19 which seeks to conserve, enhance and promote the biodiversity interest. Furthermore it is not possible to discharge the local authorities' statutory duties to protect biodiversity (Natural Environment and Rural Communities Act 2006) and protect Protected Sites (Conservation of Habitats and Species Regulations 2017).

We therefore recommend refusal until the following information is supplied:

- 1. Reptile survey & assessment*
- 2. Biodiversity Net Gain assessment*
- 3. Ecological Impact Assessment, including recreational assessment of impact to wildlife sites (including SSSIs / LNRS) and results of protected species survey work*
- 4. Shadow Habitats Regulations Assessment / No Significant Effect Report*
- 5. Recreational pressure – mitigation*

This information must be secured prior to determination of the planning application.

29.03. 2023 - initial response

Response states that the documents provided within the application do not provide sufficient information to ensure that all biodiversity material concerns can be safely discounted and recommends further Reptile and Great Crested Newt Surveys be undertaken.

5.18 FDC Housing Strategy & Enabling Officer 30.09.2024 - further clarification provided

These are numbers of households registered for affordable rent but can be taken as indicative to the demand for affordable ownership as well.

Whittlesey

	Local Connection	Preference	Whole FDC
1 Bed	109	259	768
2 Bed	83	160	545
3 Bed	54	125	363
4 Bed	17	30	79
5+ Bed	4	9	17
Totals	267	583	1772

As you can see, even when limited to those with a local connection to Whittlesey, there is a very high demand for affordable dwellings in this area of the district.

Whilst 1 bed is always the largest bedroom need, this shouldn't be looked at without the additional consideration that many requiring 1 bed also have additional needs, mobility issues, level access, medical needs, etc. and then aside from additional needs, the majority of these applications are going to be the lower priority bandings.

26.09.2024 - initial response

Fenland Local Plan Policy LP5 Requirements

Policy LP5 of the Fenland Local Plan (adopted May 2014) seeks 25% affordable housing on developments where 10 or more homes will be provided.

On sites of	Level of affordable housing
Minor developments (5-9 dwellings)	Nil affordable housing
Major developments (10 or more dwellings)	25% affordable housing (rounded to the nearest whole dwelling)
Tenure Mix	70% affordable housing for rent (affordable rent tenure) and 30% other affordable routes to home ownership tenure (shared ownership housing)

The Fenland Viability Report (March 2020)

To inform the preparation of Fenland's emerging Local Plan, a Viability Assessment was undertaken which looked at the cost of building new homes and the costs associated with the policies in this Local Plan.

This report concluded that viability in Fenland is marginal and varies between localities in the district. The assessment indicates that 20% affordable housing is likely to be the maximum level of provision that can be achieved through planning obligations. In response to the report, the Council has confirmed that finding of the viability assessment will be taken into account when determining planning applications from May 2020 onwards.

Consequently, while the Council aims to deliver policy compliant 25% affordable Housing provision on qualifying schemes where possible, it is acknowledged that a reduced percentage of affordable housing via planning obligations to a maximum of 20%, will be achievable in most instances.

Since this planning application proposes the provision of 175 number of dwellings, our policy seeks to secure a contribution of 25% affordable housing which equates to 44 affordable dwellings in this instance. Based on the provision of 20% affordable housing 35 affordable dwellings would be required in this instance.

The current tenure split we would expect to see delivered for affordable housing in Fenland is 70% affordable rented tenure and 30% shared ownership. This would equate to the delivery of 31 affordable rented homes and 13 shared ownership based on the provision of 25% affordable housing or 25 affordable rented homes and 10 shared ownership based on the provision of 20% affordable housing.

5.19 Local Residents/Interested Parties

Objectors

65 responses have been received with the main concerns summarised are as follows:

- Loss of greenspace and agricultural land;
- Drainage issues and flooding;
- Highways safety concerns, increased congestion on existing roads and impact on the A605, by pass needed for Whittlesey;
- Lack of existing infrastructure which is already at capacity and new required, such as schools, doctors, dentists, water supply, sewerage, public transport, ambulance, fire and police services, green space/country park;
- Already too many houses in Whittlesey and no more needed;
- Proposals contrary to Local Plan and Neighbourhood plan and would set a precedence;
- Non allocated site;
- Environmental impact on nature in respect of flora and fauna, air pollution and carbon emissions;
- Impact on views;
- No new shops or jobs to support new residents;
- Lack of public transport for new residents;
- Development leading to further encroachment to the village of Eastree;
- Proposed passing places along Drybread Road cannot be delivered as on 3rd party land.

Representations

One response neither for nor against the proposal but expressed the view that road improvements are required in Whittlesey.

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) the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021) and the Whittlesey Neighbourhood Plan (2023).

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

- Chapter 2: Achieving sustainable development
- Chapter 4: Decision-making
- Chapter 5: Delivering a sufficient supply of homes
- Chapter 8: Promoting healthy and safe communities
- Chapter 9: Promoting sustainable transport
- Chapter 12: Achieving well-designed and beautiful places
- Chapter 14: Meeting the challenge of climate change, flooding and coastal change
- Chapter 15: Conserving and enhancing the natural environment
- Chapter 16: Conserving and enhancing the historic environment
- Chapter 17: Facilitating the sustainable use of minerals

7.2 National Planning Practice Guidance (NPPG)

- Determining a Planning Application

7.3 National Design Guide 2021

- Context
- Identity
- Built Form
- Movement
- Nature
- Public Spaces
- Uses
- Homes and Buildings
- Resources
- Lifespan

7.4 Fenland Local Plan 2014

- LP1 – A Presumption in Favour of Sustainable Development
- LP2 – Facilitating Health and Wellbeing of Fenland Residents
- LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
- LP4 – Housing
- LP5 – Meeting Housing Need
- LP11 – Whittlesey
- LP12 – Rural Areas Development Policy
- 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
- LP19 – The Natural Environment

7.5 Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021
Policy 5: Mineral Safeguarding Areas

7.6 Whittlesey Neighbourhood Plan 2021-2040

- Policy 1 – Spatial Planning
- Policy 2 – Local Housing Need
- Policy 4 – Open Space
- Policy 5 – Local Green Space
- Policy 7 – Design Quality
- Policy 8 – Historic Environment
- Policy 10 – Delivering Sustainable Transport
- Policy 11 – Adapting to and Mitigating Climate Change

7.7 Emerging Local Plan

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

- LP1: Settlement Hierarchy
- LP2: Spatial Strategy for the Location of Residential Development
- LP3: Spatial Strategy for Employment Development
- LP4: Securing Fenland's Future
- LP5: Health and Wellbeing
- LP6: Renewable and Low Carbon Energy Infrastructure
- LP7: Design
- LP8: Amenity Provision
- LP11: Community Safety
- LP12: Meeting Housing Needs
- LP18: Development in the Countryside
- LP19: Strategic Infrastructure
- LP20: Accessibility and Transport
- LP24: Natural Environment
- LP25: Biodiversity Net Gain
- LP27: Trees and Planting
- LP28: Landscape
- LP29: Green Infrastructure
- LP30: Local Green Spaces and Other Existing Open Spaces
- LP31: Open Space and Recreational Facilities
- LP32: Flood and Water Management
- LP34: Air Quality
- LP42: Whittlesey - A Market Town fit for the Future
- LP43: Residential site allocations in Whittlesey
- LP44: Site allocations for non-residential development in Whittlesey

7.8 Delivering and Protecting High Quality Environments in Fenland SPD 2014

- DM2 – Natural Features and Landscaping Schemes
- DM3 – Making a Positive Contribution to Local Distinctiveness and character of the Area
- DM4 – Waste and Recycling Facilities
- DM6 – Mitigating Against Harmful Effects

7.9 Developer Contributions SPD 2015

7.10 Cambridgeshire Flood and Water SPD 2016

8 KEY ISSUES

- Principle of the development in this location
- Access, highways and transport related matters
- Landscape character and visual effects
- Flood risk and drainage issues
- Residential amenity
- Ecology and biodiversity related matters
- Affordable housing, community infrastructure and planning obligations
- Other matters

9 BACKGROUND

9.1 The Planning History of the site is set out in Section 4 of this report, and this does not give rise to anything that would be relevant to this application at this moment in time. The site is unallocated for any development purposes within the development plan.

9.2 Land to the immediate south of the site forms the northern extent of a Strategic Allocation in the adopted Local Plan for the delivery of around 500 dwellings north and south of Eastrea Road. Following planning application approvals, the allocation is being delivered and is coming close to completion.

10 ASSESSMENT

Principle of the development in this location

- 10.1 The development proposes up to 175 dwellings on an unallocated site on the edge of the market town of Whittlesey, accordingly it must initially be assessed against policies LP3 and LP4 of the adopted Local Plan. Policy LP3 sets out a Spatial Strategy, as well as a Settlement Hierarchy and what development is acceptable in the Countryside within Fenland District. In this respect Whittlesey is designated as an 'Other Market Town' under the 'Market Towns' classification of the Spatial Strategy hierarchy that the policy identifies as being settlements where *'The majority of the district's new housing, employment growth, retail growth and wider service provision should take place'*.
- 10.2 Part A Policy LP4 of the adopted Local Plan identifies housing targets to be built in the district between 2011 and 2031. With respect to Whittlesey, the approximate target for this period is 1,000 dwellings. The Council's Planning Policy Team has provided figures that 918 dwellings have been built in Whittlesey since 2011, with a further 488 having planning consent. Therefore, the approximate target for Whittlesey has already been exceeded in respect of completions and planning permissions combined and would be further increased by the dwellings proposed in this application. Also, from a wider District perspective, the Council can demonstrate a 5-year housing land supply.

- 10.3 In relation to this matter, the findings of a Planning Inspector who decided an appeal for 110 dwellings at Upwell Road in March earlier in the year made the following comments:

'I accept that, the Council being able to demonstrate a 5-year housing land supply, means that there have been homes provided on the ground for local people over and above the identified need. Nevertheless, the PPG states that the standard method for calculating local housing need provides a minimum number. This is echoed in the Framework (paragraphs 61, 76 and 77), and there is no reason that it should be considered a ceiling.'

- 10.4 Thus, it is considered that further housing beyond the approximate housing figure given in Part A of policy LP4 would not in itself be contrary to that part of the policy; particularly where this could secure the delivery of much needed affordable housing, as highlighted by the Council's Housing Strategy & Enabling Officer as discussed later in this report.

- 10.5 Part B, Policy LP4 of the adopted Local Plan then sets out criteria for assessing housing development proposals. In January 2015 the District Council produced a 'Guidance and Clarification Note' in relation to Part B of Policy LP4. This Note sets out the following with respect to new development on non allocated sites in Market Towns other than Strategic Allocations and Broad Locations for Growth:

'For proposals for fewer than 250 dwellings (small scale sites) which are either in or adjacent to a market town and not within a Strategic Allocation or Broad Location, the reader is referred in the first instance to the criteria in Policy LP16 - Delivering and Protecting High Quality Environments across the District. Under Policy LP4 Part B any site for between 1 to 249 dwellings may be considered as having potential for development.'

- 10.6 Policy LP16 of the adopted Plan seeks to ensure high quality environments will be delivered and protected throughout the district and this be achieved by assessing proposed development against 15 criteria where relevant to the proposals under consideration. Consideration of the relevant criteria applicable for an outline planning application are described under the headings of the remaining 'Key Issues' highlighted below.

- 10.7 In addition to the adopted Local Plan, the Whittlesey Neighbourhood Plan has been 'Made' (May 2023) and also forms part of the Development Plan for the site area. Policy 1 (Spatial Strategy) of the Neighbourhood Plan notes the following

a. The Market Town of Whittlesey is the main centre for growth in the Neighbourhood Area.

b. Significant new housing development should be located predominantly east of the town, adjacent to the built area and strategic allocation North and South of Eastrea Road. Development at this location will support the delivery of new and enhanced infrastructure, including a new Country Park.

- 10.8 In respect of part a. of Policy 1 this mirrors the role that Whittlesey has in the Local Plan. As part of the Neighbourhood Plan, a Housing Needs Assessment was undertaken for Whittlesey in 2017. From this, the HNA identified a figure of 115 dwellings per annum between 2017 and 2031 suggesting a greater demand for dwellings given than that in Part A of policy LP4 of the earlier adopted Local Plan. As there are no site allocations for housing in the Neighbourhood Plan,

above those identified in the adopted Local Plan, development of significant new housing, such as that proposed in this application, should be considered against the wording set out in Part b. of Policy 1. In this respect, part b. states where new development should be located, and is split into three requirements, with significant new housing located predominantly:

- east of the town,
- adjacent to the built area,
- and strategic allocation North and South of Eastrea Road.

- 10.9 As described above, the site is not part of the strategic allocation North and South of Eastrea, although it does lie to the immediate north of it. Therefore, as regards this site, conformity with Part b. is assessed against the first two bullet points above. In this instance the site subject to this application is both to the east of the town and adjacent to the built-up area which exists to the west and south west of the site.
- 10.10 Part b of Policy 1 also notes that development in this location will support the delivery of new and enhanced infrastructure, including a new Country Park. With regards to infrastructure, this is considered as a Key Issue in its own right further in this report. In relation to support for a new Country Park, a broad location for this is identified within the Neighbourhood Plan, on land to the south of the A605 between Whittlesey and Eastrea and north of the mainline railway. A Country Park in this locality was given permission as part of a consent (reference F/YR14/0991/F) for supermarket that has since lapsed. It is understood that the land identified as a Country Park is in private ownership and there is no mechanism to facilitate its delivery utilising contributions from developments such as the one subject of this report.
- 10.11 In relation to other parts of Policy 1, these are not relevant to the proposals under consideration. Whilst part f. requires proposals to demonstrate that they have considered flooding, visual impacts and infrastructure, in a similar manner to the relevant criteria in Local Plan policy LP16, consideration of the matters outlined in part f. are described under the headings of the remaining 'Key Issues' highlighted below.
- 10.12 In conclusion, subject to the consideration of matters as described below, the principle of a housing development would accord with the Spatial Strategy as set out policy LP3 of the adopted Local Plan. Whilst the housing proposed would further exceed the approximate housing figure for Whittlesey given in Part A of Local Plan policy LP4, this would not in itself be contrary to that part of the policy and would further increase supply and provide much needed on site affordable dwellings. The number of homes applied for in this location is acceptable and is therefore in conformity with Part B of policy LP4 of the adopted Local Plan and Policy 1 of the Made Whittlesey Neighbourhood Plan.

Access, highways and transport related matters

- 10.13 The planning application is made in outline with all matters reserved other than those concerning access for which detailed information has been submitted. This detail shows that the vehicular access into the site would be taken off Drybread Road to the south of Newlands Road on the opposite side. An emergency access point into the site is also proposed onto Drybread Road, further north beyond Newlands Road. To the south of the proposed new access a 3 metre

wide shared use footway/cycleway route between the site and the shared use route currently being delivered by the development to the south west is proposed.

- 10.14 Concerns relating to highways matters have featured strongly in the public and neighbour responses received to the proposals, both in the immediate vicinity of the site and wider Whittlesey area. In support of the proposal, the applicant has provided detailed drawings in relation to the access onto Drybread Road as well as various iterations to both a Transport Assessment and Travel Plan where these have been the subject of discussion between both the Highways Development Management Team and the Transport Assessment Team of Cambridgeshire County Council.
- 10.15 The latest responses of the Highways Development Management Team and the Transport Assessment Team of Cambridgeshire County Council are provided in Section 5 above. In respect of the Highways Development Management Team, they state that the revised site access proposals are acceptable subject to minor amendment which can be addressed as part of the detailed design post planning (Section 278). The response reserves comments on the indicative internal site layout but direct the applicant to guidance when preparing any future reserved matters application should those roads be adopted by the County Council.

The response lists recommended conditions relating to the following, as well as informatives.

- Construction facilities
- Footway width
- Management of Estate Roads
- Wheel wash facilities

- 10.16 With regards to the comments of the Transport Assessment Team, the latest response notes that Drybread Road to the north and east of the site is a single track road subject to 60mph limit with infrequent passing places. To accommodate development traffic which may use this stretch of Drybread Road to access/egress the A605, the applicant has agreed to deliver passing provision on Drybread Road to the north and east of the site in accordance with the scheme shown indicatively on a plan submitted. This scheme is to be delivered in full unless the developer of planning application (ref: F/YR22/0710/F for 15 touring and 15 static caravans) delivers the passing provision set out on the north to south stretch of Drybread Road prior to the developer of this application (these works are also proposed for such development), then the developer of this application will be required to deliver the works on the east to west stretch of Drybread Road only.
- 10.17 Acknowledging a representation from a third party regarding the ability for the applicant to implement the passing places, they TA Team states that following an enhanced check of the existing highway boundary extent made by CCC Searches Team, the works are considered to be deliverable within the highway boundary/ land under the applicant's ownership and the Highway Authority are content that a workable passing place scheme along Drybread Road in accordance with that shown indicatively is deliverable within the highway boundary/land under the applicant's ownership. Detailed design of the works can be finalised at the S278 stage.
- 10.18 Whilst it is noted the internal site layout will be subject to detailed design at the reserved matters stage, the TA Team response notes the proposed 3 metre wide

shared use footway/cycleway route between the site and the shared use route to be delivered by the neighbouring Allison Homes development is acceptable. Detailed design of this route can be finalised at the Section 278 stage.

- 10.19 Regarding road and junction capacity, the TA Team response states that the proposed site access junction, Drybread Road/ Coronation Avenue junction, and B1040/ Bassenhally Road/ Stonald Road signal junction are all anticipated to operate within capacity under all future year assessment scenarios. The capacity assessment model submitted for the B1040 Orchard Street/ B605 Syers Lane/ B1040 Broad Street/ Whitmore Street roundabout has been calibrated against the queue length survey and is now acceptable.
- 10.20 The response notes that the junction capacity assessment for the B1040 Orchard Street/ B605 Syers Lane/ B1040 Broad Street/ Whitmore Street roundabout shows that the junction is at capacity. Cambridgeshire Highways do not currently have a capacity improvement scheme for this roundabout. The Highway Authority is aware from previous studies that there are no capacity enhancements that can be brought forward at this junction due to constraints of the surrounding buildings and infrastructure. The Cambridgeshire Highways scheme for active travel improvements through this junction is not coming forward at this present time. Therefore, a travel planning and information-based solution is sought to reduce car trips by promoting travel by sustainable modes. This will be suitably addressed by the Welcome Travel Packs that will be conditioned should approval be given. The Welcome Travel Packs shall include the provision of bus vouchers and/ or active travel vouchers to encourage sustainable travel by residents of the site.
- 10.21 The TA Team conclude they have no objections to the proposals and are satisfied that the development mitigation package is suitable to mitigate the development impacts subject to the imposition of the conditions relating to Welcome Travel Packs, the provision of the 3 metre link to the adjoining new housing site to the south east and the off site passing places on Drybread Road.
- 10.22 In light of the advice of both the Highways Development Management Team and the Transport Assessment Team it is concluded that the proposed development has suitable access arrangements and that wider highways issues in the vicinity of the site are acceptable or can be mitigated by the measures outlined. Accordingly, it is considered that the development is acceptable in relation to the requirements of Local Plan policy LP15 and Policy 10 of the Whittlesey Neighbourhood Plan.

Landscape character and visual effects

- 10.23 Whilst detailed matters of layout, scale, appearance and landscaping are reserved for future consideration, the Development Framework Plan submitted as described in paragraph 3.4 sets out an indicative layout of the site.
- 10.24 Criteria (d) of Local Plan policy LP16 requires developments to make positive contributions to the local distinctiveness and character of the area, enhancing local setting and responding to the character of the local built environment. Schemes should not adversely impact, either in design or scale, upon the street scene, settlement pattern of the landscape character of the surrounding area. Part f.ii. of Policy 1 of the Neighbourhood Plan requires proposals to demonstrate that they be designed to minimise visual impacts upon the landscape.

- 10.25 Maintaining Fenland landscapes forms a key part of the Council's Local Plan objective (in particular, policies LP3, LP12 and LP16). The Plan seeks to preserve landscapes which are designated or locally valued and retain the distinctive character of Fenland's landscapes. That said, it is inevitable that some of the district's landscape will alter within the plan period, in order to meet the Council's growth aspirations including housing delivery requirements and therefore that some character harm will occur.
- 10.26 With regard to landscape character, the development would result in the transformation of the site from arable farmland to residential development resulting in a permanent change to character of the land and its immediate environs. However, this change in character would not be seen in isolation given the housing development that exists to the south and west of the site. Furthermore, the site is adjacent to the edge of the built up area of Whittlesey, with built development to the south in the form of a football club and housing, and to the west of the site comprising a well established residential area. As a consequence, the level of impact on the character of the area is limited due to the surrounding context.
- 10.27 In addition, the Development Framework Plan sets out that a key feature is to retain the natural boundaries currently found along the northern and western boundary where not impacted by highways related works. The majority of the public open space is proposed to be located at the northern third of the site to allow a smoother transition to open countryside and aligns with the northern extent of residential development on the opposite side of Drybread Road. Furthermore, the area of identified for the dwellings is set within a peripheral landscape buffer which is purposely greater in extent along the eastern boundary of the site, in order to provide a stronger buffer to the landscape viewing Whittlesey looking east to west.
- 10.28 The proposals as submitted have been subject to a Landscape and Visual Impact Assessment (LVIA) prepared on behalf of the applicant, which considers likely effects on both landscape character and the visual setting both in the short term but also 15 years post development.
- 10.29 With regard to landscape character, the LVIA summarises that all adverse landscape effects arising from the proposal are likely to be mitigated to moderate-minor to minimal significance in the long-term as new structural landscaping measures will have matured and building materials weathered. The summary does acknowledge that in the short term the development will have resulted in the transformation of the site from arable farmland to residential development resulting in a permanent adverse landscape effect of moderate significance.
- 10.30 In relation to visual setting, receptors groups most likely to be affected by the proposal include receptors adjacent to the site on Drybread Road, and medium distance views from the road as it travels southeast towards Coates Road. A number of receptors are evaluated both close to the site and farther away. As would be expected the impact on visual setting is greater closer to the site than further away, especially after initial construction but reduces in the medium term. The LVIA considers that distant receptors at the wider settlement edge, Coates Road, Decoy Farm off Drybread Road, and at Eastrea, are likely to experience a low to negligible magnitude of change, and visual effects of moderate-minor to minimal adverse in the short-term, reducing to minimal adverse in the long-term.

10.31 The LVIA summaries that the likely landscape and visual effects of the scheme are not unusual or uncommon of a proposal for residential development and consistent with those likely to have been reported for the allocated housing growth to the immediate south of the site. All landscape and visual effects, with exception to localised private residential receptors, can be mitigated to moderate to minimal adverse in the long-term.

10.32 In conclusion, despite the inevitable adverse effects of built development upon the local landscape character and on a limited number of visual receptors immediately adjacent or overlooking the site, it is considered that there would be no unacceptable adverse effects that should preclude a sensitively designed proposed development in landscape and visual terms. The positioning of the dwellings within the site and the inclusion of open space and landscape buffer to the north and east of the site respectively, can be seen as an acceptable addition to the existing settlement edge on the eastern side of Whittlesey. The proposed new development would be read in the context of the existing built development to the south and west of the site. The proposal is therefore in accordance with Local Plan policies LP3, LP12, LP16 criteria (d) and part f.ii. of Policy 1 of the Neighbourhood Plan.

Flood risk and drainage issues

10.33 The entirety of the application site lies in an area at low flood risk from fluvial flooding (Flood Zone 1) and generally at low risk of surface water flooding, having regard to the Environment Agency's latest flood maps.

10.34 The application is supported by a Flood Risk Assessment (FRA) and site-wide indicative surface water drainage strategy which details the approach taken to reducing on and off-site flood risk in accordance with the requirements of the NPPF and local policy. The FRA concludes that with identified mitigation measures the development of the site should not be precluded on flood risk grounds.

10.35 In their latest response to the application, the Lead Local Flood Authority (LLFA) have responded to say that they have no objection in principle to the proposed development. Their response notes that that documents submitted demonstrate that surface water from the proposed development can be managed through the use of tanked permeable paving, swales and attenuation basin discharging from site via flow control at a controlled rate of 12.6l/s, the limited flooding that occurs during the 100 year +40% climate change rainfall event will be contained within the offline attenuation tanks. Maintenance and adoption details of the surface water network are provided in the maintenance plan. The LLFA recommend three planning conditions be attached to any permission granted.

10.36 Responding on behalf of the Feldale IDB, the latest position of the North Level IDB states that the Feldale IDB has no objection in principle to the application. Noting that within the revised FRA the survey of the receiving watercourse to the IDB maintained drain to the south east of the proposed site. Formal consent from the Board will be required for both the new access culvert and for the proposed new surface outlet discharging at 12.6 L/s to the north east of the site. The Middle Level Commissioners have confirmed that they have no administrative responsibilities in this area.

- 10.37 With regards to foul water disposal that would result from the proposed development, the latest response from Anglian Water does not raise any objection. The response notes that the foul drainage from this development is in the catchment of Whittlesey Water Recycling Centre that will have available capacity for the foul drainage flows.
- 10.38 In conclusion, it is considered that there is no flood risk associated with the proposed development and that both surface and foul drainage demands arising can be dealt with and managed, including where necessary by the imposition of suggested planning conditions. As such the proposals meet with the requirements of Local Plan policy LP14, criteria (m) of Policy LP16 and policy 10 of the Neighbourhood Plan.

Residential amenity

- 10.39 Local Plan Policies LP2 and LP16 (criteria (e)) alongside neighbourhood Plan policy 7 seek to secure high quality living environments for both future users and existing residents, avoiding adverse impacts such as noise, loss of light, overbearing and loss of privacy.
- 10.40 As the application is made in outline only, matters of layout, scale, appearance and landscaping are yet to be considered, thus as far as the amenity of future residents is concerned these matters can be assessed and addressed if permission is issued and reserved matters applied for. Regarding existing land uses in proximity to the application site, the football pitch of Whittlesey Athletic FC does have flood lights. However, light pollution is not considered to be an issue given the southern most properties of the site subject to the application would be further away from recently constructed properties at Dandelion Drive to the south of the football pitch, so the coexistence of these close properties has not been judged to be an issue. The response of the Council's Environmental Health team has not raised the proximity of the floodlights as an issue of concern.
- 10.41 In relation to the residential amenity of existing residents, the only dwellings in direct proximity to the proposed site are those fronting Drybread Road to the immediate west. In this respect appropriate landscaping and planting along the western boundary of the site will reduce visual impact and protect the privacy of properties, with properties also being set back from Drybread Road to ensure there is no loss of privacy for existing residents.
- 10.42 The Council's Environmental Health Team has noted that given the nature and scale of the proposed development, the issues of primary concern during the construction phase would be the potential for noise, dust and possible vibration to adversely impact on the amenity of the occupiers at the nearest residential properties. As a result, they recommend the submission of a robust Construction Environmental Management Plan (CEMP) that shall include working time restrictions in line with the template for developers. Furthermore, the local Highway Authority has sought to secure road sweeping and temporary construction facilities details. These matters can be reasonably secured through Construction Management Plans which would follow phasing arrangements for the development, with a phasing plan to be secured at the initial stage, that is, with the first reserved matters application.
- 10.43 The proposed residential use of the land is not anticipated to result in significant acoustic changes once completed, with the use compatible with surrounding uses. The detailed design elements of future reserved matters will ensure that

matters of lighting impacts, overlooking, overbearing and overshadowing are carefully considered, in-line with local policies. Nonetheless, local residents may observe a degree of change to the visual and acoustic character of the area as a result of the development, albeit it is not anticipated to result in any significant adverse impacts to existing residents.

- 10.44 Some residents have raised concerns over loss of views; however, it is an established position that a private right to a view is not a material planning consideration, notwithstanding the aforementioned inevitable character change to the site that would occur as a result of the development. Matters of scale and any potential visual dominance/overbearing would however be matters of be addressed through detailed design.
- 10.45 In summary, the development raises no immediate concerns over potential harm to residential amenity and subject to detailed design has potential to deliver a high-quality living environment for both future occupiers and existing residents. As such the proposals are considered to be in conformity with Local Plan policies LP2 and LP16 (criteria (e)).

Ecology and biodiversity related matters

- 10.46 The application is supported by a number of reports relating to ecology and biodiversity, not only in relation to the site itself, but on account of the site being within the Impact Risk Zones of the Bassenhally Pit Site of Special Scientific Interest (SSSI) that lies 0.19km north of the development boundary, as well as the Nene Washes SSSI, Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site that is approximately 0.8km north of the proposed development. This European designated site represents one of the country's few remaining areas of washland habitat. As such, it is essential to the survival of nationally and internationally important populations of wildfowl and waders. Nene Washes is additionally notable for the diversity of plant and associated animal life within its network of dykes.
- 10.47 With regard to the ecological and biodiversity interest at the application site itself, the latest response from the County Council's Ecologist has stated that the proposal is acceptable on ecology grounds, providing that the biodiversity compensation / mitigation and enhancement measures recommended within the Ecological Impact Appraisal are secured through a suitable worded condition(s) to ensure compliance with Fenland Local Plan 2014 policies LP16 and LP19 that seek to conserve, enhance and protect biodiversity through the planning process.
- 10.48 Chapter 15 of the NPPF amongst other things, broadly sets out that development should seek to take opportunities for secure net gain in biodiversity and as a minimum should not result in net loss. This approach has changed in recent months with the introduction of statutory 10% biodiversity net gain, however for this application which was submitted prior to this change, the baseline aim is in essence to achieve biodiversity net gain where possible. The County Council Ecologist has reviewed the Biodiversity Net Gain Assessment and accompanying Statutory Biodiversity Metric demonstrates that the scheme could deliver an increase in biodiversity net gain of +13.8% BNG for habitats and 90% BNG for hedgerows. The scheme therefore accords with Local Plan polices LP16 / LP19, providing that the detailed landscape scheme and its management, including delivery of BNG are secured through suitably worded conditions.

10.49 In coming to their conclusion that the proposal is acceptable on ecology grounds the County Council's Ecologist recommends a number of site wide and phase related planning conditions as summarised below:

Site-wide:

a. Ecological Design Strategy, to include a BNG strategy

b. Construction Ecological Management Plan (CEcMP)

Phase / parcel (with b-d secured as part of reserved matters applications):

a. Updated ecology surveys

b. Construction Ecological Management Plan, demonstrating compliance with site-wide CEcMP

c. Biodiversity Net Gain Plan, demonstrating compliance with EDS BNG Strategy

d. Detailed lighting scheme sensitively designed for wildlife, demonstrating delivery of EDS

e. Detailed landscape and biodiversity enhancement scheme, demonstrating compliance with EDS (beyond BNG), including highways and building design.

10.50 In relation to the wider ecological/ biodiversity interest arising from the proximity of the application site to Bassenhally Pit SSSI and the Nene Washes SSSI, SPA, SAC and Ramsar, Natural England identified potential significant effects could possibly arise on these two sites as result of the proposals. Natural England in their initial response required further information to determine the significance of these impacts, including Habitats Regulations Assessment (HRA), consideration of potential impacts on mobile species outside the SAC & SPA (including winter bird desk and/or field surveys), ditch connectivity and SuDS details.

10.51 A draft shadow Habitat Regulations Screening Assessment was submitted by the applicant on 23 January 2024, which addressed some of Natural England's concerns. However Natural England requested full Wintering Bird Surveys (WBS) and updated to incorporate the WBS (and Appropriate Assessment if required) to be supplied in their consultation response of 20 February 2024, in order to determine significance of impacts and scope for mitigation. In addition, Natural England confirmed that an assessment of recreational pressure had been submitted, as recommended in the application's Preliminary Ecological Appraisal (PEA), which is required to determine impact on Nene Washes (as well as Bassenhally SSSI).

10.52 An updated version of the shadow Habitat Regulations Screening Assessment (version 2) was submitted by the applicant in May 2024. However, this did not address Natural England's concerns, with Natural England requiring assessment of recreational disturbance, inclusion of recreational disturbance in the HRA and HRA screening of the quantity of drainage water (alone, and in-combination) within their consultation response of June 2024. Following further submissions by the applicant, including shadow Habitat Regulations Screening Assessment (version 3) and Recreational Disturbance Assessment (version 3), natural England concluded in their comments of 17 July 2024, that the proposed development will not have significant adverse impacts on designated sites and therefore has no objection.

10.53 In stating that Natural England had no objection to the proposals they further advised that in order to meet the requirements of the Habitats Regulations, that Fenland DC should also check the submitted shadow 'Habitat Regulations Screening Assessment' and decide if the Council, as the competent authority, agree with the methodology, reasoning, and conclusions provided. They went on

to advise that it is the Council's responsibility to produce a separate HRA report, which can draw on the information provided by the applicant, and to be accountable for its reasoning and conclusions. Noting further that the Council are required to consult Natural England on any 'Appropriate Assessment' the Council may need to undertake.

- 10.54 In light of the response above, the Cambridgeshire County Ecologist has provided in their latest response, on behalf of Fenland District Council, a HRA Stage 1 Screening Report in relation to the proposed development. In their response the Ecologist welcomed the submission of the shadow Habitat Regulations Screening Assessment – Version 3. Noting that the latest version of this document provided additional information regarding recreational pressure (Recreational Disturbance Assessment), drainage strategy and drainage strategy in-combination with other effectors.
- 10.55 The Ecologist response includes a summary of their HRA Stage 1 Screening Report (a full copy of which was provided as a separate standalone document). This summary states that the Ecologist agrees with the methodology, assessment and conclusions of the shadow Habitat Regulations Screening Assessment and consider sufficient evidence has been provided for the Local Planning Authority to determine there will be no likely significant effect on the Nene Washes Special Area of Conservation, Special Protection Area or Ramsar site. This accords with Natural England's consultation response of 17 July 2024, the identification of potential effects and a review of the potential effects and whether these are likely significant effects on the qualifying features of the Nene Washes SAC/SPA/Ramsar. The conclusion reached is that no likely significant effects have been identified and as such the Ecologist considers that a HRA Appropriate Assessment is not required.
- 10.56 In conclusion, the proposals have been subject of submissions by the applicant regarding ecology and biodiversity interest within the application site and in relation to nearby nationally and internationally designated sites. Consideration of these submissions by relevant consultees, has concluded that there is no objection to the proposals, subject to appropriate planning conditions. On this basis it is considered that the proposals in the application are in conformity with Local Plan policies LP16 (criteria (b)) and LP19 in relation to the natural environment.

Affordable housing, community infrastructure and planning obligations

- 10.57 Local Plan policy LP5 states Local Plan on sites of 10 or more dwellings, 25% of the dwellings as affordable houses and a development of this size this would be expected to be delivered on-site. Policy LP13 of the Local Plan sets out that planning permission will only be granted if it can be demonstrated that there is, or will be, sufficient infrastructure capacity to support and meet all the requirements arising from the proposed development. Conditions or a planning obligation are likely to be required for many proposals to ensure that new development meets this principle. Developers will either make direct provision or will contribute towards the provision of local and strategic infrastructure required by the development either alone or cumulatively with other developments. Where a planning obligation is required, in order to meet the above principles of infrastructure provision, this will be negotiated on a site-by-site basis.
- 10.58 The Council's own Local Plan & CIL Viability Assessment (HDH, December 2019) sets out expectations of viability for sites across the district. For sites south of the

A47 highway, the conclusions advise that schemes should be able to achieve 20% affordable housing and £2,000 per dwelling in financial contributions. Whilst this is lower than set out in Local Plan policy LP5 (affordable housing) it is a material consideration which the Council has previously given significant weight to, and which has been used to set the viability expectations for many other developments in the district. The applicant has confirmed their agreement to this provision in a submitted Heads of Terms schedule.

- 10.59 In light of the above, and as confirmed by the Council's Housing Strategy and Enabling Officer, based on the upper quantum proposed, an on-site affordable housing scheme for 35 dwellings would be expected to be secured and would provide 70% (25no.) affordable rented units and 30% (10no.) shared ownership units which would align with the Council's current housing tenure demands. The specific mix would be expected to be secured as part of the agreed scheme and phasing of the development. Subject to this, the proposals would accord with the current viability position in place regarding Local Plan policy LP5.
- 10.60 With regard to the level of demand for affordable housing within Whittlesey, the Housing Strategy and Enabling Officer has provided a table (see consultee comments at 5.18) showing the numbers of households registered for affordable rent (but can be taken as indicative to the demand for affordable ownership as well).
- 10.61 As this table shows, even when limited to those with a local connection to Whittlesey, there is a very high demand for affordable dwellings in this area of the district. A contributory factor to this demand will be partly due to the under provision of affordable housing within the district in recent years which has resulted in an increased demand for affordable housing units. Thus, the provision of 35 affordable dwellings through the proposals would assist in meeting the acknowledged shortfall in affordable housing units. Meeting the demand for such homes for households with a local connection to Whittlesey and the wider district and is materially significant when considering further housing provision in the Town in the context of Part A of Local Plan policy LP4, as discussed in paragraph 10.2 above.
- 10.62 In relation to community infrastructure, statutory tests as set out in the Community Infrastructure Regulations 2010 (Regulation 122) requires that S106 planning obligations must be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonable related in scale and kind to the development. S106 obligations are intended to make development acceptable which would otherwise be unacceptable in planning terms.
- 10.63 Having regard to the scale and nature of the proposal and further to consultation with statutory bodies to establish infrastructure requirement, in summary the following is sought through this development;
- Healthcare
 - Education
 - Open Space and an area of Neighbourhood Equipped Area of Play
 - Transport Infrastructure

Healthcare

10.64 Requests for financial contributions have been received from both NHS and East of England Ambulance service, to provide upgraded surgery facilities (total £144,182.40) and in respect of an impact on the Whittlesey Ambulance Station (£56,000) respectively.

10.65 *Education*

Cambridgeshire County Council as the education authority seek contributions towards;

- Early Years - £363,740
- Primary Education - £1,273,090
- Secondary Education - £1,111,132

Open Space

10.66 The scheme will be expected to provide a variety of formal and informal open spaces throughout the site including 3.3 hectares of grassed areas. The Council is not currently seeking to adopt such areas and it would therefore be expected that unless the Town Council wish to take on future management of these spaces, a long-term management and maintenance scheme would be provided by the developer. Given the scale of the site and the ability to deliver a wide range of open spaces, including a Neighbourhood Equipped Area of Play, it is not considered necessary to seek off-site contributions in this instance.

Transport Infrastructure

10.67 The application has undergone discussion with regards to transport mitigation and general requirements. The following has been secured via discussions with the applicant and Local Highways Authority and will be delivered by planning condition rather than via a legal agreement;

- Welcome Travel Packs for new residents,
- The provision of the 3 metre wide link to the adjoining new housing site to the south east, and
- Off-site passing places on Drybread Road.

10.68 It is proposed to share the circa £350,000 across the education and healthcare requirements on a proportionate, pro-rata basis, which would work out as follows, based on a quantum of 175 dwellings;

Provider	% of Total contributions	Amount proposed based on 175 dwellings (£350,000)
NHS Estates	5%	£17,117
EEAST (Ambulance)	2%	£6,648
Early Years	13%	£43,183
Primary school	43%	£151,140
Secondary school	37%	£131,912
		£350,000

10.69 It is acknowledged that this will not meet the whole needs of these services, as identified by public sector providers in response to this application. However, viability is a material consideration in decision making with the current viability position in Fenland being described above in paragraph 10.58 above.

10.70 In summary, the provision of 35 affordable dwellings through the proposals would assist in meeting the high demand for such homes for households both with a local connection to Whittlesey and the wider district and is materially significant when considering further housing provision in the Town in the context of Part A of Local Plan policy LP4. With regards to community infrastructure, the proposed scheme does look to provide some level of financial contribution, and this is at a level that has been found to be acceptable by the Council previously. It is concluded that the above contributions and physical highways infrastructure requirements are necessary to make the development acceptable and would meet the tests of CIL regulations in that they are, i) necessary to make the development acceptable in planning terms; ii) directly related to the development; and, iii) fairly and reasonably related in scale and kind to the development and would facilitate a development that would be deliverable in the current position regarding viability in the district. Accordingly, it is considered that the proposals conform with Local Plan policies, LP5 and LP13 as well as part f(iii). of the Whittlesey Neighbourhood Plan.

Other matters

- 10.71 With regard to the protection of any affected heritage assets, the Historic Environment Team notes that a satisfactory archaeological evaluation report has now been submitted to support the application and that the appropriate way forward is likely to be a programme of mitigation to record this area of archaeology appropriately prior to development impact to be secured through the inclusion of a negative condition. In this respect the development would be in conformity with criteria (a) of adopted Local Plan policy LP16.
- 10.72 The application site is partly within a Minerals Safeguarding Area (MSA) for sand and gravel in the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021). The County Council has stated that whilst it would be ideal to extract all the sand and gravel prior to the construction of this development, this is unlikely to be feasible. Therefore, to comply with Policy 5 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan it is requested that a condition is imposed that suitable sand and gravel excavated during the construction phase be retained for use on the site.
- 10.73 Whilst the soils at the site would appear as falling with the Best and Most Versatile definition as set out in the NPPF (Grade 2 in the Provisional Agricultural Land Classification maps), the land around Whittlesey outside of Flood Zone 3 are in the same or higher Grade of Classification. Thus, the loss of such land is inevitable as part of any future greenfield housing development that is outside the highest area of flood risk.
- 10.74 Natural England has been consulted and confirm that this application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not appear to lead to the loss of over 20 hectares of 'best and most versatile' (BMV) agricultural land.

11 CONCLUSIONS

- 11.1 Aligning with the NPPF, policy LP1 of the adopted Local Plan provides a presumption in favour of sustainable development. To be sustainable, development must strike a satisfactory balance between the applicable economic, environmental and the social considerations. Policy LP1 goes on to state that

planning applications that accord with the policies in the Local Plan will be approved without delay, unless material considerations indicate otherwise.

11.2 It is recognised that the development will result in some unavoidable landscape harm, upon the local landscape character and on a limited number of visual receptors immediately adjacent or overlooking the site. With regards to character, the level of harm is reduced on account that the proposed development would be similar to that recently built on adjacent land immediately to the south and west of the application. In relation to visual harm, the impact would be in the short term and mainly localised. As such, it is considered that there would be no unacceptable adverse effects that should preclude a sensitively designed development in landscape and visual terms. The positioning of the dwellings within the site and the inclusion of open space and landscape buffer to the north and east of the site respectively results in a logical rounding off of the existing settlement edge at Drybread Road and the Strategic Allocated site that is being completed to the immediate south.

11.3 Subject to the satisfactory completion of a Section 106 legal agreement, to ensure necessary infrastructure is secured to support this development, it is considered that:

- the principle of a development of this scale is acceptable in this location being on the edge of an ‘Other Market Town’, adjacent to the built area and east of the town thus compliant with relevant Local and Neighbourhood Plan policies,
- whilst Whittlesey has exceeded its approximate housing target for the Local Plan period through completions and extant permissions, this figure is not a ceiling and the proposal would increase the supply of housing - including a 20% provision of much needed on-site affordable housing,
- that the proposed development has suitable access arrangements and that wider highways issues in the vicinity of the site are acceptable or can be mitigated by the measures set out in this report,
- it will maximise opportunities for use of public transport, walking and cycling
- there is no flood risk associated with the proposed development and that both surface and foul drainage demands arising can be dealt with and managed, including where necessary by the imposition of suggested planning conditions,
- the proposed parameters of development are acceptable and demonstrate the site can appropriately accommodate the development as described and will contribute to the creation of a mixed community with sufficient open space and play facilities for residents,
- the development raises no immediate concerns over potential harm to residential amenity and subject to detailed design has potential to deliver a high-quality living environment for both future occupiers and existing residents,
- the proposals have been subject of submissions by the applicant regarding ecology and biodiversity interest within the application site and in relation to nearby nationally and internationally designated sites. Consideration of these submissions by relevant consultees, has concluded that there is no objection to the proposals, subject to appropriate planning conditions, and
- it will provide appropriate contributions to infrastructure to meet the needs generated by the development in the context of the current viability position in the district, and

- whilst there are negative impacts of the development on landscape character and visual setting, these are not considered to be at level that would justify the refusal of the application.

11.4 Having regard to national and local planning policies, and all comments received, and subject to the resolution of the Section 106 legal agreement, it is considered that the proposal would, on balance, amount to sustainable development and would accord with the Development Plan taken as a whole. There are no material considerations worthy of sufficient weight that indicate that a decision should be made other than in accordance with the Development Plan. Accordingly, the conclusion reached is that the development should be approved.

12 RECOMMENDATION

12.1 Members are recommended to **APPROVE** the application in accordance with the following terms;

1. The Committee delegates authority to finalise the terms and completion of the Section106 legal agreement and planning conditions to the Head of Planning; and,
2. Following the completion of the Section106 agreement, application F/YR23/0245/O be granted subject to the planning conditions set out in principle at Appendix 1 below; or,
3. The Committee delegates authority to refuse the application in the event that the Applicant does not agree any necessary extensions to the determination period to enable the completion of the Section 106 legal agreement or on the grounds that the applicant is unwilling to complete the obligation necessary to make the development acceptable.

