

## AGENDA

### **PLANNING COMMITTEE**

**WEDNESDAY, 20 AUGUST 2025**

**1.00 PM**

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

Committee Officer: Jo Goodrum  
Tel: 01354 622424 (committee only)  
e-mail: [memberservices@fenland.gov.uk](mailto:memberservices@fenland.gov.uk)

- 1 To receive apologies for absence.
- 2 Previous Minutes (Pages 5 - 22)  
  
To confirm and sign the minutes from the previous meeting of 23 July 2025.
- 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/YR25/0149/FDC  
2 Broad Street, March  
Demolition of existing building and erect a max 2.4m fence in a conservation area  
(Pages 23 - 46)  
  
To determine the application.
- 6 F/YR25/0111/O  
Land North West of Cobble House, Gull Road, Guyhirn  
Erect up to 24 dwellings (outline application with all matters reserved) (Pages 47 - 80)  
  
To determine the application.

7 F/YR25/0473/O

Land South of 4 - 16 Back Road, Gorefield

Erect up to 9 x dwellings (outline application with all matters reserved) (Pages 81 - 96)

To determine the application.

8 F/YR25/0280/VOC

Land North and West of 47 Fridaybridge Road, Elm

Variation of conditions 3 (External Materials and Detailing), 4 (Surface Water Drainage), 5 (Construction Surface Water Run-Off), 9 (External Lighting), 15 (CEMP: Biodiversity), 18 (Hard and Soft Landscaping), 21 (Levels and Cross Sections) and 23 (Approved Plans and Documents) of Planning Permission F/YR21/0339/F (Conversion of existing barns to 2 x two storey dwellings and erection of 8 x two storey dwellings with garaging (and associated works including demolition of existing dwelling)) to allow change in design (Pages 97 - 112)

To determine the application.

9 F/YR25/0156/F

Sharman Fabrications, Gaul Farm, Gaul Road, March

Erect 1 x self-build/custom build dwelling and erect 1 x storage shed involving demolition of existing shed and stable (B2) (Pages 113 - 134)

To determine the application.

10 F/YR24/1000/F

Update on Planning Application F/YR24/1000/F and Relevant Statutory Duties

Land West Of 27 Norfolk Street Accessed From, Morley Way, Wimblington

Erect 5 dwellings with associated garages and the formation of an attenuation pond (Pages 135 - 240)

To determine the application.

*Appendix 3 to this report comprises 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 would involve the likely disclosure of exempt information as defined in paragraph 5 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).*

11 F/YR25/0328/F

Update on Planning Application F/YR25/0328/F and Relevant Statutory Duties

108 High Street, March

Erect 1 x self-build/custom build dwelling involving demolition of shed within a Conservation Area (Pages 241 - 306)

To determine the application.

*Appendix 2 to this report comprises 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 would involve the likely disclosure of exempt information as defined in paragraph 5 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).*

12 Items which the Chairman has under item 3 deemed urgent

### **CONFIDENTIAL - ITEMS COMPRISING EXEMPT INFORMATION**

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

13 CONFIDENTIAL: Previous Minutes (Pages 307 - 310)

To agree and sign the confidential minutes of the meeting of 23 July 2025.

Monday, 11 August 2025

Members: Councillor D Connor (Chairman), Councillor C Marks (Vice-Chairman), Councillor I Benney, Councillor Mrs J French, Councillor R Gerstner, Councillor N Meekins and Councillor E Sennitt Clough

This page is intentionally left blank

## PLANNING COMMITTEE



**WEDNESDAY, 23 JULY 2025 - 1.00 PM**

**PRESENT:** Councillor D Connor (Chairman), Councillor I Benney, Councillor Mrs J French and Councillor N Meekins, Councillor M Purser (Substitute)

**APOLOGIES:** Councillor C Marks (Vice-Chairman), Councillor R Gerstner and Councillor E Sennitt Clough,

Officers in attendance: Matthew Leigh (Head of Planning), David Rowen (Development Manager), Alan Davies (Principal Planning Officer), Richard Fitzjohn (Senior Development Officer), Jade Allen (Enforcement Assistant), Stephen Turnbull (Legal Officer) and Elaine Cooper (Member Services)

### **P23/25      PREVIOUS MINUTES**

The minutes of the 11 and 25 June 2025 were signed and agreed as accurate records.

### **P24/25      F/YR24/0857/F LAND SOUTH WEST OF THOMAS CLARKSON ACADEMY, CORPORATION ROAD, WISBECH ERECT A SECONDARY SCHOOL (3-STOREY) WITH ASSOCIATED FENCING (UP TO 3.0M HIGH), PE COURTS, EXTERNAL LIGHTING, PARKING, ACCESS, LANDSCAPING AND DRAINAGE**

Richard Fitzjohn presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Oliver Corbett, the agent, and Richard Scott, Headteacher. Mr Scott advised members that he was the Executive Principal of the new Wisbech Academy and would be speaking about the opportunity to represent the young people of Wisbech. He stated that the new school is a response to a clear and growing need, they have already received 200 applicants for a second intake of the Wisbech Academy and the neighbouring school has received 400.

Mr Scott expressed the opinion that it tells them that the families of Wisbech are seeking a high quality education for their children. He expressed the view that the new Wisbech Academy will be a distinct school with a strong focus on science, technology, engineering and maths and a smaller more personalised environment.