Appendix 1 - Proposed Draft Conditions

1	<p>Approval of the details of:</p> <ul style="list-style-type: none"> i. the layout of the site ii. the scale of the building(s); iii. the external appearance of the building(s); iv. the landscaping <p>(hereinafter called "the Reserved Matters") shall be obtained from the Local Planning Authority prior to the commencement of development.</p> <p>Reason: To enable the Local Planning Authority to control the details of the development hereby permitted.</p>
2	<p>Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.</p> <p>Reason: To ensure compliance with Section 92 of the Town and Country Planning Act 1990.</p>
3	<p>The development hereby permitted shall begin before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.</p>

	Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
4	<p>Quantum The residential elements of the development shall not exceed 175 dwellings (Use Class C3).</p> <p>Reason: For the avoidance of doubt and to ensure a satisfactory standard of development.</p>
5	<p>Phasing Plan With the exception of the approved accesses, the development shall be undertaken in phases in accordance with a phasing plan to be submitted to and approved in writing by the Local Planning Authority prior to or concurrently with the submission of the first reserved matters. The phasing plan will need to demonstrate through supporting evidence that the phasing approach proposed will not result in severe harm in highway, amenity, drainage and biodiversity terms. With the exception of the approved accesses, development shall not commence on each development phase until all reserved matters for that phase have been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason - For the avoidance of doubt and to allow development to be undertaken and conditions to be discharged on a phased basis.</p>
6	<p>Conformity with outline details Development shall conform with the Development Framework Plan (Drawing No. BUD017_01D-01 REV D), and the Development Principles of the Design and Access Statement (Revision A), save for minor variations where such variations do not substantially deviate from these details.</p> <p>Reason: For the avoidance of doubt and to ensure that the details of the development are acceptable to the Local Planning Authority.</p>
7	<p>Archaeology No development shall commence in any phase until the applicant, or their agents or successors in title, has implemented a programme of archaeological work for that phase, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no development shall take place other than under the provisions of the agreed WSI, which shall include:</p> <ol style="list-style-type: none"> a. the statement of significance and research objectives; b. The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; c. The timetable for the field investigation as part of the development programme; d. The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material and digital archives. <p>Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework.</p>
8	<p>Site Wide drainage Concurrently with the submission of the first reserved matters application, a detailed design of the surface water drainage of the site shall be submitted to and approved in</p>

	<p>writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan. The scheme shall be based upon the principles within the agreed Flood Risk Assessment LDE, Ref: 680578, Rev: 06, dated: 14th May 2024 and shall also include:</p> <ul style="list-style-type: none"> a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events; b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance; c) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it); d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections); e) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants; f) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems; g) Full details of the maintenance/adoption of the surface water drainage system; h) Permissions to connect to a receiving watercourse or sewer; i) Measures taken to prevent pollution of the receiving groundwater and/or surface water <p>Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development and to ensure that the principles of sustainable drainage can be incorporated into the development, noting that initial preparatory and/or construction works may compromise the ability to mitigate harmful impacts</p>
9	<p>Surface water run off measures during construction</p> <p>No development, including preparatory works, shall commence in any phase until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence in that phase.</p> <p>Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts.</p>
10	<p>Foul drainage</p> <p>Prior to the commencement of development in each phase, a scheme and timetable for the provision and implementation of foul water drainage for that phase shall be submitted and approved in writing by the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme and thereafter retained in perpetuity.</p> <p>Reason: To prevent environmental and amenity problems arising from flooding and to provide a satisfactory means of sanitation in accordance with Policies LP2, LP14 and LP16 of the Fenland Local Plan, 2014.</p>

11	<p>Ecological Design Strategy</p> <p>No development shall take place until a site wide ecological design strategy (EDS) addressing mitigation, compensation and enhancements (including reptiles and species identified in Ecological Impact Appraisal) has been submitted to and approved in writing by the local planning authority.</p> <p>The EDS shall include the following:</p> <ul style="list-style-type: none"> a) Purpose and conservation objectives for the proposed works. b) Review of site potential and constraints. c) Detailed design(s) and/or working method(s) to achieve stated objectives. d1) Biodiversity Net Gain strategy identifying how biodiversity net gain (or at least no net loss) will be achieved. d2) Extent and location/area of proposed works on appropriate scale maps and plans. e) Type and source of materials to be used where appropriate, e.g. native species of local provenance f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development g) Persons responsible for implementing the works, such as Ecological Clerk of Works h) Details of initial aftercare and long-term maintenance i) Details for monitoring and remedial measures. j) Details for disposal of any wastes arising from works. <p>The EDS must include off-site compensation measures (if required).</p> <p>The EDS shall be implemented in accordance with the approved details and all features shall be retained in the manner thereafter in perpetuity.</p> <p>Reason: Fenland Local Plan 2014 policies LF16 & LF19 (to protect and enhance biodiversity)</p>
12	<p>Construction Ecological Management Plan</p> <p>No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Ecological Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority.</p> <p>The CEMP (Biodiversity) shall incorporate recommendations of the Ecology Impact Appraisal and Reptile Survey and must include the following:</p> <ul style="list-style-type: none"> a) Risk assessment of potentially damaging construction activities. b) Identification of “biodiversity protection zones”. c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) d) The location and timings of sensitive works to avoid harm to biodiversity features. e) The times during which construction when specialist ecologists need to be present on site to oversee works. f) Responsible persons and lines of communication. g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person. h) Use of protective fences, exclusion barriers and warning signs if applicable. <p>The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.</p> <p>Reason: Fenland Local Plan 2014 policies LF16 & LF19 (to protect and enhance biodiversity)</p>

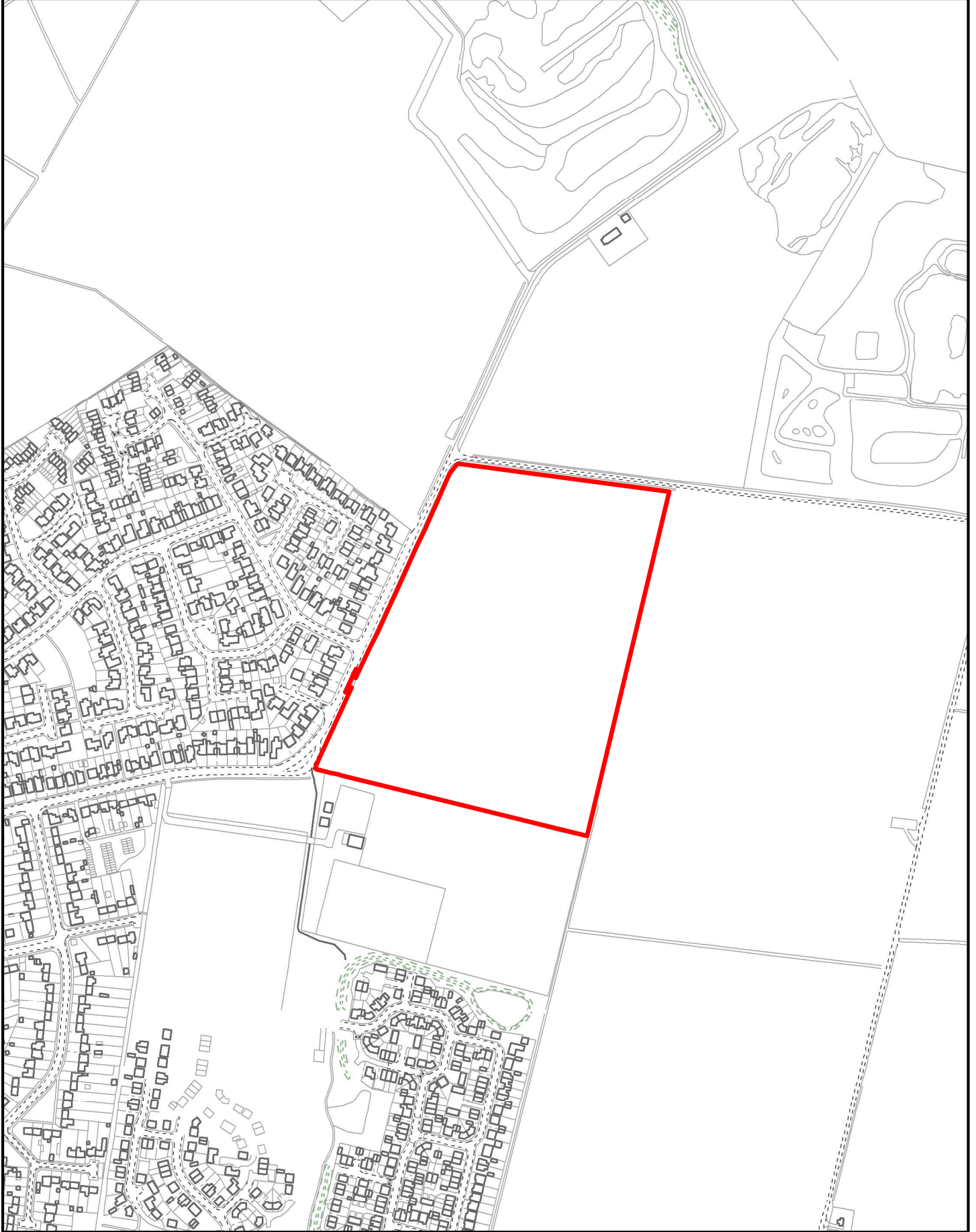
13	<p>Landscape and Ecological Management Plan</p> <p>A landscape and ecological management plan (LEMP) shall be submitted to and be approved in writing by the local planning authority prior development proceeding above slab level for each development phase. The content of the LEMP shall include the following:</p> <ul style="list-style-type: none"> a) Description and evaluation of features to be managed. b) Ecological trends and constraints on site that might influence management. c) Aims and objectives of management. d) Appropriate management options for achieving aims and objectives (including biodiversity net gain). e) Prescriptions for management actions f) Preparation of the work schedule (including an annual work plan capable of being rolled forward over a 30 year period and BNG audit) g) Details of the body or organisation responsible for implementation of the plan h) Ongoing monitoring and remedial measures <p>The LEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the development with the management body(ies) responsible for its delivery.</p> <p>The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.</p> <p>A 5 yearly report shall be submitted to the LPA confirming the progress of the LEMP and results of any monitoring work.</p> <p>The LEMP shall be implemented in accordance with the approved details and all features shall be retained in the manner thereafter in perpetuity.</p> <p>Reason: To ensure biodiversity is protected and enhanced in accordance with policies LP16 and LP19 of the Fenland Local Plan, 2014.</p>
14	<p>Lighting</p> <p>The submission of reserved matters for each phase of development, as required by condition 1 shall include a scheme for the provision of external lighting together with a light impact assessment. The report must include an ISO contour plan and demonstrate that any proposed lighting will be within parameters set in accordance with the Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2011, having regard to the relevant Environmental Zone, that being (E2) rural areas.</p> <p>Furthermore, the submission shall be supported by a "lighting design strategy for biodiversity" in accordance with ILP Publications' "Guidance Note 8 Bats and artificial lighting" The strategy shall:</p> <ul style="list-style-type: none"> a. identify those areas /features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and, b. show how and where external lighting will be installed (through the provisions of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. <p>All the above details to be approved in writing by the Local Planning Authority prior to the commencement of development in the relevant phase.</p>

	<p>All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.</p> <p>Reason: To ensure biodiversity is protected in accordance with policies LP16 of the Fenland Local Plan, 2014.</p>
15	<p>Construction Management Plan</p> <p>No development shall commence in each phase until a Construction Management Plan (CMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include the consideration of the following aspects of construction:</p> <ul style="list-style-type: none"> a) Construction programme; b) Contractors' access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures; c) Details of a temporary facilities area clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction; d) Details of restricted Construction hours; e) Details of restricted Delivery times and collections; f) Noise impact assessment methodology, mitigation measures, noise monitoring and recording statements in accordance with the provisions of BS 5228-1:2009+A1:2014 Code of Practice for noise and vibration control on construction and open sites; h) Vibration impact assessment methodology, mitigation measures, monitoring and recording statements in accordance with the provisions of BS 5228-2:2009+A1:2014 Code of Practice for noise and vibration control on construction and open sites. Details of any piling construction methods / options, as appropriate; i) Dust mitigation, management / monitoring and wheel washing measures in accordance with the provisions of Control of dust and emissions during construction and demolition, and road sweepers to address depositing of mud on immediate public highways; j) Use of concrete crushers; k) Prohibition of the burning of waste on site during demolition/construction; l) Site artificial lighting including hours of operation, position and impact on neighbouring properties; m) Drainage control measures including the use of settling tanks, oil interceptors and bunds. n) Screening and hoarding details; o) Access and protection arrangements around the site for pedestrians, cyclists and other road users; p) Procedures for interference with public highways, including permanent and temporary realignment, diversions and road closures; q) External safety and information signing and notices; r) Implementation of a Stakeholder Engagement/Residents Communication Plan, Complaints procedures, including complaints response procedures; and <p>The approved CMP shall be adhered to throughout the construction period and must demonstrate the adoption of best practice.</p> <p>Reason: In the interests of protecting highway safety and residential amenity in accordance with policies LP2, LP15 and LP16 of the Fenland Local Plan, 2014.</p>
16	<p>Sand and gravel extraction</p> <p>As part of a Construction Management Plan (CMP), to be submitted prior to commencement of a phase of development, the following matters shall be addressed:</p>

	<p>A) A list of opportunities where incidental extraction of sand and gravel may occur because of groundworks which are required for the development.</p> <p>B) An estimate of the likely quantity of material(s) that can be extracted.</p> <p>C) If possible, an estimation of the mineral resource(s) within the site.</p> <p>D) Where mineral is found, demonstrate how any material(s) extracted will be put best use.</p> <p>The CMP must be submitted to the Local Planning Authority, for consultation and approval from the Minerals Planning Authority, in respect of the above matters.</p> <p>Reason: To ensure the proposed development compiles with Policy 5 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan as part or all of the site lies within a Sand and Gravel Mineral Safeguarding Area.</p>
17	<p>Fire Hydrants</p> <p>No development above slab level within a development phase shall take place until details for the provision of fire hydrants has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before any dwelling within the respective development phase is occupied.</p> <p>Reason: To ensure a satisfactory form of development and in accordance with Policy LP16 of the Local Plan.</p>
18	<p>Contaminated Land</p> <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 amended 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 policies LP2, LP14 and LP16 of the Fenland Local Plan, 2014.</p>
19	<p>Footway Width</p> <p>Prior to the commencement of the use hereby approved or first occupation of the development of any phase approved, the footpath(s) within the site shall be constructed to a width not less than 2 metres and maintained thereafter.</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>
20	<p>Management of Estate Roads</p> <p>Prior to the occupation of the first dwelling within each phase, full details of the proposed arrangements for future management and maintenance of the proposed streets within the development phase shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into unto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.</p> <p>Reason: 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, adopted May 2014.</p>
21	<p>Travel Plan</p>

	<p>Prior to the first occupation of any dwelling within each development phase, a revised Travel Plan with suitable measures and incentives inclusive of bus vouchers and/or active travel vouchers to promote sustainable travel shall be submitted to and approved in writing by the Local Planning Authority in order to implement measures in the Travel Plan submitted with the application.</p> <p>The Travel Plan for each development phase shall thereafter be monitored annually with all measures reviewed to ensure targets are met. The travel plan shall be active for a year post occupation of the last dwelling of that development phase.</p> <p>Reason: To encourage sustainable modes of travel in accordance with policy LP15 of the Fenland Local Plan, 2014.</p>
22	<p>Welcome Travel Pack</p> <p>Prior to the first occupation of any dwelling within each phase, a Welcome Travel Pack detailing sustainable travel for each dwelling within that phase shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The Welcome Travel Packs shall be distributed to the first occupants of each dwelling within each relevant phase and shall include the provision of bus vouchers and/or active travel vouchers to promote sustainable travel.</p> <p>Reason: To encourage sustainable modes of travel in accordance with policy LP15 of the Fenland Local Plan, 2014.</p>
23	<p>Provision of footway/cycleway on Drybread Road</p> <p>Prior to occupation of the first phase of the development, the developer shall deliver a 3m wide shared use footway/cycleway on the eastern/southern side of Drybread Road between the site and the shared use path to be delivered along Drybread Road as part of the neighbouring Allison Homes site in accordance with the scheme shown indicatively on DRB-BWB-GEN-XX-DR-TR-100 S2 P5.</p> <p>The works shall include a dropped crossing facility to the existing footway on the western/northern side of Drybread Road. Details shall first be submitted to and agreed in writing with the Local Planning Authority.</p> <p>Reason: To encourage sustainable modes of travel in accordance with policy LP15 of the Fenland Local Plan, 2014.</p>
24	<p>Passing bay provision on Drybread Road</p> <p>Prior to occupation of the first phase of development, the developer shall deliver passing provision on Drybread Road to the north and east of the site in accordance with the scheme shown indicatively on DRB-BWB-GEN-XX-DR-TR-101 S2 P5.</p> <p>Details shall first be submitted to and agreed in writing with the Local Planning Authority.</p> <p>The developer shall deliver the scheme in its entirety, however, in the event that passing provision along the length of the north to south stretch of Drybread Road is delivered first by another site under separate planning consent, then the developer shall only be required to deliver the works on the east to west stretch of Drybread Road.</p> <p>Reason: Drybread Road to the north and east of the site is a single track road subject to 60mph with infrequent passing places. Additional passing places are required to accommodate traffic arising from the development which may use this stretch of Drybread Road to access/egress the A605 Eastrea Road.</p>

25	<p>Post construction surface water drainage survey Upon completion of the surface water drainage system, including any attenuation ponds and swales, and prior to their adoption by a statutory undertaker or management company; a survey and report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall be carried out by an appropriately qualified Chartered Surveyor or Chartered Engineer and demonstrate that the surface water drainage system has been constructed in accordance with the details approved under the planning permission.</p> <p>Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed by an independent surveyor, with their findings submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure the effective operation of the surface water drainage scheme following construction of the development.</p>
26	<p>Time Limit on Development Before Further Surveys are Required If the development hereby approved does not commence within 12 months from the date of the planning consent, the approved ecological measures secured through other conditions shall be reviewed and, where necessary, amended and updated.</p> <p>The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of key species identified in the Ecological Impact Assessment (breeding birds, badger and reptiles), and identify any likely new ecological impacts that might arise from any changes.</p> <p>Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.</p> <p>Reason: Fenland Local Plan 2014 policies LF16 & LF19 (to protect biodiversity).</p>
27	<p>Housing Mix The dwelling mix for the development hereby approved shall be submitted as part of the reserved matters.</p> <p>Reason: In order to ensure that an appropriate housing mix is provided for the proposed development taking into account the objective of creating a sustainable, mixed community in accordance with Policy LP3 of the Fenland Local Plan and Policy 2 of the Whittlesey Neighbourhood Plan and guidance contained within the National Planning policy Framework.</p>
28	<p>Approved Plans The development hereby permitted shall be carried out in accordance with the approved plans and documents:</p>



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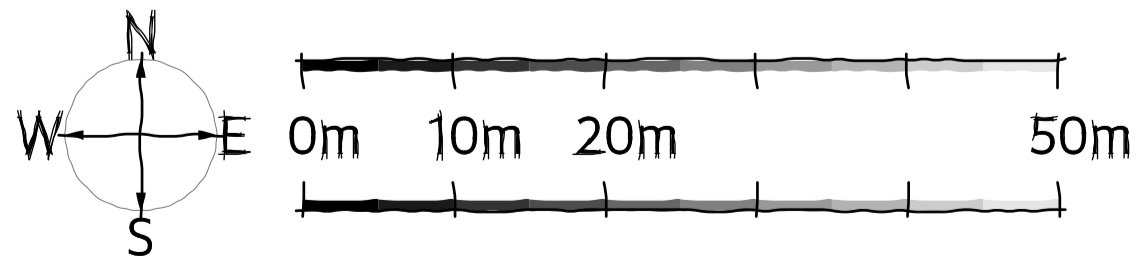
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F/YR23/0245/O

Scale = 1:5,000



- EXISTING VEGETATION TO BE RETAINED
- EXISTING 3M WIDE IDB EASEMENT TO THE SITE BOUNDARY
- PROPOSED SITE ACCESS JUNCTION WITH DRYBREAD ROAD
- PROPOSED CYCLEWAY ALONG DRYBREAD ROAD INTO THE SITE
- PROPOSED EMERGENCY ACCESS, PEDESTRIAN & CYCLE LINK WITH DRYBREAD ROAD
- PROPOSED TREE-LINED PRIMARY STREETS
- PROPOSED 3M WIDE CYCLEWAY ALONG PRIMARY STREET
- PROPOSED ILLUSTRATIVE DEVELOPMENT BLOCKS
- PROPOSED REALIGNED DITCH ALONG SITE FRONTAGE
- PROPOSED ILLUSTRATIVE TREE PLANTING
- PROPOSED ILLUSTRATIVE ATTENUATION AREA
- PROPOSED PUBLIC OPEN SPACE - 3.60HA (INCLUDING GREEN BUFFERS & ATTENUATION BASIN)
- PROPOSED 'NEAP' PLAY AREA



Beau.
Urban Design

Drybread Road, Whittlesey - Development Framework Plan

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F/YR23/0705/O

Applicant: Rose Homes (EA) Limited

**Agent : Mr Michael Braithwaite
Robert Doughty Consultancy Limited**

Land North Of, 271 - 311 Eastrea Road, Whittlesey, Cambridgeshire

Erect up to 249 x dwellings (outline application with matters committed in respect of access) and the formation/works to 2 x accesses

Officer recommendation: Grant subject to conditions and completion of S106

Reason for Committee: Number of representations submitted which conflict with the Officer recommendation, including Whittlesey Town Council's

Government Planning Guarantee

Statutory Target Date for Determination: 20 November 2023

EOT in Place: Yes

EOT Expiry: 2 November 2024

Application Fee: £25,508

Risk Statement:

This application must be determined by 2 November 2024 otherwise it will be out of time and therefore negatively affect the performance figures and poses a risk to an appeal against non-determination of the application.

1 EXECUTIVE SUMMARY

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| <p>1.1 The site comprises approximately 12.6 hectares of agricultural land on the north eastern side of the town of Whittlesey. Two new vehicular access points are proposed, one for circa 200 units from Eastrea Road and a secondary access for circa 50 dwellings proposed to be taken from Drybread Road on the eastern boundary.</p> <p>1.2 The application seeks consent for up to 249 dwellings, open space and supporting infrastructure. The application is made in outline so detailed matters of layout, scale, appearance and landscaping are reserved for future consideration, although an indicative layout plan is submitted showing how the site could be developed from the access points proposed. The development proposes the provision of 20% on-site affordable housing.</p> <p>1.3 The application site is not allocated for development in either the Local or Neighbourhood Plan. However, the principle of a housing development would accord with the Spatial Strategy as set out policy LP3 of the adopted Local Plan. Whilst the housing proposed would further exceed the approximate housing figure for Whittlesey given in Part A of Local Plan policy LP4, this would not in itself be contrary to that part of the policy and would further increase supply and provide much needed on site affordable dwellings. The</p> |
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number of homes applied for in this location is acceptable and is therefore in conformity with Part B of policy LP4 of the adopted Local Plan and Policy 1 of the Whittlesey Neighbourhood Plan.

- 1.4 As well as the principle of the development, the application has considered a number of site-specific key issues arising, being informed by relevant consultation responses whereby the proposals are adjudged to be in conformity with relevant Local and Neighbourhood Plan policies regarding the new access, highways, flood risk and drainage, residential amenity, and ecology and biodiversity.
- 1.5 The nature of the proposals would result in an inevitable impact on the character of the site and its immediate locality given its current use. However, the site is adjacent to the edge of the built up area of Whittlesey, with built development to the south and west of the site and therefore the level of impact on the character of the area is accepted within that context. Whilst it is recognised that the development will result in some unavoidable landscape harm, this is localised, short term as landscaping matures and inevitable given the nature of the development.
- 1.6 Fullfilment of infrastructure requirements as requested by public sector providers is not possible, due to existing viability constraints within the district, and so the full amount of infrastructure contributions cannot be secured. Notwithstanding this, a comprehensive package of mitigation has been agreed by the applicant, with a mixture of financial contributions and direct delivery of affordable housing and transport infrastructure.
- 1.7 Overall, it is considered that the proposal would, on balance, amount to sustainable development and would accord with the Development Plan taken as a whole. The proposed development would result in on site delivery of 50 affordable dwellings and this is of significance given the identified need within Whittlesey and the under provision of affordable housing within the district in recent years. There are no material considerations worthy of sufficient weight that indicate that a decision should be made other than in accordance with the Development Plan.
- 1.8 The recommendation is to approve the application subject to the signing of a Section 106 legal agreement and finalising planning conditions.

2 SITE DESCRIPTION

- 2.1 The site comprises approximately 12.6 hectares of agricultural land on the north eastern side of the town of Whittlesey. The village of Eastrea lies further to the east. The northern boundary of the site is delineated by a ditch beyond which are two further fields that combined are of a similar size to the application site. Further beyond these fields are Decoy Lakes which provide a facility for coarse fishing.
- 2.2 The eastern boundary of the of the application site is formed by Drybread Road a single carriageway public road, going south to north from Eastrea Road. Whilst there is a narrow field verge along Drybread Road, there is no hedgerow or tree boundary,

- 2.3 The southern boundary of the application site is partly formed by an established hedgerow separating the site from Eastrea Road (A605) on the western side and partly by a track allowing access to the rear gardens of a row dwellings fronting Eastrea Road on the eastern side. On the south side of Eastrea Road are new residential dwellings and a recently constructed Aldi foodstore.
- 2.4 The eastern boundary of the application site is defined by a ditch beyond which are recently constructed dwellings on land forming part of a Strategic Allocation identified in the adopted Local Plan, whilst towards the northern end of this boundary there are football pitches associated with Whittlesey Athletic Football Club beyond the site boundary.
- 2.5 The application site is within a Minerals Safeguarding Area (MSA) for sand and gravel in the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) where its Policy 5 seeks to safeguard minerals of local and/or national importance. In relation to flood risk, the site is wholly within Flood Zone 1, which are areas identified as being at the lowest risk of flooding from rivers.

3 PROPOSAL

- 3.1 The planning application is made in outline with all matters reserved other than those concerning access. Thus, details of the proposal relating to the final layout of the development, its scale, external appearance of buildings and landscaping are at this stage the subject of future reserved matters application(s), should outline consent be granted. Nevertheless, this outline application does establish the certain parameters for the development of the site.
- 3.2 The submitted application seeks consent for up to 249 dwellings with the majority being for sale on the open market but also a percentage that would be classified as affordable housing.
- 3.3 An indicative Proposed Site Plan (830-40_PL_SP01 REV B) has been submitted with the application. This shows two points of vehicular access into the site. The principal access serving up to 200 dwellings would be along the Eastrea Road A605 frontage where the site adjoins the road. A secondary access serving no more than 50 dwellings is proposed off Drybread Road, which would be improved from the site entrance to the A605 junction (thereby resulting in a combined amount of up to 249 dwellings). There would be pedestrian and emergency vehicle access between the two development areas, which would also aid non car permeability across the entire development.
- 3.4 Although the detailed layout of the site is not a matter for consideration as part of this outline application where the principle of the development is being considered, the indicative layout as provided shows how the site could be laid out to incorporate main estate roads, surface water drainage conveyance and retention measures, public open space, biodiversity retention and enhancement measures and landscaping.
- 3.5 Full plans and associated documents for this application can be found at: <https://www.publicaccess.fenland.gov.uk/publicaccess/>

4 SITE PLANNING HISTORY

Reference	Description	Decision
F/YR15/0054/O	Erection of Mixed Use Business Park to include Employment (B1), Community (D1) and Retail/Professional Uses (A2/A3/A5) Land north of Gildenburgh Water, Eastrea Road, Whittlesey	Granted 30.06.2015

5 CONSULTATIONS (SUMMARISED OR VERBATIM)

5.1 Whittlesey Town Council 06.10.2023

The Town Council recommend refusal of this application on the following grounds

- 1. This is the last area of open land between Whittlesey and Eastrea which allows the separation of settlements, meaning open fields would be lost.*
- 2. The approved Whittlesey Local plan which forms part of the FDC planning process has recommends that this site should not be developed.*
- 3. Highways issues already have been identified with additional 200 homes, and since the opening of the Aldi store the road has become more dangerous. A proposed roundabout was not agreed when Aldi was built and an additional junction will cause more issues an be a safety hazzard. Resident turning right out of the proposed development onto the A605 will not be safe and this new junction will not be workable.*
- 4. The plan suggests some widening of areas of Drybread Road, however the remaining part of Drybread road is narrow and needs to be taken into consideration.*
- 5. The site has not been included for residential development in the FDC emerging local plan. Cllr boden abstained from the vote, all other members voted in favour of refusal.*

5.2 CCC Historic Environment Team 04.06.2024 - latest response

A program of archaeological evaluation has now been undertaken at the site including geophysical survey, aerial photographic transcription and trial trenching. The Geophysical survey and aerial photographic transcription indicated a series of concentric enclosures possibly indicative of settlement alongside the route of the Roman route the Fen Causeway. They also indicated possible field system. The program of trial trenching has largely confirmed this but indicated a far greater number and complexity of archaeological features including what looks to be a further iron age or roman settlement area in the southwest of the site, possible settlement at the centre of the concentric enclosures in the northwest and possible later activity towards the east of the site. The trail trench evaluation was constrained by the weather and conditions during the work and therefore a smaller sample of features were investigated that intended. We had not previously seen the trail trenching report and whilst it is largely very thorough and sufficient for its purpose we would recommend the inclusion of a plan indicating the locations of finds collected through metal detecting and bucket sampling from the topsoil. Due to the general paucity of finds in comparison to the quality of features topsoil finds make up a large proportion of the recovered finds.

Despite the constraints of the trail trenching program we feel we have enough information to make recommendations on the application. Whilst we do not object

to development from proceeding in this location, we consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition.

Details of suggested condition and informatives given.

17.10.2023 – reconsultation response

The Written Scheme of Investigation for archaeological Evaluation has been approved by this office and we would continue to recommend that this work is undertaken prior to determining the suitability of development in this location, in order to inform a planning decision. The evaluation results should allow for the fuller consideration of the presence/absence, nature, extent, quality and survival of archaeological remains within the proposed development area.

06.09.2023 - initial response

Advise that due to the nature of the surrounding archaeology as well as the scale of the scheme it is the recommendation of this office that this office that physical archaeological evidence be presented prior to determining the suitability of development in this location, in order to inform a planning decision.

5.3 FDC Housing Strategy & Enabling Officer 30.09.2024 - further clarification provided

These are numbers of households registered for affordable rent but can be taken as indicative to the demand for affordable ownership as well.

<i>Whittlesey</i>			
	<i>Local Connection</i>	<i>Preference</i>	<i>Whole FDC</i>
<i>1 Bed</i>	<i>109</i>	<i>259</i>	<i>768</i>
<i>2 Bed</i>	<i>83</i>	<i>160</i>	<i>545</i>
<i>3 Bed</i>	<i>54</i>	<i>125</i>	<i>363</i>
<i>4 Bed</i>	<i>17</i>	<i>30</i>	<i>79</i>
<i>5+ Bed</i>	<i>4</i>	<i>9</i>	<i>17</i>
<i>Totals</i>	<i>267</i>	<i>583</i>	<i>1772</i>

As you can see, even when limited to those with a local connection to Whittlesey, there is a very high demand for affordable dwellings in this area of the district.

Whilst 1 bed is always the largest bedroom need, this shouldn't be looked at without the additional consideration that many requiring 1 bed also have additional needs, mobility issues, level access, medical needs, etc. and then aside from additional needs, the majority of these applications are going to be the lower priority bandings.

13.09.2023 - initial response

Fenland Local Plan Policy LP5 Requirements

Policy LP5 of the Fenland Local Plan (adopted May 2014) seeks 25% affordable housing on developments where 10 or more homes will be provided.

Minor developments (5-9 dwellings) - Nil affordable housing

Major developments (10 or more dwellings) - 25% affordable housing (rounded to the nearest whole dwelling)

Tenure Mix - 70% affordable housing for rent (affordable rent tenure) and 30% other affordable routes to home ownership tenure (shared ownership housing)

The Fenland Viability Report (March 2020)

To inform the preparation of Fenland's emerging Local Plan, a Viability Assessment was undertaken which looked at the cost of building new homes and the costs associated with the policies in this Local Plan.

This report concluded that viability in Fenland is marginal and varies between localities in the district. The assessment indicates that 20% affordable housing is likely to be the maximum level of provision that can be achieved through planning obligations. In response to the report, the Council has confirmed that finding of the viability assessment will be taken into account when determining planning applications from May 2020 onwards.

Consequently, while the Council aims to deliver policy compliant 25% affordable Housing provision on qualifying schemes where possible, it is acknowledged that a reduced percentage of affordable housing via planning obligations to a maximum of 20%, will be achievable in most instances.

Since this planning application proposes the provision of 249 number of dwellings, our policy seeks to secure a contribution of 25% affordable housing which equates to 62 affordable dwellings in this instance. Based on the provision of 20% affordable housing 50 affordable dwellings would be required in this instance.

The current tenure split we would expect to see delivered for affordable housing in Fenland is 70% affordable rented tenure and 30% affordable ownership. This would equate to the delivery of 44 affordable rented homes and 18 affordable ownership based on the provision of 25% affordable housing or 35 affordable rented homes and 15 affordable ownership based on the provision of 20% affordable housing.

5.4 Cambs Police Designing Out Crime Officer 02.10.2023

No objection and state that due to limited drawings available to view, they will reserve further comment for the reserved matters / full application. Provide some comments for consideration in this regard.

5.5 CCC Planning – Minerals and Waste 02.10.2024

The site lies within a Sand and Gravel Mineral Safeguarding Area as identified on the Policies Map for the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021, and it is considered likely that there is a sand and gravel resource within the site. Whilst it would be ideal to extract all the sand and gravel prior to the construction of this development, this is unlikely to be feasible. Therefore, to comply with Policy 5 of the Cambridgeshire and Peterborough

Minerals and Waste Local Plan it is requested that a condition is imposed which has the effect of the following:

As part of a Construction Environment Management Plan (CEMP), to be submitted prior to commencement of the development or as part of a reserve matter, the following matters shall be addressed:

- A) A list of opportunities where incidental extraction of sand and gravel may occur because of groundworks which are required for the development.*
- B) An estimate of the likely quantity of material(s) that can be extracted.*
- C) If possible, an estimation of the mineral resource(s) within the site. And*
- D) Where mineral is found, demonstrate how any material(s) extracted will be put best use.*

The CEMP must be submitted to the Local Planning Authority, for consultation and approval from the Minerals Planning Authority, in respect of the above matters.

Subject to the above condition being imposed, the MWPA has no objection to the proposed development.

5.6 Cambridgeshire Fire and Rescue Service 14.09.2023

Request that 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. Note that where a Section 106 agreement or a planning condition has been secured, the cost of Fire Hydrants will be recovered from the developer

5.7 NHS Integrated Care System 04.10.2023

Submitted planning documentation

As part of the planning documents, a Health Impact Assessment (HIA) was submitted; however, it did not assess whether the proposed development would have any negative impacts on the local primary care facilities.

Our assessment shows that the proposed development will have negative effects on the local primary care facilities, necessitating mitigation measures.

Existing Healthcare positions

The proposed development is located on the on the eastern edge of Whittlesey and north of Eastrea Road. As identified by the applicant the Site is located in an evolving area with a number of residential developments coming forward.

C&P ICS has identified that the development is most likely to impact on the services of Lakeside Healthcare and Jenner Healthcare @ Whittlesey (all within a 2km radius from the site). These are shown on Map 1, with capacity assumptions based on the weighted patient lists shown in Table 1.

Premises	Patient List Size ¹	NIA (sqm) ² of Premises	Capacity ³	Space Surplus or Deficit (NIA, sqm) ⁴
Lakeside Healthcare	20,147	1,258.00	18,346	-123.51
Jenner Healthcare @ Whittlesey ⁵	18,182	631.90	9,215	-614.86
Total	38,329	1,889.90	27,561	-738.37

Table 1: Capacity assumptions of local GP surgeries in relation to the proposed development

Healthcare needs arising from the proposed development

The intention of C&P ICS is to promote Primary Healthcare Hubs with co-ordinated mixed professionals. This is encapsulated in the strategy document: The NHS Five Year Forward Views. The development would give rise to a need for improvements to capacity, in line with C&P ICS's Estates Strategy, by way of improvements to, reconfiguration of, redevelopment of, or extension to the existing estate, or through the delivery of new build healthcare infrastructure. Based on the proposed development resulting in around 249 homes and the average population per household figure for Fenland of 2.30 (based on 2011 ONS Household data) the proposed development will result in 573 persons which will require mitigation.

C&P ICS note that the S106 contribution secured from this development would go towards a project to deliver a new healthcare facility in this locality, that would serve the future residents of this development (within identified patient catchment area). Table 2 below provides the capital cost calculation of additional primary healthcare services arising from the development proposal.

Total residential units	Additional Population Growth (1,000 Dwellings) ⁶	Required Floorspace as per HBN Guidance	Delivery Approach	Capital required to create additional floorspace ⁷
249	573	49.09	New healthcare facilities	£328,893

Table 2: Capital costs calculation of additional primary healthcare services

The site-specific capital cost required to deliver the additional floorspace via new built premises (build cost of £6,700/sqm) within the locality is included in Table 2 – which identifies the need for a capital contribution of £328,893.

Conclusion

The proposed development would create up to 249 new homes, generating an estimated 573 residents in the local area. This would have a direct impact on local healthcare services and therefore will require mitigation. Without this mitigation, the development would not comply with Policy LP2 of the Fenland Local Plan 2014, section 5.4 of Developer Contributions SPD 2015 and paragraphs 55 to 58 of the NPPF, as well as Planning Practice Guidance on Planning Obligations.

5.8 East of England Ambulance Service NHS Trust (EEAST) 09.07.2024

This proposed development is likely to impact on the services of 3 x ambulance stations operating within the vicinity: travel times from Peterborough Ambulance Stations and Hub in rush hour traffic to the development location are circa 15 minutes (Reference ShapeAtlas) (NB this is a standard reference point and does not mean ambulances come from these locations in order to respond to calls).

S106 funding would be used to support establishment of a new ambulance station post with capacity for 2 ambulances in Whittlesey to meeting the population growth from this development. Each ambulance requires 78.46m2 GIA at a cost of £5,167 per m2 .

This development of 249 dwellings would see an increase in patient pressure of circa 598 residents generating circa 137 emergency incidents per annum (2023/24 activity is currently calculated at population level across the East of England (residents 6.3m) / number of Incidents in (1.4m) = 0.23 incidents per person per annum). This development combined with other developments in Fenland places significant pressure on Peterborough ambulance stations and others in the local area to maintain mandated response times.

A developer contribution will be required to mitigate the impacts of this proposal and is calculated at £74,700.

This request is in line with Fenland IDP Policies LP2, LP3 and LP11. This additional capital funding would be allocated, in agreement with the local council, to support:

- Support establishment of a new ambulance station response to increase station capacity in Whittlesey*
- Purchase of additional capital equipment for community responders.*

5.9 CCC S106 12.05.2023

Response notes that the proposals for the site suggest that the development will consist of 249 new dwellings with a need to ensure provision for additional children. This development will generate 75 Early Years children (42 of whom could be eligible for funded places); 100 primary children and 63 secondary children. The response provides an analysis and mitigation proposed for each phase of education. It is based on the development mix set out in the planning application, with the affordable provision split between intermediate and social rent provision for the purposes of calculating child yield where this information is available. In total for the additional children arising the following financial contributions can be calculated:

- Early Years - £491,049
- Primary Education - £1,818,700
- Secondary Education - £1,590,939

5.10 Anglian Water 27.10.2023 - latest response

ASSETS

Section 1 - Assets Affected

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 would ask that the following text be included within your Notice should permission be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991.

or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Whittlesey Water Recycling Centre that will have available capacity for these flows.

Section 3 - Used Water Network

This response has been based on the following submitted documents: Drainage & Maintenance Strategy dated 25th September 2023. Whilst the proposed connection as detailed in the submitted documents is acceptable in principle, there are capacity constraints within the network. Consequently, the full development may lead to an unacceptable risk of flooding and/or pollution. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. Anglian Water may need to monitor the network. Further analysis will be required to establish the extent of network reinforcement that may be required to accommodate the full development. We will need to engage with the applicant throughout this process to understand timescales. We therefore request a condition requiring phasing plan and/or an on-site drainage strategy.

INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

The applicant has indicated on their application form that their method of surface water drainage is via SuDS. If the developer wishes Anglian Water to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed. We would recommend the applicant contact us at the earliest opportunity to discuss their SuDS design via a Pre-Design Strategic Assessment (PDSA). The Lead Local Flood Authority (LLFA) are a statutory consultee for all major development and should be consulted as early as possible to ensure the proposed drainage system meets with minimum operational standards and is beneficial for all concerned organisations and individuals. We promote the use of SuDS as a sustainable and natural way of controlling surface water run-off. We please find below our SuDS website link for further information. <https://www.anglianwater.co.uk/developers/drainage-services/sustainable-drainage-systems/> Section 5 - Suggested Planning Conditions Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval. Used Water Sewerage Network (Section 3) "We have no objection subject to the following condition: Condition Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme. Reason To prevent environmental and amenity problems arising from flooding

FOR THE ATTENTION OF THE APPLICANT - if Section 3 or Section 4 condition has been recommended above, please see below information: Next steps Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream. We therefore highly recommend that you engage with Anglian Water at your earliest convenience to develop in consultation with us a feasible drainage strategy.

If you have not done so already, we recommend that you submit a Pre-planning enquiry with our Pre-Development team. This can be completed online at our website <http://www.anglianwater.co.uk/developers/pre-development.aspx>

Once submitted, we will work with you in developing a feasible mitigation solution.

If a foul or surface water condition is applied by the Local Planning Authority to the Decision Notice, we will require a copy of the following information prior to recommending discharging the condition:

Foul water:

- Feasible drainage strategy agreed with Anglian Water detailing the discharge solution including: Development size Proposed discharge rate (Should you require a pumped connection, please note that our minimum pumped discharge rate is 3.8l/s) Connecting manhole discharge location (No connections can be made into a public rising main)*
- Notification of intention to connect to the public sewer under S106 of the Water Industry Act (More information can be found on our website*
- Feasible mitigation strategy in agreement with Anglian Water (if required)*

14.09.2023 – reconsultation response

We have reviewed the submitted documents and we can confirm we have no additional comments to add to our previous response PLN-0191027

06.09.2023 - initial response

Response same to that provided as latest response.

5.12 North Level IDB and behalf of Feldale IDB 21.09.2023

No objections in principle to the application although make observations regarding 9 metre standoff along the northern boundary required by Byelaw No. 10 and recommend keeping machine access to the drain on the western boundary for maintenance purposes.

5.13 CCC Local Lead Flood Authority 30.10.2023 - latest response

We have reviewed the following documents:

- *Flood Risk Assessment for residential development at Eastrea Road, Whittlesey, Ellingham Consulting LTD, Ref: ECL01038/RDC, Dated: July 2023*
- *Revised Drainage and Maintenance Strategy, Stafford Infrastructure Engineering, Dated: 25th September 2023*

Based on these, as Lead Local Flood Authority (LLFA) we have no objection in principle to the proposed development.

The above documents demonstrate that surface water from the proposed development can be managed through the use of swales, permeable paving and attenuation basins, restricting surface water discharge to 1.4l/s/ha required by the Feldale Internal Drainage Board.

The LLFA is supportive of the use of permeable paving as in addition to controlling the rate of surface water leaving the site it also provides water quality treatment which is of particular importance when discharging into a watercourse. The use of attenuation basins and the inclusion of a bio-diversity pool enhances amenity, biodiversity and water quality.

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

Response then requests the inclusion of three conditions relating to:

- Detailed design of the surface water system
- Details of measures indicating how additional surface water run-off from the site will be avoided during the construction works
- Survey of surface water drainage system to be provided upon completion

Informatives also provided in response

20.09.2023 – initial response

Object to the grant of planning permission as there is insufficient information in order for the LLFA to determine the impacts of the proposal.

5.14 CCC Highways Development Management 03.10.2024 - latest response

No objection to this application having liaised with the Transport Assessment Team, noting that their suggested conditions should be amended slightly to reduce the need for more discharge of condition applications.

In addition to the conditions recommended by the Transport Assessment Team, recommend imposition of further conditions relating to the location construction facilities, the management of estate roads and wheel wash facilities.

03.10.2023 - initial response

On the basis of the information submitted, I have no objections in principle, however, in order to make an informed decision, additional information is required:

Following extensive pre-application discussions, the principle of the site accesses on Eastrea Road (JCT-SA-001 Rev C) and Drybread Road (JCT-SA-002 Rev B) are acceptable but due to the nature of the proposals, a Stage 1 Road Safety Audit is required to inform my response. This audit has been carried out by CCC's Road Safety team and I am having an ongoing dialogue with the developer to agree solutions to the problems raised during the audit. I recommend that the application is not determined until a resolution has been agreed with revised drawings and the audit itself uploaded to the planning portal. The applicant and LPA should however note the following advisory comments:

CCC have entered into a S278 Agreement with BDW Homes in relation to their development site on the south side of Eastrea Road. Under the terms of this agreement, BDW are the Street Works Authority for the duration of Agreement, meaning that no other works can be undertaken to the highway in this area without their consent. This S278 Agreement is likely to be in place until construction of their residential development is complete, meaning that the applicant may need to seek consent from BDW to construct their access should they be granted permission and provided they wish to commence works prior to the resolution of the BDW S278.

The primary site access via Eastrea Road has not been sized to allow for bus use, but I understand that this is not a requirement of the public transport strategy for the site.

It is proposed to widen Drybread Road to 5m to allow for two-way vehicular access for up to 49 dwellings. This is an acceptable arrangement, but should the applicant wish to intensify use of Drybread Road with further development in the future, additional carriageway widening may be required.

The proposal to widen the footway along the north side of Eastrea Road as shown on the drawing TA-MIT-001 Rev B is accepted.

The drainage strategy for the site includes the provision of swales located between internal carriageway and footways. This arrangement could prohibit the adoption of internal site roads by CCC as we do not adopt SUDS features and only accept highway water draining via SUDS where there is an intervening piped system adopted by Anglian Water Services (or another statutory undertaker) or where the SUDS system is adopted by AWS, the District Council or the Town Council. From reading the Drainage & Maintenance Strategy it is clear that this

position is understood by the applicant who is in discussion with AWS regarding the adoption.

*I have reserved comments regarding the indicative internal layout as it is not for approval. However, as part of any future reserved matters application I recommend that the applicant familiarise themselves with CCC's 'General Principles for Development' and 'Housing Estate Road Construction Specification', both of which are available at the link below:
<https://www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/roads-and-pathways/highways-development>*

Please read the above in parallel to the response from the County's Transport Assessment team.

5.15 CCC Transport Assessment Team 08.04.2024 - latest response

Background

The documents reviewed are the Transport Assessment (Revision E) dated 21st November 2023, Drawing No. C21015-TA-MIT-001 Rev D, and Drawing No. C21015-TA-MIT-TR-002 Rev A produced by Capricorn Transport Planning Ltd. The proposals comprise the erection of up to 249 dwellings on the land north of the A605 Eastrea Road, Whittlesey.

Transport Assessment Review

Trip Generation

The development is anticipated to generate 169 vehicle trips in the AM peak and 184 vehicle trips in the PM peak. The development is also anticipated to generate 18 pedestrian, 10 cycle, and 10 bus trips in the AM peak, and 19 pedestrian, 11 cycle, and 10 bus trips in the PM peak.

Traffic Impact Assessment

The junction capacity assessments included within the assessment are agreed. Both site access junctions are anticipated to operate within capacity under all future year assessment scenarios. The A605/BDW residential access junction, A605/Aldi development access junction, A605/Dandelion Drive roundabout, A605/Drybread Road priority junction, A605/B1040 Broad Street roundabout, and A605/Church Street priority junction are all anticipated to operate within capacity under all future year assessment scenarios.

Whilst the A605/B1093 Cemetery Road roundabout is anticipated to operate over capacity at 0.87 RFC and 0.90 RFC on the A605 Eastrea Road (East) arm in the AM peak during the 2029 and 2034 future year with Development scenarios, the development is not anticipated to cause detriment to capacity at the roundabout increasing vehicle queues by a maximum 3 vehicles in the AM peak.

With regards to both A605/Kings Dyke roundabouts, these roundabouts have been recently built and whilst the modelling does show some issues in the future year scenarios, the Highway Authority consider that the modelling does not necessarily reflect the day-to-day flows on that road. It appears that the volume of traffic using the A605 at the time of the surveys is showing that the roundabouts are at or approaching capacity in terms of modelling however, the Highway Authority are not convinced that this is the case in practice. We believe that it is the link capacity of the A605 that is causing the modelling issues rather than the

roundabouts themselves. Given both roundabouts are newly built and underwent extensive modelling as part of the Kings Dyke scheme, we do not believe that the models submitted for these roundabouts as part of this assessment reflect what is going on out on site. Therefore, whilst the Highway Authority acknowledge the modelling results for the A605/Kings Dyke roundabouts, we do not consider that mitigation is required at these roundabouts given it is considered that the issues highlighted are a result of the A605 link capacity rather than the roundabouts themselves. The development is not anticipated to cause detriment to capacity of these roundabouts increasing vehicle queues by a maximum 4 vehicles in the AM peak and 5 vehicles in the PM peak.

Mitigation

The following mitigation package is proposed to be delivered as part of the proposals:

- Relocate the existing 30mph speed limit on the immediate east of the Dandelion Drive roundabout to the east of Drybread Road.*
- New 2m wide footway on the northern side of Eastrea Road along the site frontage.*
- Relocation of the uncontrolled pedestrian refuge island crossing on Eastrea Road between the BDW and Aldi accesses.*
- New uncontrolled pedestrian refuge island crossing on Eastrea Road east of the Aldi access.*
- Relocate the westbound bus stop to a point east of the Aldi access with an extension of the proposed footway on the southern side of Eastrea Road to connect with it.*
- Widen the existing footway on the northern side of Eastrea Road between Dandelion Drive and Sir Harry Smith Community College to 2m in width where existing provision is below this.*
- Upgrade the existing crossing points at the Gildenburgh Crescent, Victory Avenue, and Coronation Avenue, and Lattersey Close junctions with Eastrea Road to include tactile paving.*
- Narrow the bell-mouth and remove the pedestrian refuge island at the Coronation Avenue junction with Eastrea Road.*
- Residential Travel Plan.*

Given the limited space available for physical improvements to increase capacity at the major junctions on the A605 within Whittlesey, the above mitigation package focuses on improvements to the surrounding active travel and public transport networks to encourage a modal shift to sustainable travel modes to reduce the impact of the development on the surrounding highway network. The proposed mitigation measures look to improve access for active travel modes to key facilities within Whittlesey from the site i.e. local facilities, bus services, and the railway station.

The developer has incorporated the additional works requested into their Eastrea Road improvement scheme (narrow the bell-mouth and remove the existing pedestrian refuge island at the Eastrea Road/Coronation Avenue junction to reduce vehicle speeds entering and egressing the junction and further enhance the crossing provision here for pedestrians. Tactile paving will also be delivered across Lattersey Close). The Coronation Avenue junction works have been subject to bus tracking which suitably demonstrates that buses will still be able to safely navigate the junction post-delivery of the narrowing works.

The above mitigation package is considered reasonable, proportional, and satisfactory to mitigate the impact of development traffic on the local network. Mitigation focuses on improving the local network to achieve sustainable travel to and from the site by non-car modes. The above mitigation package complies with both para 114 of the NPPF (2023) and Policy LP15 within the current adopted Fenland Local Plan (2014).

Travel Plan

The Travel Plan as submitted is broadly acceptable (Travel Plan V1: First Issue dated 7th July 2023). The targets set out within the document are agreed. The Travel Plan will, however, need to be updated to incorporate the up-to-date information at the time of implementation should this application be approved. The detailed Travel Plan will therefore be secured as a pre-occupation condition should approval be given.

Conclusion The Highway Authority do not object to the proposals subject to the following: (This being three conditions relating to the mitigation measures highlighted as updated in the Highways DM response of 03.10.2024)

27.03.2024 - reconsultation response

The proposed changes to Coronation Avenue need tweaking. The refuge island should be removed, and the entire crossing further narrowed so that it's formed as a simple priority junction with 8m radii

13.02.2024 - reconsultation response

Response concludes that the Transport Assessment as submitted does not include sufficient information. Making reference to the issues highlighted in the response, they note the Highway Authority would reconsider the application.

06.10.2023 - initial response

Response concludes that the Transport Assessment as submitted does not include sufficient information. Making reference to the issues highlighted in the response, they note the Highway Authority would reconsider the application

5.16 Natural England 23.09.2024 - latest response

Thank you for providing an updated Habitats Regulations Assessment (HRA) for the Eastrea Road proposals. We do not wish to make any further comment, however, and leave it to the Local Planning Authority (LPA), as competent authority, to produce their own HRA decision.

30.08.2024 - reconsultation response

This letter follows our previous responses dated 3 October 2023 (ref 450202), 17 May 2024 (ref 475356), and an email to the Case Officer dated 13 June 2024. You should refer back to these for more detailed advice.

We note that the submitted Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions.

To meet the requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), we advise you to check the submitted 'Report to Inform a Habitats Regulations Assessment' and decide if you, as the competent authority, agree with the methodology, reasoning, and conclusions provided. It is then your authority's responsibility to produce a separate HRA report or decision notice, which can draw on the information provided by the applicant, and to be accountable for its reasoning and conclusions. Please note that you are required to consult Natural England on any Appropriate Assessment you may need to undertake.

We advise that, as part of your HRA, the 'In-combination Assessment' will need to be revised as the submitted report has not followed the appropriate procedure for this stage. Plans and projects cannot be dismissed because they have no Likely Significant Effects alone – it is precisely these projects that need to be taken into consideration in order to look for insignificant effects that could be of greater significance when added together. Where there is a likelihood of significant effects in combination, or effects in-combination cannot be ruled out, the project should be taken forward to Appropriate Assessment as an in-combination project. Further advice can be found in Defra's guidance to LPAs, Habitats regulations assessments: protecting a European site.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Other advice

Natural England advises that all environmental impacts and opportunities need to be fully considered and that relevant local bodies are consulted.

Further general advice on consideration of protected species and other natural environment issues is provided at Annex A.

17.05.2024 - reconsultation response

SUMMARY OF NATURAL ENGLAND'S ADVICE FURTHER INFORMATION

REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potentially significant effects on Nene Washes SSSI, SPA, SAC and Ramsar site. Natural England still requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Habitats Regulations Assessment (HRA) (to be produced by your Authority)*
- A completed Biodiversity Checklist (the submitted checklist is blank)*
- Preliminary Ecological Appraisal (PEA) (this is not on the planning portal)*
- Assessment of potential impacts on mobile species outside the SPA & Ramsar site, including winter bird desk and/or field surveys (this is not on the planning portal)*

Without this information, Natural England may need to object to the proposal. Please re-consult Natural England once this information has been obtained.

Natural England's further advice on designated sites/landscapes and advice on other issues is set out below

03.10.2023 - initial response

SUMMARY OF NATURAL ENGLAND'S ADVICE FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potentially significant effects on Nene Washes SSSI, SPA, SAC and Ramsar site. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Habitats Regulations Assessment (HRA)*
- Consideration of potential impacts on mobile species outside the SPA & Ramsar site, including winter bird desk and/or field surveys*
- A completed Biodiversity Checklist (the submitted checklist is blank)*
- Preliminary Ecological Appraisal (PEA)*
- Assessment of recreational pressure and identification of mitigation measures*
- Further SuDS details, and amendments in relation to peat soils*
- Mapping of peat area and alteration of site plans to avoid development on peat*
- Agricultural Land Classification (ALC) survey report*

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

5.17 CCC Ecology Officer - 27.09.2024

Scheme Design & Biodiversity

The proposal will include the retention hedgerows and provision of biodiversity corridors, as well as areas of public open space that have the potential to provide enhancements for biodiversity as part of the scheme. However, a biodiversity net gain assessment has not been provided and therefore, it remains unclear whether the current scheme will result in net gain in biodiversity value of the site, in accordance with Fenland Local Plan 2014 policies LP16 and LP19. We suggest this issue is addressed as part of Ecological Design Strategy to secure a well-designed scheme that is capable of securing on-site net gains in biodiversity. If this is not possible, the EDS will need to consider addressing any residual losses off-site.

Preliminary Ecological Appraisal – potential impacts and mitigation/compensation

The Preliminary Ecological Appraisal highlighted the scheme is within the Impact Risk Zone for Nene Washes SSSI, SAC, SPA and Ramsar site. Please see Habitat Regulations Assessment section at bottom of letter. The Preliminary Ecological Appraisal highlighted potential for impact of the scheme on Lattersey Field LNR and Bassenhally Pit SSSI which are potentially hydrologically connective to the site. We have reviewed the drainage scheme and comments from Lead Local Flood Authority and are satisfied that adequate protection measures can be secured through detailed drainage design (secured through

suitably worded conditions). The Preliminary Ecological Appraisal identified potential badger setts on the site. The level of impact on these setts is unclear at this stage, however, it is likely that a licence will be required to impact the setts (e.g. damage / destroy). We recommend the applicant be required to submit the relevant licence to the LPA (secured through suitably worded conditions). In addition, further details of proposed badger mitigation / compensation will need to be secured through suitably worded condition, as part of Construction Ecological Management Plan and Ecological Design Strategy. The Preliminary Ecological Appraisal also identified potential impacts to other protected species (e.g. reptiles, amphibians and nesting birds) and detailed mitigation should be secured as part of the Ecological Design Strategy / Construction Ecological Management Plan.

Proposed Conditions

In light of the above, the proposal is acceptable on ecology grounds, providing that the biodiversity compensation / mitigation and enhancement measures recommended within the Preliminary Ecological Appraisal, as well as those set out above, are secured through a suitable worded condition(s) to ensure compliance with Fenland Local Plan 2014 policies LP16 and LP19 that seek to conserve, enhance and protect biodiversity through the planning process.

We recommend the following planning conditions:

1. Site-wide
 - a. Ecological Design Strategy, to include a BNG strategy
 - b. Construction Ecological Management Plan (CEcMP)

2. Phase / parcel (with b-d secured as part of reserved matters applications):
 - a. Updated ecology surveys
 - b. Construction Ecological Management Plan, demonstrating compliance with site-wide CEcMP
 - c. Biodiversity Net Gain Plan, demonstrating compliance with EDS BNG Strategy
 - d. Detailed lighting scheme sensitively designed for wildlife, demonstrating delivery of EDS
 - e. Detailed landscape and biodiversity enhancement scheme, demonstrating compliance with EDS (beyond BNG), including highways and building design
 - f. Submission of Protected species licence (e.g. badger) relevant to the individual parcel(s).

Habitats Regulations Assessment Stage 1 (screening)

We welcome the submission of the Report To Inform A Habitats Regulations Assessment Version 2. The latest version of this document provided additional information regarding in-combination effects, to help address the Natural England's comments of 30 August 2024, as follows:

"We advise that, as part of your HRA, the 'In-combination Assessment' will need to be revised as the submitted report has not followed the appropriate procedure for this stage. Plans and projects cannot be dismissed because they have no Likely Significant Effects alone – it is precisely these projects that need to be taken into consideration in order to look for insignificant effects that could be of greater significance when added together. Where there is a likelihood of significant effects in combination, or effects in-combination cannot be ruled out, the project should be taken forward to Appropriate Assessment as an in-combination project".

We are broadly satisfied with the methodology, assessment and conclusions of the shadow Habitat Regulations Screening Assessment and consider sufficient evidence has been provided for the LPA to determine there will be no likely significant effect on the Nene Washes Special Area of Conservation, Special Protection Area or Ramsar site.

In line with Natural England's recommendation, we have given greater consideration off in-combination effects to consider all plans / proposal, including those where likely significant effects alone were not identified. We are satisfied there will be no cumulative likely significant effect on Nene Washes SAC/SPA/Ramsar.

We therefore recommend that the proposal is unlikely to result in a Likely Significant Effect on Nene Washes SAC/SPA/Ramsar site and therefore, an Appropriate Assessment is not required.

5.18 Local Residents/Interested Parties

Objectors

31 responses have been received with the main concerns summarised are as follows:

- Loss of greenspace and agricultural land;
- Drainage issues and flooding;
- Highways safety concerns, increased congestion on existing roads and impact on the A605 a result of too many access points, need for bypass as congestion in the Town already;
- Lack of existing infrastructure which is already at capacity and new required, such as schools, doctors, dentists, etc. Lack of amenities for new residents;
- Development too big, already too many houses in Whittlesey and no more needed;
- Proposals contrary to NPPF, Local Plan and Neighbourhood plan;
- Environmental impact on wildlife, noise and light pollution, construction disruption;
- Impact on countryside views;
- Lack of public transport for new residents;
- Development leading to further encroachment to the village of Eastrea and loss of gap between settlements;
- Devaluation of existing properties.

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) the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021) and the Whittlesey Neighbourhood Plan (2023).

7 POLICY FRAMEWORK

- 7.1 **National Planning Policy Framework (NPPF)**
Chapter 2: Achieving sustainable development

Chapter 4: Decision-making
Chapter 5: Delivering a sufficient supply of homes
Chapter 8: Promoting healthy and safe communities
Chapter 9: Promoting sustainable transport
Chapter 12: Achieving well-designed and beautiful places
Chapter 14: Meeting the challenge of climate change, flooding and coastal change
Chapter 15: Conserving and enhancing the natural environment
Chapter 16: Conserving and enhancing the historic environment
Chapter 17: Facilitating the sustainable use of minerals

7.2 National Planning Practice Guidance (NPPG)

Determining a Planning Application

7.3 National Design Guide 2021

Context
Identity
Built Form
Movement
Nature
Public Spaces
Uses
Homes and Buildings
Resources
Lifespan

7.4 Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development
LP2 – Facilitating Health and Wellbeing of Fenland Residents
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
LP4 – Housing
LP5 – Meeting Housing Need
LP11 – Whittlesey
LP12 – Rural Areas Development Policy
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
LP19 – The Natural Environment

7.5 Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021

Policy 5: Mineral Safeguarding Areas

7.6 Whittlesey Neighbourhood Plan 2021-2040

Policy 1 – Spatial Planning
Policy 2 – Local Housing Need
Policy 4 – Open Space
Policy 5 – Local Green Space
Policy 7 – Design Quality
Policy 8 – Historic Environment

Policy 9 - Coalescence of Villages
Policy 10 – Delivering Sustainable Transport
Policy 11– Adapting to and Mitigating Climate Change

7.7 **Emerging Local Plan**

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

LP1: Settlement Hierarchy
LP2: Spatial Strategy for the Location of Residential Development
LP3: Spatial Strategy for Employment Development
LP4: Securing Fenland’s Future
LP5: Health and Wellbeing
LP6: Renewable and Low Carbon Energy Infrastructure
LP7: Design
LP8: Amenity Provision
LP11: Community Safety
LP12: Meeting Housing Needs
LP18: Development in the Countryside
LP19: Strategic Infrastructure
LP20: Accessibility and Transport
LP24: Natural Environment
LP25: Biodiversity Net Gain
LP27: Trees and Planting
LP28: Landscape
LP29: Green Infrastructure
LP30: Local Green Spaces and Other Existing Open Spaces
LP31: Open Space and Recreational Facilities
LP32: Flood and Water Management
LP34: Air Quality
LP42: Whittlesey - A Market Town fit for the Future
LP43: Residential site allocations in Whittlesey
LP44: Site allocations for non-residential development in Whittlesey

7.8 **Delivering and Protecting High Quality Environments in Fenland SPD 2014**

DM2 – Natural Features and Landscaping Schemes
DM3 – Making a Positive Contribution to Local Distinctiveness and character of the Area
DM4 – Waste and Recycling Facilities
DM6 – Mitigating Against Harmful Effects

7.9 **Developer Contributions SPD 2015**

7.10 **Cambridgeshire Flood and Water SPD 2016**

8 **KEY ISSUES**

- **Principle of the Development in this location**

- Access, highways and transport related matters
- Landscape character, visual effects and coalescence of settlements
- Flood risk and drainage issues
- Residential amenity
- Ecology and biodiversity related matters
- Affordable housing, community infrastructure and planning obligations
- Other matters

9 BACKGROUND

- 9.1 The Planning History of the site is set out in Section 4 of this report, and this does not give rise to anything that would be relevant to this application at this moment in time. The application cited in fact relates to land to the south of Eastrea Road and it is only Eastrea Road itself where the permission overlaps the site of this current application. The application site is unallocated for any development purposes within the adopted Local Plan.
- 9.2 Land to the immediate west of the site forms the eastern extent of a Strategic Allocation in the adopted Local Plan for the delivery of around 500 dwellings north and south of Eastrea Road. Following planning application approvals, the allocation is being delivered and is coming close to completion.

10 ASSESSMENT

Principle of the Development in this location

- 10.1 The development proposes up to 249 dwellings on an unallocated site on the edge of the market town of Whittlesey, accordingly it must be assessed against policies LP3 and LP4 of the adopted Local Plan. Policy LP3 sets out a Spatial Strategy, a Settlement Hierarchy and what development is acceptable in the Countryside within Fenland District. In this respect Whittlesey is designated as an 'Other Market Town' under the 'Market Towns' classification of the spatial strategy hierarchy that the policy identifies as being settlements where '*The majority of the district's new housing, employment growth, retail growth and wider service provision should take place*'.
- 10.2 Part A Policy LP4 of the adopted Local Plan identifies housing targets to be built in the district between 2011 and 2031. With respect to Whittlesey, the approximate target for this period is 1,000 dwellings. The Council's Planning Policy Team has provided figures that 918 dwellings have been built in Whittlesey since 2011, with a further 488 having planning consent. Therefore, the approximate target for Whittlesey has already been exceeded in respect of completions and planning permissions combined and would be further increased by the dwellings proposed in this application. Also, from a wider District perspective, the Council can demonstrate a 5-year housing land supply.
- 10.3 In relation to this matter, the findings of a Planning Inspector who decided an appeal for 110 dwellings at Upwell Road in March earlier in the year made the following comments:

'I accept that, the Council being able to demonstrate a 5-year housing land supply, means that there have been homes provided on the ground for local people over and above the identified need. Nevertheless, the PPG states that the

standard method for calculating local housing need provides a minimum number. This is echoed in the Framework (paragraphs 61, 76 and 77), and there is no reason that it should be considered a ceiling.'

- 10.4 Thus, it is considered that further housing beyond the approximate housing figure given in Part A of policy LP4 would not in itself be contrary to that part of the policy; particularly where this could secure the delivery of much needed affordable housing, as highlighted by the Council's Housing Strategy & Enabling Officer as discussed later in this report.
- 10.5 Part B, Policy LP4 of the adopted Local Plan then sets out criteria for assessing housing development proposals. In January 2015 the District Council produced a 'Guidance and Clarification Note' in relation to Part B of Policy LP4. This Note sets out the following with respect to new development on non allocated sites in Market Towns other than Strategic Allocations and Broad Locations for Growth:
- 'For proposals for fewer than 250 dwellings (small scale sites) which are either in or adjacent to a market town and not within a Strategic Allocation or Broad Location, the reader is referred in the first instance to the criteria in Policy LP16 - Delivering and Protecting High Quality Environments across the District. Under Policy LP4 Part B any site for between 1 to 249 dwellings may be considered as having potential for development.'*
- 10.6 Policy LP16 of the adopted Plan seeks to ensure high quality environments will be delivered and protected throughout the district and this be achieved by assessing proposed development against 15 criteria where relevant to the proposals under consideration. Consideration of the relevant criteria applicable for an outline planning application are described under the headings of the remaining 'Key Issues' highlighted below.
- 10.7 In addition to the adopted Local Plan, the Whittlesey Neighbourhood Plan has been 'Made' (May 2023) and also forms part of the Development Plan for the site area. Policy 1 (Spatial Strategy) of the Neighbourhood Plan notes the following
- a. The Market Town of Whittlesey is the main centre for growth in the Neighbourhood Area.*
- b. Significant new housing development should be located predominantly east of the town, adjacent to the built area and strategic allocation North and South of Eastrea Road. Development at this location will support the delivery of new and enhanced infrastructure, including a new Country Park.*
- 10.8 In respect of part a. of Policy 1 this mirrors the role that Whittlesey has in the Local Plan. As part of the Neighbourhood Plan, a Housing Needs Assessment was undertaken for Whittlesey in 2017. From this, the HNA identified a figure of 115 dwellings per annum between 2017 and 2031 suggesting a greater demand for dwellings given than that in Part A of policy LP4 of the earlier adopted Local Plan. As there are no site allocations for housing in the Neighbourhood Plan, above those identified in the adopted Local Plan, development of significant new housing, such as that proposed in this application, should be considered against the wording set out in Part b. of Policy 1. In this respect, part b. states where new development should be located, and is split into three requirements, with significant new housing located predominantly:

- east of the town,

- adjacent to the built area,
- and strategic allocation North and South of Eastrea Road.

- 10.9 As described above, the site is not part of the strategic allocation North and South of Eastrea, although it does lie to the immediate east of it. Therefore, as regards this site, conformity with Part b. is assessed against the first two bullet points above. In this instance the site subject to this application is both to the east of the town and adjacent to the built-up area which exists to the west and south of the site.
- 10.10 Part b of Policy 1 also notes that development in this location will support the delivery of new and enhanced infrastructure, including a new Country Park. With regards to infrastructure, this is considered as a Key Issue in its own right further in this report. In relation to support for a new Country Park, a broad location for this is identified within the Neighbourhood Plan, on land to the south of the A605 between Whittlesey and Eastrea and north of the mainline railway. A Country Park in this locality was given permission as part of a consent (reference F/YR14/0991/F) for supermarket that has since lapsed. It is understood that the land identified as a Country Park is in private ownership and there is no mechanism to facilitate its delivery utilising contributions from developments such as the one subject of this report.
- 10.11 In relation to other parts of Policy 1, these are not relevant to the proposals under consideration. Whilst part f. requires proposals to demonstrate that they have considered flooding, visual impacts and infrastructure, in a similar manner to the relevant criteria in Local Plan policy LP16, consideration of the matters outlined in part f. are described under the headings of the remaining 'Key Issues' highlighted below.
- 10.12 In conclusion, subject to the consideration of matters as described below, the principle of a housing development would accord with the Spatial Strategy as set out policy LP3 of the adopted Local Plan. Whilst the housing proposed would further exceed the approximate housing figure for Whittlesey given in Part A of Local Plan policy LP4, this would not in itself be contrary to that part of the policy and would further increase supply and provide much needed on site affordable dwellings. The number of homes applied for in this location is acceptable and is therefore in conformity with Part B of policy LP4 of the adopted Local Plan and Policy 1 of the Made Whittlesey Neighbourhood Plan.

Access, highways and transport related matters

- 10.13 The planning application is made in outline with all matters reserved other than those concerning access for which detailed information has been submitted. This detail shows that the vehicular access into the site would be made from two points into the site from the existing public highway. The principal access serving up to 200 dwellings would be along the Eastrea Road A605 frontage where the site adjoins the road, A secondary access serving no more than 50 dwellings is proposed off Drybread Road, which would be improved from the site entrance to the A605 junction (thereby resulting in a combined amount of up to 249 dwellings).
- 10.14 Concerns relating to highways matters have featured strongly in the public and neighbour responses received to the proposals, both in the immediate vicinity of the site and wider Whittlesey area. In support of the proposal, the applicant has provided detailed drawings in relation to both access points as well as updated

iterations to the Transport Assessment where these have been the subject of discussion between both the Highways Development Management Team and the Transport Assessment Team of Cambridgeshire County Council.

- 10.15 The latest responses of the Highways Development Management Team and the Transport Assessment Team of Cambridgeshire County Council are provided in Section 5 above. In respect of the Highways Development Management Team, they state that they have no objection to the application noting that the sufficient detail of highway improvement works has been submitted to enable them to work with the developer as part of the S278 process to deliver these works and as they do not need further details to be submitted through planning. Their initial response reserves comments on the indicative internal site layout but direct the applicant to guidance when preparing any future reserved matters application should those roads be adopted by the County Council.

The response lists recommended conditions relating to the following, as well as informatives.

- Construction facilities
- Management of Estate Roads
- Wheel wash facilities

- 10.16 With regards to the comments of the Transport Assessment Team, the latest response notes that the junction capacity assessments included within the Transport Assessment are agreed and that both site access junctions are anticipated to operate within capacity under all future year assessment scenarios. Other junctions within the vicinity of the n are all anticipated to operate within capacity under all future year assessment scenarios.
- 10.17 The TA Team have also considered the consequence of the proposed development on other junctions in the Whittlesey area. They note that whilst the A605/ B1093 Cemetery Road roundabout is anticipated to operate over capacity at 0.87 RFC and 0.90 RFC on the A605 Eastrea Road (East) arm in the AM peak during the 2029 and 2034 future year with Development scenarios, the development is not anticipated to cause detriment to capacity at the roundabout increasing vehicle queues by a maximum 3 vehicles in the AM peak.
- 10.18 With regards to both A605/ Kings Dyke roundabouts, these roundabouts have been recently built and whilst the modelling does show some issues in the future year scenarios, the Highway Authority consider that the modelling does not necessarily reflect the day-to-day flows on that road. Whilst the Highway Authority acknowledge the modelling results for the A605/ Kings Dyke roundabouts, they do not consider that mitigation is required at these roundabouts given it is considered that the issues highlighted are a result of the A605 link capacity rather than the roundabouts themselves. The development is not anticipated to cause detriment to capacity of these roundabouts increasing vehicle queues by a maximum 4 vehicles in the AM peak and 5 vehicles in the PM peak.
- 10.19 The TA Team's response lists the following mitigation package is proposed to be delivered as part of the proposals:
- Relocate the existing 30mph speed limit on the immediate east of the Dandelion Drive roundabout to the east of Drybread Road.
 - New 2m wide footway on the northern side of Eastrea Road along the site frontage.

- Relocation of the uncontrolled pedestrian refuge island crossing on Eastrea Road between the BDW and Aldi accesses.
- New uncontrolled pedestrian refuge island crossing on Eastrea Road east of the Aldi access.
- Relocate the westbound bus stop to a point east of the Aldi access with an extension of the proposed footway on the southern side of Eastrea Road to connect with it.
- Widen the existing footway on the northern side of Eastrea Road between Dandelion Drive and Sir Harry Smith Community College to 2m in width where existing provision is below this.
- Upgrade the existing crossing points at the Gildenburgh Crescent, Victory Avenue, and Coronation Avenue, and Lattersey Close junctions with Eastrea Road to include tactile paving.
- Narrow the bell-mouth and remove the pedestrian refuge island at the Coronation Avenue junction with Eastrea Road.
- Residential Travel Plan.

The TA Team considers the above mitigation package is reasonable, proportionate, and satisfactory to mitigate the impact of development traffic on the local network. Mitigation focuses on improving the local network to achieve sustainable travel to and from the site by non-car modes. The above mitigation package complies with both para 114 of the NPPF (2023) and Policy LP15 within the current adopted Fenland Local Plan (2014).

- 10.20 The TA Team conclude they have no objections to the proposals and are satisfied that the development mitigation package is suitable to mitigate the development impacts subject to the imposition of the conditions relating to Welcome Travel Packs, the provision of the 3-metre link to the adjoining new housing site to the south-east and the off-site passing places on Drybread Road. The conclusion reached by the TA Team is that they do not object to the proposals subject to conditions requiring the provision and implementation of a Travel Plan, and the implementation (prior to first occupation) of the Site Access and Eastrea Road Enhancement Works and the Eastrea Road Footway Improvements Works, as submitted with the application.
- 10.21 In light of the advice of both the Highways Development Management Team and the Transport Assessment Team it is concluded that the proposed development has suitable access arrangements and that wider highways issues in the vicinity of the site are acceptable or can be mitigated by the measures outlined. Accordingly, it is considered that the development is acceptable in relation to the requirements of Local Plan policy LP15 and Policy 10 of the Whittlesey Neighbourhood Plan.

Landscape character, visual effects and coalescence of settlements

- 10.22 Whilst detailed matters of layout, scale, appearance and landscaping are reserved for future consideration, the Proposed Site Layout submitted sets out an indicative layout of the site.
- 10.23 Criteria (d) of Local Plan policy LP16 requires developments to make positive contributions to the local distinctiveness and character of the area, enhancing local setting and responding to the character of the local built environment. Schemes should not adversely impact, either in design or scale, upon the street scene, settlement pattern of the landscape character of the surrounding area.

Part f.ii. of Policy 1 of the Neighbourhood Plan requires proposals to demonstrate that they be designed to minimise visual impacts upon the landscape.

- 10.24 Maintaining Fenland landscapes forms a key part of the Council's Local Plan objective (in particular, policies LP3, LP12 and LP16). The Plan seeks to preserve landscapes which are designated or locally valued and retain the distinctive character of Fenland's landscapes. That said, it is inevitable that some of the district's landscape will alter within the plan period, in order to meet the Council's growth aspirations including housing delivery requirements and therefore that some character harm will occur.
- 10.25 With regard to landscape character, the development would result in the transformation of the site from arable farmland to residential development resulting in a permanent change to character of the land and its immediate environs. However, this change in character would not be seen in isolation given the housing development that exists to the south and west of the site. Furthermore, the site is adjacent to the edge of the built up area of Whittlesey, with built development to the south in the form of an Aldi foodstore and housing, and to the west of the site comprising the area subject to the Strategic Allocation. As a consequence, the level of impact on the character of the area is accepted within that surrounding context.
- 10.26 As described in Section 2 of this report, there are no hedgerows or trees along Drybread Road along the eastern boundary of the site or further along Drybread Road to the north. Therefore, there are extended views over the flat agricultural landscape across the site from Drybread Road, but there are also longer views of the application site that can be seen from the A605 on the edge of the village of Eastrea to the east. Views into the site from the south are limited on account of the row of houses along the northern side of Eastrea Road on the eastern side and also as there is a well established hedgerow here. To the west of the application site looking eastwards, views into the site are restricted by the homes recently constructed as part of the Strategic Allocation in the Local Plan.
- 10.27 In relation to visual setting, receptors groups most likely to be affected by the proposal include residential receptors adjacent to the site to the west and south and also from public viewpoints from the north and east from users of both Drybread Road and the A605 towards Eastrea. The proposed development would alter the outlook for adjacent residential receptors. However, it is an established position that a private right to a view is not a material planning consideration, notwithstanding the aforementioned inevitable character change to the site that would occur as a result of the development. Residential amenity is considered as a key issue below and as part of this matters of scale and any potential visual dominance/ overbearing would be matters of be addressed through detailed design.
- 10.28 With regards to public views from the north and east, beyond the agricultural field forming the application site, these are dominated by the eastern extent of existing residential development recently built to the west given the absence of landscaping along the rear boundaries of these properties. As such the opportunity, therefore, exists with the proposal to provide a more robust landscaped edge along Drybread Road and the northern edge of the application site, to what would then become part of the eastern extent of the town Whittlesey.

This can be factored into the layout, open space provision and landscaping when considering any reserved matter details should outline permission be granted.

- 10.29 Whilst the proposed development could be designed to facilitate a better landscaped edge to the north and eastern side of this part of Whittlesey, concerns by neighbours have been raised regarding the eastward direction that the development would take towards the village of Eastrea and a coalescence of the two settlements. This is matter that has been considered as part of the Whittlesey Neighbourhood Plan. Policy 9 of this Plan notes the intention that the village of Eastrea and Whittlesey should have a distinct separation and to this end the Plan identifies a 'Green Buffer' gap where any development proposals in these gaps would need be accompanied by evidence of the visual impact of the proposed scheme concerning the gap, including any impact on nearby heritage assets. The Green Buffer between Eastrea and Whittlesey is identified in the Plan with this showing as covering fields north and south of Eastrea Road. With regards to the fields north of Eastrea Road, the Buffer includes those to the east of Drybread Road. As the proposed development is to the west of Drybread Road, and with regard to the opportunity for landscaping on the Drybread Road of the site, it is considered that the harm to the setting and identity of these distinct areas and their coalescence is acceptable.
- 10.30 In conclusion, despite the inevitable adverse effects of built development upon the local landscape character and on a limited number of visual receptors immediately adjacent or overlooking the site, it is considered that there would be no unacceptable adverse effects that should preclude a sensitively designed proposed development in landscape and visual terms. The positioning of the dwellings within the site and ability to direct open space and landscape buffer to towards the north and east of the application site (via reserved matters approval) would allow for a more sensitive edge to this eastern part of Whittlesey and would not compromise the desire to limit the coalescence of the Town with the village of Eastrea. With the application being to the immediate east of the Strategic Allocated site and to the north of other recently development to the south, the site would be in character with these adjacent areas and can be seen as forming a logical rounding off of the existing settlement edge on the eastern side of Whittlesey. The proposal is therefore considered to be in accordance with Local Plan policies LP3, LP12, LP16 criteria (d) and part f.ii. of Policy 1 and Policy 9 of the Neighbourhood Plan.

Flood risk and drainage issues

- 10.31 The entirety of the application site lies in an area at low flood risk from fluvial flooding (Flood Zone 1) and generally at low risk of surface water flooding, having regard to the Environment Agency's latest flood maps.
- 10.32 The application is supported by a Flood Risk Assessment (FRA) and site-wide Drainage & Maintenance Strategy which details the approach taken to reducing on and off-site flood risk in accordance with the requirements of the NPPF and local policy. The FRA concludes that with identified mitigation measures the development of the site should not be precluded on flood risk grounds.
- 10.33 In their latest response to the application, the Lead Local Flood Authority (LLFA) have responded to say that they have no objection in principle to the proposed development. Their response notes that the submitted documents demonstrate that surface water from the proposed development can be managed through the use of swales, permeable paving and attenuation basins, restricting surface water

discharge to 1.4l/s/ha required by the Feldale Internal Drainage Board. The LLFA is supportive of the use of permeable paving as in addition to controlling the rate of surface water leaving the site it also provides water quality treatment which is of particular importance when discharging into a watercourse. The use of attenuation basins and the inclusion of a bio-diversity pool enhances amenity, biodiversity and water quality. Water quality has been adequately addressed when assessed against the Simple Index Approach outlined in the CIRIA SuDS Manual. The LLFA recommend three planning conditions be attached to any permission granted.

- 10.34 Responding on behalf of the Feldale IDB, the latest position of the North Level IDB states that the Feldale IDB has no objection in principle to the application. Observations are given that under Byelaws, a 9-metre maintenance strip will be required from the top of the ditch along the northern boundary of the site as well as recommending a narrower 3 metre strip for the ditch along western boundary. Now known, both of these requirements can be secured at any reserved matters stage.
- 10.35 With regards to foul water disposal that would result from the development, the latest response from Anglian Water does not raise any objection. The response notes that the foul drainage from this development is in the catchment of Whittlesey Water Recycling Centre that will have available capacity for the foul drainage flows. However, with regards to the Used Water Network, the response notes that within the Drainage & Maintenance Strategy that whilst the proposed connection as detailed in the submitted documents is acceptable in principle, there are capacity constraints within the network. Consequently, the full development may lead to an unacceptable risk of flooding and/or pollution. Anglian Water advise they will need to plan effectively for the proposed development if permission is granted and will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. Further analysis will be required to establish the extent of network reinforcement that may be required to accommodate the full development, and they will need to engage with the applicant throughout this process to understand timescales. Anglian Water therefore request a condition requiring phasing plan and/or an on-site drainage strategy.
- 10.36 In conclusion, it is considered that there is no flood risk associated with the proposed development and that both surface and foul drainage demands arising can be dealt with and managed, including where necessary by the imposition of suggested planning conditions. As such the proposals meet with the requirements of Local Plan policy LP14, criteria (m) of Policy LP16 and policy 10 of the Neighbourhood Plan.

Residential amenity

- 10.37 Local Plan Policies LP2 and LP16 (criteria (e)) alongside neighbourhood Plan policy 7 seek to secure high quality living environments for both future users and existing residents, avoiding adverse impacts such as noise, loss of light, overbearing and loss of privacy.
- 10.38 As the application is made in outline only, matters of layout, scale, appearance and landscaping are yet to be considered, thus as far as the amenity of future residents is concerned these matters can be assessed and addressed if permission is issued and reserved matters applied for. Regarding existing land uses in proximity to the application site, the football pitch of Whittlesey Athletic FC

does have flood lights. However, light pollution is not considered to be an issue given the northwestern most properties of the site subject to the application would be further away from recently constructed properties at Dandelion Drive to the south of the football pitch, so the coexistence of these close properties has not been judged to be an issue.

- 10.39 In relation to the residential amenity of existing residents, there are older dwellings in direct proximity to the proposed site on the northern side of Eastrea Road at the south eastern corner of the application site. These properties have long gardens and beyond this is a track serving the rear of the properties. From the rear of the properties to the application boundary, the distance is approximately 35 metres, a more than sufficient distance and likely to be larger from any dwellings that might be developed if consent is granted. There are more recently built dwellings along parts of the application sites western boundary, being hoses completed as part of the Strategic Allocation in the adopted Local Plan. The rear gardens of these properties back on to the application site boundary and the layout of the proposed development at reserved matters stage would have to take account of their proximity in coming to an acceptable layout to ensure mutual amenity standards. Furthermore a 3-metre maintenance strip along this boundary as discussed above would further increase the distance between existing and proposed new properties.
- 10.40 Whilst the Council's Environmental Health Team have not commented on the application, the nature and scale of the proposed development, the issues of primary concern during the construction phase would likely be the potential for noise, dust and possible vibration to adversely impact on the amenity of the occupiers at the nearest residential properties. As such, it is recommended that any permission would require the submission of a robust Construction Environmental Management Plan (CEMP) that shall include working time restrictions in line with the template for developers. Furthermore, the Local Highway Authority has sought to secure road sweeping and temporary construction facilities details. These matters can be reasonably secured through Construction Management Plans which would follow phasing arrangements for the development, with a phasing plan to be secured at the initial stage, that is, with the first reserved matters application.
- 10.41 The proposed residential use of the land is not anticipated to result in significant acoustic changes once completed, with the use compatible with surrounding uses. The detailed design elements of future reserved matters will ensure that matters of lighting impacts, overlooking, overbearing and overshadowing are carefully considered, in-line with local policies. Nonetheless, existing local residents may observe a degree of change to the visual and acoustic character of the area as a result of the development, albeit it is not anticipated to result in any significant adverse impacts to existing residents.
- 10.42 Some residents have raised concerns over loss of views; however, it is an established position that a private right to a view is not a material planning consideration, notwithstanding the aforementioned inevitable character change to the site that would occur as a result of the development. Matters of scale and any potential visual dominance/overbearing would however be matters of be addressed through detailed design.
- 10.43 In summary, the development raises no immediate concerns over potential harm to residential amenity and subject to detailed design has potential to deliver a

high-quality living environment for both future occupiers and existing residents. As such the proposals are considered to be in conformity with Local Plan policies LP2 and LP16 (criteria (e)).

Ecology and biodiversity related matters

- 10.44 The application is supported by a number of reports relating to ecology and biodiversity, not only in relation to the site itself, but on account of the site being within the Impact Risk Zones of the Bassenhally Pit Site of Special Scientific Interest (SSSI) that lies 0.19km north of the development boundary, as well as the Nene Washes SSSI, Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site that is approximately 0.8km north of the proposed development. This European designated site represents one of the country's few remaining areas of washland habitat. As such, it is essential to the survival of nationally and internationally important populations of wildfowl and waders. Nene Washes is additionally notable for the diversity of plant and associated animal life within its network of dykes.
- 10.45 With regard to the ecological and biodiversity interest at the application site itself, the latest response from the County Council's Ecologist has stated that the proposal is acceptable on ecology grounds, providing that the biodiversity compensation / mitigation and enhancement measures recommended within the Ecological Impact Appraisal are secured through a suitable worded condition(s) to ensure compliance with Fenland Local Plan 2014 policies LP16 and LP19 that seek to conserve, enhance and protect biodiversity through the planning process.
- 10.46 Chapter 15 of the NPPF amongst other things, broadly sets out that development should seek to take opportunities for secure net gain in biodiversity and as a minimum should not result in net loss. This approach has changed in recent months with the introduction of statutory 10% biodiversity net gain, however for this application which was submitted prior to this change, the baseline aim is in essence to achieve biodiversity net gain where possible and as a minimum, no net loss to biodiversity. The County Council's Ecologist response notes that the proposal would include the retention hedgerows and provision of biodiversity corridors, as well as areas of public open space that have the potential to provide enhancements for biodiversity as part of the scheme. However, they state that a biodiversity net gain assessment has not been provided and therefore, it remains unclear whether the current scheme will result in net gain in biodiversity value of the site, in accordance with Fenland Local Plan 2014 policies LP16 and LP19. Therefore, they advise that this issue should be addressed as part of Ecological Design Strategy to secure a well-designed scheme that is capable of securing on-site net gains in biodiversity. If this is not possible, the EDS will need to consider addressing any residual losses off-site.
- 10.47 In coming to their conclusion that the proposal is acceptable on ecology grounds the County Council's Ecologist recommends a number of site wide and phase related planning conditions as summarised below:
1. Site-wide
 - a. Ecological Design Strategy, to include a BNG strategy
 - b. Construction Ecological Management Plan (CEcMP)
 2. Phase / parcel (with b-d secured as part of reserved matters applications):
 - a. Updated ecology surveys

- b. Construction Ecological Management Plan, demonstrating compliance with site-wide CEcMP
 - c. Biodiversity Net Gain Plan, demonstrating compliance with EDS BNG Strategy
 - d. Detailed lighting scheme sensitively designed for wildlife, demonstrating delivery of EDS
 - e. Detailed landscape and biodiversity enhancement scheme, demonstrating compliance with EDS (beyond BNG), including highways and building design
 - f. Submission of Protected species licence (e.g. badger) relevant to the individual parcel(s)
- 10.48 In relation to the wider ecological/ biodiversity interest arising from the proximity of the application site to Bassenhally Pit SSSI and the Nene Washes SSSI, SPA, SAC and Ramsar, Natural England identified potential significant effects could possibly arise on these two sites as result of the proposals. Natural England in their initial response required further information to determine the significance of these impacts, including Habitats Regulations Assessment (HRA) in order to determine the significance of these impacts and the scope for mitigation.
- 10.49 A report to inform a Habitat Regulations Screening Assessment was submitted by the applicant on 16th August 2024 and revised report issued on 6th September 2024, which aimed address Natural England's concerns in relation to the 'In-combination Assessment' part of the report.
- 10.50 In their latest response Natural England state that they do not wish to make any further comment to that made in their earlier response of 30 August 2024 and leave it to the Local Planning Authority (LPA), as competent authority, to produce their own HRA decision and the LPA should also check the submitted shadow 'Habitat Regulations Screening Assessment' and decide if the Council, as the competent authority, agree with the methodology, reasoning, and conclusions provided. They went on to advise that it is the Council's responsibility to produce a separate HRA report, which can draw on the information provided by the applicant, and to be accountable for its reasoning and conclusions. Noting further that the Council are required to consult Natural England on any 'Appropriate Assessment' the Council may need to undertake.
- 10.51 In light of the response above, the Cambridgeshire County Ecologist has provided in their latest response, on behalf of Fenland District Council, a HRA Stage 1 Screening Report in relation to the proposed development. In their response the Ecologist welcomed the submission of the Report to inform a Habitat Regulations Screening Assessment – Version 2. Noting that the latest version of this document provided additional information regarding in-combination effects.
- 10.52 The Ecologist response includes a summary of their HRA Stage 1 Screening Report (a full copy of which was provided as a separate standalone document). This summary states that the Ecologist is broadly satisfied with the methodology, assessment and conclusions of the shadow Habitat Regulations Screening Assessment and consider sufficient evidence has been provided for the LPA to determine there will be no likely significant effect on the Nene Washes Special Area of Conservation, Special Protection Area or Ramsar site. In line with Natural England's recommendation, we have given greater consideration off in-combination effects to consider all plans / proposal, including those where likely significant effects alone were not identified. We are satisfied there will be no cumulative likely significant effect on Nene Washes SAC/SPA/Ramsar. We

therefore recommend that the proposal is unlikely to result in a Likely Significant Effect on Nene Washes SAC/SPA/Ramsar site and therefore, an Appropriate Assessment is not required.

- 10.53 In conclusion, the proposals have been subject of submissions by the applicant regarding ecology and biodiversity interest within the application site and in relation to nearby nationally and internationally designated sites. Consideration of these submissions by relevant consultees, has concluded that there is no objection to the proposals, subject to appropriate planning conditions. On this basis it is considered that the proposals in the application are in conformity with Local Plan policies LP16 (criteria (b)) and LP19 in relation to the natural environment.

Affordable housing, community infrastructure and planning obligations

- 10.54 Local Plan policy LP5 states Local Plan on sites of 10 or more dwellings, 25% of the dwellings as affordable houses and that for a development of this size this would be expected to be delivered on-site. Policy LP13 of the Local Plan sets out that planning permission will only be granted if it can be demonstrated that there is, or will be, sufficient infrastructure capacity to support and meet all the requirements arising from the proposed development. Conditions or a planning obligation are likely to be required for many proposals to ensure that new development meets this principle. Developers will either make direct provision or will contribute towards the provision of local and strategic infrastructure required by the development either alone or cumulatively with other developments. Where a planning obligation is required, in order to meet the above principles of infrastructure provision, this will be negotiated on a site-by-site basis.
- 10.55 The Council's own Local Plan & CIL Viability Assessment (HDH, December 2019) sets out expectations of viability for sites across the district. For sites south of the A47 highway, the conclusions advise that schemes should be able to achieve 20% affordable housing and £2,000 per dwelling in financial contributions. Whilst this is lower than set out in Local Plan policy LP5 (affordable housing) it is a material consideration which the Council has previously given significant weight to, and which has been used to set the viability expectations for many other developments in the district. The applicant has confirmed their agreement to this provision in a submitted Heads of Terms schedule.
- 10.56 In light of the above, and as confirmed by the Council's Housing Strategy and Enabling Officer, based on the upper quantum proposed, an on-site affordable housing scheme for 50 dwellings would be expected to be secured and would provide 70% (35no.) affordable rented units and 30% (15no.) shared ownership units which would align with the Council's current housing tenure demands. The specific mix would be expected to be secured as part of the agreed scheme and phasing of the development. Subject to this, the proposals would accord with the current viability position in place regarding Local Plan policy LP5.
- 10.57 With regard to the level of demand for affordable housing within Whittlesey, the Housing Strategy and Enabling Officer has provided a table (see consultee comments at 5.3) showing the numbers of households registered for affordable rent (but can be taken as indicative to the demand for affordable ownership as well).
- 10.58 As this table shows, even when limited to those with a local connection to Whittlesey, there is a very high demand for affordable dwellings in this area of the

district. A contributory factor to this demand will be partly due to the under provision of affordable housing within the district in recent years. Thus, the provision of 50 affordable dwellings through the proposals would assist in meeting the demand for such homes for households with a local connection to Whittlesey and the wider district and is materially significant when considering further housing provision in the Town in the context of Part A of Local Plan policy LP4, as discussed in paragraph 10.2 above.

10.59 In relation to community infrastructure, statutory tests as set out in the Community Infrastructure Regulations 2010 (Regulation 122) requires that S106 planning obligations must be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonable related in scale and kind to the development. S106 obligations are intended to make development acceptable which would otherwise be unacceptable in planning terms.

10.60 Having regard to the scale and nature of the proposal and further to consultation with statutory bodies to establish infrastructure requirement, in summary the following is sought through this development;

- Healthcare
- Education
- Open Space and an area of Neighbourhood Equipped Area of Play
- Transport Infrastructure

Healthcare

10.61 Requests for financial contributions have been received from both NHS and East of England Ambulance service, to provide upgraded surgery facilities (total £328,893.) and in respect of an impact on the Whittlesey Ambulance Station (£74,700) respectively.

10.62 *Education*

Cambridgeshire County Council as the education authority seek contributions towards;

- Early Years - £491,049
- Primary Education - £1,818,700
- Secondary Education - £1,590,939

Open Space

10.63 The scheme will be expected to provide a variety of formal and informal open spaces throughout the site as well as play provision in accordance with Local Plan policy requirements. The Council is not currently seeking to adopt such areas and it would therefore be expected that unless the Town Council wish to take on future management of these spaces, a long-term management and maintenance scheme would be provided by the developer. Given the scale of the site and the ability to deliver a wide range of open spaces, including play provision, it is not considered necessary to seek off-site contributions in this instance.

Transport Infrastructure

10.64 The application has undergone discussion with regards to transport mitigation and general requirements. The following has been secured via discussions with

the applicant and Local Highways Authority and will be delivered by planning condition rather than via a legal agreement;

- Relocate the existing 30mph speed limit on the immediate east of the Dandelion Drive roundabout to the east of Drybread Road.
- New 2m wide footway on the northern side of Eastrea Road along the site frontage.
- Relocation of the uncontrolled pedestrian refuge island crossing on Eastrea Road between the BDW and Aldi accesses.
- New uncontrolled pedestrian refuge island crossing on Eastrea Road east of the Aldi access.
- Relocate the westbound bus stop to a point east of the Aldi access with an extension of the proposed footway on the southern side of Eastrea Road to connect with it.
- Widen the existing footway on the northern side of Eastrea Road between Dandelion Drive and Sir Harry Smith Community College to 2m in width where existing provision is below this.
- Upgrade the existing crossing points at the Gildenburgh Crescent, Victory Avenue, and Coronation Avenue, and Lattersey Close junctions with Eastrea Road to include tactile paving.
- Narrow the bell-mouth and remove the pedestrian refuge island at the Coronation Avenue junction with Eastrea Road.

10.65 It is proposed to share the circa £498,000 across the education and healthcare requirements on a proportionate, pro-rata basis, which would work out as follows, based on a quantum of 249 dwellings;

Provider	% of Total contributions	Amount proposed based on 249 dwellings (£498,000)
NHS Estates	8%	£39,840
EEAST (Ambulance)	2%	£9,960
Early Years	11%	£54,780
Primary school	42%	£209,160
Secondary school	37%	£184,260
		£498,000

10.66 It is acknowledged that this will not meet the whole needs of these services, as identified by public sector providers in response to this application. However, viability is a material consideration in decision making with the current viability position in Fenland being described in paragraph 10.55 above.