Mr Scott stated that a state of the art permanent building would be ideal in supporting such as curriculum and it would also not be isolated with its location next to Thomas Clarkson Academy allows for meaningful collaboration, something which is already underway and it will bring shared benefits from curriculum support to economies of scale and the campus with its wide range of sports facilities will also be available to the wider community. He stated that they are proud that Thomas Clarkson achieved two consecutive good Ofsted ratings, the first in its history, and this gives them the confidence that as part of Brooke Weston Trust, the same academy, the new school will be in strong hands, with a leadership team that understands the local context and is committed to continuous improvement.

Mr Scott stated that many of its young pupils face significant challenges and the demographic of the school represents some of the poorest youngsters in Cambridgeshire and in the East of England more generally. He continued that the school will offer them not just a place to learn but a place to belong, be supported and to thrive, it will open doors to opportunities that might otherwise remain closed.

Mr Scott added that the school also offers a broad and enriching curriculum with access to high quality facilities and extra curricular activities that will help to build confidence and a sense of purpose for these young people. He stated that he wants every child to feel that their aspirations are valid and achievable and that they are part of a school community that believes in their potential.

Mr Scott recognised the concerns raised about traffic and congestion and advised that a robust travel plan will be in place from the outset and reviewed annually. He stated that they are committed to being good neighbours and to working with the community to ensure the school's presence is a positive one, above all they see this as a chance to invest in the future of Wisbech, its young people, its families and its wider community, hoping that the committee would see the value of this vision.

Mr Corbett stated that there is significant interest in places in the school and there is temporary accommodation at the Thomas Clarkson Academy for some pupils on roll for the Wisbech Academy currently and there will a further temporary building on site later this year to accommodate those pupils. He referred to the positive discussions he has had through the course of the application resolving matters raised by the IDB, the LLFA, Highways and Fenland's Ecology Officer to result in the positive recommendation in front of committee, with all of the matters being addressed or will be dealt with via planning conditions.

Mr Corbett referred to the Town Council objection and it is known that these projects do cause disruption to residents and their contractors, Henry Brothers, delivering the school will work closely and in accordance with the Construction Management Plan to try and avoid any detrimental impacts.

Members asked questions of Mr Scott and Mr Corbett as follows:

- Councillor Mrs French asked about SEND children as this has not been mentioned and is there provision? Mr Scott responded it would, with there being around 80 children with ECPH needs and that has had a significant impact on what they are trying to do at Thomas Clarkson and the needs into the new school. He added that a SENCO has already been appointed and they have every expectation that they will be supporting ECPH students within the context of the new school and this is where the campus collaboration will come in because they will be able to offer opportunities for a best suit for school for some students, offering a more bespoke setting.
- Councillor Mrs French referred to the concerns of Middle Level regarding site encroachments and asked if they were going to discuss this with Hundred of Wisbech IDB? Mr Corbett responded that they have had a number of meetings with the Board over a number of months and they have dealt with some of their objections and comments and they have formally withdrawn their objection. He stated that part of what they need to do is ensure access to their facilities and assets and that is achieved through the planning application and there is a separate consenting process with the drainage board, which will be carried out and as part of that there might be some works to widen accesses and enable future vehicles and operational requirements to be dealt with.
- Councillor Purser referred to buildings of this nature taking some time to construct and it is on quite a busy road and with the weather having been what is has been like is there provision for wheel cleaning, etc, for vehicles coming on and off the site to keep the road clean. Mr Corbett responded that as part of the construction management plan, of which a draft version was submitted with the application and another one is subject to condition,

things like wheel washing and dust mitigation will all be considered and agreed with officers.

Members asked questions of officers as follows:

- Councillor Mrs French referred to the officer's report stating that it broadly accords with the plan and asked what does this mean as it either does or does not? Richard Fitzjohn responded that with any planning application, especially of a major scale, there is always elements of certain criteria and certain policies of the Local Plan that it might not specifically comply with but the Development Plan has to be looked at as a whole. He stated that it is his words in the report that it broadly accords as it is very rare that you would get any proposal that accord with every specific criteria.

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

- Councillor Mrs French stated that she welcomes this as a new secondary school is needed and is pleased to see there are going to be SEND places, there was supposed to be a Special Education school for March and unfortunately County Council withdrew that last year. She asked if it known when this school, if approved, will start? Richard Fitzjohn stated that his understanding of the opening date for the school is aiming for September next year. Mr Scott was permitted to confirm that it would be September 2027.
- Councillor Benney expressed his surprise to see this application before committee, councils usually want to see schools come forward and he does not understand why the Town Council has objected. He feels it is something that is needed with Wisbech being a growing town.
- Councillor Mrs French asked if a BNG was submitted with the application? Richard Fitzjohn confirmed that there was and it is included within the conditions for the BNG to be agreed.
- Councillor Connor expressed the view that the application ticks all the boxes, a robust construction management plan is required and he does not understand why anyone would go against something that is so much needed.

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

*(Councillor Meekins declared, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is a member of Wisbech Town Council and was on the Town Council's Planning Committee when this application was discussed so took no part in the discussion or voting thereon)*

**P25/25**

**F/YR23/1033/F**

**LAND SOUTH OF 88 WEST STREET, CHATTERIS**

**ERECT 21 X DWELLINGS (4 X 2-STOREY 2-BED, 15 X 2-STOREY 3-BED & 2 X 2-STOREY 4-BED) WITH ASSOCIATED ACCESS WORKS, PARKING AND LANDSCAPING, AND THE FORMATION OF ATTENUATION PONDS, INVOLVING THE DEMOLITION OF EXISTING BUILDINGS**

Alan Davies presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Kate Wood, the agent. Ms Wood stated that the application is for 21 houses on this partly brownfield site immediately adjacent to the edge of the town of Chatteris. She continued that the proposed development will facilitate the removal and remediation of the noisy engineering company on the site, which will now be able to move to a larger and more modern facility elsewhere in Chatteris.