10.67 In summary, the provision of 50 affordable dwellings through the proposals would assist in meeting the high demand for such homes for households both with a local connection to Whittlesey and the wider district and is materially significant when considering further housing provision in the Town in the context of Part A of Local Plan policy LP4. With regards to community infrastructure, it is concluded that the above contributions and physical highways infrastructure requirements are necessary to make the development acceptable and would meet the tests of CIL regulations in that they are, i) necessary to make the development acceptable in planning terms; ii) directly related to the development; and, iii) fairly and reasonably related in scale and kind to the development and would facilitate a development that would be deliverable in the current position regarding viability in the district. Accordingly, it is considered that the proposals conform with Local

Plan policies, LP5 and LP13 as well as part f(iii). of the Whittlesey Neighbourhood Plan.

Other matters

- 10.68 With regard to the protection of any affected heritage assets, the Historic Environment Team notes that despite the constraints of the trial trenching program they feel they have enough information to make recommendations on the application. Whilst they do not object to development from proceeding in this location, they consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition. In this respect the development would be in conformity with criteria (a) of adopted Local Plan policy LP16.
- 10.69 The application site is within a Minerals Safeguarding Area (MSA) for sand and gravel in the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021). The County Council has stated that whilst it would be ideal to extract all the sand and gravel prior to the construction of this development, this is unlikely to be feasible. Therefore, to comply with Policy 5 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan it is requested that a condition is imposed that suitable sand and gravel excavated during the construction phase be retained for use on the site.
- 10.70 Whilst the soils at the site would appear as falling with the Best and Most Versatile definition as set out in the NPPF (Grade 2 in the Provisional Agricultural Land Classification maps), the land around Whittlesey outside of Flood Zone 3 are in the same or higher Grade of Classification. Thus, the loss of such land is inevitable as part of any future greenfield housing development that is outside the highest area of flood risk.
- 10.71 Although Natural England has been consulted this application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not appear to lead to the loss of over 20 hectares of 'best and most versatile' (BMV) agricultural land.
- 10.72 Natural England's initial response requested a map of the location of peat soils across the site on the basis that new development should avoid peat soils to leave this important carbon sink intact and prevent release of CO₂ into the atmosphere. Mapping suggests there is some limited potential for areas on the eastern edge of the application site. A comprehensive programme of archaeological trial trenching has been undertaken to support the application. This shows that peat was not located in any of the trenches and thus is not present on the application site.

11 CONCLUSIONS

- 11.1 Aligning with the NPPF, policy LP1 of the adopted Local Plan provides a presumption in favour of sustainable development. To be sustainable, development must strike a satisfactory balance between the applicable economic, environmental and the social considerations. Policy LP1 goes on to state that planning applications that accord with the policies in the Local Plan will be approved without delay, unless material considerations indicate otherwise.

- 11.2 It is recognised that the development will result in some unavoidable landscape harm, upon the local landscape character and on a limited number of visual receptors immediately adjacent or overlooking the site. With regards to character, the level of harm is reduced on account that the proposed development would be similar to that recently built on adjacent land immediately to the south and west of the application . In relation to visual harm, the impact would be in the short term and mainly localised. The final positioning of the dwellings within the site and the requirement for open space and landscaping could allow for existing open views across the site from the north and east to be screened in a way that the existing edge of the settlement is not. As such, it is considered that there would be no unacceptable adverse effects that should preclude a sensitively designed development in landscape and visual terms. In addition, the site results in a logical rounding off of the existing settlement edge at Drybread Road and the Strategic Allocated site that is being completed to the immediate west as well as other recent development to the south of Eastrea Road.
- 11.3 Subject to the satisfactory completion of a Section 106 legal agreement, to ensure necessary infrastructure is secured to support this development, it is considered that:
- the principle of a development of this scale is acceptable in this location being on the edge of an ‘Other Market Town’, adjacent to the built area and east of the town thus compliant with relevant Local and Neighbourhood Plan policies,
 - whilst Whittlesey has exceeded its approximate housing target for the Local Plan period through completions and extant permissions, this figure is not a ceiling and the proposal would increase the supply of housing - including a 20% provision of much needed on-site affordable housing,
 - that the proposed development has suitable access arrangements and that wider highways issues in the vicinity of the site are acceptable or can be mitigated by the measures set out in this report,
 - it will maximise opportunities for use of public transport, walking and cycling
 - there is no flood risk associated with the proposed development and that both surface and foul drainage demands arising can be dealt with and managed, including where necessary by the imposition of suggested planning conditions,
 - the proposed parameters of development are acceptable and demonstrate the site can appropriately accommodate the development as described and will contribute to the creation of a mixed community with sufficient open space and play facilities for residents,
 - the development raises no immediate concerns over potential harm to residential amenity and subject to detailed design has potential to deliver a high-quality living environment for both future occupiers and existing residents,
 - the proposals have been subject of submissions by the applicant regarding ecology and biodiversity interest within the application site and in relation to nearby nationally and internationally designated sites. Consideration of these submissions by relevant consultees, has concluded that there is no objection to the proposals, subject to appropriate planning conditions,
 - it will provide appropriate contributions to infrastructure to meet the needs generated by the development in the context of the current viability position in the district, andwhilst there are negative impacts of the development on landscape character and visual setting, these are not considered to be at level that would justify the refusal of the application.

- 11.4 Having regard to national and local planning policies, and all comments received, and subject to the resolution of the Section 106 legal agreement, it is considered that the proposal would, on balance amount to sustainable development and would accord with the Development Plan taken as a whole. There are no material considerations worthy of sufficient weight that indicate that a decision should be made other than in accordance with the Development Plan. Accordingly, the conclusion reached is that the development should be approved.

12 RECOMMENDATION

12.1 Members are recommended to **APPROVE** the application in accordance with the following terms;

1. The Committee delegates authority to finalise the terms and completion of the Section106 legal agreement and planning conditions to the Head of Planning; and,
2. Following the completion of the Section106 agreement, application F/YR23/0705/O be granted subject to the planning conditions set out in principle at Appendix 1 below; or,
3. The Committee delegates authority to refuse the application in the event that the Applicant does not agree any necessary extensions to the determination period to enable the completion of the Section 106 legal agreement or on the grounds that the applicant is unwilling to complete the obligation necessary to make the development acceptable.

Appendix 1 - Proposed Draft Conditions

1	<p>Approval of the details of:</p> <ul style="list-style-type: none"> i. the layout of the site ii. the scale of the building(s); iii. the external appearance of the building(s); iv. the landscaping <p>(hereinafter called "the Reserved Matters") shall be obtained from the Local Planning Authority prior to the commencement of development.</p> <p>Reason: To enable the Local Planning Authority to control the details of the development hereby permitted.</p>
2	<p>Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.</p> <p>Reason: To ensure compliance with Section 92 of the Town and Country Planning Act 1990.</p>
3	<p>The development hereby permitted shall begin before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.</p> <p>Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>

4	<p>Quantum The residential elements of the development shall not exceed 249 dwellings (Use Class C3).</p> <p>Reason: For the avoidance of doubt and to ensure a satisfactory standard of development.</p>
5	<p>Phasing Plan With the exception of the approved accesses, the development shall be undertaken in phases in accordance with a phasing plan to be submitted to and approved in writing by the Local Planning Authority prior to or concurrently with the submission of the first reserved matters. The phasing plan will need to demonstrate through supporting evidence that the phasing approach proposed will not result in severe harm in highway, amenity, drainage and biodiversity terms. With the exception of the approved accesses, development shall not commence on each development phase until all reserved matters for that phase have been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason - For the avoidance of doubt and to allow development to be undertaken and conditions to be discharged on a phased basis.</p>
6	<p>Conformity with outline details Development shall conform with the Proposed Site Plan (Drawing reference 830-40_PL_SP01 Rev B) insofar as this defines the two separate vehicular accesses from Eastrea Road and Drybread Road which shall not linked together by any internal roads other than an emergency access link.</p> <p>Reason: For the avoidance of doubt and to ensure that the details of the development are acceptable to the Local Planning Authority.</p>
7	<p>Archaeology No development shall commence until the applicant has implemented a programme of archaeological work that has been secured in accordance with a Written Scheme of Investigation (WSI), which 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 under the provisions of the agreed WSI, which shall include:</p> <ul style="list-style-type: none"> a. The statement of archaeological significance and research objectives; b. The programme, methodology and timetable of fieldwork and public engagement, and the nomination of a competent person(s) or organisation to undertake the agreed works; c. Implementation of fieldwork; d. A Post-excavation Assessment report and Updated Project Design to be submitted within six months of the completion of fieldwork; e. An analytical archive report to be completed within two years of the completion of fieldwork and submission of a draft publication report (as necessary); f. Preparation of the physical and digital archaeological archives for deposition at accredited stores approved by the Local Planning Authority. <p>REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (DLUHC 2023).</p>
8	<p>Site Wide drainage Concurrently with the submission of the first reserved matters application, a detailed design of the surface water drainage of the site shall be submitted to and approved in</p>

	<p>writing by the Local Planning Authority prior to any development taking place. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan.</p> <p>The scheme shall be based upon the principles within the agreed Revised Drainage and Maintenance Strategy prepared by Stafford Infrastructure Engineering dated 25th September 2023 and shall also include</p> <p>a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events; b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance; c) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it); d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections); e) Site Investigation and test results to confirm infiltration rates; f) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants; g) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems; h) Full details of the maintenance/adoption of the surface water drainage system; i) Permissions to connect to a receiving watercourse or sewer; i) Measures taken to prevent pollution of the receiving groundwater and/or surface water.</p> <p>Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development and to ensure that the principles of sustainable drainage can be incorporated into the development, noting that initial preparatory and/or construction works may compromise the ability to mitigate harmful impacts</p>
9	<p>Surface water run off measures during construction</p> <p>No development, including preparatory works, shall commence in any phase until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence in that phase.</p> <p>Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts.</p>
10	<p>Foul drainage</p> <p>Prior to the commencement of development in each phase, a scheme and timetable for the provision and implementation of foul water drainage for that phase shall be submitted and approved in writing by the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme and thereafter retained in perpetuity.</p>

	<p>Reason: To prevent environmental and amenity problems arising from flooding and to provide a satisfactory means of sanitation in accordance with Policies LP2, LP14 and LP16 of the Fenland Local Plan, 2014.</p>
11	<p>Ecological Design Strategy No development shall take place until a site wide ecological design strategy (EDS) addressing mitigation, compensation and enhancements (including reptiles and species identified in Ecological Impact Appraisal) has been submitted to and approved in writing by the local planning authority.</p> <p>The EDS shall include the following:</p> <ul style="list-style-type: none"> a) Purpose and conservation objectives for the proposed works. b) Review of site potential and constraints. c) Detailed design(s) and/or working method(s) to achieve stated objectives. d1) Biodiversity Net Gain strategy identifying how biodiversity net gain (or at least no net loss) will be achieved. d2) Extent and location/area of proposed works on appropriate scale maps and plans. e) Type and source of materials to be used where appropriate, e.g. native species of local provenance f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development g) Persons responsible for implementing the works, such as Ecological Clerk of Works h) Details of initial aftercare and long-term maintenance i) Details for monitoring and remedial measures. j) Details for disposal of any wastes arising from works. <p>The EDS must include off-site compensation measures (if required).</p> <p>The EDS shall be implemented in accordance with the approved details and all features shall be retained in the manner thereafter in perpetuity.</p> <p>Reason: Fenland Local Plan 2014 policies LF16 & LF19 (to protect and enhance biodiversity)</p>
12	<p>Construction Ecological Management Plan No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Ecological Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority.</p> <p>The CEMP (Biodiversity) shall incorporate recommendations of the Ecology Impact Appraisal and Reptile Survey and must include the following:</p> <ul style="list-style-type: none"> a) Risk assessment of potentially damaging construction activities. b) Identification of “biodiversity protection zones”. c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) d) The location and timings of sensitive works to avoid harm to biodiversity features. e) The times during which construction when specialist ecologists need to be present on site to oversee works. f) Responsible persons and lines of communication. g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person. h) Use of protective fences, exclusion barriers and warning signs if applicable.

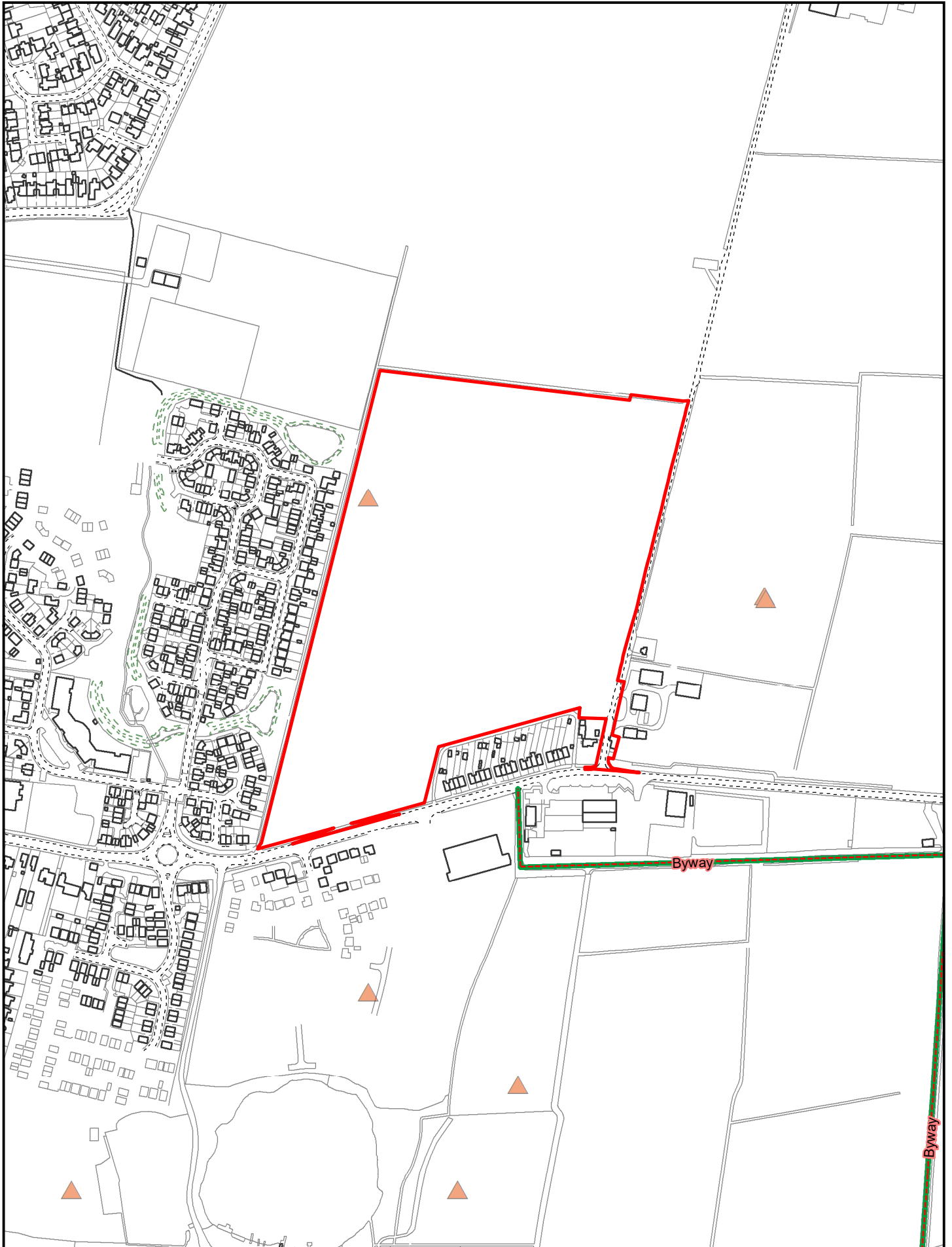
	<p>The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.</p> <p>Reason: Fenland Local Plan 2014 policies LF16 & LF19 (to protect and enhance biodiversity)</p>
13	<p>Landscape and Ecological Management Plan</p> <p>A landscape and ecological management plan (LEMP) shall be submitted to and be approved in writing by the local planning authority prior development proceeding above slab level for each development phase. The content of the LEMP shall include the following:</p> <ul style="list-style-type: none"> a) Description and evaluation of features to be managed. b) Ecological trends and constraints on site that might influence management. c) Aims and objectives of management. d) Appropriate management options for achieving aims and objectives (including biodiversity net gain). e) Prescriptions for management actions f) Preparation of the work schedule (including an annual work plan capable of being rolled forward over a 30 year period and BNG audit) g) Details of the body or organisation responsible for implementation of the plan h) Ongoing monitoring and remedial measures <p>The LEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the development with the management body(ies) responsible for its delivery.</p> <p>The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.</p> <p>A 5 yearly report shall be submitted to the LPA confirming the progress of the LEMP and results of any monitoring work.</p> <p>The LEMP shall be implemented in accordance with the approved details and all features shall be retained in the manner thereafter in perpetuity.</p> <p>Reason: To ensure biodiversity is protected and enhanced in accordance with policies LP16 and LP19 of the Fenland Local Plan, 2014.</p>
14	<p>Lighting</p> <p>The submission of reserved matters for each phase of development, as required by condition 1 shall include a scheme for the provision of external lighting together with a light impact assessment. The report must include an ISO contour plan and demonstrate that any proposed lighting will be within parameters set in accordance with the Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2011, having regard to the relevant Environmental Zone, that being (E2) rural areas.</p> <p>Furthermore, the submission shall be supported by a "lighting design strategy for biodiversity" in accordance with ILP Publications' "Guidance Note 8 Bats and artificial lighting" The strategy shall:</p> <ul style="list-style-type: none"> a. identify those areas /features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and,

	<p>b. show how and where external lighting will be installed (through the provisions of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.</p> <p>All the above details to be approved in writing by the Local Planning Authority prior to the commencement of development in the relevant phase.</p> <p>All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.</p> <p>Reason: To ensure biodiversity is protected in accordance with policies LP16 of the Fenland Local Plan, 2014.</p>
15	<p>Construction Management Plan</p> <p>No development shall commence in each phase until a Construction Management Plan (CMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include the consideration of the following aspects of construction:</p> <ul style="list-style-type: none"> a) Construction programme; b) Contractors' access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures; c) Details of a temporary facilities area clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction; d) Details of restricted Construction hours; e) Details of restricted Delivery times and collections; f) Noise impact assessment methodology, mitigation measures, noise monitoring and recording statements in accordance with the provisions of BS 5228-1:2009+A1:2014 Code of Practice for noise and vibration control on construction and open sites; h) Vibration impact assessment methodology, mitigation measures, monitoring and recording statements in accordance with the provisions of BS 5228-2:2009+A1:2014 Code of Practice for noise and vibration control on construction and open sites. Details of any piling construction methods / options, as appropriate; i) Dust mitigation, management / monitoring and wheel washing measures in accordance with the provisions of Control of dust and emissions during construction and demolition, and road sweepers to address depositing of mud on immediate public highways; j) Use of concrete crushers; k) Prohibition of the burning of waste on site during demolition/construction; l) Site artificial lighting including hours of operation, position and impact on neighbouring properties; m) Drainage control measures including the use of settling tanks, oil interceptors and bunds. n) Screening and hoarding details; o) Access and protection arrangements around the site for pedestrians, cyclists and other road users; p) Procedures for interference with public highways, including permanent and temporary realignment, diversions and road closures; q) External safety and information signing and notices; r) Implementation of a Stakeholder Engagement/Residents Communication Plan, Complaints procedures, including complaints response procedures; and <p>The approved CMP shall be adhered to throughout the construction period and must demonstrate the adoption of best practice.</p>

	Reason: In the interests of protecting highway safety and residential amenity in accordance with policies LP2, LP15 and LP16 of the Fenland Local Plan, 2014.
16	<p>Sand and gravel extraction</p> <p>As part of a Construction Management Plan (CMP), to be submitted prior to commencement of a phase of development, the following matters shall be addressed:</p> <p>A) A list of opportunities where incidental extraction of sand and gravel may occur because of groundworks which are required for the development. B) An estimate of the likely quantity of material(s) that can be extracted. C) If possible, an estimation of the mineral resource(s) within the site. D) Where mineral is found, demonstrate how any material(s) extracted will be put best use.</p> <p>The CMP must be submitted to the Local Planning Authority, for consultation and approval from the Minerals Planning Authority, in respect of the above matters.</p> <p>Reason: To ensure the proposed development compiles with Policy 5 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan as part or all of the site lies within a Sand and Gravel Mineral Safeguarding Area.</p>
17	<p>Fire Hydrants</p> <p>No development above slab level within a development phase shall take place until details for the provision of fire hydrants has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before any dwelling within the respective development phase is occupied.</p> <p>Reason: To ensure a satisfactory form of development and in accordance with Policy LP16 of the Local Plan.</p>
18	<p>Contaminated Land</p> <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 amended 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 policies LP2, LP14 and LP16 of the Fenland Local Plan, 2014.</p>
19	<p>Protected Species Licence</p> <p>Ground works or vegetation clearance works within 30m of potential badger setts identified in the Preliminary Ecological Appraisal shall not in any circumstances commence unless the local planning authority has been provided with either:</p> <p>a) a licence issued by the relevant licensing body pursuant to Protection of Badgers Act 1992; or b) a statement in writing from the relevant licensing body or suitably qualified ecologist to the effect that it does not consider that the specified activity/development will require a licence</p> <p>Reason: Fenland Local Plan 2014 policies LP16 & LP19 & Conservation of Habitats and Species Regulations 2017 (as amended) (to protect biodiversity)</p>
20	<p>Management of Estate Roads</p> <p>Prior to the occupation of the first dwelling within each phase, full details of the proposed arrangements for future management and maintenance of the proposed streets within the development phase shall be submitted to and approved in writing by</p>

	<p>the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into unto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.</p> <p>Reason: 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, adopted May 2014.</p>
21	<p>Travel Plan Prior to first occupation, 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 suitable measures and incentives inclusive of bus vouchers and/or active travel vouchers to promote sustainable travel. The Travel Plan is to be monitored annually with all measures reviewed to ensure targets are met.</p> <p>Reason: To encourage sustainable modes of travel in accordance with policy LP15 of the Fenland Local Plan, 2014.</p>
22	<p>Site access and Eastrea Road Enhancement Works Prior to first occupation, the developer shall deliver the Site Access and Eastrea Road Enhancement Works as shown on the drawings C21015-JCT-SA-001 Rev E and C21015-JCT-SA-002 Rev D.</p> <p>Reason: In order to meet the requirements of the Local Highways Authority to mitigate the impact of development traffic on the local network in accordance with policy LP15 of the Fenland Local Plan, adopted May 2014 and NPPF paragraph 114.</p>
23	<p>Eastrea Road Footway Improvements Works Prior to first occupation, the developer shall deliver the Eastrea Road Footway Improvements Works as shown on the drawing C21015-TA-MIT-001 Rev D.</p> <p>Reason: In order to meet the requirements of the Local Highways Authority to mitigate the impact of development traffic on the local network in accordance with policy LP15 of the Fenland Local Plan, adopted May 2014 and NPPF paragraph 114.</p>
24	<p>Post construction surface water drainage survey Upon completion of the surface water drainage system, including any attenuation ponds and swales, and prior to their adoption by a statutory undertaker or management company; a survey and report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall be carried out by an appropriately qualified Chartered Surveyor or Chartered Engineer and demonstrate that the surface water drainage system has been constructed in accordance with the details approved under the planning permission.</p> <p>Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed by an independent surveyor, with their findings submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure the effective operation of the surface water drainage scheme following construction of the development.</p>
25	<p>Time Limit on Development Before Further Surveys are Required If the development hereby approved does not commence within 12 months from the date of the planning consent, the approved ecological measures secured through other conditions shall be reviewed and, where necessary, amended and updated.</p>

	<p>The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of key species identified in the Ecological Impact Assessment (breeding birds, badger and reptiles), and identify any likely new ecological impacts that might arise from any changes.</p> <p>Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.</p> <p>Reason: Fenland Local Plan 2014 policies LF16 & LF19 (to protect biodiversity).</p>
26	<p>Housing Mix The dwelling mix for the development hereby approved shall be submitted as part of the reserved matters.</p> <p>Reason: In order to ensure that an appropriate housing mix is provided for the proposed development taking into account the objective of creating a sustainable, mixed community in accordance with Policy LP3 of the Fenland Local Plan and Policy 2 of the Whittlesey Neighbourhood Plan and guidance contained within the National Planning Policy Framework.</p>
27	<p>Approved Plans The development hereby permitted shall be carried out in accordance with the approved plans and documents:</p>



Created on: 13/09/2023

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F/YR23/0705/O

Scale = 1:5,000





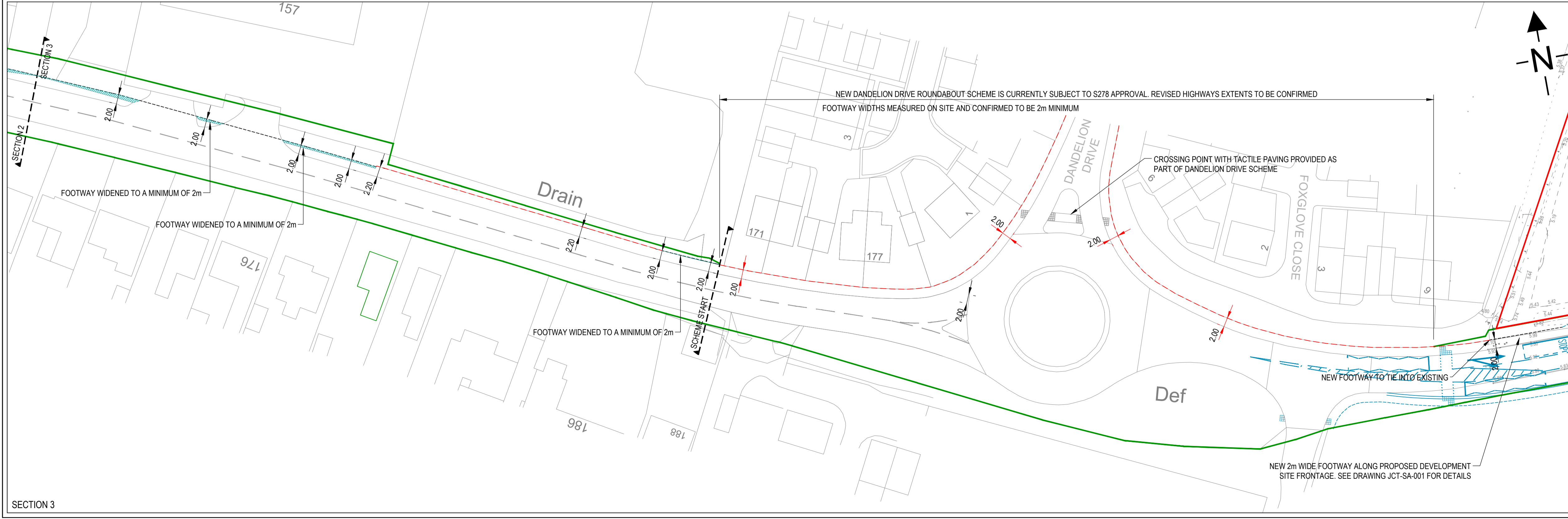
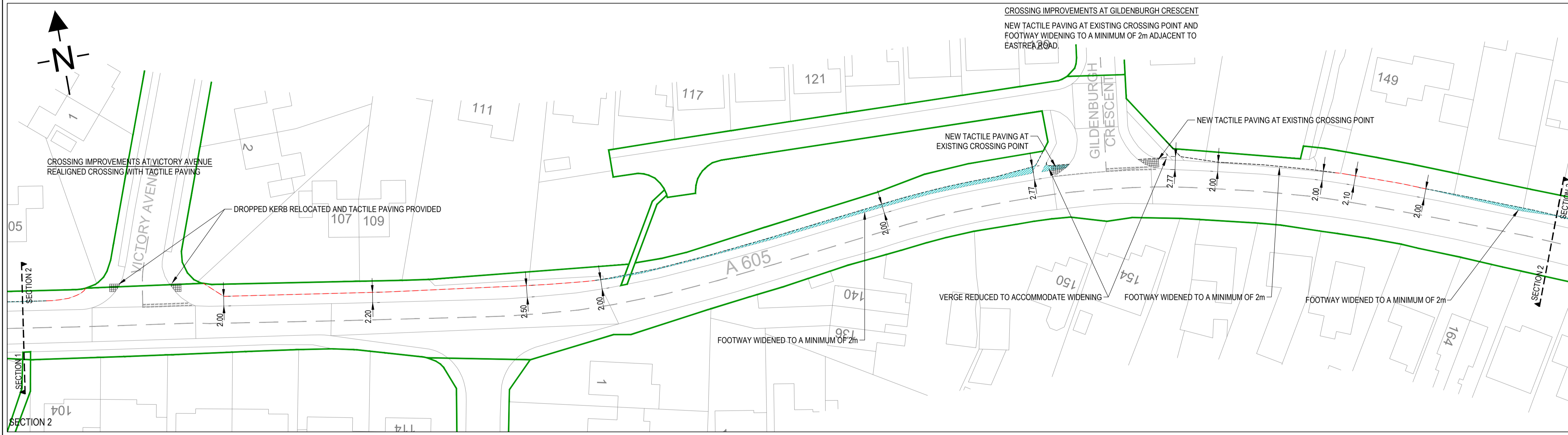
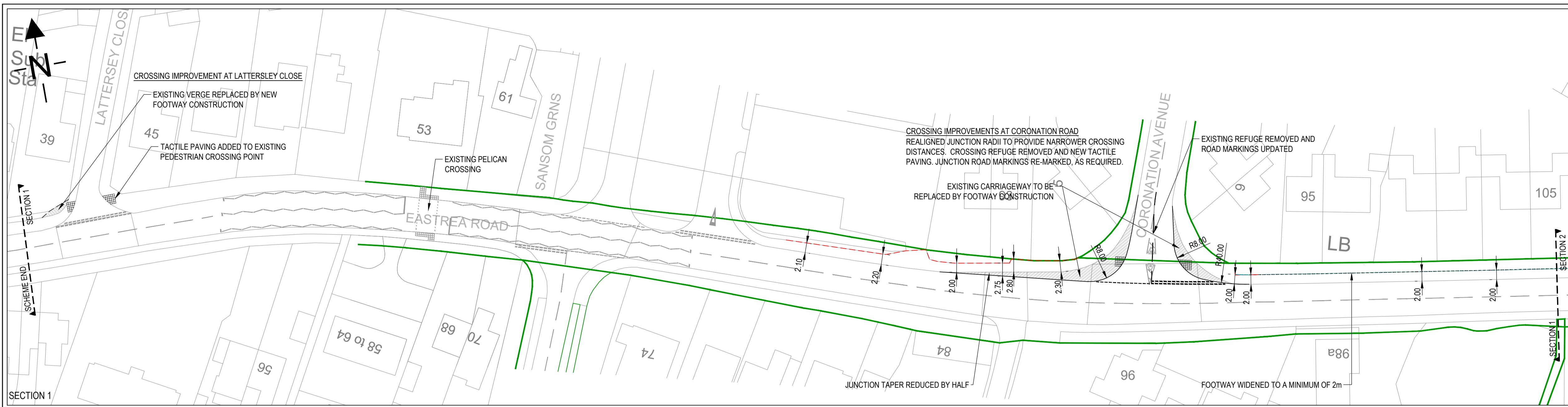
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B	Road line revised	23.08.23
A	Landscaping along eastern boundary revised	20.07.23

Rev	Description	Date
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rdc
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 32 High Street, Helpham, Wetherby, West Yorkshire, LS23 7BA
 Tel: 01539 421646
 Email: sales@rdc-landplan.co.uk
 Web: www.rdc-landplan.co.uk

Client		
Rose Homes (EA) Limited		
Project		
Land off Eastrea Road, Whitlsey		
Drawing		
Proposed Site Plan		
Scale @ A1	Date	
1:1250	05/07/23	
Drawn By	Checked By	
WVW	LMS/ MJB	
Job Number	Status	Purpose of Issue
830-40	PL	Discussion
Drawing No.		Rev
830-40_PL_SP01		B



1. THIS DRAWING IS NOT TO BE SCALED FOR CONSTRUCTION PURPOSES.
 2. THE CONTRACTOR SHALL CHECK ALL DIMENSIONS AND LEVELS ON SITE.

NOTES:
 1. SCHEME PROPOSALS ARE BASED ON OS MAPPING. ALL DIMENSIONS REQUIRE CONFIRMATION.

KEY:
 HIGHWAY BOUNDARY ————
 SITE BOUNDARY ————
 BARRATT HOMES/ SUPERMARKET APPROVED SCHEME ————
 FOOTWAY WIDENING TO 2m REQUIRED ————
 FOOTWAY WIDTH EQUAL OR GREATER THAN 2m - - - - -

D	REFUGE AT CORONATION AVE REMOVED.	02.04.24	AMP	SM
C	UPDATED FOLLOWING CCC COMMENTS (FEB 2024)	12.03.24	AMP	SM
B	UPDATED FOLLOWING CCC COMMENTS (MAR 2023)	24.05.23	AMP	SM
A	UPDATED FOLLOWING CCC COMMENTS (SEPT 2022)	24.01.23	AMP	SM

REV	DESCRIPTION	DATE	BY	AUTH
D	REFUGE AT CORONATION AVE REMOVED.	02.04.24	AMP	SM
C	UPDATED FOLLOWING CCC COMMENTS (FEB 2024)	12.03.24	AMP	SM
B	UPDATED FOLLOWING CCC COMMENTS (MAR 2023)	24.05.23	AMP	SM
A	UPDATED FOLLOWING CCC COMMENTS (SEPT 2022)	24.01.23	AMP	SM

Capricorn Transport Planning
 19 Graystones Close
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 Nottingham
 NG2 6QU
 T : 0777 334 7121
 www.capricorn-tp.co.uk

CLIENT
ROSE HOMES

PROJECT
**EASTREA ROAD,
 WHITTLESEY**

TITLE
**PROPOSED EASTREA ROAD
 FOOTWAY IMPROVEMENTS**

DRAWN AMP	AUTHORISED SM	SCALE 1:500	SHEET SIZE A1	DATE 08.09.22
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PROJECT NO. C21015	DRAWING NO. TA-MIT-001	REV D
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F/YR24/0276/F

**Applicant: Mr D Burgess
Fern Homes**

**Agent: Mr Gareth Edwards
Swann Edwards Architecture Ltd**

Gaultree Farm, High Road, Guyhirn, Wisbech Cambridgeshire PE13 4EA

Erect 7 x dwellings (4 x 3-storey 4-bed and 3 x 2-storey 3-bed) and the formation of a new access, involving the demolition of existing dwelling and outbuildings

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to officer recommendation

Government Planning Guarantee

Statutory Target Date For Determination: 28 May 2024

EOT in Place: Yes

EOT Expiry: 25 October 2024

Application Fee: £4046

Risk Statement:

This application must be determined by 25 October 2024 otherwise it will be out of time and therefore negatively affect the performance figures.

1 EXECUTIVE SUMMARY

- 1.1. This application seeks full planning approval for the erection of seven dwellings and formation of a new access, facilitated by the demolition of the existing dwelling and outbuildings at Gaultree Farm, High Road, Guyhirn.
- 1.2. The scheme proposes a mix of frontage and backland development, with three dwellings set in-depth behind four frontage plots. The introduction of backland development results in the scheme being unable to be considered as infill, and thus the scheme is contrary to Policy LP3. Furthermore, it is considered that the in-depth development conflicts with the local built form as predominately frontage development, and as such is contrary to Policy LP16(d).
- 1.3. It is also considered that the scheme results in overdevelopment and poor amenity for future occupiers, contrary to Policies LP2 and LP16.
- 1.4. The proposal results in a parking shortfall and inconvenient and constrained access, parking and turning areas contrary to Policy LP15.
- 1.5. In accordance with the requirements of the Cambridgeshire Flood and Water SPD 2016 and the NPPF, and subsequently Policy LP14 of the

Fenland Local Plan, the Sequential Test has not been appropriately considered in the context of the proposal and wider available land and is therefore considered failed. No measures have been submitted in relation to the Exception Test. As such, it is considered that the current scheme is not compliant with Policy LP14.

- 1.6. Given the considerations in the below assessment, the proposal is considered contrary to policies LP2, LP14, LP15, and LP16 of the Fenland Local Plan and is therefore recommended for refusal.
- 1.7. It should be noted that concerns regarding the suitability of the scheme were raised with the application in the interest of proactive working, but no substantive changes were made to the proposal by the applicant in response to Officer comment.

2 SITE DESCRIPTION

- 2.1. The application site is located on the west side of High Road in Guyhirn. The 0.22ha site includes an existing dwelling known as Gaultree Farm, along with outbuildings, and an area of undeveloped scrubland/ paddock land to the north bounded by mature vegetation. The existing dwelling is separated from the adjacent development to the south by 1.8m close boarded timber fencing. Residential development is situated to the north and south of the site, with the immediate dwellings known as Gaultree Cottage and River Rise house, respectively. To the east, on the opposite side of High Road from the site, is the River Nene, bounded by the existing tidal defences embankment.
- 2.2. The site falls within Flood Zones 1 & 3, with the northwestern (rear) part of the site within Flood Zone 3.

3 PROPOSAL

- 3.1. The application proposes the erection of seven dwellings and the formation of a new access, involving the demolition of existing dwelling and outbuildings at the site.
- 3.2. The development proposal comprises 4no. 3-storey, frontage detached dwellings (plots 1 – 4), with and 3no 2-storey dwellings in-depth, two as a semi-detached pair and one detached (Plots 5 -7). There are also 2 twin garages proposed between the front and rear dwellings, with parking and turning areas to either side of a shared access driveway leading from High Road between frontage plots 2 & 3.
- 3.3. The dwellings are proposed to be constructed of Vandersanden Flemish Antique brickwork with Marley Modern Smooth Grey roof tile. Each dwelling will include its own private amenity area
- 3.4. Full plans and associated documents for this application can be found at:
<https://www.publicaccess.fenland.gov.uk/publicaccess/>

4 SITE PLANNING HISTORY

F/YR09/0375/O	Erection of a dwelling involving demolition of existing outbuildings	Grant 21.07.2009
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5 CONSULTATIONS

5.1. Wisbech St Mary Parish Council

At the meeting of Wisbech St. Mary Parish Council on 15th April 2024, the Council recommended REFUSAL based on over development of the site, inadequate parking provision, and not being in keeping with the surrounding area.

5.2. Environment & Health Services (FDC)

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

Given the nature and scale of the proposed development, the issues of primary concern to this service during the construction phase would be the potential for noise, dust and possible vibration to adversely impact on the amenity of the occupiers at the nearest residential properties.

Therefore, this service would welcome a condition requiring the submission of a robust Construction Environmental Management Plan (CEMP) that shall include working time restrictions in line with the template for developers, now available on Fenland District Council's website at: Construction Environmental Management Plan: A template for development sites (fenland.gov.uk)

Vibration impact assessment methodology, mitigation measures, monitoring and recording statements in accordance with the provisions of BS 5228-2:2009+A1:2014 Code of Practice for noise and vibration control on construction and open sites may also be relevant, as would details of any piling construction methods / options, as appropriate.

Due to the former land use, demolition of structures and evidence to show storage of building waste materials on site, it will also be necessary to impose the full contaminated land condition. This will ensure compliance with the relevant staged parts of the condition, which will also cover potential remediation and validation aspects:

No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs a), b) and c). This is an iterative process and the results of each stage will help decide if the following stage is necessary.

- (a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses, the proposed site usage, and include a conceptual model. The site investigation strategy will be based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.*
- (b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and*

accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.

- (c) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters. No development approved by this permission shall be occupied prior to the completion of any remedial works and a validation report/s being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs d), e) and f).*
- (d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice.*
- (e) If, during the works, contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.*
- (f) Upon completion of the works, this condition shall not be discharged until a validation/closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site, and what has been brought on to site.*

Reason: To control pollution of land or water in the interests of the environment and public safety.

5.3. Cambridgeshire County Council Highways Authority

Recommendation

On behalf of the Local Highway Authority, I raise no objections to the proposed development.

Comments

The development benefits from an existing dropped kerb with the highway. There is good visibility in either direction of the proposed access. The development proposes internal parking and whilst not labelled as such I would assume there to be visitor parking bays provided. It also proposes what appears to be an adequate turning facility within the site.

In the event that the LPA are mindful to approve the application, please append the following Conditions and Informatives to any consent granted:

Conditions

Parking/Turning Area: Prior to the first occupation of the development the proposed on-site parking/turning area shall be laid out in accordance with the approved plans, surfaced in a bound material and drained within the site. The parking/turning area, surfacing and drainage shall thereafter be retained as such in perpetuity (notwithstanding the provisions of Schedule 2, Part 1, Class F of The Town and Country Planning (General Permitted Development) (England) Order 2015, or any instrument revoking or re-enacting that Order).

5.4. **Natural England**

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

5.5. **CCC Ecology**

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

- 1. Compliance condition - scheme should comply with mitigation measures (during construction) set out in Ecological Impact Assessment.*
- 2. a. Compliance condition – scheme should comply with mitigation measures (during construction) set out in Ecological Impact Assessment.
b. Landscape and Biodiversity Enhancement Plan should demonstrate how mitigation / enhancement measures set out in the Ecological Impact Assessment will be implemented.*
- 3. Lighting scheme sensitively designed for wildlife.*
- 4. Time limit until update ecological surveys required.*

n.b. Sample condition wording was provided, but omitted for brevity.

5.6. **North Level Internal Drainage Board**

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

However, it is noted that soakaways are the preferred method of surface water disposal and it needs to be shown that soakaway drainage would be effective.

5.7. **Environment Agency**

Thank you for your consultation dated 03 September 2024. We have reviewed the documents as submitted and we are maintaining our objection until an adequate Flood Risk Assessment (FRA) is provided which addresses our concerns. Please find information on how to overcome our objection as well as further advice on Flood Risk in the section below.

Flood Risk

We originally objected as breach analysis had not been carried out. The FRA remains unchanged and as such our previous objection remains. Therefore, in the absence of an acceptable Flood Risk Assessment (FRA) we object to this application and recommend that planning permission is refused.

Reasons

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change planning practice guidance and its site-specific flood risk assessment checklist. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA (ECL1155/SWANN EDWARDS ARCHITECTURE dated November 2023) fails to:

- *consider how a range of flooding events (including extreme events) will affect people and property.*
- *consider how people will be kept safe from flood hazards*

The site is covered by our hazard mapping but the depths are shallow. The breach locations may be too far away to provide an appropriate picture of the flood risk to the site. The hazard depths in the vicinity of the nearest breach point are greater than at this site and when comparing land levels at both locations they are similar. The FRA should include breach analysis of a breach in front of the site to ensure that the finished floor levels are set appropriately.

Overcoming our objection

To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above. If this cannot be achieved, we are likely to maintain our objection.

5.8. FDC Environmental Services

- *The 'location plan and proposed site plan and street scene' diagram/drawing doesn't show the roadway as either highway &/or private road. IF a private road it would need to be constructed suitably for a 26 tonne refuse vehicle and indemnity would be required from landowners or future management company against any potential damage to the road surface etc. which may be caused during vehicle operations.*
- *Properties served by shared private driveways will require shared collection points where the drives/roads meet the public highway. Shared collection points need to be of sufficient size to accommodate up to 2 x 240 bins from each property. Residents should not be expected move bins more than 30m, Collection points should be no more than 10m from highway. From the plans it is unclear the extent of the public highway/shared private driveways.*
- *A swept path plan would be required to demonstrate that a refuse vehicle could access the site turn and leave the site in a forward direction (vehicle dimensions on the attached).*
- *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.*

5.9. Local Residents/Interested Parties

The LPA received 9 letters of support for the scheme via the online comments portal, from six addresses on either Gull Road and High Road, Guyhirn – two of the letters received were from the host property, Gaultree Farm.

Only one of the letters received contained any reasons for supporting the scheme, noting that developments such as the proposed are the “only way to keep the village thriving”; the remaining 8 letters contained no reasons for support.

There were no other letters of objection, nor representations made on the application.

6 STATUTORY DUTY

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014) and the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021).

7 POLICY FRAMEWORK

7.1. National Planning Policy Framework (NPPF)

7.2. National Planning Practice Guidance (NPPG)

7.3. National Design Guide 2021

7.4. Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development
LP2 – Facilitating Health and Wellbeing of Fenland Residents
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
LP14 – Responding to Climate Change and Managing the Risk of Flooding
LP15 – Facilitating the Creation of a More Sustainable Transport Network
LP16 – Delivering and Protecting High Quality Environments
LP19 – The Natural Environment

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

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

7.7. Cambridgeshire Flood and Water SPD 2016

7.8. Emerging Local Plan

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

LP1: Settlement Hierarchy
LP2: Spatial Strategy for the Location of Residential Development
LP5: Health and Wellbeing
LP7: Design
LP8: Amenity Provision
LP20: Accessibility and Transport
LP22: Parking Provision
LP24: Natural Environment
LP25: Biodiversity Net Gain
LP27: Trees and Planting

LP28: Landscape
LP32: Flood and Water Management
LP33: Development on Land Affected by Contamination

8 KEY ISSUES

- **Principle of Development**
- **Design and Character**
- **Residential Amenity and Servicing**
- **Highway Safety & Parking**
- **Flood Risk**
- **Biodiversity Net Gain (BNG)**

9 BACKGROUND

- 9.1. In the interest of pro-active working and in seeking an improved development proposal, on the basis of consultee comments received from the Parish Council and Environment Agency, noting concerns regarding overdevelopment, overall character impact, concerns over scale and amenity, an unacceptable Flood Risk Assessment and lack of Sequential Test, Officers approached the applicant to make amendments to the scheme and address these matters.
- 9.2. The applicant made only a minor adjustment to the scheme, removing an earlier proposed temporary static caravan (on the basis of flood risk), and providing a Sequential Test document with respect to flooding. The applicant was silent on the other concerns raised by Officers. As such, the overall scheme remains largely as originally submitted.

10 ASSESSMENT

Principle of Development

- 10.1. Policy LP3 of the Fenland Local Plan (FLP) identifies Guyhirn as a 'small village', in which development will be considered on its merits, normally limited in scale to residential infilling or a small business opportunity.
- 10.2. The application site includes a residential dwelling that is proposed to be demolished and an area of undeveloped land to the north to be developed for residential use. Existing frontage residential development is situated to the north and south of the site, with the immediate dwellings known as Gaultree Cottage and River Rise House, respectively.
- 10.3. The overall proposal includes 4 frontage plots, with 3 in-depth dwellings to the rear. Whilst the frontage plots may be considered as infill given the adjacent frontage development, the rearmost proposed plots consist of incongruous backland development that cannot be considered as infill. Given that the scheme must be considered on a wholesale basis, by virtue of the inclusion of backland development, the scheme cannot be considered as infill, and thus is contrary to Policy LP3.
- 10.4. Furthermore, the site specific impacts of any proposal must be considered in relation to the other relevant policies of the FLP, particularly with respect to flood risk (LP14), highway safety and parking (LP15) and design character (LP16).

Design and Character

- 10.5. In line with policy LP16, high quality environments will be delivered and protected throughout the district. Proposals for all new development will only be permitted if it can be demonstrated that the proposal meets, *inter alia* criterion d) by making a positive contribution to the local distinctiveness and character of the area, enhances its local setting, responds to and improves the character of the local built environment, provides resilience to climate change, reinforces local identity and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the surrounding area.
- 10.6. Within the immediate vicinity of the application site, the built form largely comprises frontage development. It is noted that further from the site there are isolated areas of in-depth development including Nene Close approximately 200m to the south, and Glebe Gardens circa 435m to the north.
- 10.7. Notwithstanding, when considering the character of built form along this section of High Road, in-depth development is out of character, given the settlement pattern here comprises frontage dwellings with paddock or agricultural land behind, which largely follows the historical development character of the area.
- 10.8. The proposal seeks to include 4 frontage detached dwellings, that would largely be appropriate in terms of their position when considered against the adjacent built form. During the application process, Officers confirmed that the development of frontage plots may be considered acceptable in principle given the prevailing character. However, it is considered that the inclusion of 3 additional in-depth dwellings and associated garages, parking, etc behind the frontage plots will result in a built form that is incongruent with the prevalent settlement pattern within the immediate vicinity. As such, the scheme, when considered cumulatively, is contrary to the requirements of Policy LP16 (d) as it does not enhance and respond to the existing settlement pattern by introducing backland development that is out of character.
- 10.9. In addition, it is considered that the overall design and layout of the scheme is generally cluttered, with dwellings closely spaced with limited separation. This constriction and dominance of parking, garaging and manoeuvring areas with little soft landscaping, separation or circulation space results in a cramped form that cannot be considered a high-quality development. Ultimately, it is considered that the overdevelopment of the site does not improve or enhance the local built environment as required Policy LP16 (d) further contravening this policy.

Residential Amenity and Servicing

- 10.10. Policy LP2 states that development proposals should contribute to the Council's goal of Fenland's residents, *inter alia*, promoting high levels of residential amenity whilst policy LP16 states that development should not adversely impact on the amenity of neighbouring users such as noise, light pollution, loss of privacy and loss of light.
- 10.11. When considering the amenity of existing dwellings to the north and south of the development site, there are no significant concerns regarding direct overlooking from the development to any adjacent dwellings. Separation between the proposed dwellings and existing dwellings is acceptable, and

given their angled relationships, it is unlikely that any significant impact of overlooking to private amenity spaces of neighbouring dwellings would occur.

10.12. Notwithstanding satisfactory neighbouring amenity impacts, consideration of future occupier amenity is also required. Concern arises from the inter-development relationships and the potential for overlooking; given the angled gardens relative to the proposed dwellings, there is potential for overlooking from the proposed plot 5 unit to the garden space of plot 6 and the same from the plot 6 to plot 7. In addition, concerns relate to the overall amenity quality of the development, including the lack of appropriate soft landscaping, circulation space and sense of openness that is lacking particularly from the public realm areas of the scheme. The dwellings to the rear (Plots 5-7) have poor front outlooks, dominated by parked vehicles and include garages attributed to the front dwellings (Plots 1-4) at close proximity. There is limited separation from the access and parking owing to the lack of front garden spaces (that often act as a buffer between public and private areas) that contributes to the overall poor amenity standard within the development. Given the volume and proximity of vehicular areas to Plots 5-7, occupiers of these dwellings will be subject to additional noise and disturbance from vehicles accessing these spaces and garages. Ultimately the constraints of the site to the rear results in a low-quality amenity standard for occupants, contrary to the objectives of Policies LP2 and LP16 that seek to ensure high quality development within Fenland.

10.13. Matters relating to appropriate refuse collection can be secured by condition to ensure a suitable method is available to occupants, in accordance with Policy LP16 (f).

10.14. However, notwithstanding any matters that can be conditioned going forward, Officers consider that the overall occupier amenity of the development does not constitute a high-quality development as required by Policy LP16, and should therefore be refused on this basis.

Highway Safety & Parking

10.15. Policy LP15 seeks to ensure developments provide safe and convenient access for all.

10.16. The proposed access off High Road is considered acceptable by the Highway Authority, who raised no objection to the scheme as it resulted in no detrimental impacts to the public highway.

10.17. However, within the private roadway of the scheme, and notwithstanding the provided turning head, the access road is proposed as approximately 4.8m wide, with parking spaces immediately adjacent, particularly at the far western end. Given these arrangements, it is considered that the convenience of manoeuvrability within this part of the access/parking area will be limited; a 6m clearance behind perpendicular parked vehicles is required for 'swing' to enable a car to enter/exit a space without a number of 'shunts' to enable clearance¹; and the proposed arrangement relies heavily on cars parked entirely 'off' the main access carriageway to not constrict the access width further. In addition, the majority of parking spaces are intended as approximately 2.4m x 5m, with no shown circulation room between parking spaces to enable pedestrians to comfortably navigate around parked vehicles

¹ See Manual for Streets (2007):

<https://assets.publishing.service.gov.uk/media/5a7e0035ed915d74e6223743/pdfmanforstreets.pdf>

and/or enter/exit their vehicles. 2.7m width would typically be considered a more appropriate dimension. Accordingly, the scheme does not result in convenient access/parking arrangements and further cements the concern over overdevelopment and poor amenity as discussed above.

- 10.18. Furthermore, in accordance with the requirements of Policy LP15 (Appendix A), the development (comprising 4no. 4-bed dwellings and 3no. 3-bed dwellings) requires a total of 18 parking spaces to serve the development.
- 10.19. There are 14 open spaces depicted on the submitted site plan, along with four garage spaces. To be counted towards parking provision, Policy LP15 Appendix A clearly states that garages are required to be a minimum of 7m x 3m internally. The proposed twin garages are modest, measured internally as 5.9m x 2.8m per bay with a 2.25m wide entry door. Accordingly, the garages are too small to be counted toward parking provision for the scheme. As such, the scheme has a technical shortfall of 4 parking spaces relative to the intended development accommodation levels.
- 10.20. In addition, given the constrained parking arrangements some of the open spaces shown are so inconveniently positioned that they are effectively rendered unusable; such as those directly positioned at the end of the access which would require vehicles to reverse some 11m before they could turn to exit the site in a forward gear, or the four spaces to the south of the access road which have insufficient turning room given the restricted access road width. As such, the scheme does not offer appropriate parking provision and does not comply with Policy LP15 (Appendix A).
- 10.21. Therefore, given the above, it is considered that the scheme results in poor access and a shortfall of parking provision and is contrary to Policy LP15, and should be refused on this basis.

Flood Risk

- 10.22. Policy LP14 of the Fenland Local Plan (2014) and chapter 14 of the National Planning Policy Framework set out the policy approach towards development in areas of flood risk. Both of these policies seek to encourage development first within areas of lower flood risk, before considering development in areas at higher risk of flooding.

Sequential Test

- 10.23. The application site lies within Flood Zones 1 & 3; Plots 1 – 4 are positioned within Flood Zone 1, whilst Plots 5 - 7 are within (or partly within) Flood Zone 3. The applicant has submitted a Flood Risk Assessment and separate Sequential Test to address the requirements of the NPPF.
- 10.24. The applicant has undertaken a Sequential Test. The area with the submitted Sequential Test has been limited to the settlement of Guyhirn. The Test concludes that of the most recent permissions within Guyhirn, only 1 site (F/YR21/0908/F) may be reasonably available. However, this site is not considered sequentially preferable as it falls entirely within Flood Zone 3, and thus at a higher risk of flooding than the majority of the application site.
- 10.25. Notwithstanding these findings, given that the scale and form of the proposed development exceeds the allowable development scope within the Settlement Hierarchy (and thus is contrary to Policy LP3) as it is not considered to constitute infill development, a district wide area of search for the purposes of

the Sequential Test is considered applicable in this case. Therefore, the submitted Sequential Test is considered failed on this basis, and thus as a matter of principle refusal is required.

Exception Test

10.26. Notwithstanding the failure of the sequential test, had this been deemed as passed it would then be necessary for the application to pass the Exception Test, which comprises of demonstration of the following:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall.

a) Wider sustainability benefits

10.27. Section 4.5.8 of the Cambridgeshire Flood and Water SPD sets out the sustainability themes and issues which development could help to address in order to achieve wider benefits, which are:

- Land and water resources;
- Biodiversity and green infrastructure;
- Landscape, townscape and historic environment;
- Climate change mitigation and renewable energy;
- Flood risk and climate change adaptation;
- Pollution;
- Healthy and inclusive and accessible communities
- Economic activity; or
- Transport.

10.28. Having regard to the scale and nature of development, it would likely be difficult to achieve wider benefits through much of the list above. However, it is often possible to achieve wider benefits on smaller housing schemes through the inclusion of climate change mitigation and renewable energy features to a level which exceeds normal Building Regulations requirements. However, no such benefits have been identified within the submitted FRA, other than the delivery of the housing itself. The SPD explicitly states that “the general provision of housing itself would not normally be considered as a wider sustainability benefit”.

(b) Addressing wider flood risk

10.29. The submitted Flood Risk Assessment indicates that based upon available flood risk data for the site, mitigation such as minimum finished floor levels being no lower than 2.2mAOD along with an additional 0.3m freeboard and 0.3m flood resilient construction above would be acceptable, noting that the proposed dwellings are envisaged to be two storey with no sleeping accommodation on the ground floor. Thus, notwithstanding the failure of the Sequential Test, the information submitted with the application indicates that the Exception Test may have been passed given the inclusion of flood mitigation measures.

10.30. It should be noted, however, that Consultation with the Environment Agency resulted in a technical objection to the scheme on the basis that the Flood Risk Assessment was deficient in assessing the appropriate breach hazard at the site resulting from failure or overtopping of the nearby River Nene

defences within the vicinity of the site, noting that that the available breach hazard analysis data may be *too far away to provide an appropriate picture of the flood risk to the site*. Thus, given the evidence submitted it cannot be confirmed if the measures proposed would be appropriate to mitigate flood risk in the event of a flood on the basis of sufficient breach hazard analysis being undertaken to satisfy the Environment Agency.

Flooding and Flood Risk - Conclusion

- 10.31. Notwithstanding any flood mitigation measures provided at the site, the evidence submitted has failed to fully demonstrate that there are no sequentially preferable sites that could accommodate the intended development given that by virtue of the scale and form of development, the site cannot be considered to accord with the Settlement Hierarchy and thus the proposal has failed the Sequential Test. No measures have been identified within the application to demonstrate that the Exception Test has been passed either. As such, it is considered that the current scheme is not compliant with Policy LP14 and should be refused.

Biodiversity Net Gain (BNG)

- 10.32. The Environment Act 2021 requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach accords with Local Plan policies LP16 and LP19 which outlines a primary objective for biodiversity to be conserved or enhanced and provides for the protection of Protected Species, Priority Species and Priority Habitat.
- 10.33. There are statutory exemptions, transitional arrangements and requirements relating to irreplaceable habitat which mean that the biodiversity gain condition does not always apply. In this instance, one or more of the exemptions / transitional arrangements are considered to apply and a Biodiversity Gain Condition is not required to be approved before development is begun because the application was submitted prior to the requirement for statutory net gain coming into force.
- 10.34. Notwithstanding, a recommended condition can be imposed to require consideration of achieving measurable net gain and biodiversity enhancements in accordance with Local Plan policies LP16 and LP19 and Chapter 15 of the NPPF.

11 CONCLUSIONS

- 11.1. The above assessment outlines that the application proposes unacceptable development on the basis of principle, given that the scheme cannot be considered as infill development, contrary to Policy LP3. By virtue of the backland (in-depth) development proposed, the scheme will result in a built form that is incongruous with the current settlement pattern and therefore contrary to Policy LP16. In addition, the scheme results in a cramped form of development, resulting in unacceptable occupier amenity, contrary to Policies LP2 and LP16 and an overall overdevelopment of the site. Furthermore, access, parking and turning are convoluted and inconvenient and the scheme has inappropriate parking arrangements resulting in a provision shortfall, contrary to Policy LP15. Moreover, evidence has not been advanced to consider a more sequentially preferable siting of the proposed development in an area of lesser flood risk in accordance with the agreed assessment methodology in respect of the Settlement Hierarchy or demonstrating how the

Exception Test would be passed, and thus the scheme is contrary to Policy LP14.

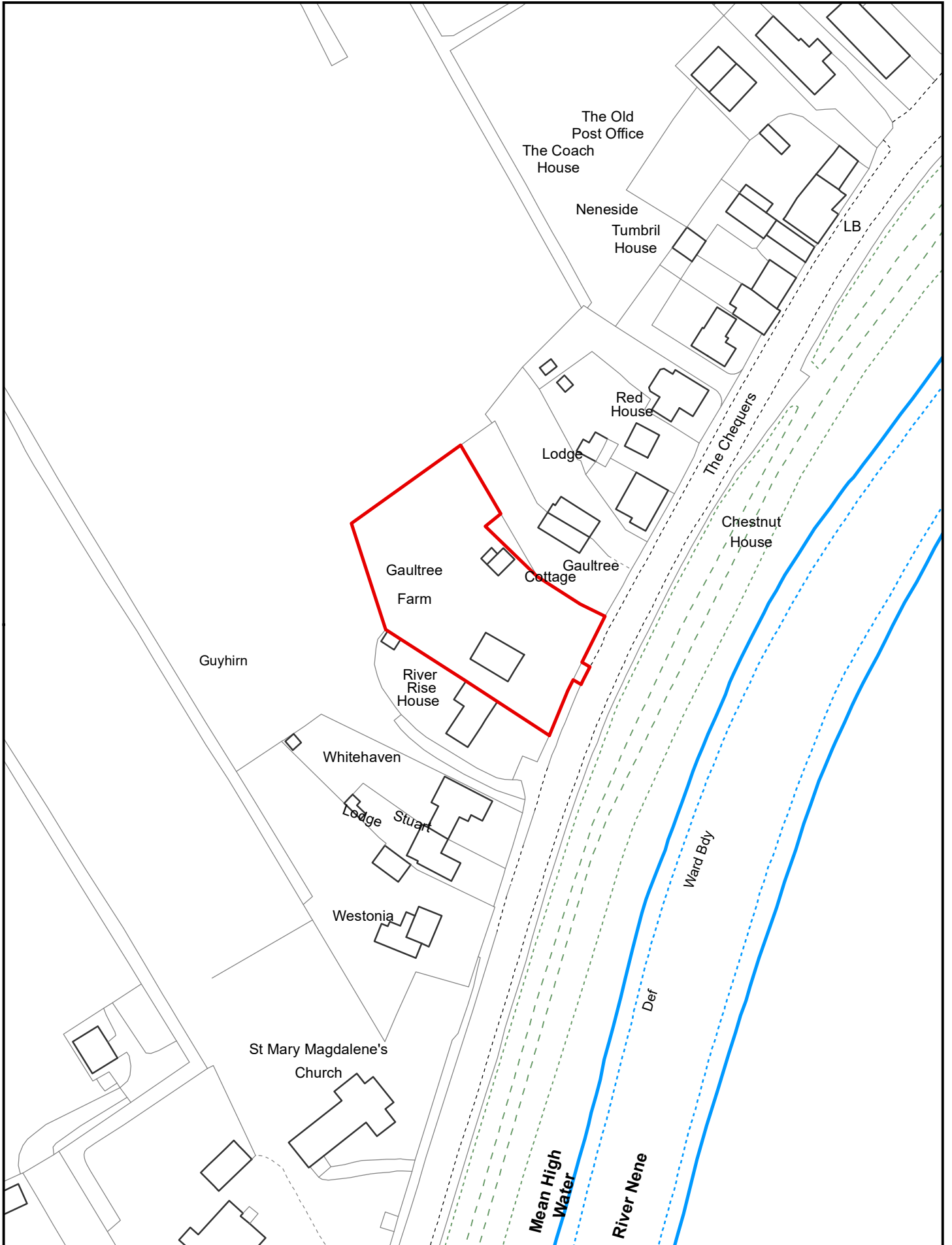
11.2. Therefore, given the above, the application is recommended for refusal.

12 RECOMMENDATION

Refuse, for the following reasons:

1	Policy LP3 of the Fenland Local Plan (FLP) identifies Guyhirn as a 'small village', in which development will be considered on its merits, normally limited in scale to residential infilling or a small business opportunity. The overall proposal includes 4 frontage plots, with 3 in-depth dwellings to the rear. Given that the scheme must be considered on a wholesale basis, by virtue of the inclusion of backland development, the scheme cannot be considered as infill, and thus is contrary to Policy LP3.
2	Policy LP16 seeks to ensure that proposed development responds to and improves the character of the local built environment, and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the surrounding area. The application site proposes the construction of both frontage and in-depth development along High Road, an area characterised by predominately frontage built form only. By virtue of the in-depth element, the proposed development would be discordant with the existing core shape and built form of the development along High Road within the vicinity of the site to the detriment of the character and appearance of the area and would create a precedent for further backland development at sites with similar geometry. Thus, the proposal would therefore fail to comply with the requirements of Policy LP16 (d) of the Fenland Local Plan (2014).
3	Policies LP2 and LP16 of the Fenland Local Plan (2014) require development to deliver high quality environments by promoting high levels of residential amenity. The proposed development of seven dwellings at the site would result in overdevelopment resulting in poor outlook, lack of openness, and potential noise and disturbance given the lack of separation between dwellings and close proximity of dwellings to vehicular areas, and the potential for inter-development overlooking from the rearmost plots to adjacent garden spaces, generally resulting in a low quality overall amenity standard for occupants, contrary to Policies LP2 and LP16 of the Fenland Local Plan (2014) and DM3 of the High Quality Environments SPD (2014).
4	Policy LP15 of the Fenland Local Plan (2014) requires that developments provide well designed, safe and convenient access for all. By virtue of the level of overdevelopment at the site, the proposed parking and turning layout would result in a convoluted and inconvenient arrangement resulting in sub-standard development. In addition, by virtue of the undersized garages, undersized parking bays and inconveniently located open spaces

	<p>proposed, the scheme has inappropriate parking provision for the quantum of development. As such the scheme is contrary to Policy LP15 of the Fenland Local Plan (2014).</p>
5	<p>Policy LP14 of the Fenland Local Plan and section 14 of the National Planning Policy Framework require development proposals to adopt a sequential approach to flood risk from all forms of flooding, and Policy LP14 states that development in an area known to be at risk will only be permitted following the successful completion of a Sequential Test. The submitted Sequential Test has been limited to the settlement of Guyhirn. However, by virtue that the scale and form of the proposed development exceeds the allowable development scope within the Settlement Hierarchy, a district wide area of search for the purposes of the Sequential Test is applicable in this case. Therefore, the submitted Sequential Test is considered failed on this basis. Additionally, no measures have been indicated within the application demonstrating how the Exception Test would be passed. Consequently the application, if permitted, would therefore be contrary to Policy LP14, the Cambridgeshire Flood and Water SPD and the NPPF.</p>



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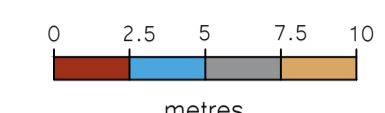
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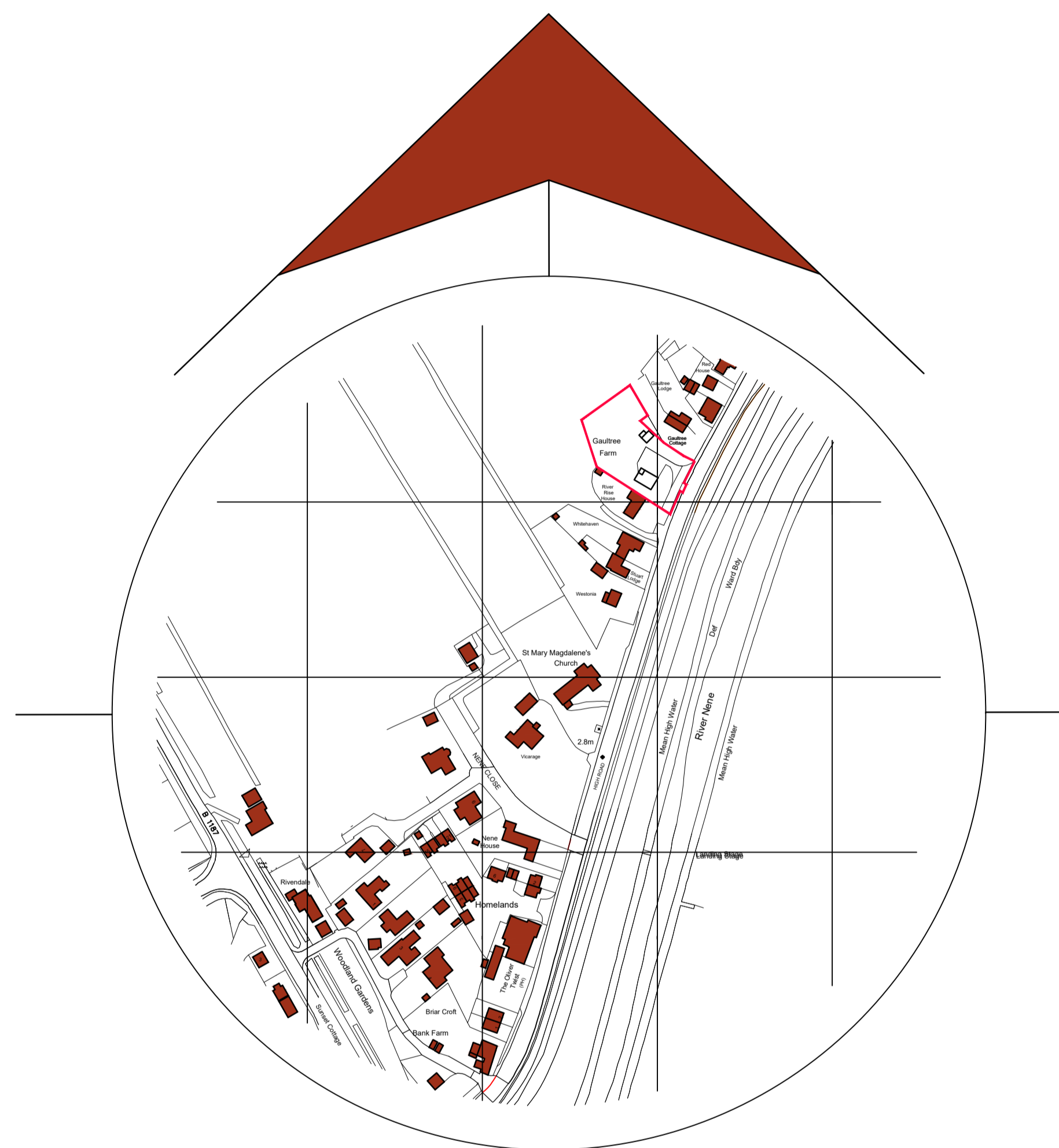
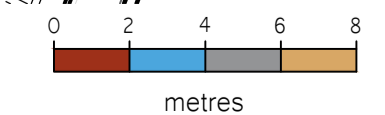




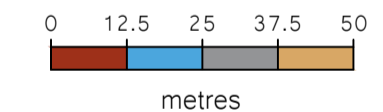
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Site Plan
Scale: 1:200
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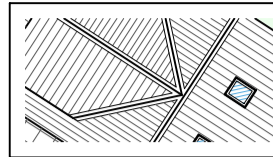
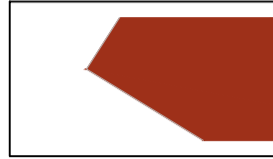
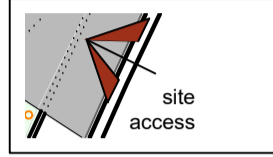
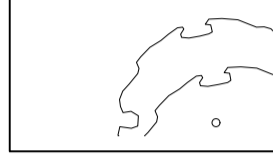
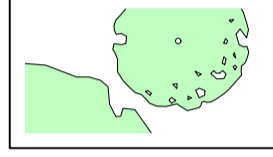
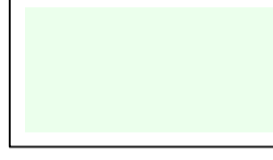
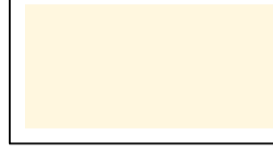
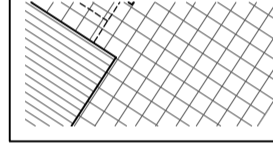
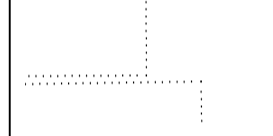


Location Plan
Scale: 1:1250
metres



- General Notes**
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SITE PLAN KEY

-  Indicates proposed buildings
-  Indicates un-surveyed buildings taken from OS Map
-  Indicates site access
-  Indicates existing surveyed trees and hedges
-  Indicates proposed trees and hedges
-  Indicates proposed grass area
-  Indicates proposed hard surface area
-  Indicates proposed patio area
-  Indicates features to be demolished

Revisions

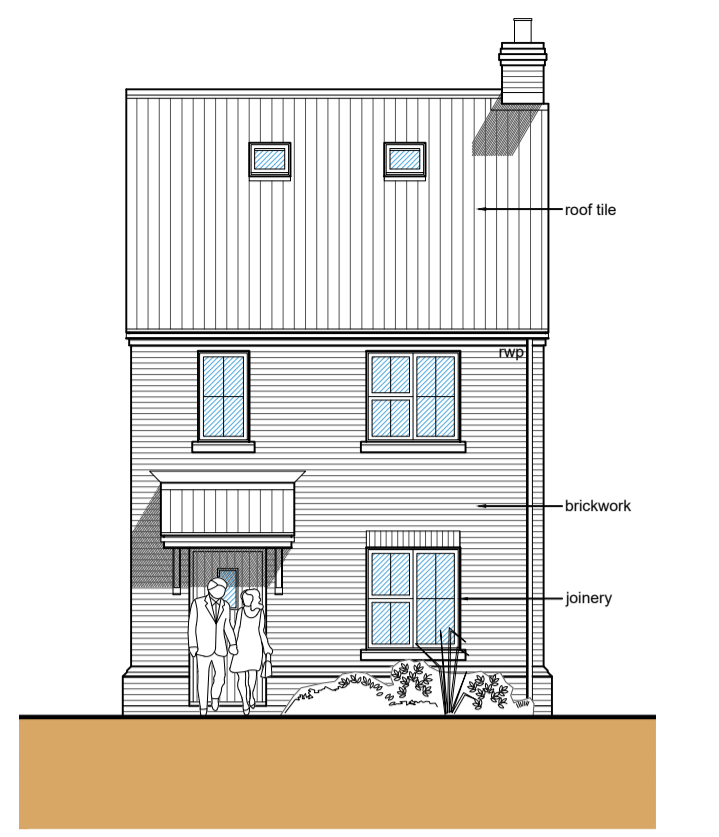
C	June 2024	Street Scene Extended
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Status
FOR APPROVAL

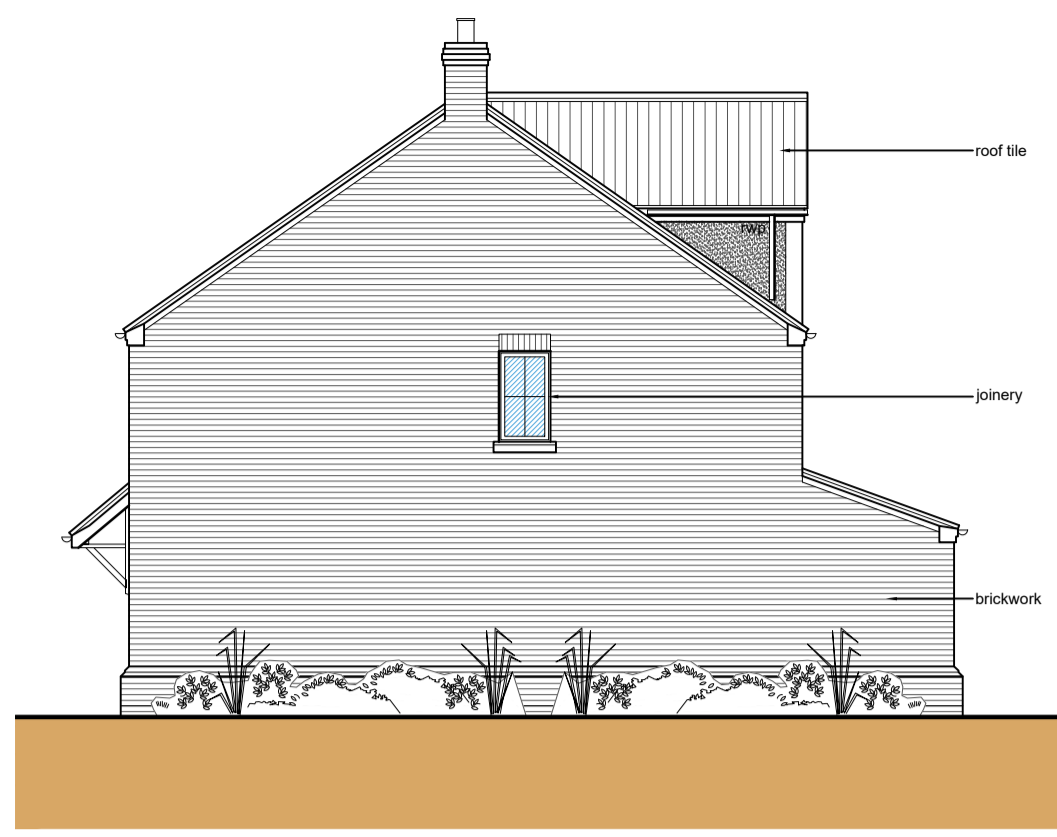


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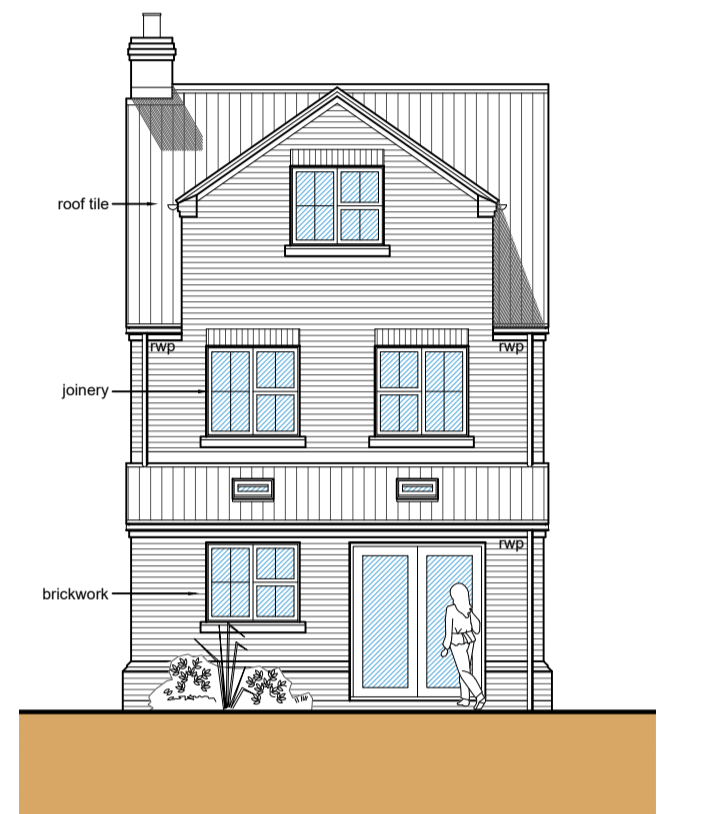
Job Title Proposed 7No. Dwellings Gaul Tree Farm, High Road Guyhirn, Wisbech, Cambs For: Fern Homes Ltd.	Date August 2023	Drawn by GT Checked by GE
Drawing Title Planning Drawing Site & Location Plan	Job No. SE-1831 Dwg No. PP1000	Sheet Size A1 Revision C



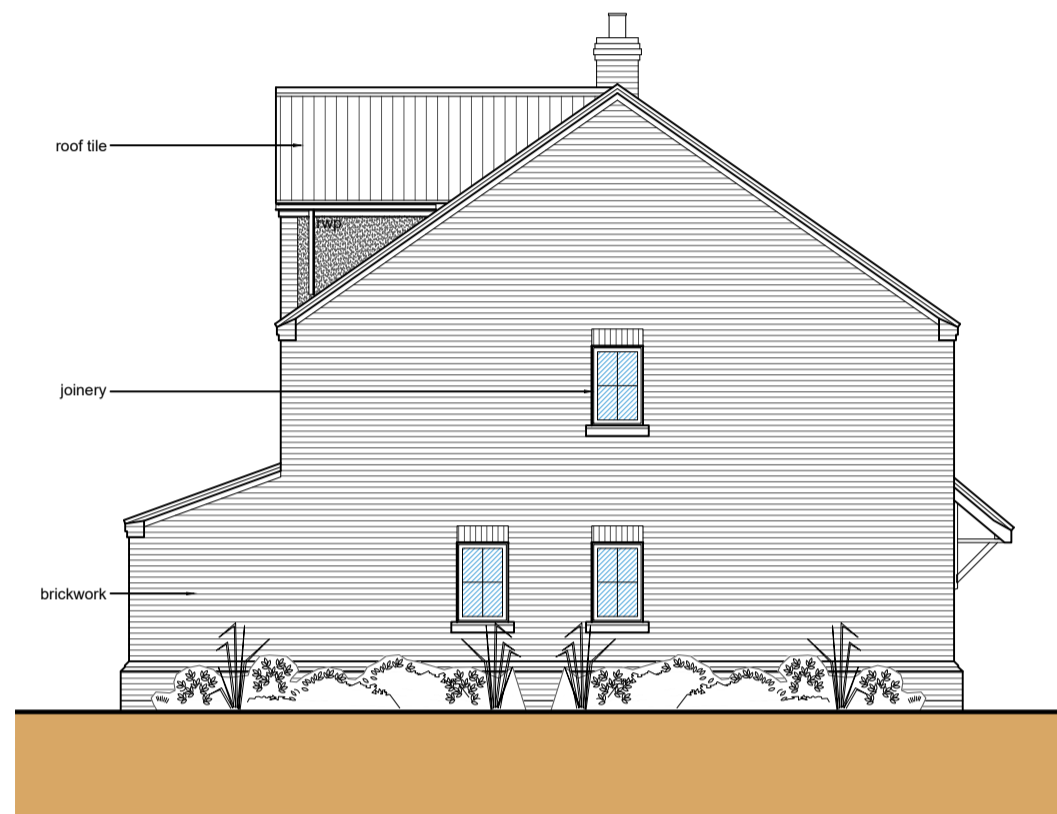
Front Elevation
Plots 183 - Scale: 1:100
metres



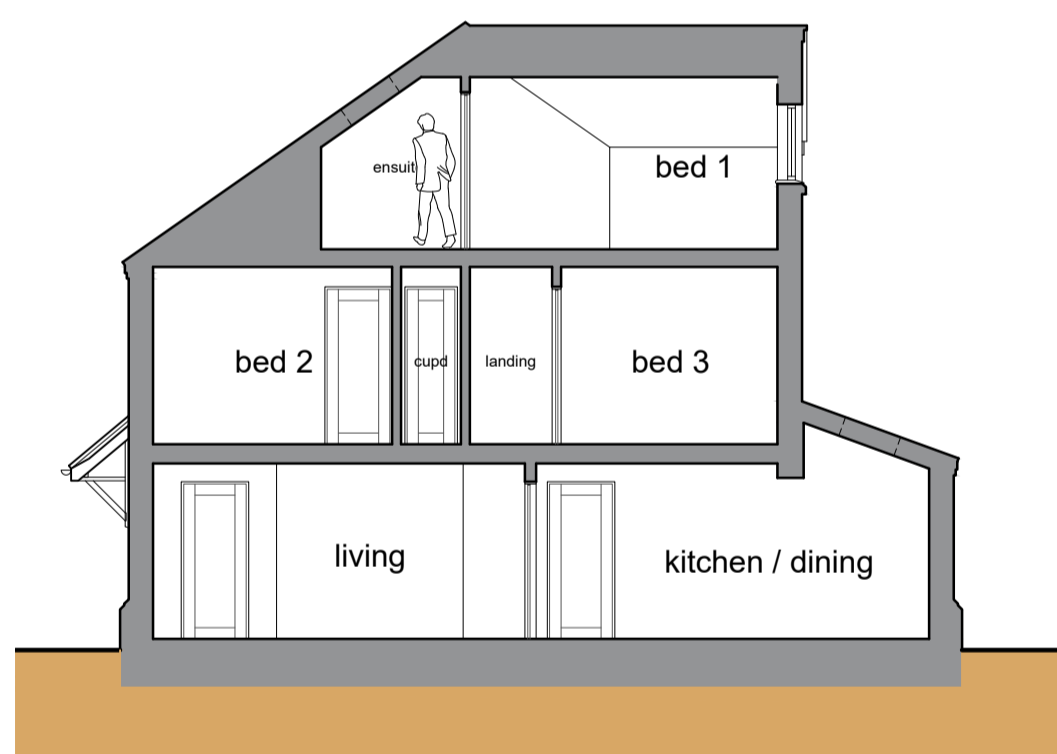
Side Elevation
Plots 183 - Scale: 1:100
metres



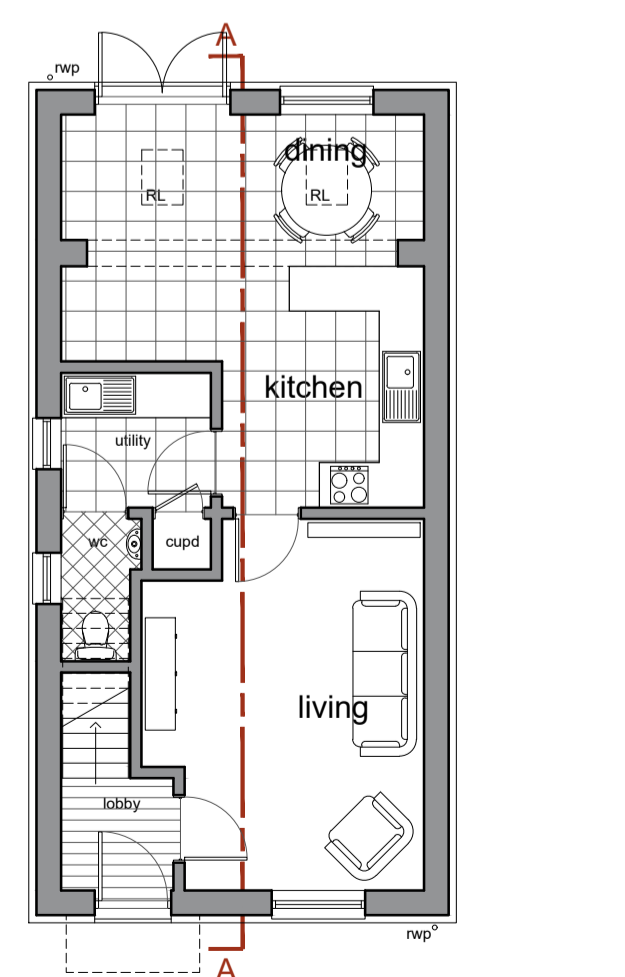
Rear Elevation
Plots 183 - Scale: 1:100
metres



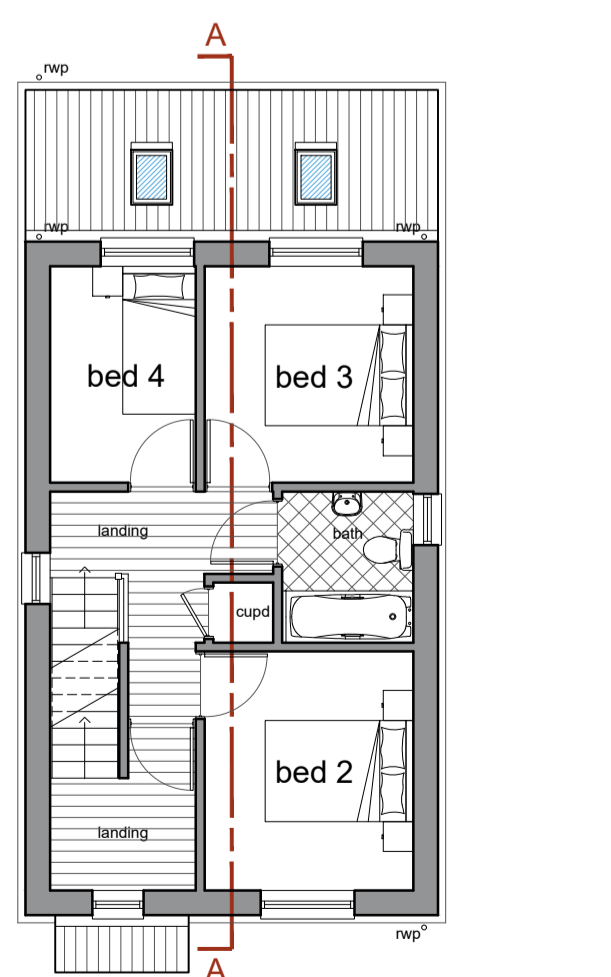
Side Elevation
Plots 183 - Scale: 1:100
metres



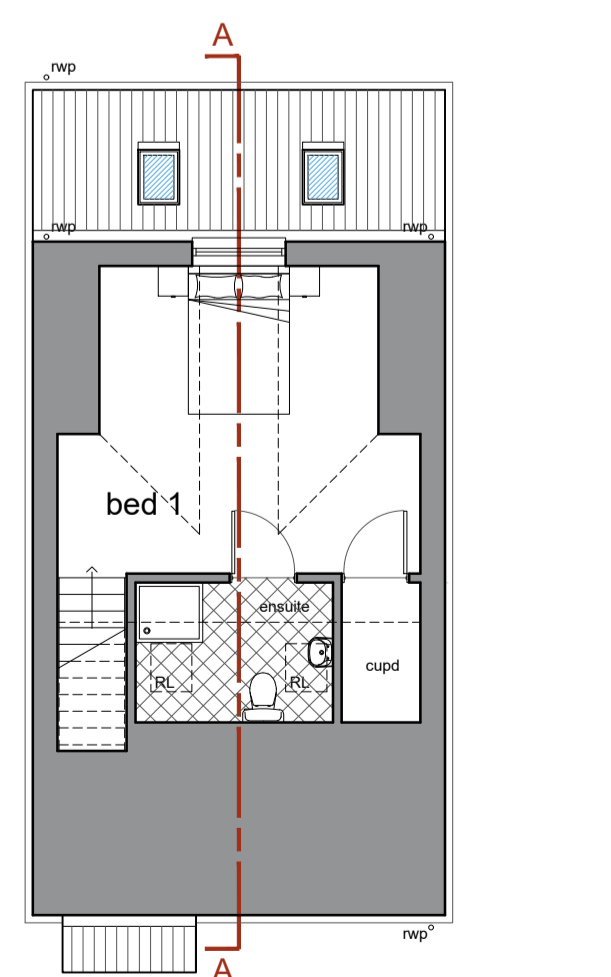
Section A-A
Plots 183 - Scale: 1:100
metres



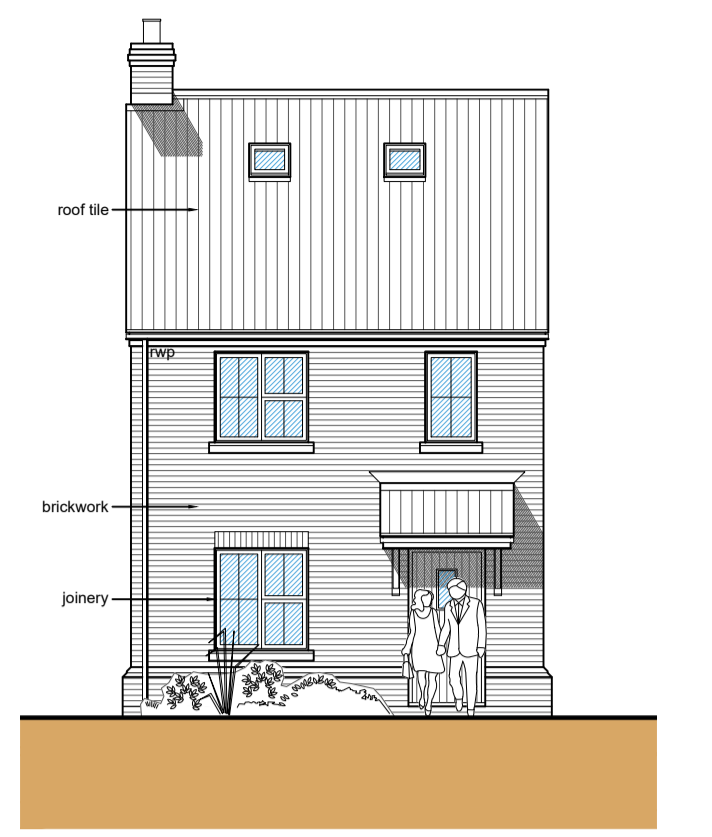
Ground Floor Plan
Plots 183 - Scale: 1:100
metres



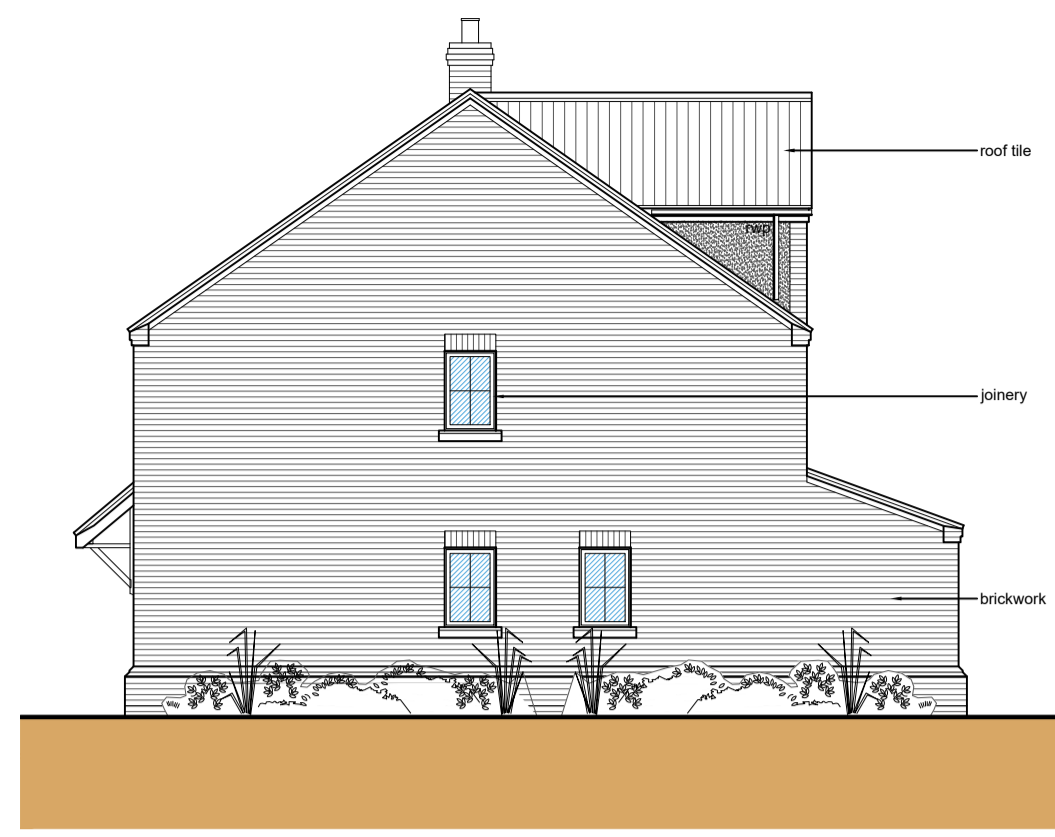
First Floor Plan
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metres



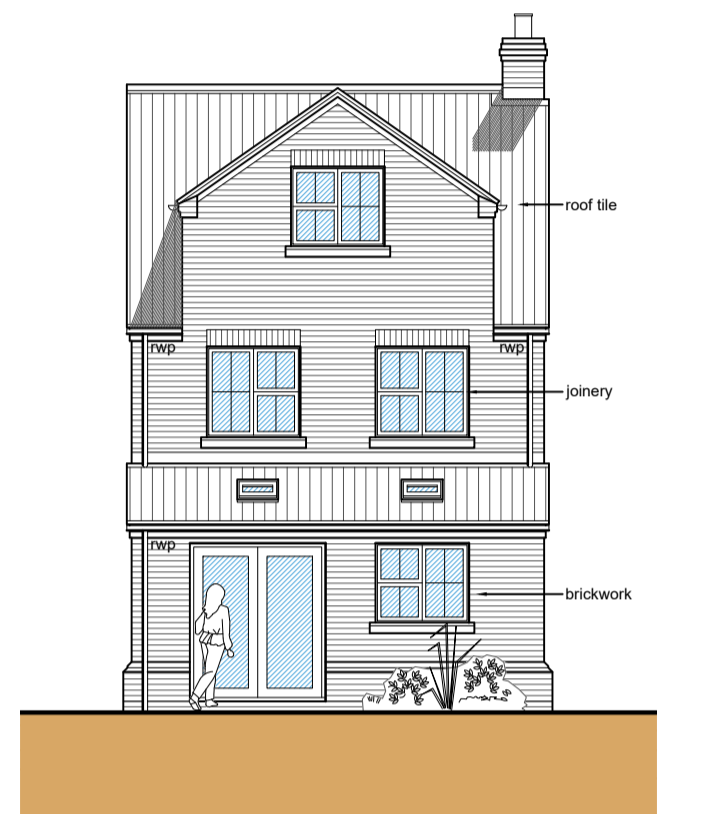
Second Floor Plan
Plots 183 - Scale: 1:100
metres