Ms Wood expressed the view that the main positive impact of the development will be the improvement of the road at West Street, all the way from where it starts to be an unmade track further up the street. She feels the road improvement will benefit neighbouring dwellings that are effectively accessing their properties off a track currently as well as providing a safer length of

access for the many dog walkers using this route towards the pocket park which is further south.

Ms Wood reminded members that a similar application on this site was supported in principle by the committee in 2022 but at that time they had not resolved the upgrade of the byway through the Definitive Map Modification process with the Highway Authority and, therefore, the application was refused for that reason alone. She continued that since then they have worked through that process with the Public Rights of Way Team at the County Council and the byway has been formalised in its width through their processes and that has allowed them to reapply for this application.

Ms Wood made the point that the process resulted in the width of the byway being defined as wider than assumed at the northern end of the application site and this has required them to lose one dwelling from the scheme so that they could move the frontage dwellings back off the definitive right of way and while the access itself will be created as a normal estate road the hatched area shown on the presentation screen will fall into the front gardens of the first two properties and the Highway Authority requires them to provide highway markers through these gardens to make it clear which is highway and which is private land.

Ms Wood expressed the view that committee can be confident to approve the application in the knowledge that a proper access can be provided now and a further benefit of the application is that it provides public open space which will result, in her opinion, in a more attractive and pleasant walking route through the development itself as well as ecological enhancements. She referred to Paragraph 10.60 of the officer's report where it mentions the timing of the application was such that BNG is not required, however, they did undertake a biodiversity assessment which concluded that there would be a net gain in area habitat of 28% and an absolute gain in linear habitat from the baseline of zero so, in her view, the scheme more than meets the 10% gain that is normally required.

Ms Wood stated that the proposed development will also result in much needed affordable housing providing further choice in the area for those seeking homes through affordable routes. She made the point that all other technical matters as has been said have been resolved, such as flood risk, drainage and residential amenity impacts and she hoped members would now be able to approve the application as per the recommendation.

Members asked questions of Ms Wood as follows:

- Councillor Mrs French asked if there was going to be any play equipment on the public open space? Ms Wood responded that there would be no play equipment as it is not the size of a site that would require it. Councillor Mrs French made the point that there are 21 homes and will probably be 50-60 children so thinks they should reconsider.
- Councillor Mrs French referred to drainage board and asked who is going to maintain it after the development as it does say in the report that it is not considered to be sufficient through the agent technical response? Ms Wood responded that there is a drainage strategy that was submitted with the application which sets out how drainage will be managed on the site and any runoff into the IDB system has been assessed by the IDB. She continued there is a separate process for a discharge application to the IDB drain, which is the ultimate way that water will come off the site but there is attenuation and filtration in the drainage strategy which is that there is permeable paving in parking spaces and there is the attenuation basin within public open space which are ponds effectively and they collect all the surface water from the site, roads and roofs and then it filters out and is controlled in its exit from the site to greenfield runoff rates and that is when it goes into the IDB system clean. Councillor Mrs French stated that it does say in the report the receiving ditch may need improvements and asked if they were prepared to improve this ditch that is going to receive the water? Ms Wood responded that the IDB ditch is maintained by the IDB but if they want to discharge anything into this ditch, the IDB will ask them to pay for any extra work that is required to do that and they will have to pay.

- Councillor Connor asked if a management company will be formed for the upkeep of the dwellings if approved? Ms Wood responded that the affordable dwellings will be managed by whichever housing association takes them on and the dwellings themselves are managed by the occupiers and then everyone pays into a management company which covers the upkeep of any private areas of road, the drainage system and the public open space.
- Councillor Connor asked if the attenuation pond will be adopted? Ms Wood responded that she does not have an answer for this yet, sometimes Anglian Water will take on bits of it so they will take on, for example the flow control system that takes it out but she feels in this case because they are not using any Anglian Water drainage infrastructure they would not be interested, which is why there needs to be a separate management company that looks after this. She stated that this is a requirement of either a condition or the Section 106.
- Councillor Connor referred to the roads, lampposts and paths, and asked if they will be brought up to adoptable standards or will they sign a Section 38 Agreement with the County Council so they will be adopted? Ms Wood responded that West Street itself will be upgraded to adoptable standards with footpaths to the correct widths and street lights and will be adopted. She continued that within the site the main spine road, which is quite short, is likely to be adopted and will be to adoptable standards and then there are private ways leading off them that would not be adopted. Ms Wood pointed out on the plan on the presentation screen where the private drive would be.
- Councillor Connor made the point that developers on many applications have said they would get roads, paths and lights adopted but have not, only the binder course is applied and then they are left and he likes comfort and he would request, with the private road having 4 houses, and there being 17 houses in the remainder of the development, if developers are absolutely honest about their intentions, which he has no thoughts that this one is not, build the houses but 25% cannot be occupied until such time as the road is brought up to adoptable standard so that residents are not left with unfinished roads. He asked if she would agree with this? Ms Wood responded that she does agree and feels there is a fault in Condition 19, which she read out, and feels it should say the road should be finished to finish level within 3 months of the final occupation or similar as there is no trigger point for finishing the road off, which is a problem she has found over the years and Condition 19 might need amending before it is issued. Councillor Connor stated that could be looked at but made the point that despite all the good intentions he wants some comfort so problems can be alleviated for residents going forward. Ms Wood responded that it is the intention to have the roads adopted, it is easy to do so as the responsibility goes to the County and it means that not such a high management fee is charged through the management company to residents. Councillor Connor asked that if this application is approved she is happy for this to be applied as a condition? Ms Wood responded that she feels it is already in the conditions. Councillor Connor stated the 25% is not. Ms Wood expressed the opinion that it is not physically possible because Section 38 agreement takes years. Councillor Connor made the point that County Council or Fenland District Council cannot force a developer to enter into a Section 38 Agreement and this would give him comfort that actually what they say they are going to do will be undertaken. Ms Wood expressed the view that what she thinks members might want is the road to be to a good standard when people move in and for it to be maintained thereafter. Councillor Connor stated that is the least he wants, he does not want a binder course and iron works protruding from the binder course for x amount of years and feels it will inspire the developer if there are 4 houses that cannot be occupied to get it done quickly and requested a yes or no answer. Ms Wood responded in the affirmative and referred to Condition 18. Councillor Connor agreed it goes some way to achieving what he wants but the agent is not saying this is fine. Ms Wood stated that she is saying it is fine but what she is concerned about is promising something that cannot be delivered by the County Council as the Highway Authority. Councillor Connor stated that this concerns him also and he does not like making promises to residents but the condition that he outlined would alleviate any problem, the applicant would be getting their development and committee would be getting