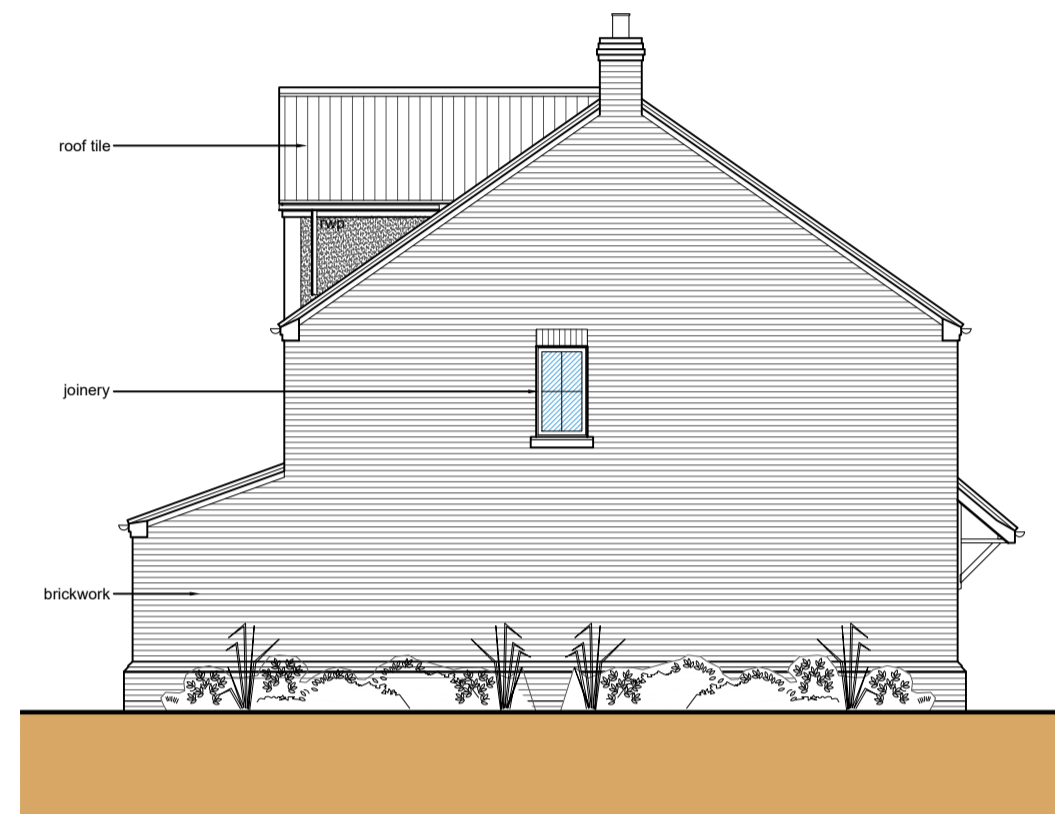
Front Elevation
Plots 284 - Scale: 1:100
metres



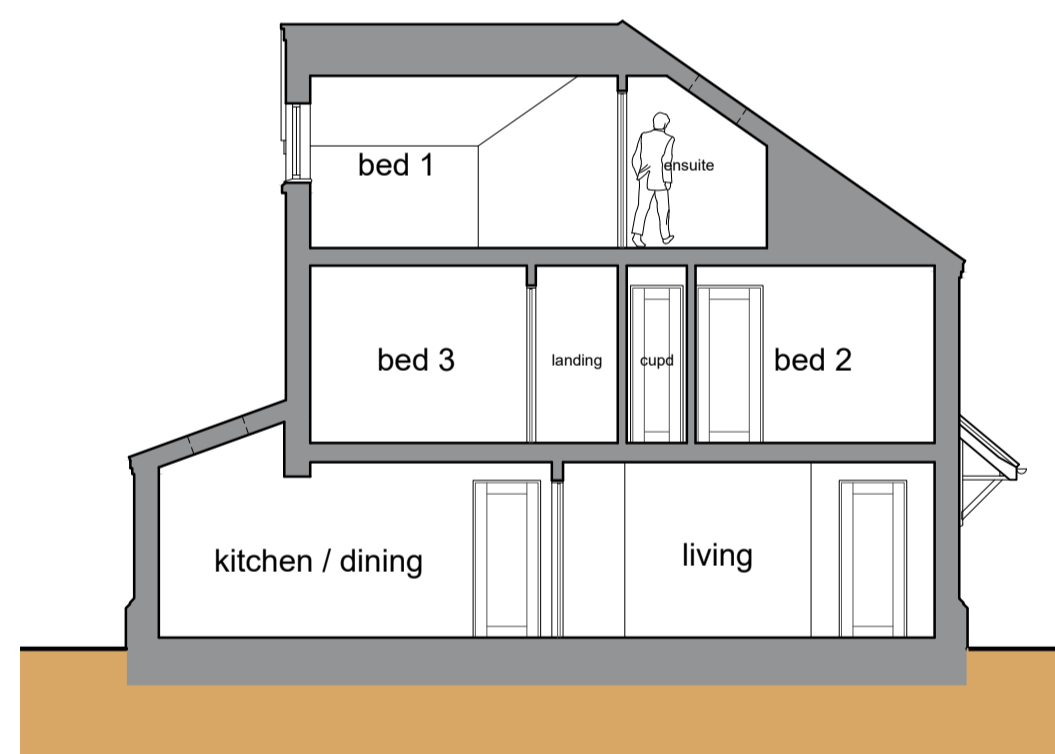
Side Elevation
Plots 284 - Scale: 1:100
metres



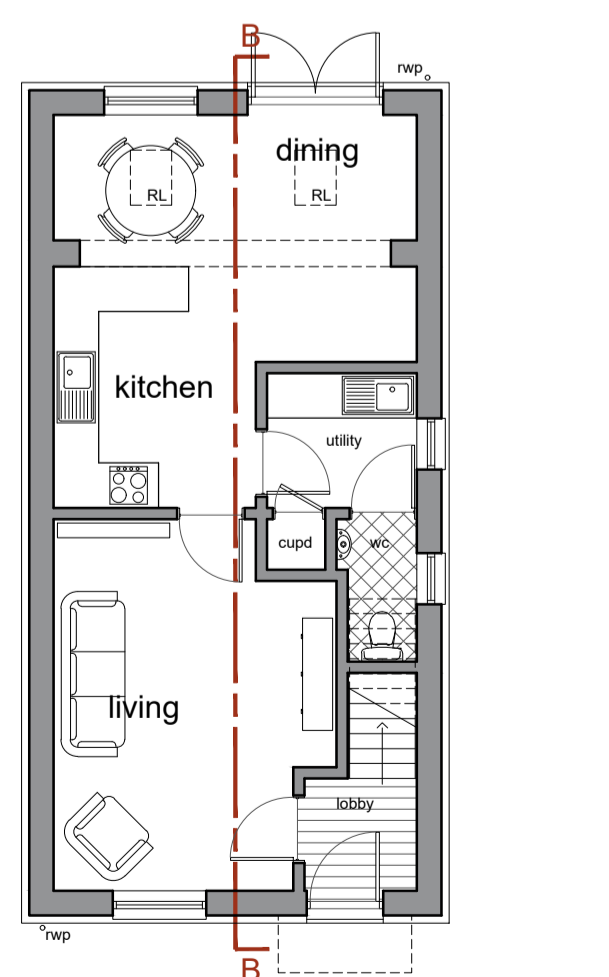
Rear Elevation
Plots 284 - Scale: 1:100
metres



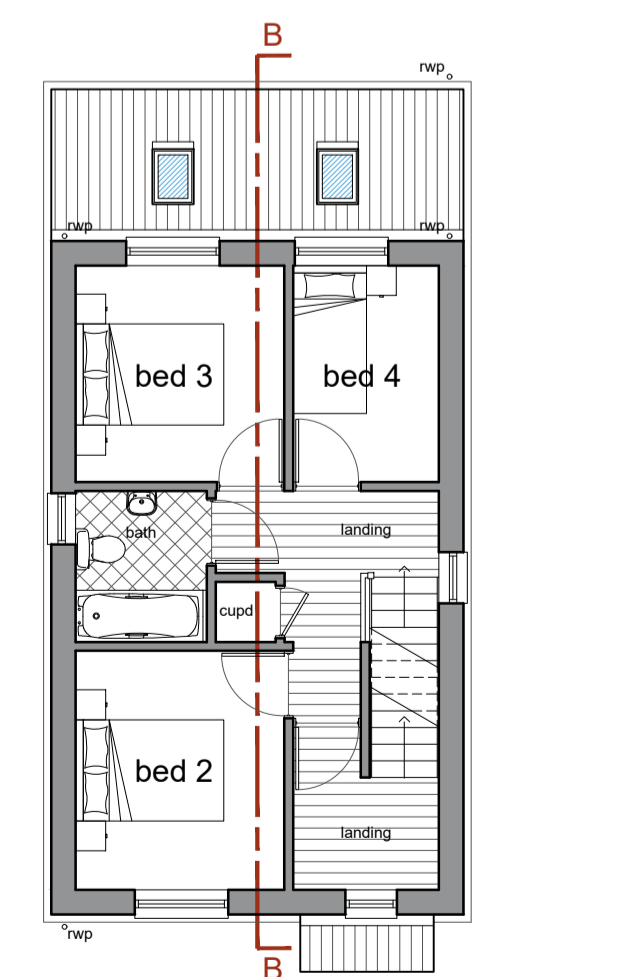
Side Elevation
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metres



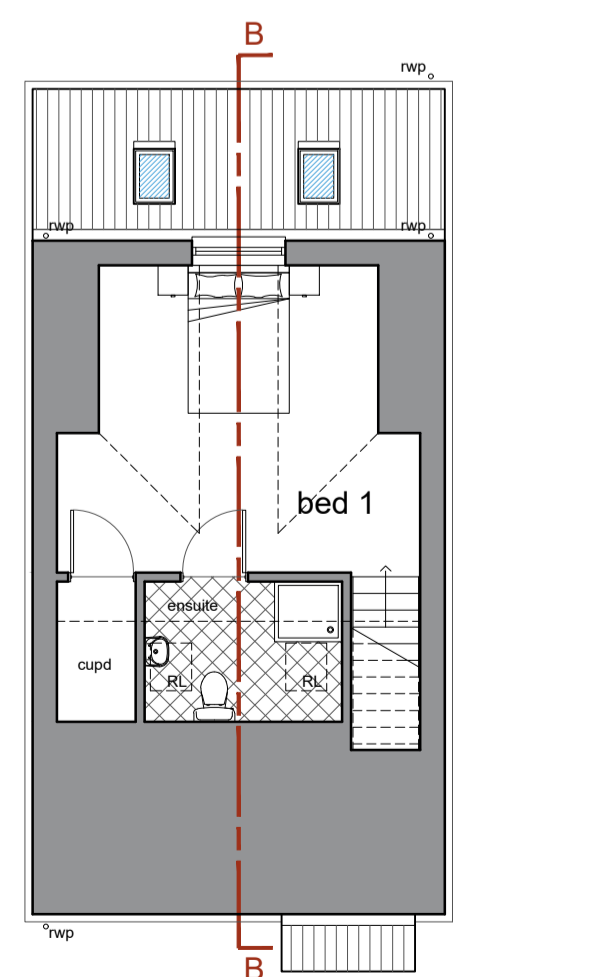
Section B-B
Plots 284 - Scale: 1:100
metres



Ground Floor Plan
Plots 284 - Scale: 1:100
metres

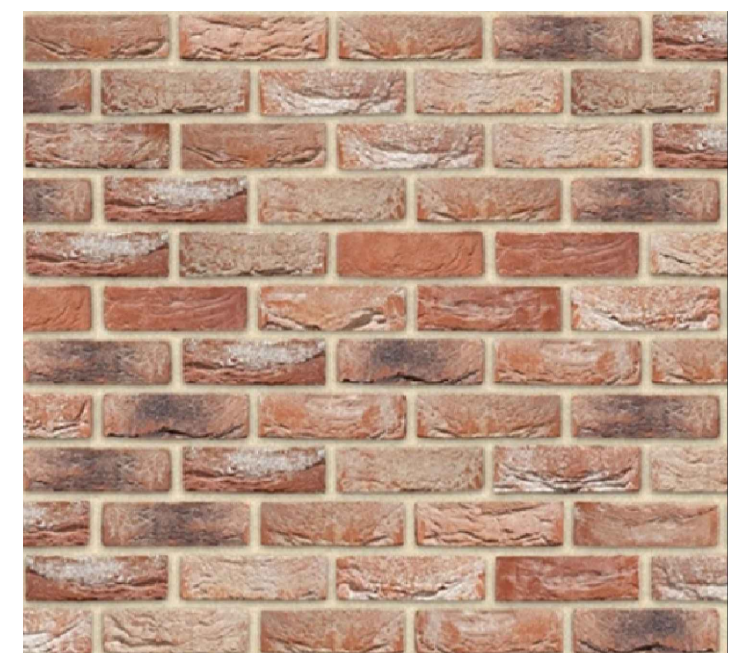


First Floor Plan
Plots 284 - Scale: 1:100
metres



Second Floor Plan
Plots 284 - Scale: 1:100
metres

- General Notes**
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Vandersanden - Flemish Antique



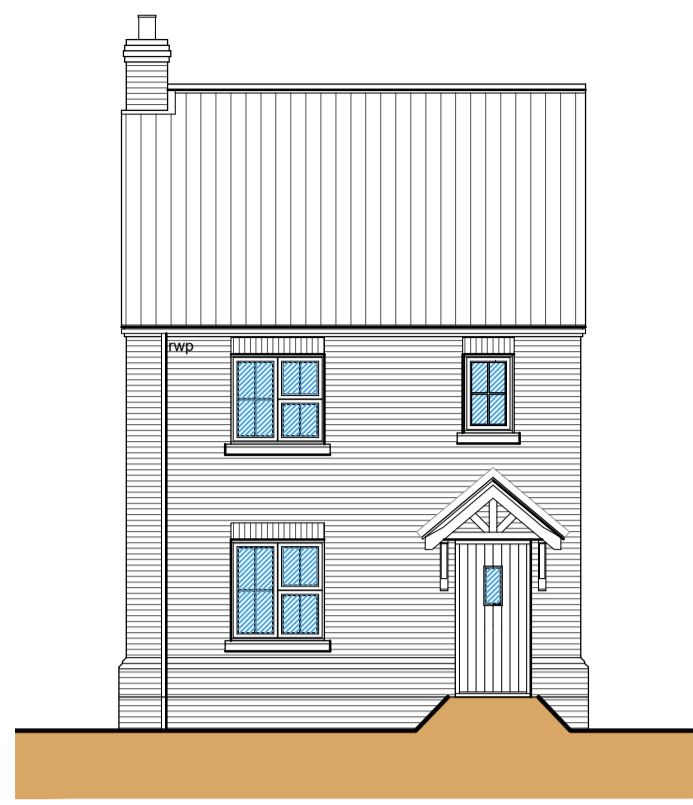
Marley - Modern Roofing Tile - Smooth Grey

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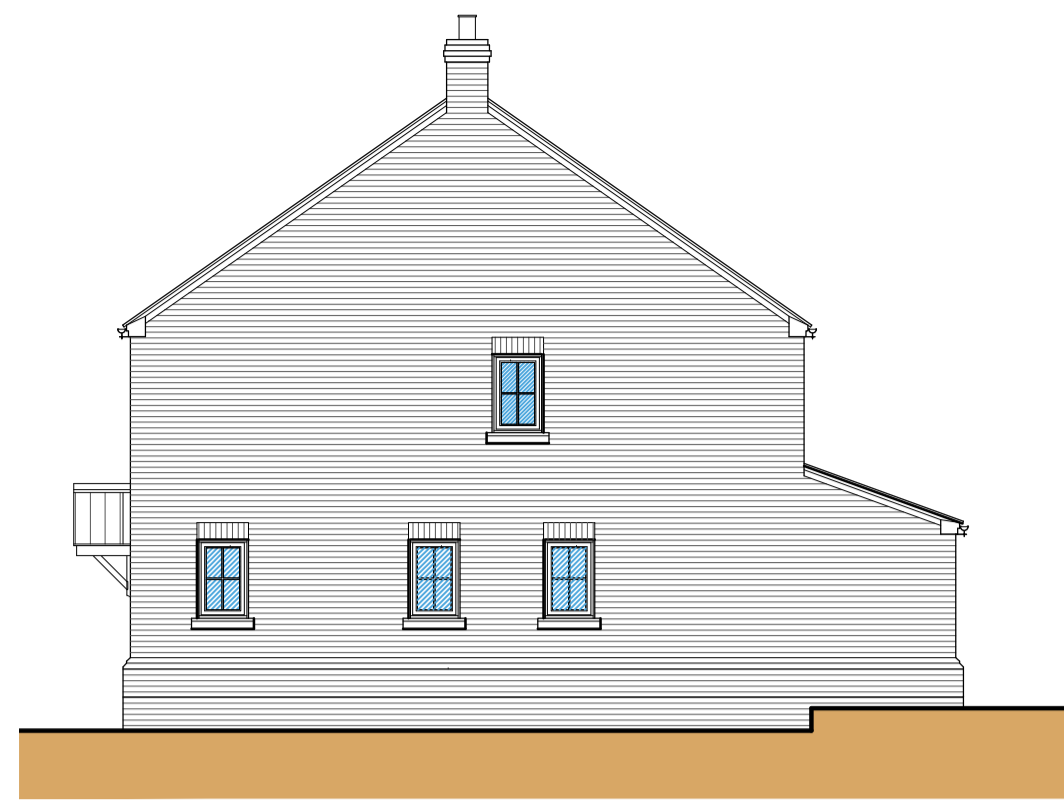
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ARCHITECTURE

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t: 01945 450634 e: info@swannedwards.co.uk w: www.swannedwards.co.uk

Job Title Proposed 4No. Dwellings Gaul Tree Farm, High Road Guyhim, Wisbech, Cambs For: Fern Homes Ltd.	Date January 2023	Drawn by GT Checked by GE
Drawing Title Planning Drawing Floor Plans, Elevations & Sections	Job No. SE-1831	Sheet Size A1 Revision
	Dwg No. PP1100	



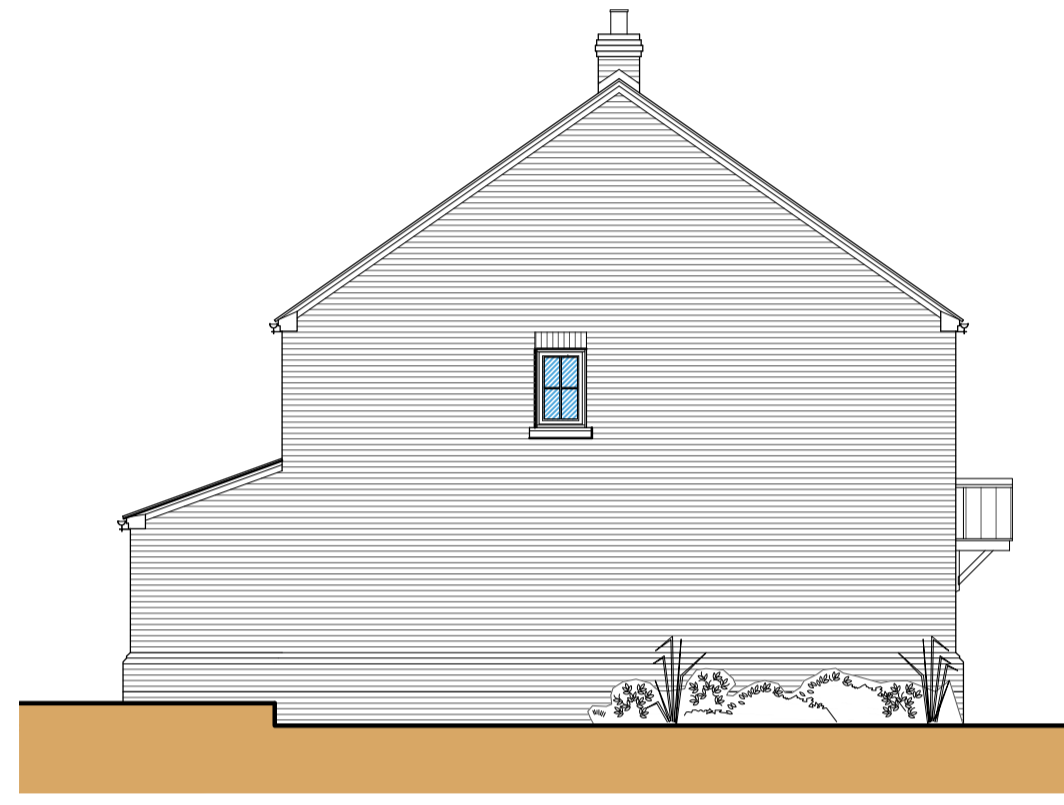
Front Elevation
Plot 5 - Scale: 1:100



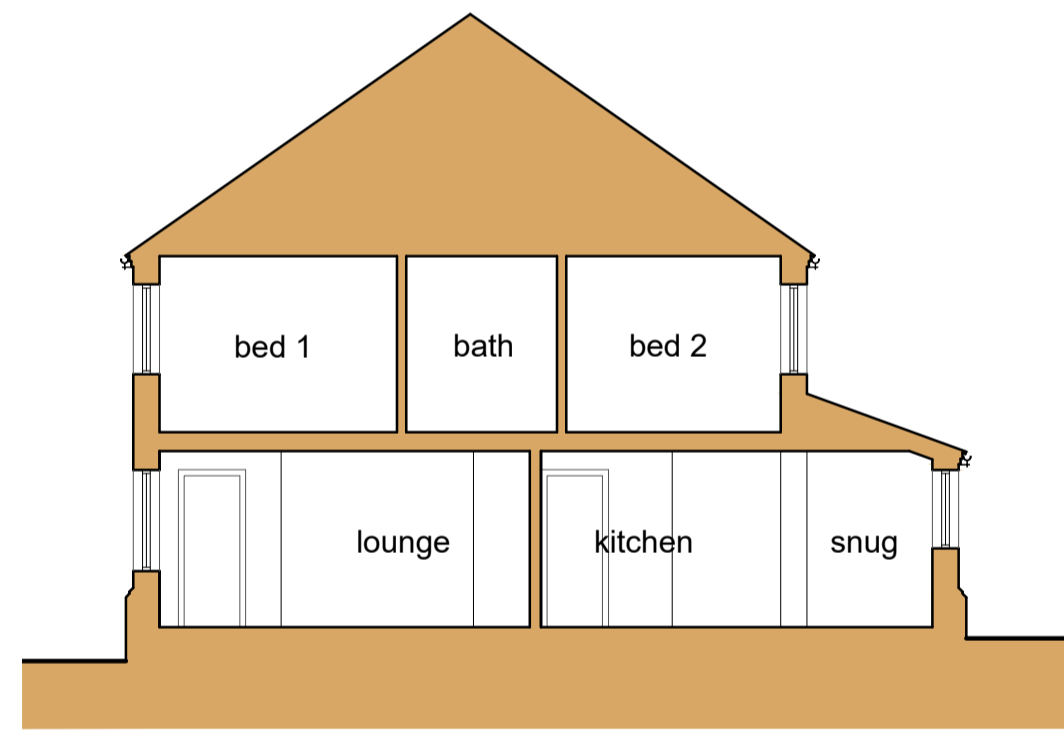
Side Elevation
Plot 5 - Scale: 1:100



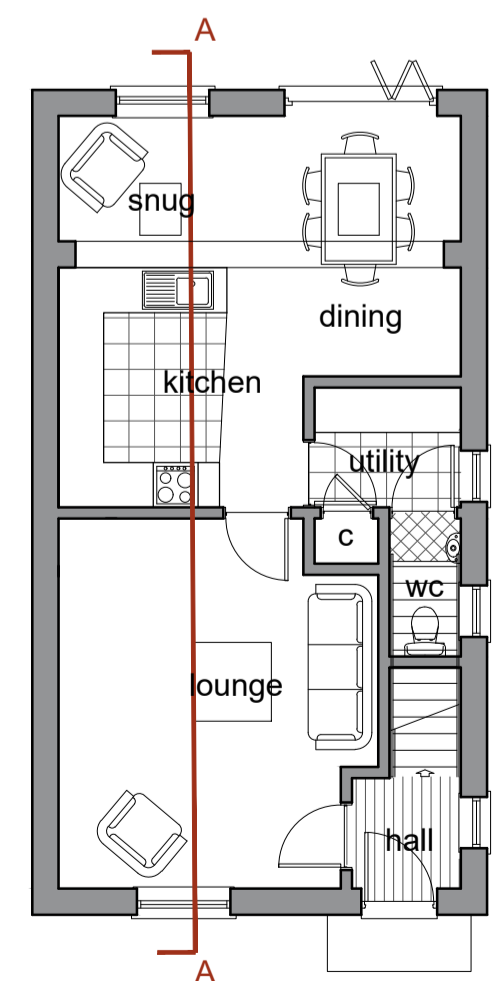
Rear Elevation
Plot 5 - Scale: 1:100



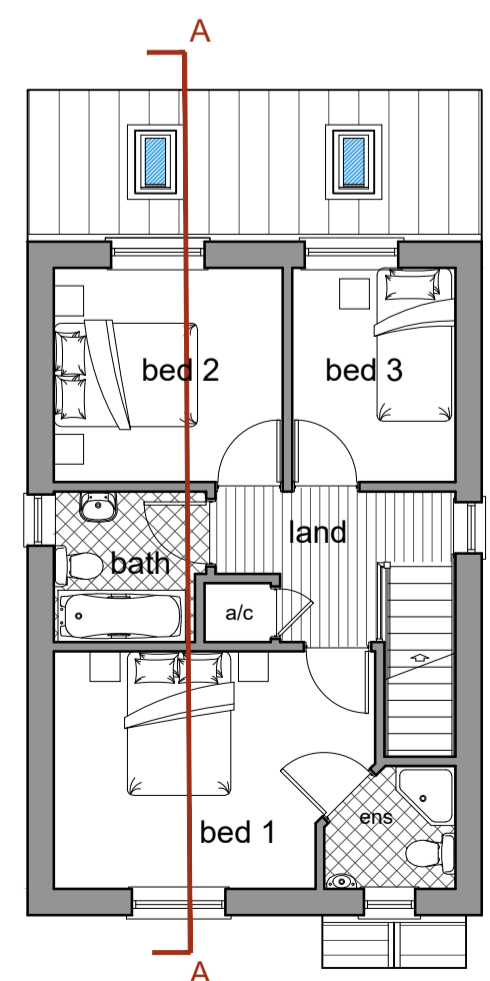
Side Elevation
Plot 5 - Scale: 1:100



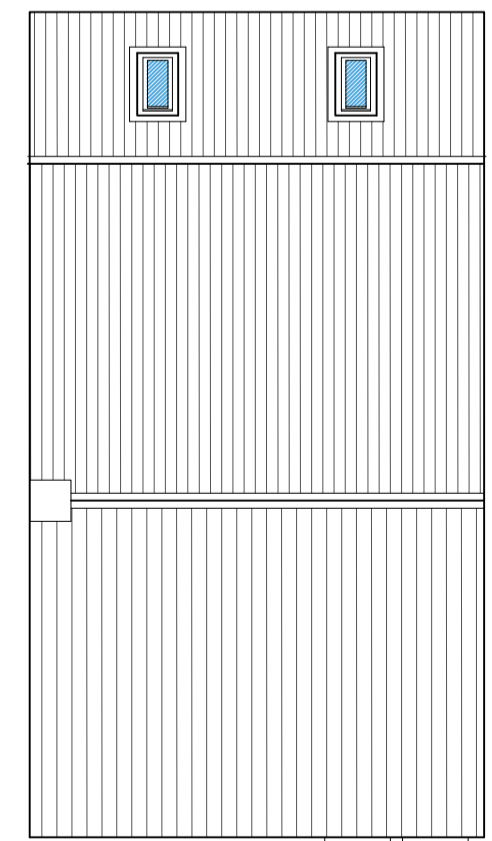
Section A-A
Plot 5 - Scale: 1:100



Ground Floor Plan
Plot 5 - Scale: 1:100



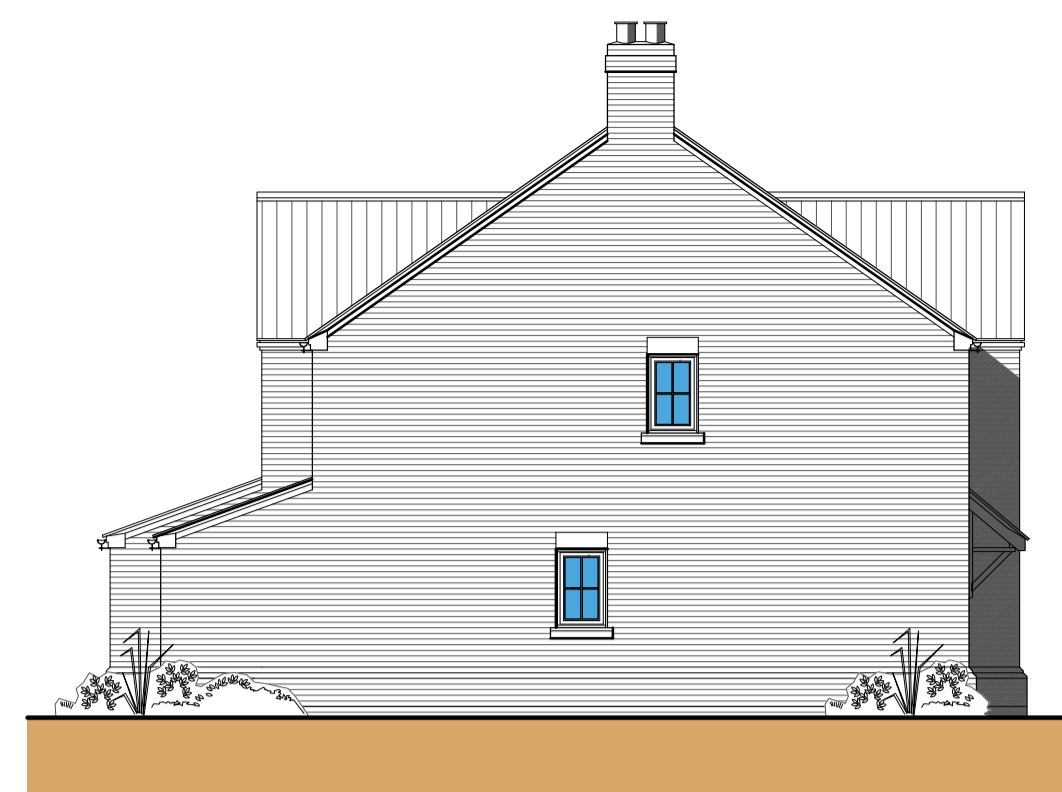
First Floor Plan
Plot 5 - Scale: 1:100



Roof Plan
Plot 5 - Scale: 1:100



Front Elevation
Plots 6&7 - Scale: 1:100



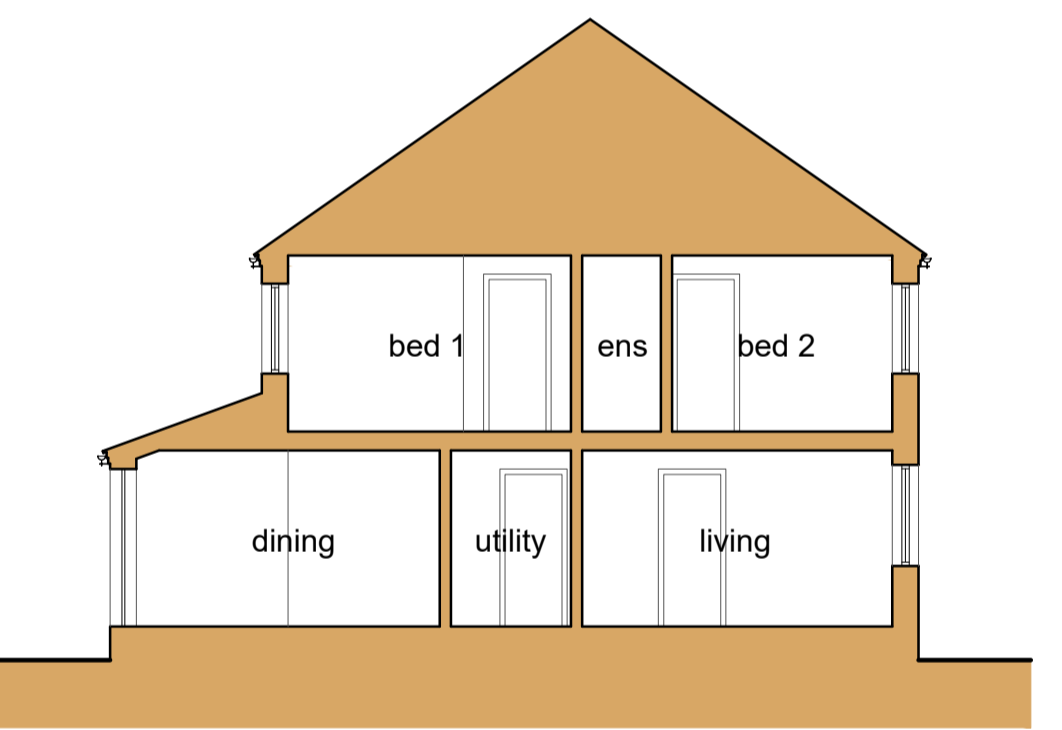
Side Elevation
Plots 6&7 - Scale: 1:100



Rear Elevation
Plot 6&7 - Scale: 1:100



Side Elevation
Plots 6&7 - Scale: 1:100



Section A-A
Plots 6&7 - Scale: 1:100

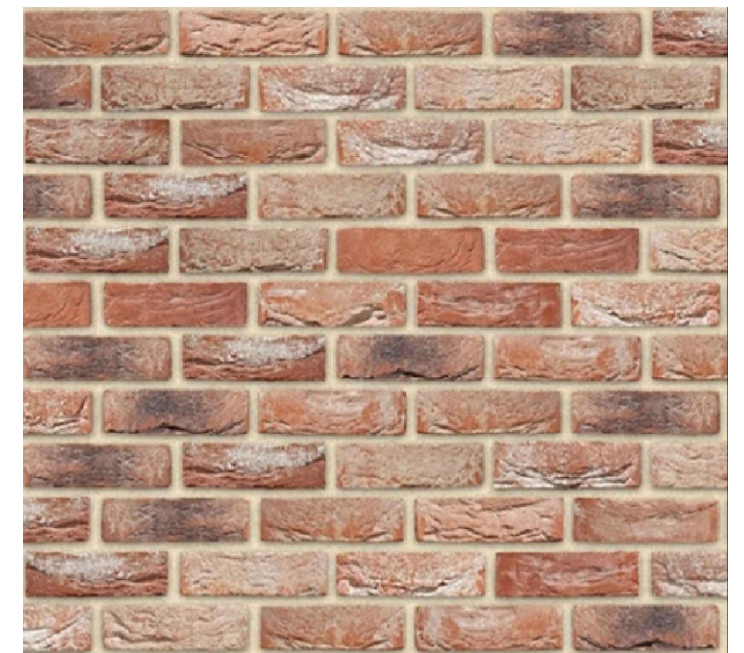


Ground Floor Plan
Plots 6&7 - Scale: 1:100



First Floor Plan
Plots 6&7 - Scale: 1:100

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Vandersanden - Flemish Antique



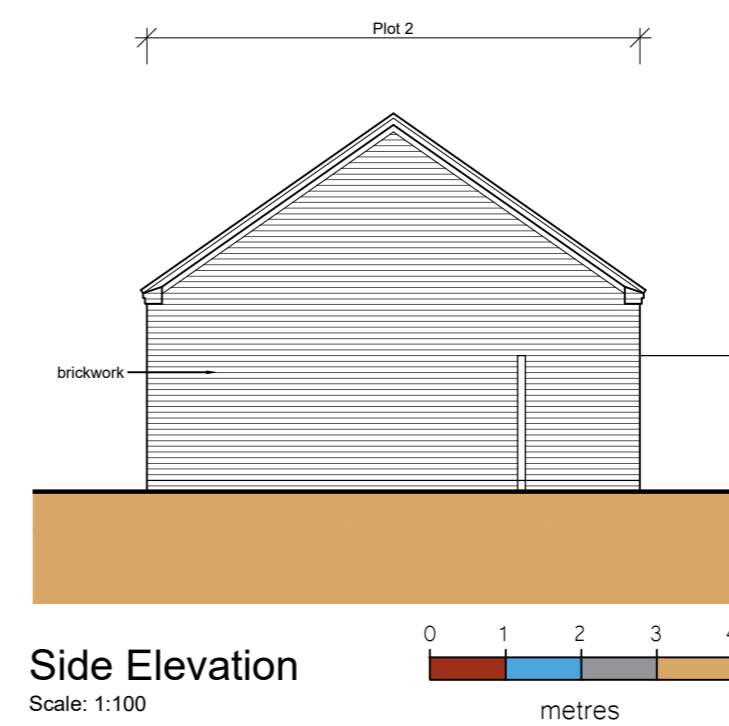
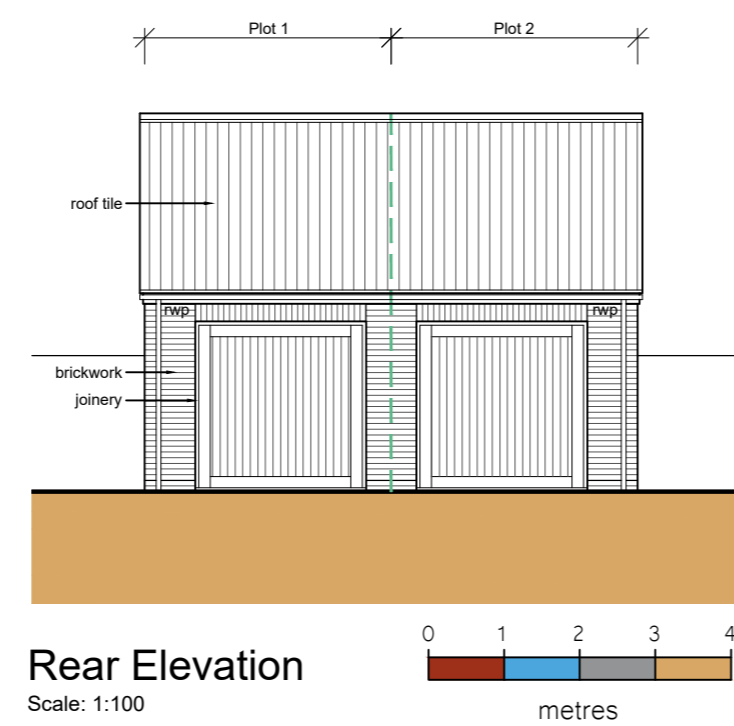
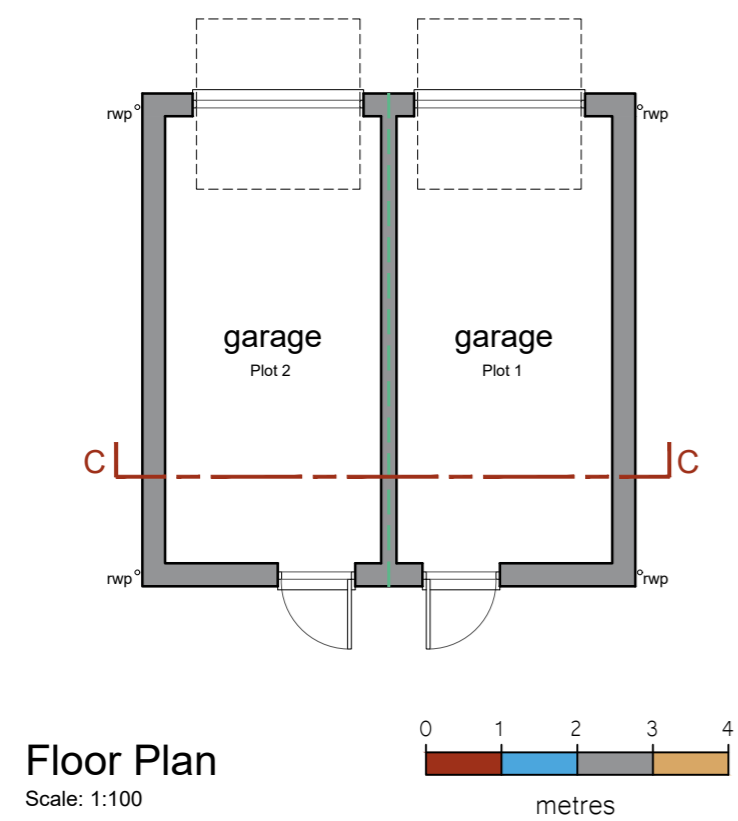
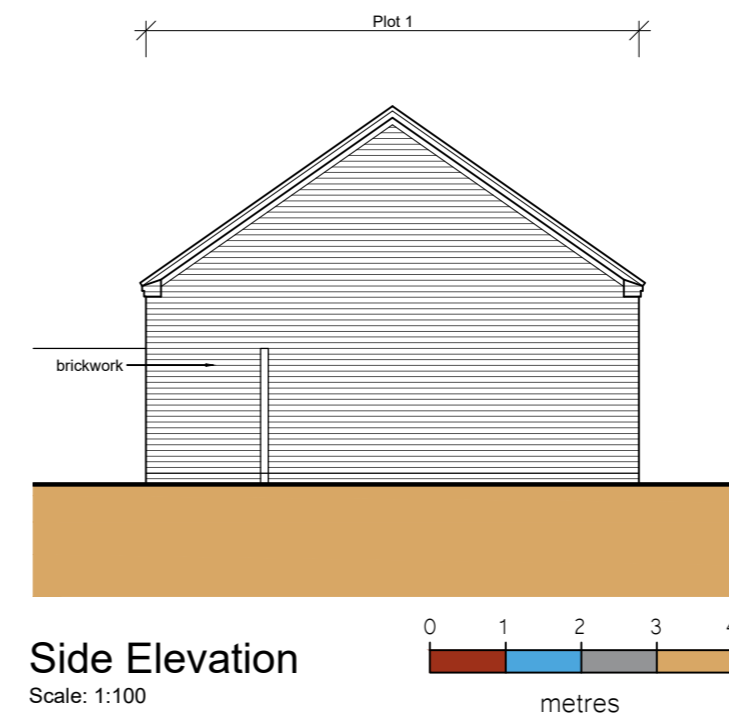
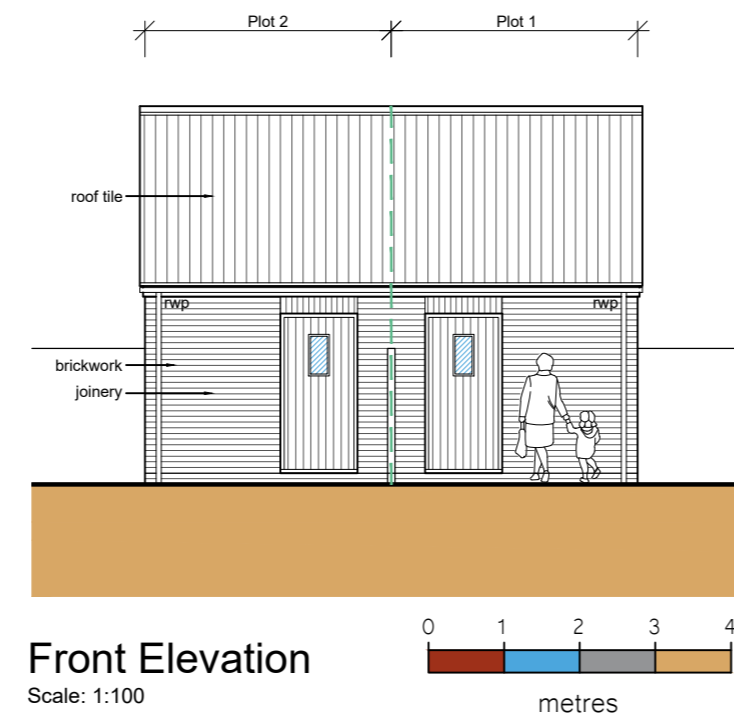
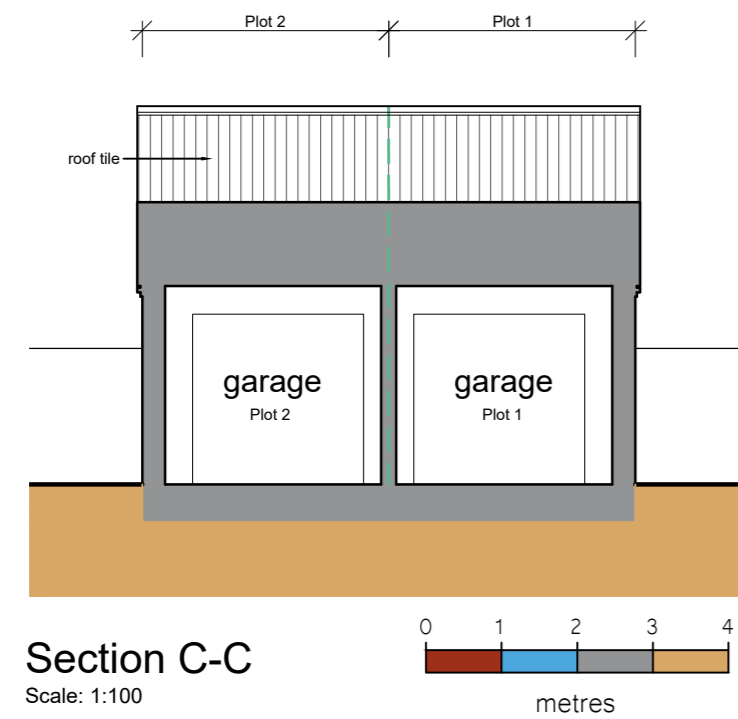
Marley - Modern Roofing Tile - Smooth Grey

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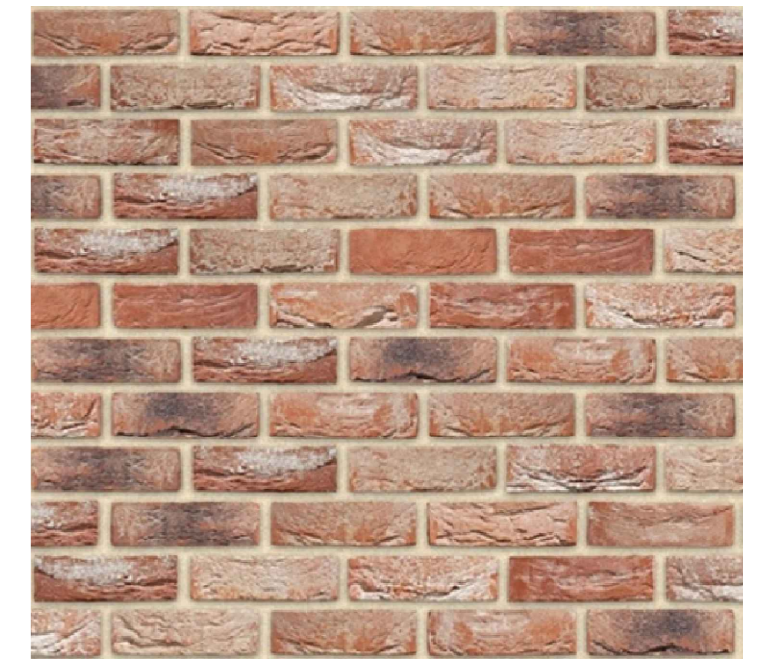
SWANN EDWARDS ARCHITECTURE

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t: 01945 450634 e: info@swannedwards.co.uk w: www.swannedwards.co.uk

Job Title Proposed 7No. Dwellings Gaul Tree Farm, High Road Guyhirn, Wisbech, Cambs For: Fern Homes Ltd.	Date August 2023	Drawn by GT Checked by GE
Drawing Title Planning Drawing Floor Plans, Elevations & Sections	Job No. SE-1831	Sheet Size A1
	Dwg No. PP1102	Revision B



- General Notes**
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Vandersanden - Flemish Antique



Marley - Modern Roofing Tile - Smooth Grey

Status

FOR APPROVAL

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ARCHITECTURE

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t 01945 450694 e info@swannedwards.co.uk w www.swannedwards.co.uk

Job Title Proposed 4No. Dwellings Gaul Tree Farm, High Road Guyhirn, Wisbech, Cambs For: Fern Homes Ltd.	Date January 2023	Drawn by GT
	Checked by GE	
Drawing Title Planning Drawing Garage Floor Plan & Elevations	Job No. SE-1831	Sheet Size A2
	Dwg No. PP1101	Revision

F/YR24/0303/F

Applicant: Kevin Salter
Developments Ltd

Agent: Mr Chris Walford
Peter Humphrey Associates Ltd

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

Erect 2 x dwellings (2-storey, 4-bed), including formation of an access

Officer recommendation: Refuse

**Reason for Committee: Number of representations contrary to officer
recommendation**

Government Planning Guarantee

Statutory Target Date For Determination: 28 May 2024

EOT in Place: Yes

EOT Expiry: 25 October 2024

Application Fee: £1156

Risk Statement:

This application must be determined by 25 October 2024 otherwise it will be out of time and therefore negatively affect the performance figures.