the roads resolved which residents would want. Ms Wood agreed but stated that Condition 18 about street maintenance does have the arrangements in there for management which they have to agree and one of those points in that arrangement could be amended to add a timescale so there is a timescale in there that could be agreed as she thinks officers would want to agree this also with the Highway Authority as they may be committing the Highway Authority to something that they cannot deliver. She stated that she does not want to promise something that cannot be achieved but if there is a condition there is something agreed about the timescales and the way it is going to be maintained and, in her view, she thinks should give committee comfort. Ms Wood referred to Condition 21, which she read out, and believes this issue is all controlled by conditions.

- Councillor Benney stated that he fully understands where Councillor Connor is going about the road surface and it is requested on many applications. He referred to the previous application and that plot 1 near 88 West Street was going to be a bungalow when it was resubmitted but it is still a house because there is overlooking, with No.88 having a conservatory and this house is going to look over into somebody's conservatory, which is not what committee asked for and what committee asked for has not been undertaken. Councillor Benney requested an explanation. Ms Wood responded that looking at the site plan the conservatory is on the end of No.88 and plot 1 has been set back from this so that it does not overlook the conservatory or face it in any way. She added that there are not any windows in the north elevation of plot 1 and feels that condition 3 could be expanded to include that no windows at all shall be provided in the north elevation of plot 1, which would cover any overlooking opportunity. Ms Wood stated that there was a different design for that house but because they have had to lose a plot to accommodate the changes to road alignment and not being able to provide any developments other than crossings, paths and accesses across the public right of way they had to move the house back and there was less space which was why a house was removed. She added that the previous application had a garage at that side and was stepping down but they have moved that property down and south from the boundary of No.88, which she hopes is acceptable. Councillor Benney made the point that it may have been moved but committee were told that this plot would be a bungalow and it has not been resubmitted as a bungalow. He feels that the agent is asking committee to take her word that the roads are going to be made up to adoptable standard and they have not undertaken what they said they would do when the previous application was refused so he is not inspired with a great amount of confidence. He referred to Ellingham Gardens in Chatteris which is exactly what the committee do not want and is another unmade road and he feels the agent has not listened to what the committee previously said. Ms Wood apologised and stated they have worked closely with the architect and on the previous application they did not have the width of the road set and because of that they were not able to provide what they wanted to provide on the site, they have lost a whole property from the scheme which has had an huge impact and things have changed significantly since the previous application. She added that it is not financially possible to put a bungalow on that site and there is no objection from the neighbour, with officers assessing the impact on the neighbour and decided it is acceptable, if they had come back and said it was not acceptable unless it was a bungalow on this plot then they would have obviously changed it. Ms Wood made the point that this is an expensive scheme now, with the road improvements to West Street and a bungalow takes up a huge space geographically on the ground so to do that they would end up with a cramped development or losing another unit and it needs to be a property that people are going to buy to make the scheme work. She expressed the opinion, in relation to road adoption, there are very strongly worded conditions which make sure that the road will be properly provided, made up to proper standard and thereafter maintained. Councillor Benney stated the fact that a plot has been lost viability is not a consideration for this committee as is if the land deal is not undertaken properly that is not a consideration. He reiterated that a bungalow was asked for on this plot and it has not been delivered. Councillor Benney made the point that every week other agents readily agree to what the Chairman has proposed regarding occupancy before the final course goes on the road but there seems to be some resistance against that which he



fails to understand. He agrees that there are no objections in the report but a bungalow was requested and there were assurances that this would be undertaken and it has not been delivered, and he is hesitant about whether the top course will be put on the road. Ms Wood responded that she feels the conditions are sufficient and she would just want the officers to liaise with Highway Authority before putting that condition on but if it is something that has occurred elsewhere she would accept it. She stated that she has no problem as a planning agent saying they will make the road up to adoptable standard throughout prior to the occupation of 25% of the houses as it would probably happen anyway but she is just wondering if it is legal in meeting the planning tests. Councillor Benney thanked Ms Wood and feels the answer has been forthcoming that was requested earlier.