1 EXECUTIVE SUMMARY

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

2 SITE DESCRIPTION

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

3 PROPOSAL

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

4 SITE PLANNING HISTORY

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

5 CONSULTATIONS

5.1. CCC Highways

Recommendation

On the basis of the information submitted, from the perspective of the Local Highway Authority, I consider the proposed development is acceptable subject to conditions listed below.

Comments

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

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

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

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

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

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

Conditions

Visibility Splays

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

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

Access Road Details

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

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

Access Gradient

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

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

Non-standard condition

Temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction.

Reason: In the interests of highway safety.

Non-standard condition

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

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

5.2. CCC Ecology

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

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

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

5.3. Arboricultural Officer (FDC)

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

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

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

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

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

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

5.4. Conservation Officer (FDC)

Considerations:

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

Comments:

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

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

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



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

Trees:

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

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

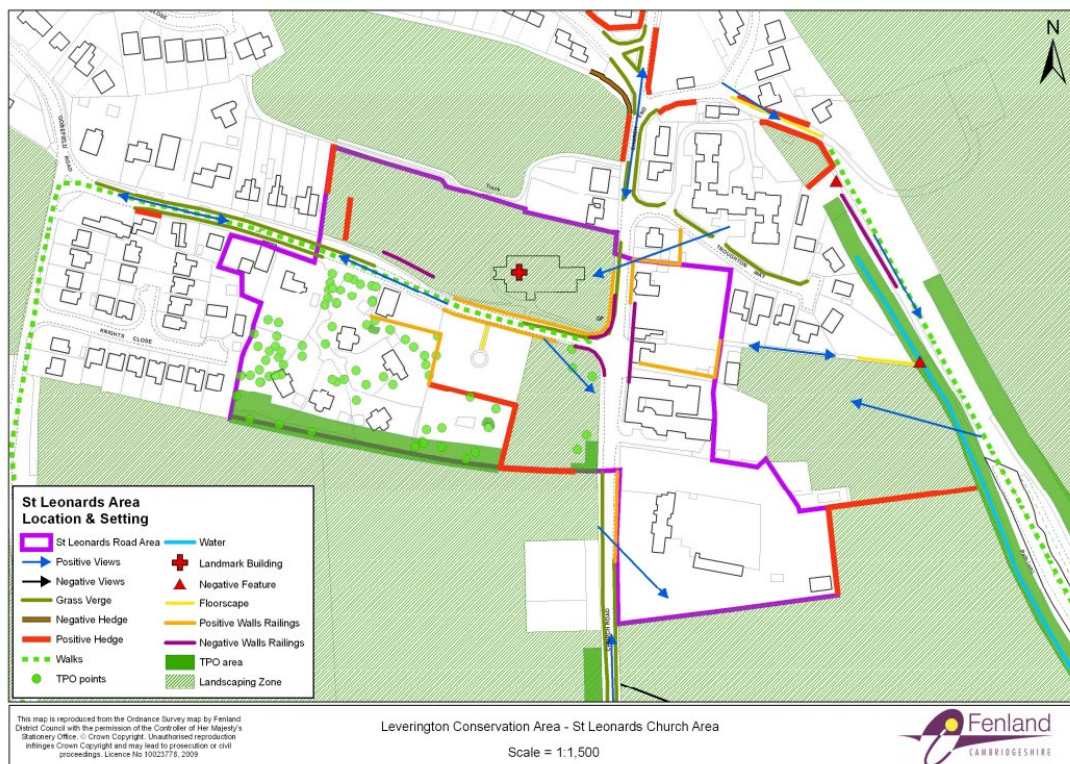
The proposals and the access are considered likely to result in ongoing pressure to prune these trees.

Design and Layout:

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

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

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



Conclusion:

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

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

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

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

RECCOMENDATION: Objection

5.5. CCC Senior Archaeologist

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

5.6. Environment & Health Services (FDC)

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

5.7. North Level Internal Drainage Board

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

5.8. Leverington Parish Council

Comments from Leverington Parish Council:

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

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

Parish Council recommends absolute REFUSAL.

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

From Leverington Parish Council

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

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

REFUSE.

5.10. Local Residents/Interested Parties

Objectors

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

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

Supporters

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

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

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

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

- 7.1. **National Planning Policy Framework (NPPF)**
 Chapter 2 - Achieving sustainable development
 Chapter 4 – Decision-making
 Chapter 8 – Promoting healthy and safe communities
 Chapter 9 – Promoting sustainable transport
 Chapter 11 – Making effective use of land
 Chapter 12 – Achieving well-designed and beautiful places
 Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
 Chapter 15 – Conserving and enhancing the natural environment
 Chapter 16 - Conserving and enhancing the historic environment
- 7.2. **National Planning Practice Guidance (NPPG)**
 Determining a Planning Application
- 7.3. **National Design Guide 2021**
 Context
 Identity
 Built Form
 Movement
 Nature
 Homes and Buildings
 Resources
 Lifespan
- 7.4. **Fenland Local Plan 2014**
 LP1 – A Presumption in Favour of Sustainable Development
 LP2 – Facilitating Health and Wellbeing of Fenland Residents
 LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
 LP14 – Responding to Climate Change and Managing the Risk of Flooding
 LP15 – Facilitating the Creation of a More Sustainable Transport Network
 LP16 – Delivering and Protecting High Quality Environments

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

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

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

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

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

7.9. **Emerging Local Plan**

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

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

8 KEY ISSUES

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

9 BACKGROUND

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

10 ASSESSMENT

Principle of Development

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

Impact on Character and Heritage

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

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

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

Highways and Parking

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

access arrangements were considered acceptable in accordance with Policy LP15.

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

Residential Amenity

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

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

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

Ecology and Trees

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

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

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

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

Biodiversity Net Gain (BNG)

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

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

Community Safety

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

Flood Risk, Site Constraints and Servicing

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

Other Matters

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

11 CONCLUSIONS

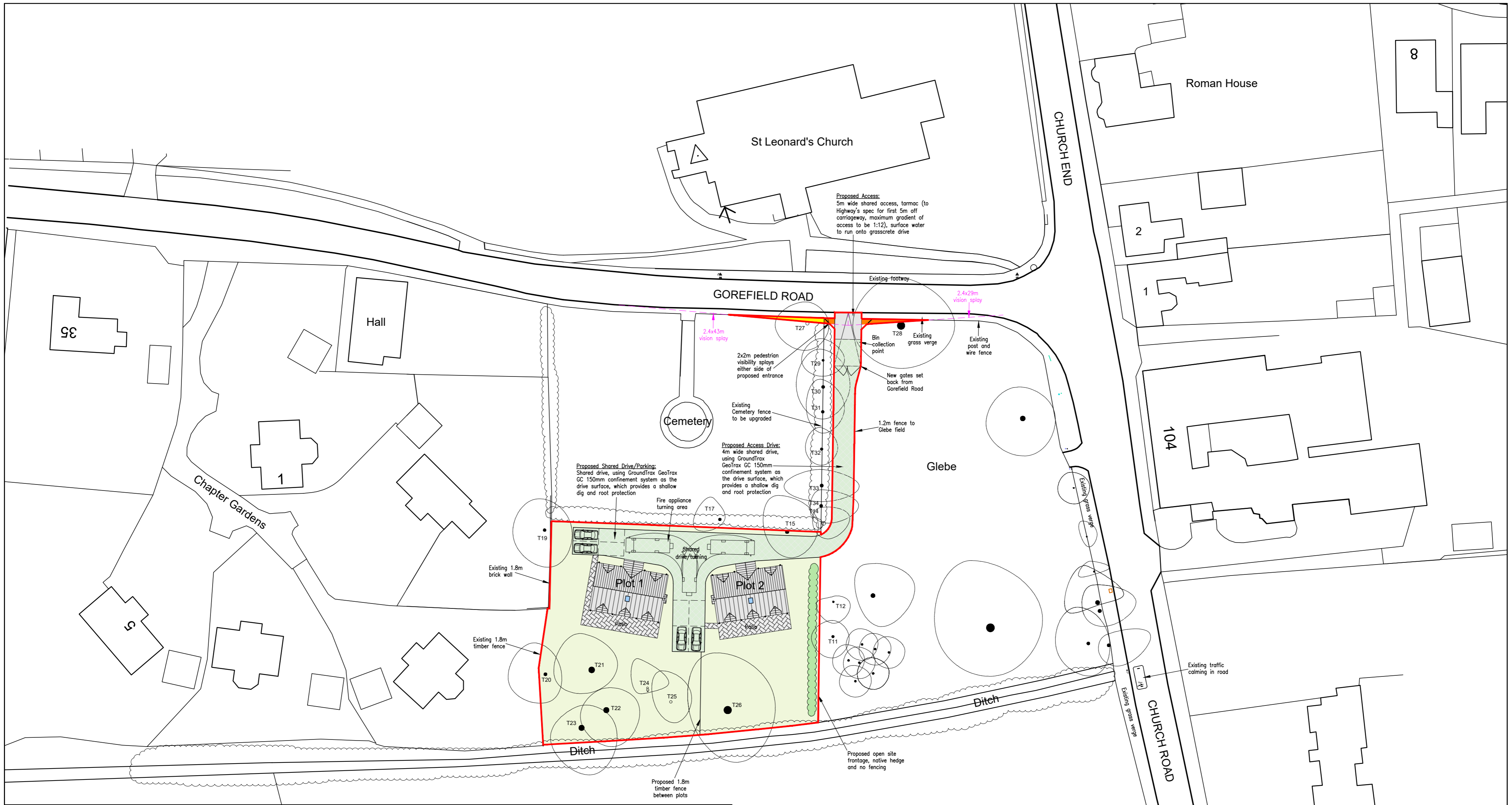
- 11.1. On the basis of the consideration of the issues of this application, conflict predominately arises through the detrimental impact of development with respect to heritage and the character of the area, rather than as a result of matters that could be addressed through design.
- 11.2. The application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

12 RECOMMENDATION

Refuse, for the following reasons;

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



Proposed Site Plan 1:500 @ A2 paper

REVISIONS	JOB NO.	PAPER SIZE	DATE
	6846/02Q	A2	OCT 2023

Notes:
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All dimensions shown on the drawing are in millimeters unless stated otherwise. If the drawing is received electronically (PDF) it is the recipient's responsibility to ensure it is printed to the correct paper size. All dimensions to be checked on site prior to commencing work and any discrepancies to be highlighted immediately.

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

CLIENT
MR K SALTER

PROJECT
PROPOSED RESIDENTIAL DEVELOPMENT

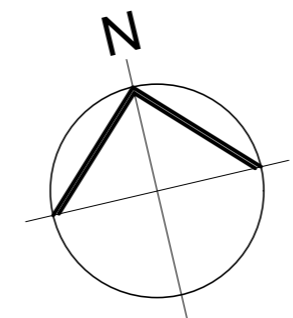
SITE
**LAND TO EAST OF CHAPTER GARDENS
GOREFIELD ROAD
LEVERINGTON
WISBECH
PE13 5AX**

DRAWING
PROPOSED SITE PLAN

PETER HUMPHREY ASSOCIATES

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

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WEB: www.peterhumphrey.co.uk





Proposed Front Elevation 1:100



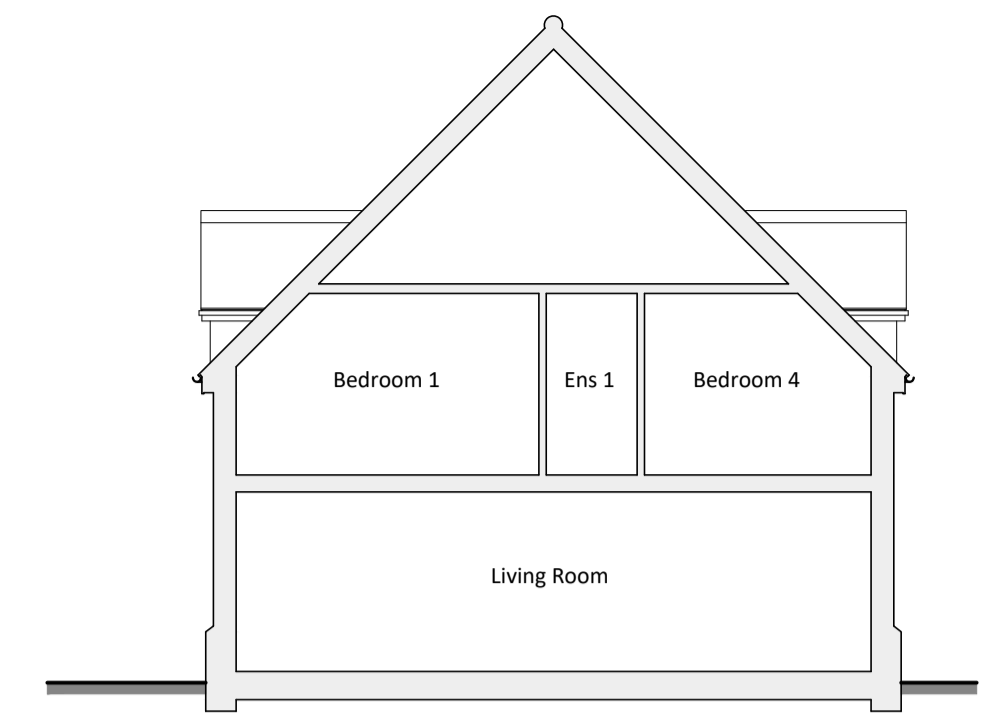
Proposed Side Elevation 1:100



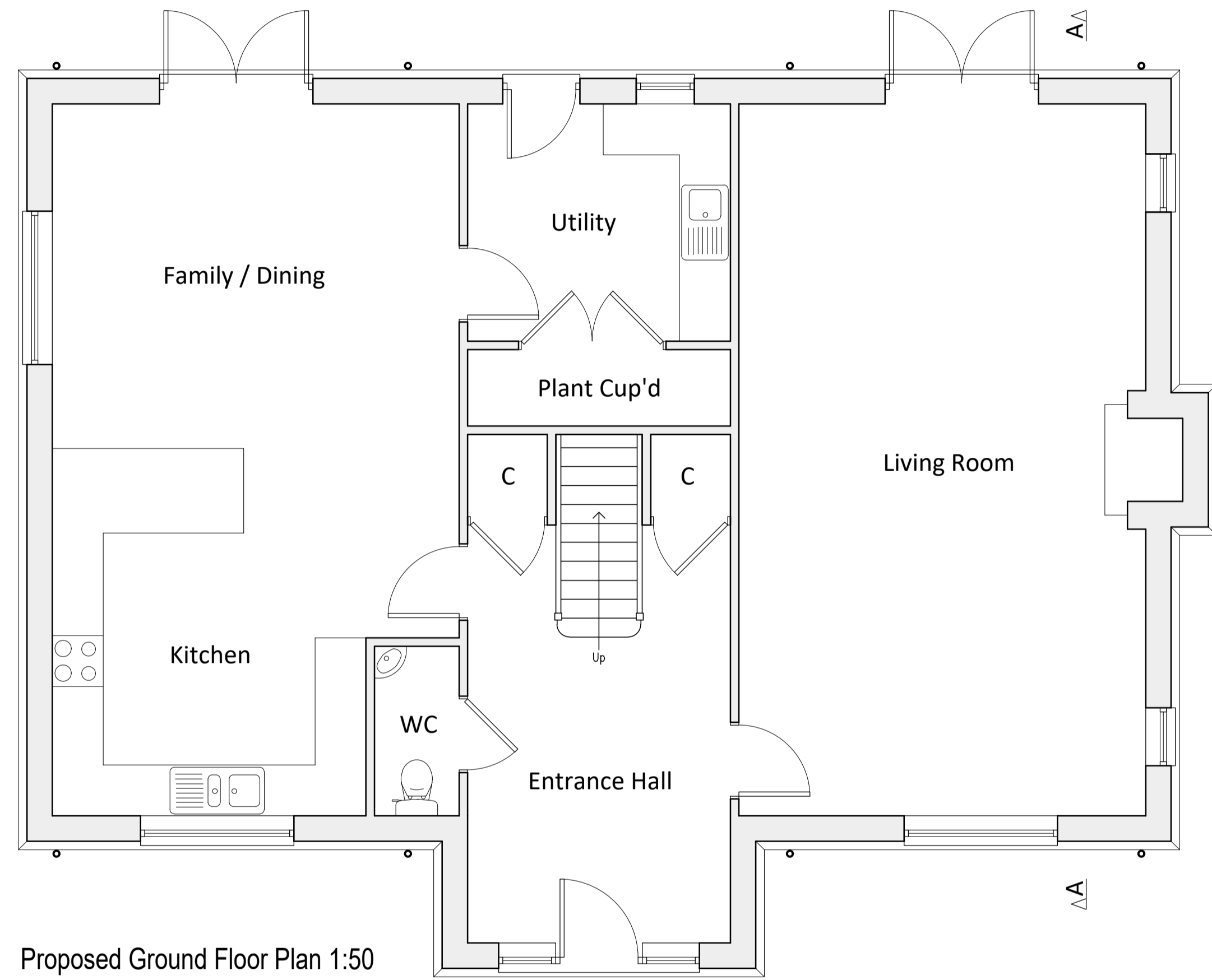
Proposed Rear Elevation 1:100



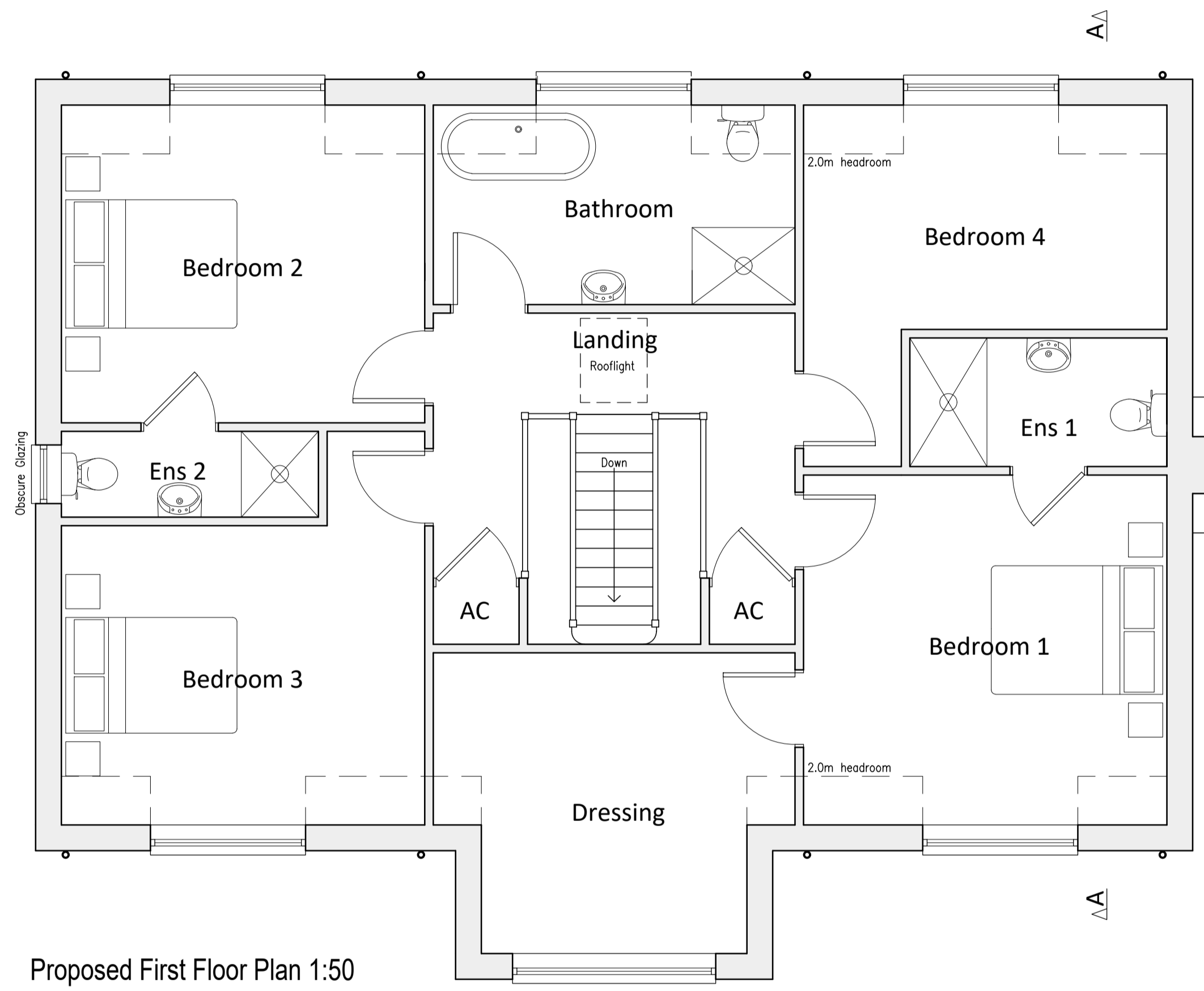
Proposed Side Elevation 1:100



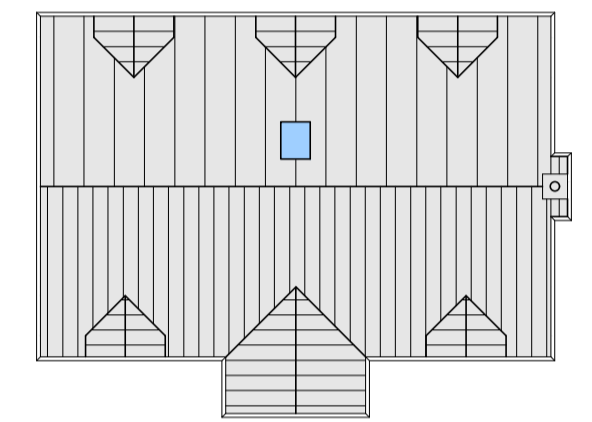
Proposed Section A-A 1:100



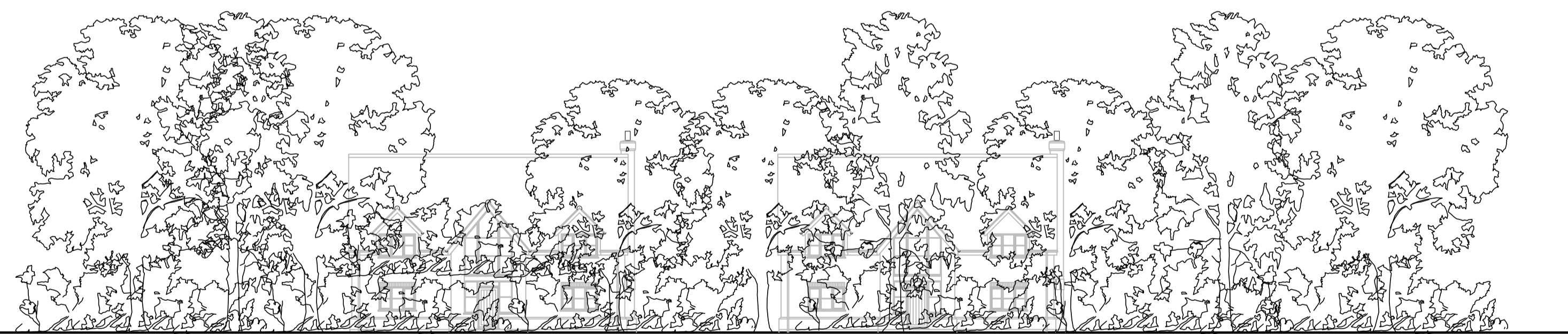
Proposed Ground Floor Plan 1:50



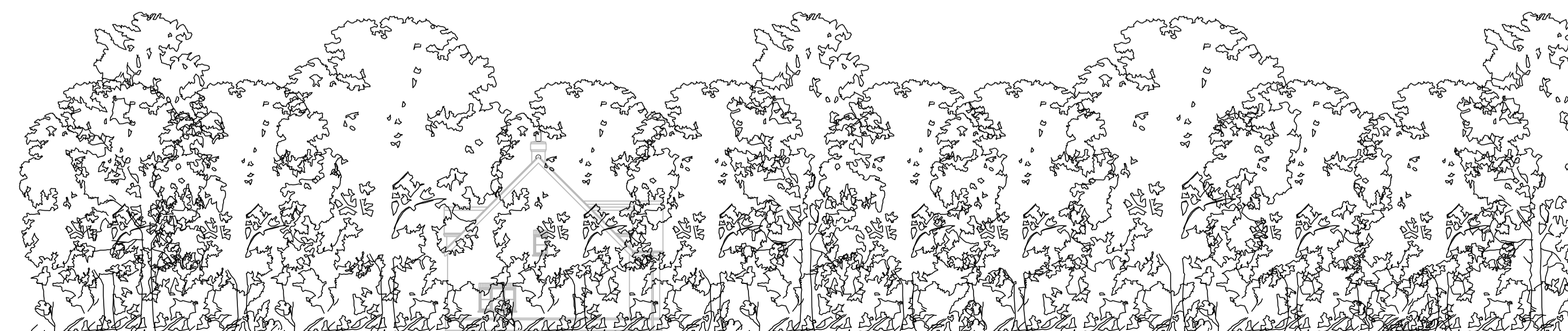
Proposed First Floor Plan 1:50



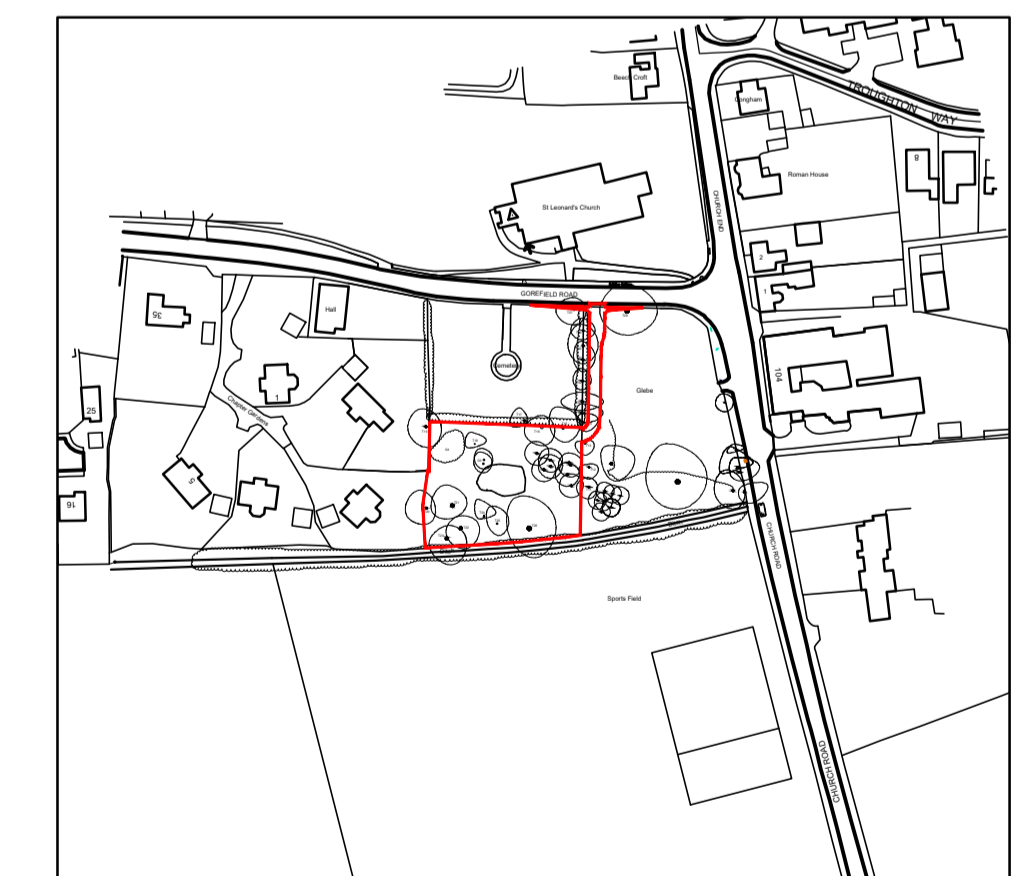
Roof Plan 1:200



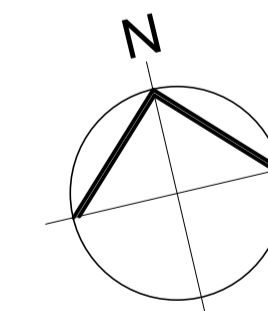
Proposed Street Scene (Gorefield Road) 1:200



Proposed Street Scene (Church Road) 1:200



Location Plan 1:2500



A - REVISIONS	PAPER SIZE	DATE
JOB NO. 6846/03C	A1	OCT 2023

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CLIENT
MR K SALTER

PROJECT
PROPOSED RESIDENTIAL DEVELOPMENT

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

DRAWING
PROPOSED DWELLINGS



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

F/YR24/0342/F

Applicant: Mr R Jan

**Agent : Mr R Gooding
Good-Design-ing Ltd**

51 Market Place, Wisbech, Cambridgeshire, PE13 1DS

Formation of 2 x studio flats on the first and second floor including change of use of part of ground floor (for access to flats)

Officer recommendation: Refuse

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

Government Planning Guarantee

Statutory Target Date for Determination: 13 June 2024

EOT in Place: Yes

EOT Expiry: 21 September 2024

Application Fee: £1156

Risk Statement:

This application is out of time

1. EXECUTIVE SUMMARY

- 1.1 The application seeks planning permission to form two studio flats over two floors above a retail premises in the town centre of Wisbech.
- 1.2 The premises benefit from an extant planning permission for a single flat over two floors, whereas this application seeks to sub-divide this into two separate units of accommodation.
- 1.3 The principle of the development is acceptable given its sustainable location and the proposals raises no concerns in respect of character harm, heritage impacts, highways matters, flood risk or neighbouring amenity impacts.
- 1.4 However, due to the significantly restricted floorspace of each unit, and having regard to the standards set out in national guidance, it is considered that the development would result in a cramped and oppressive environment for future occupiers, thereby failing to achieve high levels of amenity and a high-quality living environment, contrary to policies LP2, LP16 of the Fenland Local Plan and Chapter 12 of the NPPF in particular, paragraph 135(f).
- 1.5 The recommendation is therefore to refuse the application.

2. SITE DESCRIPTION

- 2.1. The application site consists of an established commercial property in the Town Centre of Wisbech.
- 2.2. The existing 3-storey building is formed with retail use at ground floor and the two upper floors current vacant but with an extant permission for a two-bedroom flat across the first and second floors.
- 2.3. The existing ground floor has a net floor area of 31.9m² which is used for retail use. The first floor has a floor area of 32.9m² and the second floor has a floor area 31.6m² both including the existing staircase.

3. PROPOSAL

- 3.1 The proposal is to form a single studio flat on each of the upper floors. Each flat would have access via the stairwell landings. The existing building front entrance facing onto Market Place will be used to serve the existing retail space. The existing rear door along Little Church Street would facilitate access to the flats and as a fire exit to the retail unit.
- 3.2 The proposed net floor area of the first-floor flat is approximately 22.2m², comprising a living/kitchen/bedroom space of 19.4m² and shower room of 2.8m². A single window of the western elevation would serve the flat.
- 3.3 The second-floor studio would be approximately 26.7m², comprising a living/kitchen/bedroom space of 24.5m² and shower room of 2.2m². A single window of the western elevation would serve the flat.
- 3.4 The ground floor retail area would be reduced by 6.5m², to 25.4m².
- 3.5 Full plans and associated documents for this application can be found at:
<https://www.publicaccess.fenland.gov.uk/publicaccess/>

4. SITE PLANNING HISTORY

Reference	Description	Decision
F/YR22/0613/F	Formation of a 2-bed flat on first and second floor (retrospective)	Granted. 20.07.2022

5. CONSULTATIONS

- 5.1. **Wisbech Town Council - 14 May 2024**
That the application be supported.

- 5.2. **Wisbech Society - 21 May 2024**

Although the Wisbech Society welcomes new residential properties in the town centre that use and enhance the historic buildings, concerns are raised over the number of studio flats being requested. This condensed habitation puts pressure on waste (refuse) services – communal bins and back-alley refuse is often overflowing, antiquated sewage systems, and parking. Unless guaranteed that

these issues have been properly addressed they have objections to more such dwellings.

5.3. CCC Archaeology - 1 May 2024

Thank you for the consultation with regards to the archaeological implications of the above referenced planning application. We have reviewed the application and have no objections or recommendations on archaeological grounds.

5.4. FDC Environmental Health 16 May 2024

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

5.5. FDC Conservation – 23 Aug 2024

The building is not listed but is located within the setting of a large number of listed buildings and the Wisbech Conservation Area. The proposals do not impact on the exterior of the building and therefore there are no particular impacts on the character and appearance of the streetscene, conservation or nearby listed buildings.

There is no bin store provided on the plans. It would be entirely unacceptable for bins to be located on either the Market Place or Little Church Street pavements. Owing to this building having no private amenity space, a bin store should be provided inside the building.

No objection subject to bin store resolution.

5.6. Local Residents/Interested Parties: No representations received.

6. STATUTORY DUTY

6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014) and the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021).

6.2. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

7. POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

Chapter 2 - Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 6 – Building a strong, competitive economy

Chapter 7 – Ensuring the vitality of town centres

Chapter 8 – Promoting healthy and safe communities

Chapter 11 – Making effective use of land
Chapter 12 – Achieving well-designed and beautiful places
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
Chapter 16 - Conserving and enhancing the historic environment

7.2 **National Planning Practice Guidance (PPG)**

Determining a Planning Application

7.3 **National Design Guide 2021**

H1 (Para 126) Well-designed homes

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

LP6 – Employment, Tourism, Community Facilities and Retail

LP7 – Urban Extensions

LP8 – Wisbech

LP9 – March

LP10 – Chatteris

LP11 – Whittlesey

LP12 – Rural Areas Development Policy

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

LP18 – The Historic Environment

7.5 **Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021)**

Policy 14: Waste management needs arising from residential and commercial Development

7.6 **Emerging Local Plan**

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

LP1: Settlement Hierarchy

LP2: Spatial Strategy for the Location of Residential Development

LP4: Securing Fenland's Future

LP7: Design

LP8: Amenity Provision

LP16: Town Centres

8. **KEY ISSUES**

- **Principle of Development**
- **Visual amenity and the historic environment**
- **Residential Amenity**
- **Retail impact**
- **Highways**
- **Flood Risk**

9. ASSESSMENT

Principle of Development

- 9.1 The site is located within the built settlement of Wisbech. Local Plan policy LP3 identifies Wisbech as one of the district's Market Towns, where the majority of the district's housing should be located. Moreover, the site benefits from an extant planning permission for a 2-bedroom flat over the two upper floors. Furthermore, Policy LP5 (Part C) promotes the need to deliver housing solutions which meet market expectations and the needs of all sectors of the community. The delivery of small units of residential accommodation within the sustainable location of Wisbech is therefore considered acceptable in principle.
- 9.2 This does not however override the need to ensure that the proposal complies with other relevant national and local policy. In this regard matters of visual amenity, residential amenity (both for existing and proposed residents), highway implications, servicing and flood risk all require further assessment, as follows.

Visual amenity and the historic environment

- 9.3 The site lies in the town centre and Conservation Area of Wisbech. Local Plan policy LP16 seeks to deliver high quality environments which, amongst other things are acceptable in visual and character terms. Policy LP18 seeks to ensure that development preserves and where possible enhances the historic environment.
- 9.4 Given the lack of external changes as part of this application, the proposal is considered to have a neutral impact on the character and appearance of the local area and the historic environment in general.
- 9.5 The Council's Conservation officer has raised concerns however, that the development provides no clear strategy for storage and collection of waste, noting that storing waste bins on the pavements outside would be inappropriate in this location.
- 9.6 In this regard, it is noted that the flats are relatively small and therefore occupants are unlikely to generate significant volumes of waste. It is understood that weekly waste collections are undertaken in this location owing to the prevalence of flats and that occupiers present their bagged waste for collection outside their properties, i.e., in general, flatted developments over retail premises are not commonly served by multiple wheeled bins as is found with estate developments. Moreover, the access to the flats, via Little Church Street doesn't offer suitable space for wheeled bins to be permanently stored along here.
- 9.7 Notwithstanding, Policy 14 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021) requires developments to provide details on how waste will be managed, stored and collected, using the toolkit under the associated RECAP waste management SPD. It is considered that a suitable solution could be

secured via planning condition in this regard, notwithstanding that the site already benefits from a residential use for a single flat.

- 9.8 It is considered therefore that the impact of the development in visual and character terms would comply with the aims of policies LP16 and LP18.

Residential amenity

- 9.9 Policy LP2 and Policy LP16 seeks to protect and provide high levels of residential amenity. NPPF paragraph 135(f) sets out that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

Neighbouring Amenity

- 9.10 No external alterations are proposed as part of this application and the quantum of units proposed is unlikely to result in noise, light pollution, loss of privacy, or loss of light beyond the existing/ permitted use and therefore is considered acceptable in this regard.

Amenity of Future Occupiers

- 9.11 The development proposes two units of accommodation at first and second floor. These units would each comprise in total; 22.2m² of first floor accommodation, and 26.7m² of second floor accommodation (including shower rooms to both).
- 9.12 Referring again to NPPF para 135, the footnote to (f) sets out that planning policies for housing may make use of the nationally described space standard (NDSS), where the need for an internal space standard can be justified. The current NDSS (*Technical housing standards – nationally described space standards, DCLG, updated 2016*) sets out that minimum gross internal floor areas for single occupancy dwellings should be at least 37m². It is sometimes reasonable, having regard to benchmarks set out by Homes England used across the affordable housing sector, to relax this minimum to 85% of the standard, i.e., approx. 31.5m². Certainly, the nature and scale of the development proposed may be considered to be a more affordable type of accommodation.
- 9.13 In respect of the proposal however, the largest unit (second floor) is only 72% of the NDSS, or rather 28% smaller than minimum standards suggest, with first-floor accommodation being around 40% smaller.
- 9.14 It is important to note that the Planning Practice Guidance (PPG) states that where a Local Planning Authority wishes to require an internal space standard is met, they should only do so through adopted policies in the Local Plan. The Development Plan does not contain a policy which details any specific requirement to comply with NDSS standards, or any other similar standard. Therefore, to assess proposals against strict requirements of the NDSS may be considered unreasonable in the absence of any policy to direct otherwise.
- 9.15 However, NDSS standards are a material consideration and clearly set out the Government's vision of what comprises acceptable standards for living accommodation, therefore setting out a useful benchmark for new housing. Furthermore, and as set out above, the affordable housing sector will have regard to this standard when designing units of accommodation. In addition, 3(9A) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) also does not grant permission for, or authorise any development of, any new dwellinghouse (a)where the gross internal floor area is

less than 37 square metres in size; or (b) that does not comply with the NDSS. As such, it is considered that weight can be afforded to the Government's view of what comprises acceptable standards for living accommodation and can be reasonably referred to in applying planning judgement to residential schemes.

9.16 Having regard to the proposal and the above material considerations, whilst each unit of residential accommodation will benefit from natural light and independent facilities, it is considered that the limited floorspace will result in a cramped, oppressive living environment which would consequently fail to secure high standards of amenity as required under Local Plan policies LP2, LP16 and the NPPF.

9.17 Whilst it is acknowledged that the premises benefits from an extant planning permission for a 2-bedroom flat over the two floors, it is considered that further sub-division of the space into two self-contained flats would lead to an inappropriate intensification of the space and the resulting amenity harm and policy conflict.

Retail impact

9.18 Local Plan policy LP6 seeks to retain retail uses at ground floor within town centres and primary shopping frontages. Whilst the development will result in a small loss of ground floor retail space, this is toward the rear of the shop and is not anticipated to undermine the viability of the ongoing running of the retail space and therefore would not compromise the vitality of the town centre.

Highways

9.19 This scheme makes no provision for on-site car parking. Appendix A of the Fenland Local Plan allows for a reduced car parking provision and in special circumstances a nil parking provision where sites are centrally located within Market towns and benefit from good public transport links.

9.20 The 'special circumstances' in this case are deemed to be optimising the floorspace of the premises to provide small scale residential accommodation within a sustainable location within one of the Primary Market Towns of the District.

9.21 Notwithstanding the residential amenity concerns highlighted above the delivery of an additional residential unit in this location must be given significant weight and the proposal aligns with the aims of Chapter 11 of the NPPF which promotes the effective use of land, the need to 'promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively [..].

9.22 It is considered there is appropriate justification for delivering this scheme with a nil parking provision and as such there are no matters to reconcile with regard to car parking provision or accessibility; the scheme is therefore considered compliant with Local Plan policies LP15 and LP16.

Flood risk

9.23 The site is located within a flood zone 1 area and as such is sequentially preferable for housing development accordingly there are no matters to reconcile with regard to flood risk and Policy LP14 of the FLP (2014).

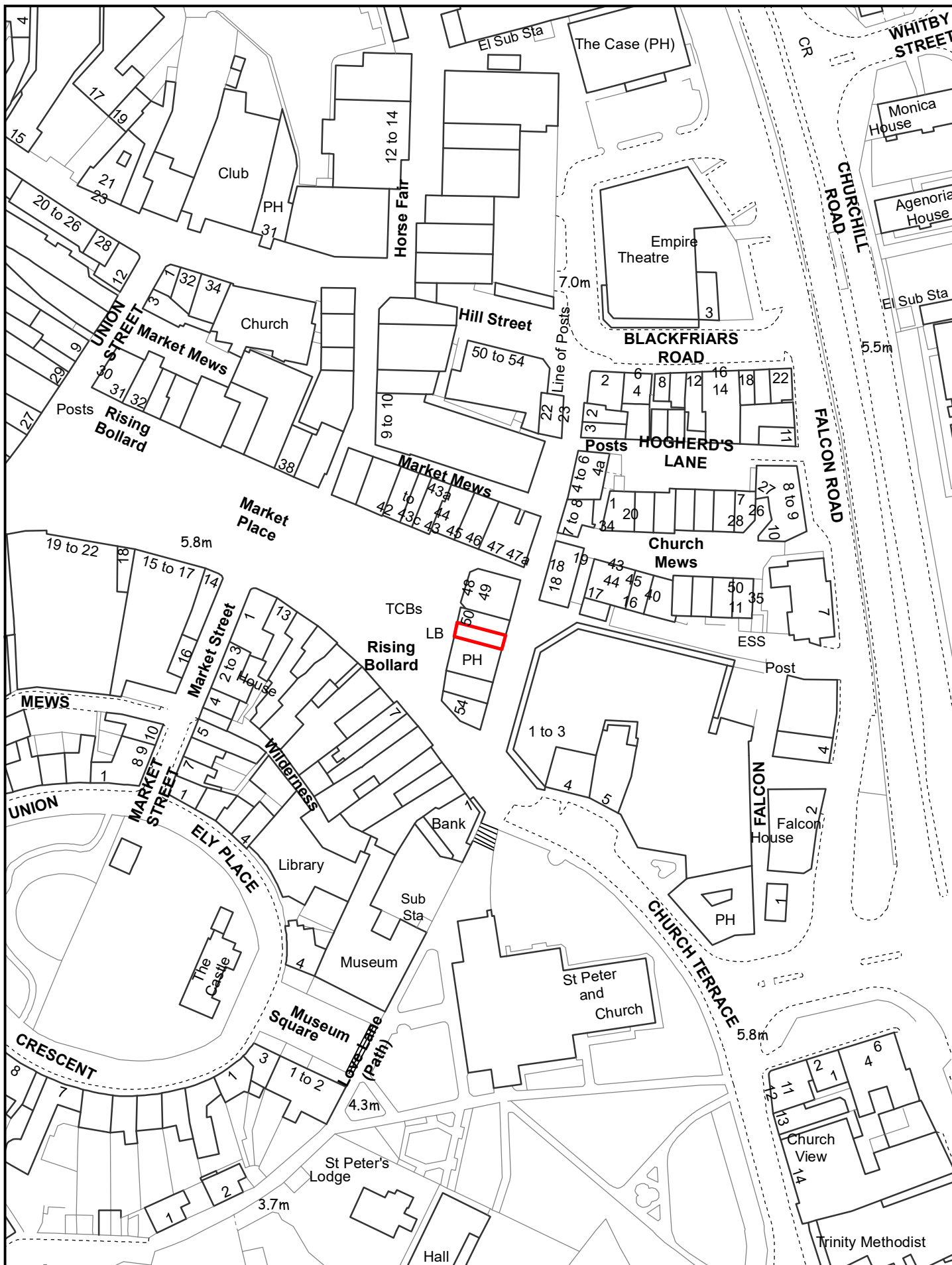
10 CONCLUSIONS

- 10.1 The proposal would provide an additional unit of accommodation, over and above the permitted use, in an accessible, established town-centre location and would reuse a current empty part of a building and make efficient use whilst providing additional housing choice. Due to the extant permission in place the proposal would result in the net gain of one residential unit which would make a negligible difference to housing supply.
- 10.2 The policies in the Development Plan and the NPPF seek to both deliver a sufficient supply of homes and achieve well-designed places. However, the creation of high-quality places is central to what the planning and development process should achieve. Even with a need for smaller units to meet the needs of particular housing groups, living accommodation should meet minimum standards to ensure acceptable living standards for all occupants, and a high standard of amenity is provided for existing and future users.
- 10.3 Whilst the LPA cannot insist that minimum NDSS standards are met, nonetheless these standards are a good starting point, indicating the Government's view of what constitutes acceptable standards and as identified, the proposal results in a significant shortfall of these standards, thereby leading to failure to secure a high-quality living environment and subsequent conflict with development plan policies.
- 10.4 As such, the limited benefits of the scheme are not considered to be sufficient to outweigh the conflict with local or national planning policy and in conclusion the development is considered to unsustainable having regard to the development plan when taken as a whole.