- Councillor Connor stated that this course of action has been undertaken on about 8-10 occasions as unfinished roads are not wanted and each time agents/applicants have agreed to it, with there being no challenge to it yet.

Members asked questions of officers as follows:

- Councillor Mrs French requested that officers' answers some of the questions that were raised by members. David Rowen referred to the issue of the bungalow and as set out in the officer's report and in the presentation, the previous application was refused purely on the issue of the unknown width of the byway and the delivery of the road improvements. He added that there was a recommended reason for refusal relating to the relationship between the plot closest to No.88 which was ultimately not included within the refusal, with that relationship in the northeastern corner having been assessed and deemed to be an improvement on the previous application. David Rowen stated that whether members were under the impression that a bungalow was going to be delivered there or the agent indicated this is irrelevant given that the application in front of members has been assessed as being appropriate and committee need to assess whether it is an acceptable relationship or not and given that the previous reason for refusal regarding that relationship was not carried through onto that decision it would be difficult to say that an improved relationship is now unacceptable.
- David Rowen referred to the condition regarding the road surface and he feels there may be some talking at cross purposes between members and the agent as he thinks members are looking for a condition that requires the road to be to adoptable standards rather than actually adopted and the Chairman is correct in that has been used in other situations where there has been a requirement for x number of dwellings to not be occupied until the road is made up to adoptable standard. He feels the difficulty on this proposal is that there is about 20% of the development served from a private driveway and there is the issue of West Street needing to be upgraded to an adoptable standard in any event which would serve several other dwellings so he feels that to put a blanket condition on of 75% of the dwellings can be occupied prior to the roads being made to adoptable standard then nothing beyond that until adoptable standard would be difficult in this particular instance. David Rowen stated that, however, if members want that form of condition to be included, the conditions that are set out in the recommendation are draft and delegation could be sought for the Head of Planning to finalise those. Councillor Connor stated that he would like that condition included, which would give him, future residents and the committee comfort.
- Councillor Connor referred to the presentation mentioning that the majority of the built form is in Flood Zone 1 and asked what percentage of the built form is in Flood Zones 2 and 3? David Rowen responded that he could not put a figure on it, however, none of the actual dwellings are within Flood Zones 2 or 3, with these zones being on the plan on the western side of the site and do include some car parking spaces and ends of the turning heads on the access roads.
- Councillor Benney referred to a percentage of houses not being occupied but it has also been undertaken with a number, such as the last 3 houses cannot be occupied until the road has been made up to adoptable standard so can this not apply here for the last 3 market housing. He made the point that he does not want to see West Street left where this

road is not made up all the way down and there is a considerable amount of money to be spent on this which is worked within the scheme. Councillor Benney made the point that Ellingham Gardens was worked up and was a viable scheme but the developer refused to make the roads up and he does not want to see the opportunity missed for a long stretch of West Street to be brought up to adoptable standard, although it does not have to be adopted. He stated that he would like comfort on this to know that this is going to happen and if it is not undertaken as a percentage of houses which is awkward when there is a mix of housing but on the last three market housing cannot be occupied until the top course has been applied.

- Councillor Connor suggested that the last three market housing be used as proposed by Councillor Benney and asked that it be added. David Rowen drew members attention to Condition 21 and read out the wording which he fully anticipates that this condition would include as part of that timetable an actual schedule for when the final level of tarmac will be laid relative to the delivery of the wider development so the mechanism that Councillor Benney is referencing is already included within this condition.
- Councillor Connor requested the 3 still be added for extra comfort. Councillor Benney stated that if it is already covered there should not be any problem with adding a second condition and as much as 98% of all developments go ahead smoothly and work, councillors get left with bits that go wrong and that is what is trying to be prevented here as it is known that developers walk away and save thousands of pounds by not undertaking this. David Rowen responded that as he indicated earlier if the committees desire to see that form of condition imposed then that is something that officers can try to take forward. He stated that his concern would be that potentially putting the kind of triggers that is being talked about may be less stringent than the scheme that would be brought forward as required through Condition 21 so there could potentially be two conditions that are slightly working against each other.
- Councillor Benney stated that if committee is being told that the condition already in the recommendation covers this and what that they are trying to stop then he feels it is acceptable as it does not want to be in conflict which could cause further trouble later on. David Rowen responded that he anticipates the scheme submitted as part of Condition 21 would set out at various stages of the delivery of the development what highway improvement works would be carried out and that would include a commitment to when the final level of surfacing would be applied to the road. Councillor Benney asked if this condition would be agreed before the decision notice is issued and if it is, could himself or whoever proposes or seconds this application and the Chairman take a look at it to make sure they are happy with it. David Rowen responded that this is not how a condition works, the condition is including within the planning permission so the planning permission would be issued and then there would need to be those details submitted through a separate discharge of condition application at whatever stage that this is brought forward within the three-year life of the permission. He added that if members are wanting to see that information submitted before a decision is made then they are effectively wanting to defer the decision to allow that information to be submitted, which he feels is not in anybody's interest. David Rowen expressed the view that Condition 21 as proposed would deliver the necessary information that the committee is trying to seek. Councillor Connor stated that members would like to think so but with the 3 that is a good backup and it may be that if everything goes smoothly there is nothing to worry about. In his view, he would still like to see the 3 put in the condition. David Rowen provided a scenario in that members are wanting a condition requiring 18 dwellings to be delivered prior to the road needing to be made up to adoptable standard, as part of Condition 21 it could end up with a potential scenario where the developer says "I want to deliver the road to adoptable standard before the occupation of say 50%", which is a better situation under condition 21 which is being declined because it conflicts with the additional condition so there are two conditions which are in conflict with one another. Councillor Connor stated that on the other side he referred to an estate in Wimblington where they were going to put conditions on the roads and paths had to be installed before 50% occupation and 3-4 years after the path has still not been

installed and road not finished so it does not necessarily mean that as you have an occupation that the developer is going to comply with it.

- Councillor Mrs French suggested that committee moves on, she feels that officers have answered the questions and the conditions should be left to the officers to resolve.

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

- Councillor Benney stated that he has listened to what David Rowen has said and because a big part of the development is on a private road he does see what he means and in this case he thinks a Section 38 is a better condition than applying a number to it so long as West Street is made up which is covered in Section 38 he is happy with this.
- Councillor Meekins referred to no mention about the number of objections and the objection from the Town Council, with there being a significant number who do not want this proposal to go ahead. He feels there seems to be a lot of ifs, buts and maybes and the officer did say it could be deferred until these issues were resolved.
- Councillor Benney stated that it is all very well having 11 individual objections and a petition with 167 signatures and it is in his ward but it comes down to policy and planning applications are not about popularity, with this application being refused previously on the access and the only thing that committee can approve or refuse it on is the access and, in his view, it is now right. He made the point that issues cannot be brought up that were not previously included and there is no other reason to refuse this application and if deferred what would it be deferred for and if it is refused it could go to appeal which could be overturned and people's Council Tax will increase to pay for that bad decision. Councillor Benney stated that whilst he is disappointed with some aspects of the proposal there is no reason to refuse it and not liking something is not a reason to refuse an application, with this proposal being policy compliant.

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

*(Councillor Benney declared, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is a member of Chatteris Town Council but takes no part in planning)*

**P26/25**

**F/YR25/0223/F**

**LAND SOUTH OF 28-29 JUNIPER CLOSE, DODDINGTON**

**ERECT 9 X DWELLINGS WITH ASSOCIATED ESTATE ROAD, GARAGES, PARKING AND LANDSCAPING INVOLVING THE DEMOLITION OF EXISTING GARAGE/STORE AND CHANGE OF USE OF LAND FOR DOMESTIC PURPOSES FOR 9 SUTTON WAY**

Alan Davies presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Councillor Ruth Hufton of Doddington Parish Council. Councillor Hufton stated that Doddington Parish Council objects to the application as Doddington was designated a growth village in the current Local Plan and in addition to the 127 homes, the 15% growth required, a further 196 have already been built and they have confirmation from FDC that no further housing would be required under that plan. She made the point that there are no affordable homes scheduled and 106 monies will not be allocated to be used in the village, with it likely to be used elsewhere in Fenland.

Councillor Hufton stated that the developer speaks of this development being perfect for the elderly, but, in her view, to access the High Street from the south of the new development will mean a 1500 metre walk through the new site into Juniper Close onto Wood Street before joining High Street, with there being no access directly onto High Street. She feels that this means that more car journeys will be made leading to additional congestion through the pinch point at the top of Wood Street that opens onto a Puffin crossing taking children to and from the village school.

Councillor Hufton expressed the opinion that construction traffic will cause noise, dirt and congestion on the High Street through phase one of Juniper Close and onto Wood Street, which is narrow making it difficult for two HGVs to pass each other. She understands that the plan changes at 9 Sutton Way to extend the garden and provide a walkway into the site has not been discussed with or agreed by the resident.

Councillor Hufton stated that residents of 9 The Larches have serious concerns about the impact of this development on their home, with their main living spaces sitting directly on the eastern boundary next to plot 7's proposed 5.2 metre high garage. She expressed the view that this structure will be overbearing and cause significant overshadowing particularly in the garden room, which is used daily as a home office and this room is not shown on the plans so the loss of light has not been properly assessed, with their home already suffering from poor natural light and the addition of a pond area and 90 metres of dense shrubbery, which could reach 3.3 to 6 metres in height will worsen this further and force greater reliance on artificial lighting.

Councillor Hufton expressed the opinion that due to the difference in land levels, the public pond will overlook their home and garden, severely reducing privacy, whilst also exposing the public space to views from The Larches. She feels the risk of stagnant water and health impacts so close to a kitchen, diner and patio has not been addressed, with these serious impacts on residential amenities having not been properly considered.

Councillor Hufton stated that the Grade II Listed Windmill Tower is the only remaining artifact from that period of the village's history and is, in her view, an important part of the heritage of Doddington. She feels the buffer between the tower and the proposed bungalows now contains an attenuation pond, which when it is dug may cause damage to the foundations of the building.

Councillor Hufton expressed the opinion that when the first phase of Juniper Close was built, the fenestration in the Windmill Tower was compromised with all the glass falling out and she felt that piling had taken place on the site which was categorically denied by Reason Homes but she has since acquired an e-mail from the Senior Planning Obligations Manager dated 22 June 2022 which states "in addition to the appraisals that have been submitted I have also received evidence of piling costs confirmation of the assumed cost for plot specification...." which confirms her suspicion that the damage was caused by piling and that Reason Homes blatantly lied to herself and her partner. She, therefore, feels that piling in this new phase could cause irreparable damage to the foundations of the tower.