11 RECOMMENDATION

Refuse; for the following reason:

1	<p>Policies LP2 and LP16 of the Fenland Local Plan (2014) require developments to provide high levels of residential amenity for both existing and future occupiers, with this being reinforced by the National Design Guide and the National Planning Policy Framework which seeks to ensure high-quality living environments.</p> <p>Having regard to the limited internal floor area of each unit, it is considered that the development would result in cramped and oppressive living conditions, thereby failing to achieve high levels of amenity or a high-quality living environment, contrary to policies LP2 and LP16 of the Fenland Local Plan (2014) and the aims of NPPF paragraph 135(f).</p>
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Fenland
CAMBRIDGESHIRE

Fenland District Council

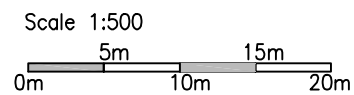
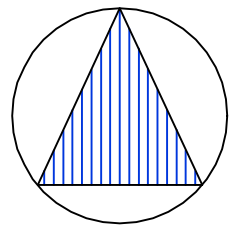


EXISTING SITE PLAN 1:500



PROPOSED SITE PLAN 1:500

NORTH



DRAWING ISSUE

- PLANNING
- BUILDING REGULATIONS
- CONSTRUCTION



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PROJECT

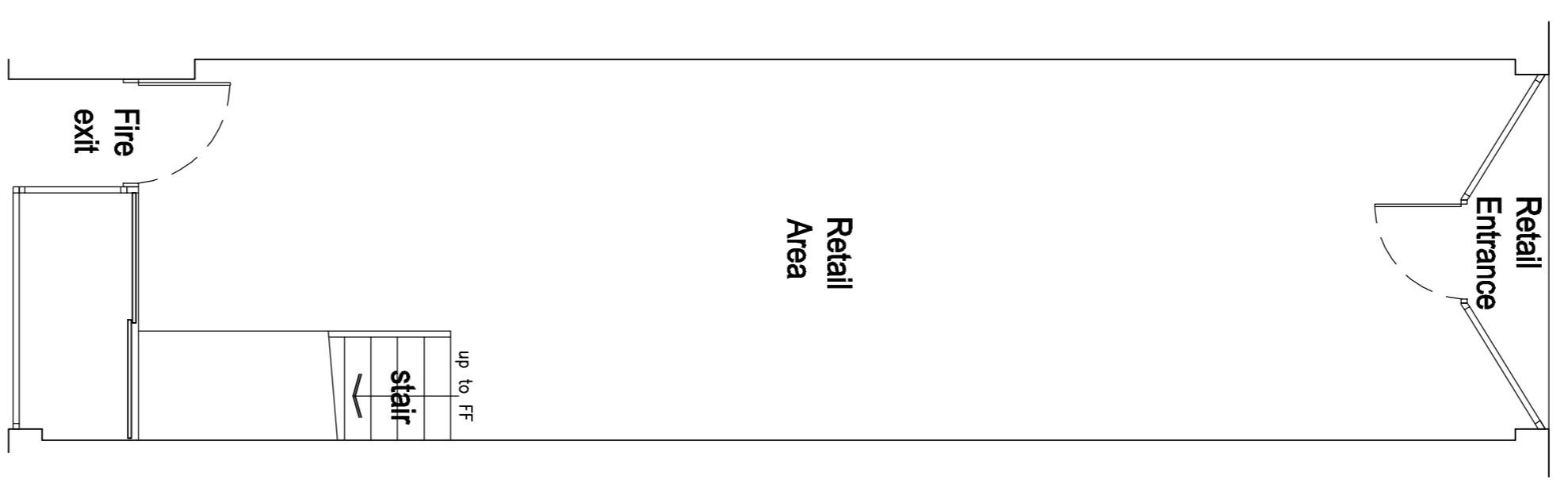
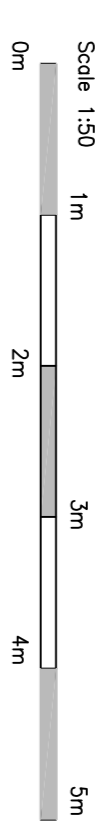
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at
51 Market Place
Wisbech
PE13 1DP
Scale 1:500 @ A3 size

Feb 2024

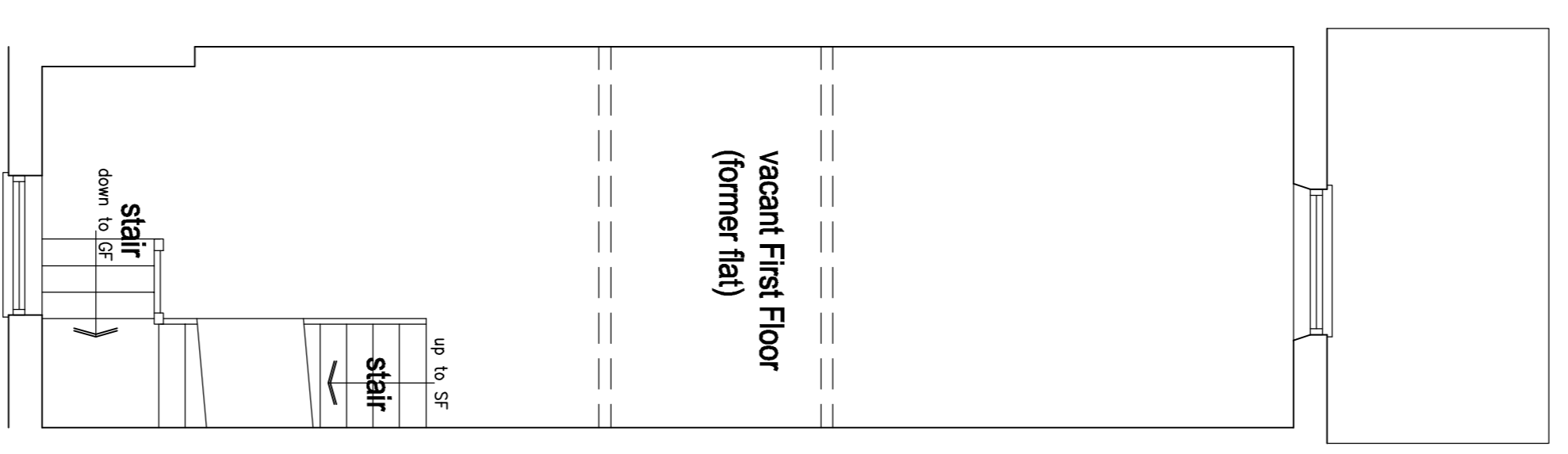
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Existing and Proposed
Site Plans

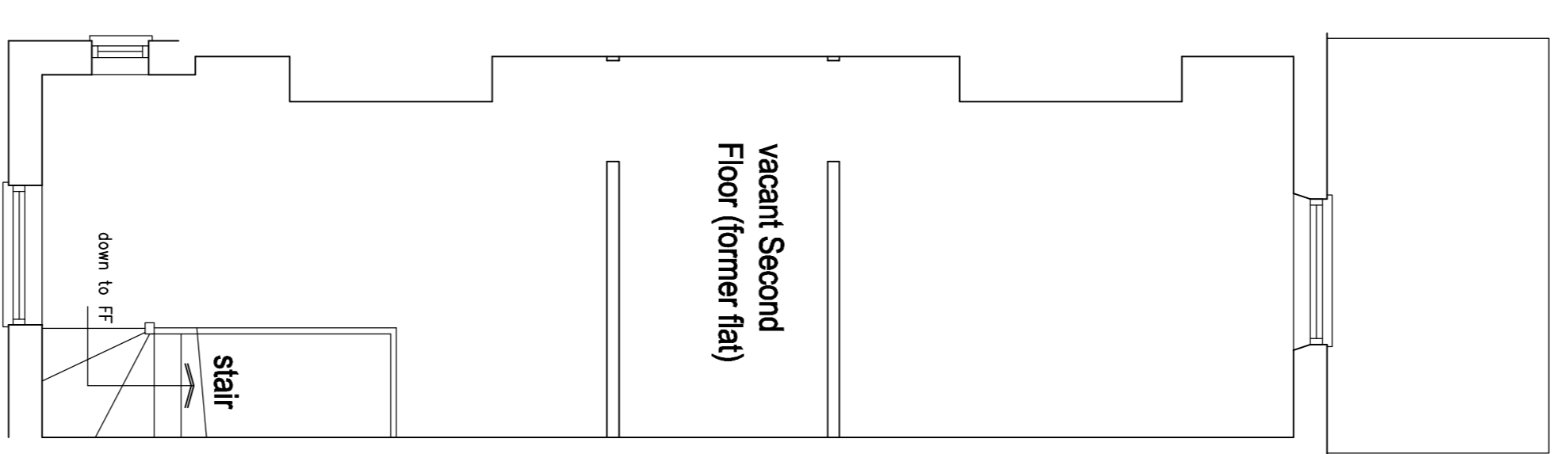
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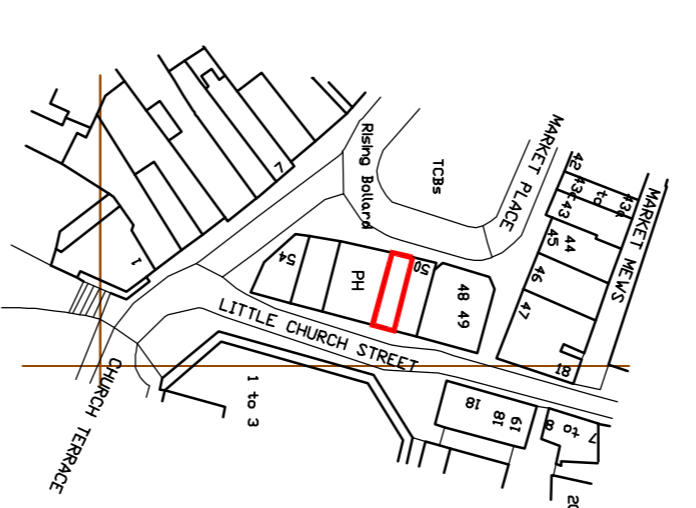
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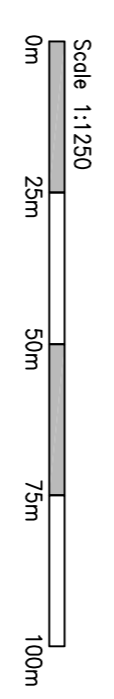
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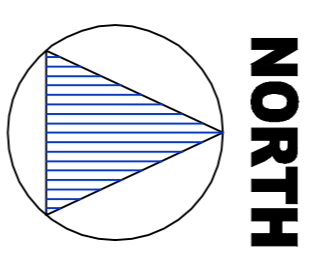
EXISTING SECOND FLOOR PLAN 1:50



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LOCATION PLAN 1:1250



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- PLANNING
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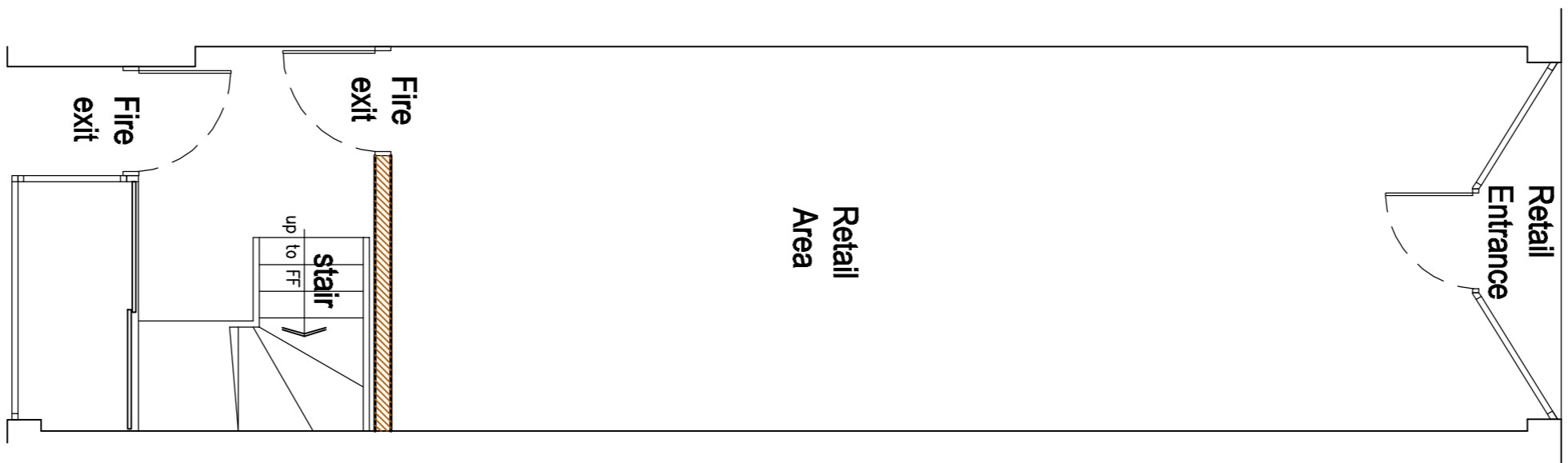


PROJECT
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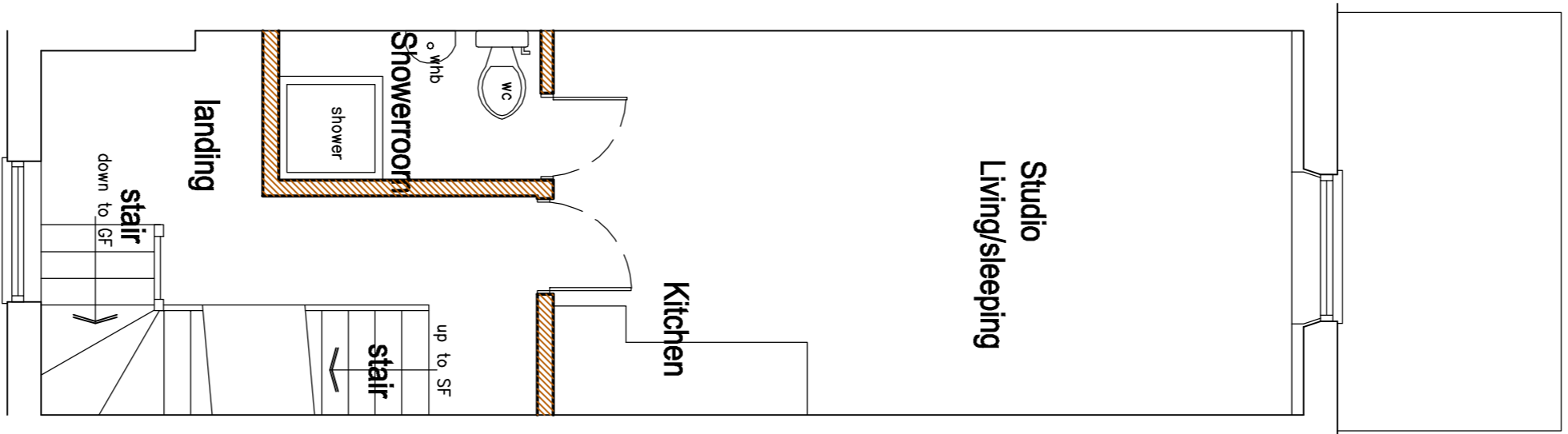
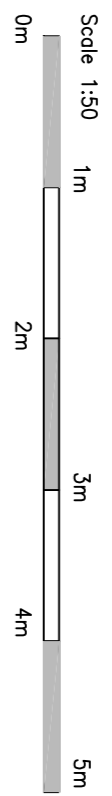
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 Location Plan
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 size

Feb 2024

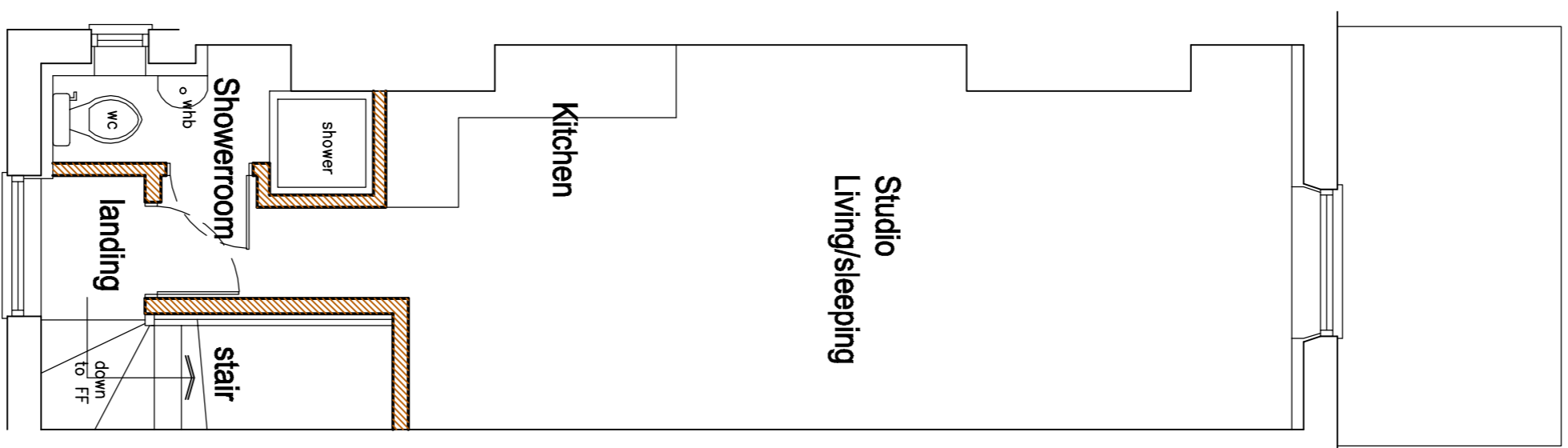
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PROPOSED GROUND FLOOR PLAN 1:50



PROPOSED FIRST FLOOR PLAN 1:50



PROPOSED SECOND FLOOR PLAN 1:50

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- PLANNING ■
- BUILDING REGULATIONS ■
- CONSTRUCTION ■

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PROJECT
Proposed Development
at
51 Market Place
Wisbech
PE13 1DP

DRAWING
Proposed Plans

Scale 1:50 @ A1 size

Feb 2024

drawing number :
241441-02 REV A

F/YR24/0532/O

Applicant: Mr B Aldridge

**Agent: Mr Lee Bevens
L Bevens Associates Ltd**

Land South East Of 190, Wype Road, Eastrea, Cambridgeshire

Erect up to 2 x dwellings (outline application with matters committed in respect of access)

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to Officer recommendation

1 EXECUTIVE SUMMARY

- 1.1 The application seeks outline planning permission with only access committed for the erection of up to two dwellings.
- 1.2 The location of the site on the edge of Eastrea means that only infill development is accepted by Policy LP3 of the Fenland Local Plan (2014), supported by Policy 1(e) of the Whittlesey Neighbourhood Plan 2021-2040. The site is beyond the built form of Eastrea and therefore the proposal conflicts with Policy LP3 and Policy 1(e).
- 1.3 Furthermore, the location of the site would result in an encroachment into the countryside and subsequently a significantly detrimental landscape character impact, contrary to Policy LP12 and Policy LP16 of the Fenland Local Plan (2014) that seek to protect and enhance the intrinsic countryside character of the area.
- 1.4 The application is considered to be acceptable in terms of amenity impact and highway safety. Matters relating to appearance, landscaping, layout and scale are reserved for further consideration.
- 1.5 On the basis of conflict arising with respect to the principle of development and character harm rather than as a result of matters that could be addressed at the design stage, it is recommended that the application is refused.

2 SITE DESCRIPTION

- 2.1 The application site is located on Wype Road, Eastrea. The site is currently an undeveloped agricultural field situated immediately adjacent to the built form of Eastrea to the northwest.
- 2.2 The site is surrounded to the south and east by open countryside, largely characterised by agricultural fields. The land to the northwest of the site is

characterised by residential development of varied sizes and scales, although the dwellings in the immediate vicinity of the site are predominantly single storey in nature.

3 PROPOSAL

- 3.1 The proposal seeks outline planning permission, with matters committed in respect of access, for the erection of up to 2no. dwellings with an internal footway proposed to link to a footway serving 188 and 190 Wype Road to the northwest (F/YR22/1410/F, currently under construction).
- 3.2 A suite of indicative plans has been submitted indicating that the proposed dwellings would be detached properties with detached garages, and would likely be single storey in nature.
- 3.3 Full plans and associated documents for this application can be found at: <https://www.publicaccess.fenland.gov.uk/publicaccess/>

4 SITE PLANNING HISTORY

- 4.1 The below cases relate to development within the area, but are not specific to the application site itself.

F/YR23/3089/COND	Details reserved by Condition 02 (Materials) of planning permission F/YR22/1410/F (Erect 2x dwellings (single-storey, 4-bed) with detached garages, and formation of a footpath)	Approved 12.09.2023
	Land South East Of 186 Wype Road Eastrea	
F/YR22/1410/F	Erect 2x dwellings (single-storey, 4-bed) with detached garages, and formation of a footpath	Granted 06.04.2023
	Land South East Of 186 Wype Road Eastrea	
F/YR22/0169/O	Erect up to 2 x dwellings (single-storey) and the formation of an access and a 1.2m wide footway to frontage (outline application with matters committed in respect of access, layout and scale)	Granted 13.04.2022
	Land South East Of 127 Wype Road Eastrea	
F/YR13/0710/F	Formation of a vehicular access	Granted 12.11.2013
	Land South East Of 182 Wype Road Eastrea	

5 CONSULTATIONS

5.1 Cambridgeshire County Council Highways Authority

Recommendation

On behalf of the Local Highway Authority, I raise no objections to the proposed development. On the basis of the information submitted, from the

perspective of the Local Highway Authority, I consider the proposed development is acceptable.

Comments

This indicative site layout and access is similar to application number F/YR22/1410/F, which is immediately north/site next door. The applicant has proposed a similar access and provided the correct visibility splays and vehicle access layout. This access is suitable for this size of development in this location. There are no conditions recommended by the LHA at this time, other than the access must be constructed (as shown) on any approved plans.

5.2 **Archaeology (CCC)**

Thank you for the consultation with regards to the archaeological implications of the above referenced planning application. The proposed development lies in an area of archaeological potential close to the edge of the raised land which forms the 'Fen Island' of Eastrea. These raised areas within deeper fen are known to be foci for Prehistoric and Roman activity as they formed drier more stable and usable land during wetter periods. This development lies right on the southern edge of this ground with deeper fen falling away directly to the south. These areas often are heavily exploited by people occupying the drier higher ground and utilising the fen resource. To the south are recorded prehistoric and roman findspots (Cambridgeshire Historic Environment Record 10163, 10163A) and the same to the north (CHER 01506, 07847). Archaeological investigations to the northeast along Wype road have previously found Bronze age pits (CHER MCB27779).

Although the scale of the development is relatively small, and similar to developments to the north the potential impact to archaeology increases approaching the fen edge. Whilst we do not object to development from proceeding in this location, we consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition, such as the example condition below.

Archaeology Condition

No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work, commencing with the evaluation of the application area, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:

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

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

REASON: *To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (DLUHC 2023).*

5.3 **Environment & Health Services (FDC)**

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

Due to the close proximity of noise sensitive receptors, it is recommended that the following condition is imposed in the event that planning permission is granted:

WORKING TIMES

No construction work shall be carried out and no plant or power operated machinery operated other than between the following hours: 08:00 hours and 18:00 hours on Monday to Friday, 08:00 hours and 13:00 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.

5.4 **Whittlesey Town Council**

The Town Council recommend refusal on the grounds of over development of the area and agree with the comments made by planning committee on the previous application.

5.5 **Local Residents/Interested Parties**

Objectors

Four letters of objection were received from residents of Eastrea (Wype Road, Storers Walk, Thornham Way, Mayfield Road). The reasons for objection can be summarised as follows:

- Noted Cllrs deliberations on previous application (i.e. no more development here)
- The road drops away and is in flood zone 3.
- There is no public footpath heading towards the cycleway/bridleway
- There is a high potential for footfall and the road is narrow
- Low water pressure in the village
- Concerns over sewage capacity
- No affordable housing
- No renewable energy provision
- Improvements to green space required in Eastrea

Supporters

Seven letters of support were received from residents of Eastrea (Wype Road x4, Coates Road, Roman Gardens, Thornham Way), raising the following points:

- It will provide bungalows, which are needed in the area.
- Bungalows will sit well in the landscape and not be height dominating
- The proposed properties are similar to the adjacent development

Representations

One letter of representation was received from a resident of Whittlesey, raising the following points:

- Off-road parking must be provided
- The footpath on the opposite side of the road needs extending to the bridleway and maintaining

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), the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021), and the Whittlesey Neighbourhood Plan 2021 – 2040.

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 8 – Promoting healthy and safe communities

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed and beautiful places

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

Chapter 15 – Conserving and enhancing the natural environment

7.2 National Planning Practice Guidance (NPPG)

Determining a Planning Application

7.3 National Design Guide 2021

Context

Identity

Built Form

Movement

Homes and Buildings

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
LP12 – Rural Areas Development Policy
LP15 – Facilitating the Creation of a More Sustainable Transport Network
LP16 – Delivering and Protecting High Quality Environments across the District
LP19 – The Natural Environment

7.5 **Whittlesey Neighbourhood Plan 2021-2040**

Policy 1 – Spatial Planning
Policy 2 – Local Housing Need
Policy 7 – Design Quality
Policy 11– Adapting to and Mitigating Climate Change

7.6 **Delivering and Protecting High Quality Environments in Fenland SPD 2014**

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

7.7 **Emerging Local Plan**

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

LP1: Settlement Hierarchy
LP2: Spatial Strategy for the Location of Residential Development
LP7: Design
LP8: Amenity Provision
LP13: Custom and Self Build
LP18: Development in the Countryside
LP20: Accessibility and Transport
LP22: Parking Provision
LP24: Natural Environment
LP25: Biodiversity Net Gain
LP28: Landscape

8 **KEY ISSUES**

- **Principle of Development**
- **Visual Amenity Impact**
- **Residential Amenity**
- **Highways/parking**
- **Biodiversity Net Gain (BNG)**

9 BACKGROUND

- 9.1 The adjacent development currently under construction to the north for the erection of two single-storey, 4-bed dwellings with detached garages and formation of a footpath (F/YR22/1410/F) was approved by Planning Committee, during their meeting of 5th April 2023; the precedent for which had been established by the outcome of a previous application at the site;
- 9.2 Prior to the full application being approved as above, the same site was the subject of an outline application for the erection of two dwellings (F/YR22/0169/O) that was approved by Planning Committee at their meeting of 6th April 2022. This approval was contrary to officer recommendation to refuse on the basis of the principle of development and resultant countryside character harm.
- 9.3 During Member deliberations of F/YR22/0169/O, it should be noted that the general tone of the debate as set out in the approved minutes was that further development beyond that application site would be unlikely to be supported.
- 9.4 The current application, considered herein, seeks a similar development to that proposed under F/YR22/0169/O on a further area of undeveloped agricultural land to the south.
- 9.5 It is also worthy of note, for the purposes of transparency, as is understood from the applications set out in the Planning History section above that the applicant is a relative of Cllr Laws.

10 ASSESSMENT

Principle of Development and Visual Amenity

- 10.1 The proposal seeks outline planning permission, with matters committed in respect of access, for the erection of up to 2no. dwellings.
- 10.2 Policy LP3 of the Fenland Local Plan (2014) identifies Eastrea as a ‘small village’ where a development will be considered on its merits but will normally be limited in scale to residential infilling or a small business opportunity. Appendix C of the Local Plan defines residential infilling as “Development of a site between existing buildings.” This is supported by Policy 1(e) of the Whittlesey Neighbourhood Plan, which calls upon the settlement hierarchy within LP3 with respect to development proposals within Eastrea.
- 10.3 The proposed development extends south into open countryside where there is no development beyond. As such, it is not considered to meet the definition of ‘residential infilling’ and is considered to relate more to the open countryside than to the settlement, contrary to Policy LP3 of the Fenland Local Plan and Policy 1(e) of the Whittlesey Neighbourhood Plan.
- 10.4 Furthermore, Policy LP12 Part A states that for villages new development will be supported where it contributes to the sustainability of that settlement and does not harm the wide-open character of the countryside and subject to

criteria (a) – (k). The proposal is considered to be contrary to the following criteria:

- 10.5 Criteria (a) requires that the site be in or adjacent to the existing developed footprint of the village, except for 'small' villages such as Eastrea, where only infill sites will normally be supported.
- 10.6 Criteria (c) seeks to ensure that developments do not have an adverse impact on the character and appearance of the surrounding countryside.
- 10.7 Criteria (d) seeks to ensure that the proposal is of a scale and location that is in keeping with the core shape and form of the settlement and will not adversely harm its character and appearance.
- 10.8 Criteria (e) seeks to ensure development does not extend existing linear features of the settlement or result in ribbon development.
- 10.9 In addition, LP16(c) requires development to retain natural features such as field patterns and criteria (d) amongst other things, seeks to make a positive contribution to local distinctiveness and character of an area.
- 10.10 Consideration of the impact of character is further required by Policy 7(c) of the Whittlesey Neighbourhood Plan, which requires development to respect the character of, and minimise the visual impact on the surrounding landscape, by respecting field patterns, and other natural features.
- 10.11 In this instance, the site is situated immediately to the south of the extremity of development in Eastrea, albeit adjacent to new development that is currently under construction. The creation of any further dwellings in this location, on an existing undeveloped agricultural field, would detrimentally impact on the character of the area and result in an unacceptable incursion into the open countryside, subsequently resulting in substantial harm to the rural and open landscape character of the area. Furthermore, the creation of an additional two dwellings within currently undeveloped agricultural land would result in excess of 150m of ribbon development projecting south out of Eastrea beyond 182 Wype Road which was considered the defined edge of the built form of the settlement.
- 10.12 It is therefore considered that the proposals are contrary to the aims of Policy LP12 – Part A (a, c, d and e) and fails to make a positive contribution to the local distinctiveness, character of the area and settlement pattern, resulting in a significant adverse impact on visual amenity, contrary to policy LP16, Policy DM3 of the Fenland District Council Supplementary Planning Document: Delivering and Protecting High Quality Environments in Fenland (2014), and Policy 7(c) of the Whittlesey Neighbourhood Plan.

Residential Amenity

- 10.13 As the application is submitted in Outline form with no detailed plans provided, it is not possible to fully assess the impact of the development on residential amenity. Notwithstanding this, the indicative layout plan identifies that the site is sufficiently sized to comfortably accommodate the proposed units on generous plots that afford ample private amenity space provision for each dwelling.

- 10.14 Furthermore, the indicative street scene identifies that the proposed dwellings will likely be single storey in nature, and therefore there are no concerns in terms of overlooking within the site, or into the private amenity space of the existing property to the north-west of the site.
- 10.15 Environmental Health have recommended a condition in relation to hours of construction, the site is not in densely populated or constrained area, due to its open countryside location, and should issues of noise arise there is separate legislation in relation to this, hence it is not considered reasonable to impose this condition.
- 10.16 It is considered that the site is capable of accommodating a suitably designed, detailed scheme in terms of the preservation and provision of residential amenity (subject to Reserved Matters consideration), and is therefore compliant in principle with Policies LP2 and LP16 of the Fenland District Council Local Plan (2014).

Highways and Parking

- 10.17 Access is the only matter committed as part of this outline application. The site layout shows the creation of one shared access point to serve both new dwellings, leading to a shared parking/turning area.
- 10.18 In terms of the proposed access, the highway authority have raised no objection. The geometry of Wype Road allows for excellent forward visibility in both directions, even when taking into account the increase to a 40mph speed limit to the south.
- 10.19 Whilst details of the internal layout of the site would be required at reserved matters stage, the indicative plans indicate that there is sufficient space on site to provide suitable parking and turning space on site relative to the level of accommodation proposed (as required by Policy LP15 Appendix A).
- 10.20 Concerns have been raised regarding the lack of highway footpath along Wype Road to support this, and other, development. The submitted plans suggest that a 1.2m wide internal footpath is proposed to link to the footpath serving 188 and 190 Wype Road to the northwest (F/YR22/1410/F). Noting additional planning history for adjoining sites to the northwest (F/YR20/0583/VOC), where it was considered that an internal footpath would provide the same level of access to future occupiers and therefore meets the same aims as that previously approved in respect of highway safety and sustainable access. The same is true in this case and as such the footpath link, given the quantum of development proposed, is considered acceptable in this instance.
- 10.21 It is therefore considered that the proposals are acceptable in terms of parking and highway safety, having regard to Policy LP15 of the Fenland Local Plan (2014).

Biodiversity Net Gain (BNG)

- 10.22 The Environment Act 2021 requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach accords with Local Plan policies LP16 and LP19 which

outlines a primary objective for biodiversity to be conserved or enhanced and provides for the protection of Protected Species, Priority Species and Priority Habitat.

- 10.23 There are statutory exemptions, transitional arrangements and requirements relating to irreplaceable habitat which mean that the biodiversity gain condition does not always apply. In this instance however, none of the exemptions / transitional arrangements are considered to apply and a Biodiversity Gain Condition is required to be approved before development is begun.
- 10.24 Notwithstanding, a recommended condition could be imposed, which would require a consideration of achieving measurable net gain and biodiversity enhancements in accordance with Local Plan policies LP16 and LP19 and Chapter 15 of the NPPF.

11 CONCLUSIONS

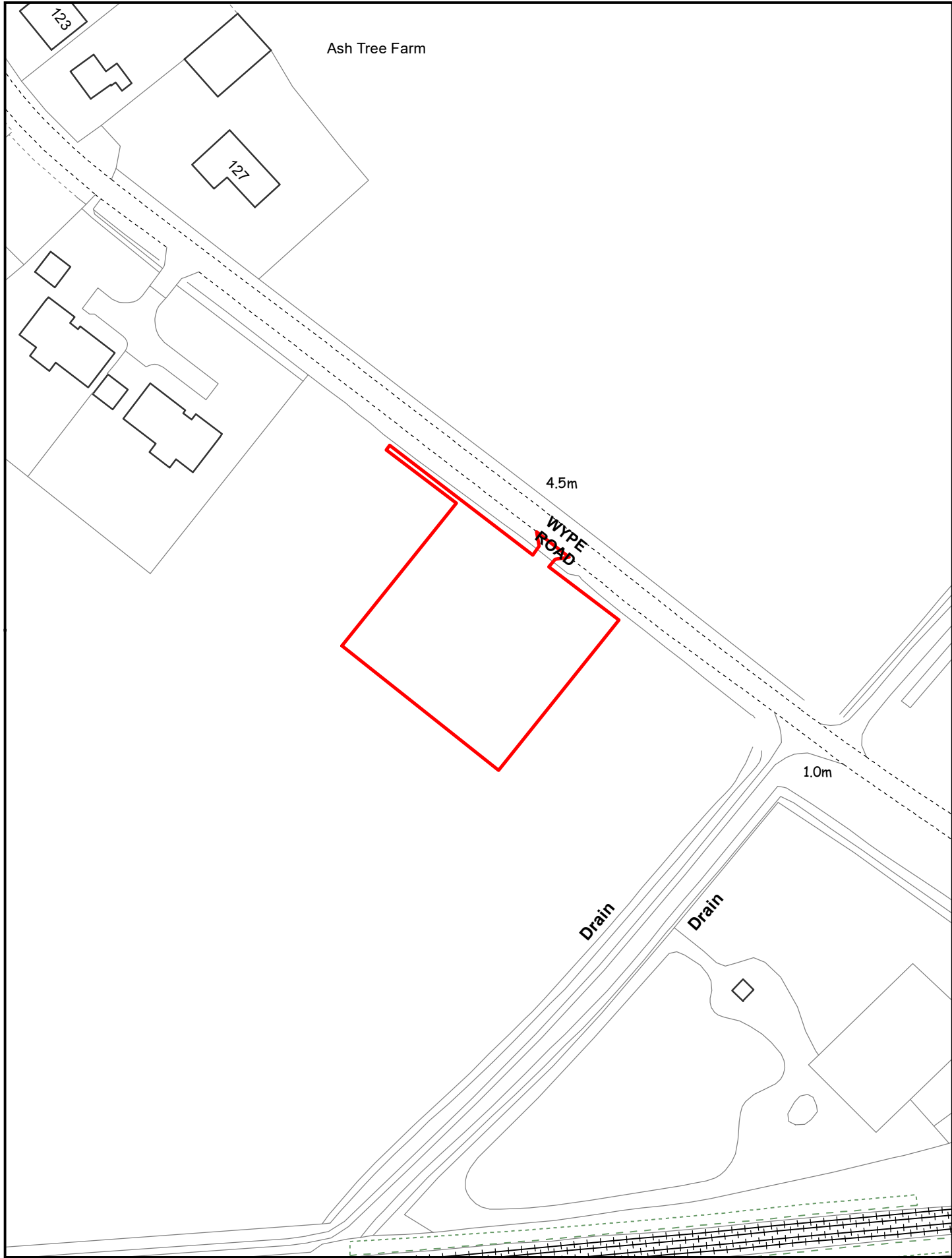
- 11.1 The application seeks outline planning permission for the erection of up to two dwellings, with matters committed in respect of access only. On the basis of the consideration of the issues of this application, conflict arises through the principle of the development of the site rather than as a result of matters that could be addressed at the design stage.
- 11.2 It is considered that the location of the site beyond the extremity of development in Eastrea would not constitute infill development, as required by Policy LP3 of the Fenland Local Plan and Policy 1(e) of the Whittlesey Neighbourhood Plan, thus resulting in an unacceptable encroachment into the open countryside.
- 11.3 The resultant harm from this would significantly and detrimentally impact on the rural landscape character of the area. As such, the proposals fail to make a positive contribution to the character of the area.
- 11.4 Therefore, it is considered that the proposal is unacceptable in principle and is contrary to Policy LP12 – Part A (a, c, d and e), LP16 of the Fenland Local Plan, and Policy DM3 Fenland District Council Supplementary Planning Document: Delivering and Protecting High Quality Environments in Fenland (2014), and Policy 7(c) of the Whittlesey Neighbourhood Plan.
- 11.5 Therefore, given the above assessment, the application is recommended for refusal.

12 RECOMMENDATION

Refuse; for the following reasons:

1	Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the district and identifies Eastrea as a 'small village' where a development will be considered on its merits but will normally be limited in scale to residential infilling or a small business opportunity.
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	<p>This is further supported by Policy 1(e) of the Whittlesey Neighbourhood Plan. The site is located beyond the built form of the parish with open countryside beyond and therefore would not constitute infill development, contrary to Policy LP3 of the Fenland Local Plan 2014 and Policy 1(e) of the Whittlesey Neighbourhood Plan 2021 – 2040.</p>
2	<p>Policy LP12 seeks to support development that does not harm the character of the countryside. Policy LP16 (d) of the Fenland Local Plan (2014) and Policy DM3 of Delivering and Protecting High Quality Environments in Fenland Supplementary Planning Document (2014) requires development to deliver and protect high quality environments through, amongst other things, making a positive contribution to the local distinctiveness and character of the area. Policy 7(c) of the Whittlesey Neighbourhood Plan requires development to respect the character of, and minimise the visual impact on, the surrounding landscape. By virtue of its location beyond the built form of Eastrea, development at this site would result in a significant encroachment into the open countryside resulting in an unacceptable and adverse impact on the rural landscape character of the area, contrary to Policy LP12, Policy LP16, Policy DM3 of the Fenland District Council Supplementary Planning Document: Delivering and Protecting High Quality Environments in Fenland (2014), and Policy 7(c) of the Whittlesey Neighbourhood Plan.</p>



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F/YR24/0532/O

Scale = 1:1,250



Scale: 1:500

Scale: 1:1250



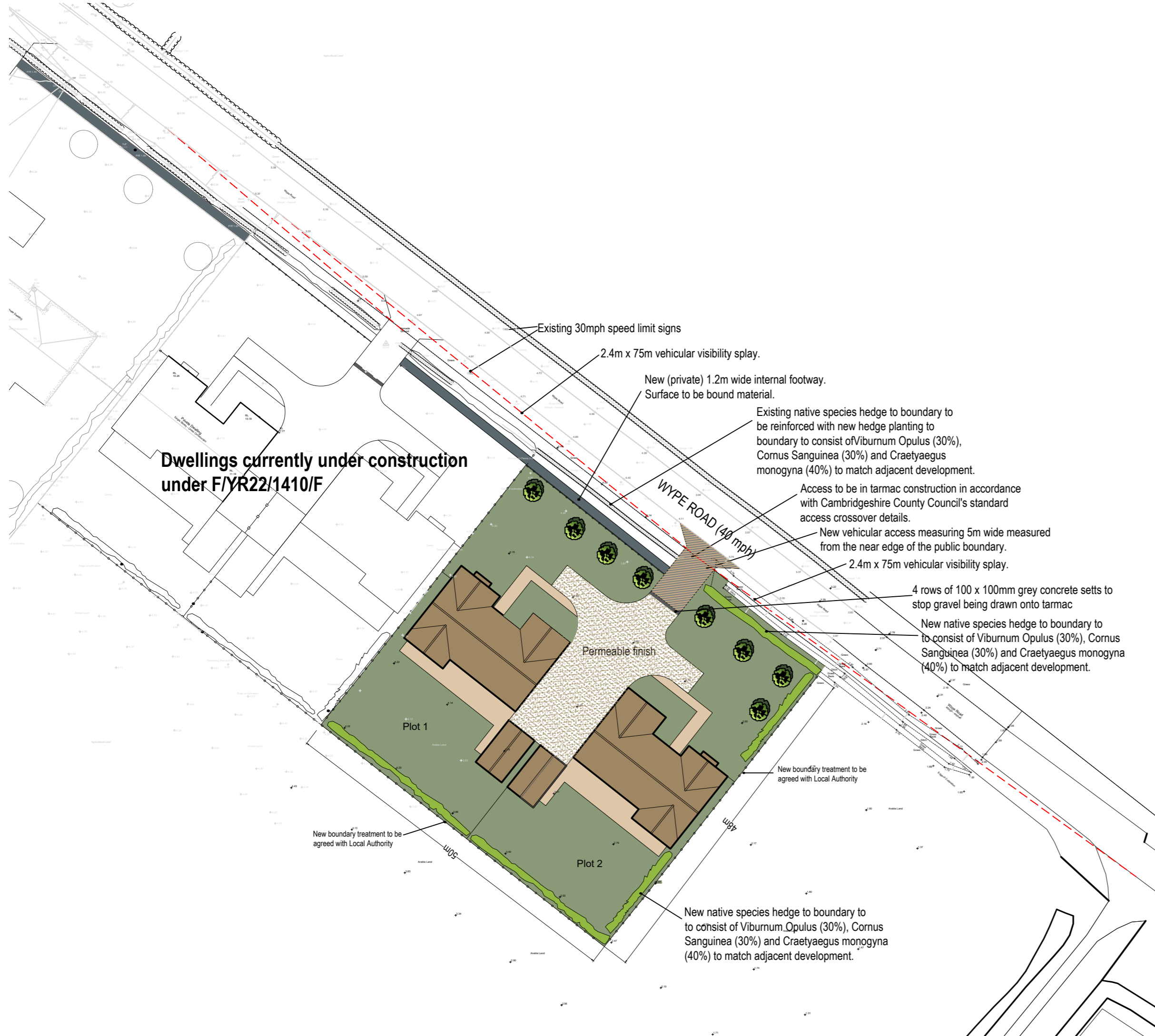
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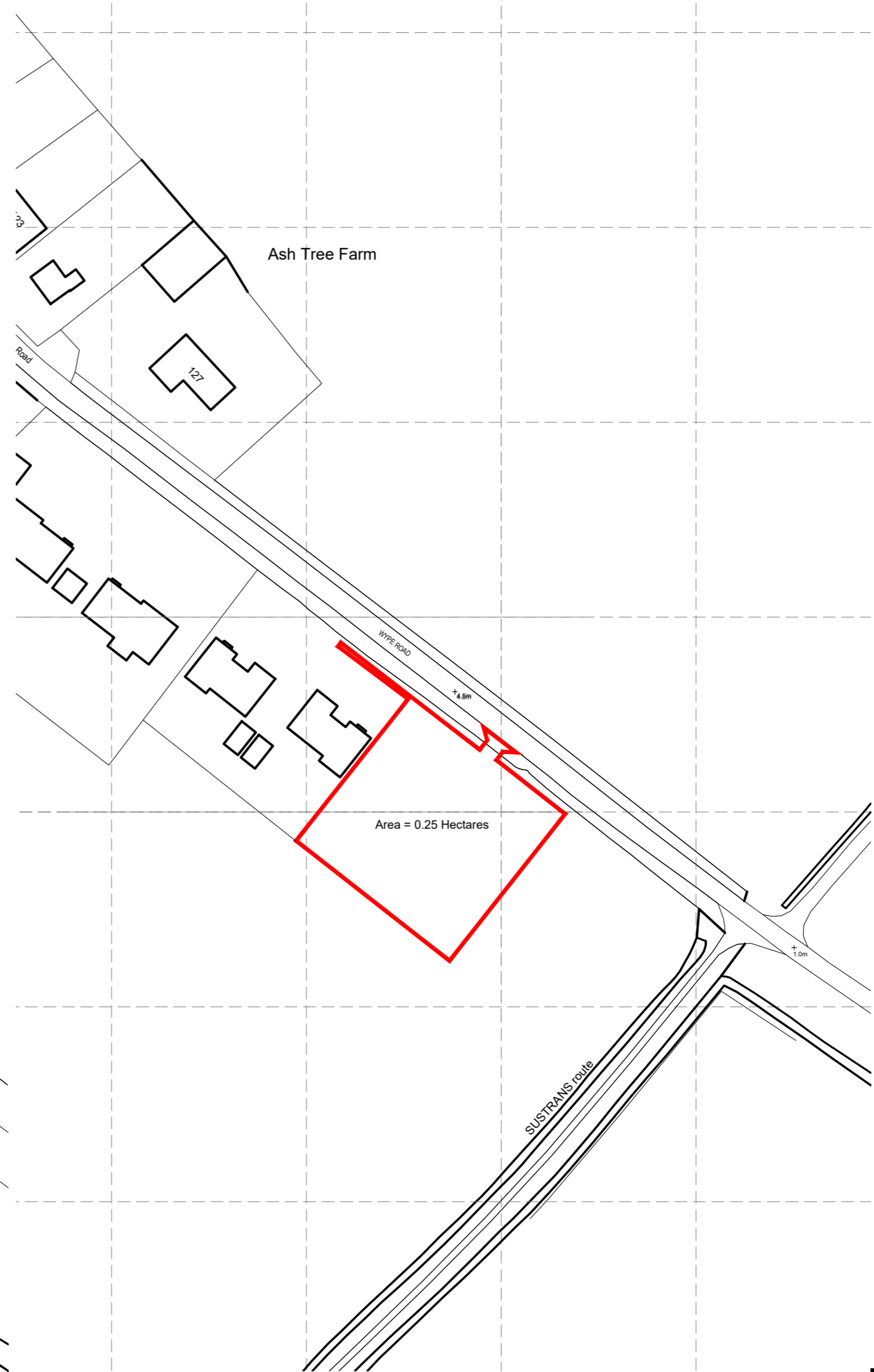
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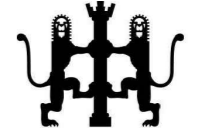


Indicative Site Plan 1:500
(Access only committed)



Location Plan 1:1250

Rev A Jun. 24 Layout amended to suit BNG requirements



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DRAWING STATUS	PRELIMINARY	PLANNING	CONSTRUCTION	FILE COPY
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

CLIENT
Mr B Aldridge

PROJECT
Land South-East of 190 Wype Road,
Eastrea, Cambridgeshire.

DRAWING TITLE
Indicative Site Plan (Access only committed)
Location Plan

SCALE	DATE	DRAWN	CHECKED
1:500 @ 1:1250 @ A2	March 2024	LB	
DRAWING NUMBER	REVISION		
CH24/LBA/658/OP-1-100	A		

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