Councillor Hufton stated that the roadway in the first phase was not completed and reassurance is needed that this will happen if and when this second phase is completed, questioning whether it will be adopted or managed by a residents committee. She made the point that Anglian Water are concerned that surface water issues have not been addressed properly and could propose a risk of flooding and pollution, with the site having been flooded for two years to a depth of 6 to 8 inches when rainfall has been heavy, which is something that is expected to be the norm in the coming months and years.

Councillor Hufton expressed the view that the site is already teeming with wildlife with a plethora of mammals, rare birds and myriad insects and plant life and questioned how the developer will mitigate for that loss but not by building a wildlife pond and the plans also contain no information as to who will maintain that. She added that the same problems still remain as were present when this site was put forward for development in the past, with the school being at capacity, the doctor's surgery being full and the sewerage system has not been fit for purpose for many years and despite remedial works that have taken place at Coneywood it is still not functioning without constant problems.

Councillor Hufton expressed the opinion that add to that poor public transport, parking problems

throughout the village but especially on High Street and Wood Street and this development makes no sense.

Members asked questions of Councillor Hufton as follows:

- Councillor Mrs French asked if there is any proposal to maintain the Windmill Tower? Councillor Hufton stated that it is privately owned and is nothing to do with Doddington Parish Council so it is not known but it is weatherproof.
- Councillor Connor asked if and when where Councillor Hufton lives gets brought by some other person it is possible for that person with money being able to put that Windmill right? Councillor Hufton confirmed this to be the case.
- Councillor Connor asked Councillor Hufton if it is her belief that the piling for the foundations or that the attenuation pond digging will put an end to the Windmill or make it non-viable? Councillor Hufton agreed, she is not capable of saying anything engineering wise but she has no idea what the footings are like on the Windmill or how deep they are. She expressed the opinion that not only did the piling take the windows out of the Windmill when it was undertaken on the first phase of Juniper Close but they have had problems in the house with noise and a bit of cracking.

Members received a presentation, in accordance with the public participation procedure, from Anthony Gowing, an objector. Mr Gowing stated that his concerns relate to sustainability and future management of the estate with open questions. He questioned what adoption processes does the developer intend to agree for the road in order to maintain it for the future, will it be a signed Section 38 Agreement which is a binding contract with a bond security or will it be a Section 37 Agreement, like the existing Juniper Close, with there being no guarantee under Section 37 that adoption will happen apart from the developer's word.

Mr Gowing referred to SUDs and questioned whether the developer intends to engage with Anglian Water from the outset to determine the design and maintenance of it as Anglian Water has said they are unable to provide comments on the sustainability of the surface water management in the plan, however, in this application, MTC Engineering say they have used the Anglian Water SUDs adoption process for maintenance, but refer to there being no SUDs approval body in the UK so if adoption does not take place, it leaves the SUDs unmaintained except by the developer until handover. He expressed the opinion that there seems no mechanism to provide maintenance services in perpetuity much like the 2020 existing SUDs in Juniper Close which is overgrown with vegetation, therefore, what mitigations will be in place to ensure the SUDs and pond are maintained from day one of the construction.

Mr Gowing stated that MTC also say that detailed design of the surface water drainage system will only take place once planning permission has been granted but Anglian Water say that the developer should note that the site drainage details submitted have not been approved for the purposes of adoption and if he wishes to have the sewers included in a sewer adoption agreement under Section 104 of the Water Industry Act to contact them. He questioned whether there is a risk that the costs when problems might occur to unadopted drainage fall to the homeowners to be shared amongst them?

Mr Gowing queried whether the developer intends to form a management company for maintenance of the estate or will they sign the necessary declarations for adoption of everything discussed in collaboration with the relevant authorities? He expressed the view that otherwise they are in the risk category of an unfinished estate and this plan in its present form to him produces a vision most people would love, but he finds the detail ambiguous to satisfy him that he will be seeing a finished adopted estate in the next 3 years or so.

Mr Gowing stated that he lives on Juniper Close, he moved there in 2020 and he has not seen the road finished and the developer has assured him that once this construction is finished he will finish the road, but all he has is his word. He made the point that he has had constant

communication with the developer and he is not satisfied with the answers that he has been given over 5 years.

Members asked questions of Mr Gowing as follows:

- Councillor Connor assured Mr Gowing that he will be asking the agent the questions that he has asked.
- Councillor Mrs French referred to the information that members had and made the point that Anglian Water have no objections so it is interesting to hear what he has just said. Mr Gowing responded that he read forensically all the paperwork on the portal regarding Anglian Water's correspondence and there is a hands off approach but the developer can communicate with them as the SUDs and the pond will not be adopted and they also have not discussed with them about the drainage, which means at the moment that the sewers will not be adopted either. He presumes this might happen later on, he did look at previous applications, the one in 2017 and could not find details of the 104 agreement but he did see the agreement about connecting the sewers up which had to take place anyway but he sees a conflict between the hydrology engineering company that Reason Homes have employed and the lack of communication with Anglian Water, with Anglian Water having their own conditions as to how SUDs should be designed, built and maintained and if the developer does not go through that route then they will not consider adoption of the SUDs. Mr Gowing stated that he has learned the SUDs that already exist in Juniper Close will never be adopted and it is completely overgrown because it has been unmaintained and the outlet is almost completely blocked. He expressed concern that this could end up an unmaintained estate just like the one he lives in, with the developer in the deeds on his estate in the TP1 stating that there will be no maintenance charges to residents so in that case if a management company is formed in the other part of the estate he can see all sorts of conflicts occurring if for example residents in existing estate are asked to sign a deed of variation so that they come in with the maintenance company for the upkeep of the estate. Mr Gowing stated that he wants the whole estate to be maintained, wanting the binder course top coat to be completed now and not as the developer says, which he uses the excuse of that because he is going to drive his vehicles down this road he is going to damage the road because he actually surfaced Wood Street with a top coat in order to build the existing Juniper Close anyway so he does not buy this argument. He added that he can understand it from an engineering point of view because it saves him money but he was expecting in 2023 to be living on an estate with a finished road and a maintained SUDs and his fear of what is going to happen is if this proposal goes ahead they are going to end up in a very risky situation where none of it is finished to adoptable standards and adopted by the relevant authorities because already the right actions have not taken place. Councillor Mrs French stated that between himself and Councillor Hufton a lot of questions have been asked and maybe the agent will be able to answer some of these questions during his opportunity to speak. She believes under the Drainage Act developers do have the Right to Connect to Anglian Water and they cannot refuse it and sitting on 10 Drainage Boards they have been trying to get the Right to Connect discontinued but Parliament will not do it. Mr Gowing responded that he knows they will connect but he is talking about adoption.

Members received a presentation, in accordance with the public participation procedure, from Lee Bevens, the agent. Mr Bevens stated that they have worked closely with the Planning Officer, Alan Davies, throughout the planning process and dealt with any issues proactively and this scheme follows a previously refused scheme for 16 dwellings in 2022 and 14 dwellings in 2024. He expressed the view that this scheme is significantly different to previous applications, not only is there over 35% less numbers but it also provides a greater public benefit for viewing the Grade II Listed Windmill.

Mr Bevens expressed the opinion that the application does not create any flooding issues and has been designed to accept surface water runoff from the adjacent development at The Larches, which have soakaways that do not work in clay soil hence the flood into this site. He made the

point that Anglian Water raise no objection and there are no objections from Highways or ecology.

Mr Bevens stated that the proposed density equates to 9 dwellings to the hectare which is very low density and not overdevelopment. He feels the Conservation Officer clearly rates the setting of the Grade II Listed Windmill highly, but, in his view, it cannot be easily seen from any public vantage point, referring members to the presentation screen he stated that he has walked the public footpath around the site and there are very limited views of the former Windmill, it cannot be seen from the High Street which is the main thoroughfare through the village.

Mr Bevens added that he has walked the public footpath FP10 that exists from Benwick Road and runs north past the village hall, with the first three slides showing the views towards the former Windmill from various points along this route, with the position of the former Windmill highlighted as it is obscured by vegetation and the only current views are long distance ones. He referred to slide four showing the current view of the former Windmill from the application site and again, in his view, the Windmill is largely hidden by existing trees and vegetation which will remain unaffected by the proposal.

Mr Bevens expressed the opinion that the Conservation Officer has the chance for the public to see the former Windmill much clearer rather than trespassing on private land and should there be the possibility of the Windmill being converted or renovated in the future it is even more important that the public can see it. He stated that the applicant has suggested they are happy to pay for signage to allow the public to reach the new area of public open space on the site, which has seating proposed, allowing much better views of the Windmill as well as improving the setting of the Listed Building.

Mr Bevens referred to slide 5 showing the comparison between the current scheme of 9 dwellings and the previously refused 14 and feels that members can see that the layout has significantly improved the setting of the Listed Building by providing a greater green setting to the north and east with previous dwellings being removed from this area. He stated that slide 6 shows the area of public open space and attenuation pond is part of the application site and not just an area that has been left out of the application, with great attention to landscape detail and ecology having been made to provide the public with a useable space but also to provide seating that faces towards the former Windmill, with over 35% of the proposed site being green space.

Mr Bevens expressed the opinion that the slide also shows how the proposed development has been sympathetically inserted into the site with all single storey dwellings and how the setting of the Listed Building and Conservation Area have already been eroded by the two sheds directly next to the former Windmill and the erection of a bland detached house with integral garages built in the early 80s. He stated that his heritage consultant has tried to address the concerns raised by the Conservation Officer but the site does not lie within the Doddington Conservation Area, which is more focused on the High Street and Benwick Road and the curtilages associated with these properties, with the site being surrounded by suburban development and not visible or appreciated from any part of the Conservation Area and there are no views into or out of the Conservation Area across the site due to the tight building line along the High Street to the south and enclosure of the site by the existing development to the north.

Mr Bevens stated that the Conservation Officer notes that the Windmill is best appreciated from its immediate setting in close range where it can be appreciated in full view and these views will only be possible from the application site. He expressed the opinion that the proposal will provide the views that the Conservation Officer seeks close range, with a large area of public open space to allow the wider public to appreciate the Windmill.

Mr Bevens referred to the officer's report noting that there is currently no mechanism proposed for the public open space to be secured for public use but the applicant will retain the area of public open space and continue to maintain it so there is guaranteed access to view the windmill in the

future. He stated that the sensitivity of the application site and the Listed Windmill and the proposals will enable much better appreciation of a key building in Doddington without, in his view, detriment to the character and appearance of the Conservation Area.

Mr Bevens asked members to look at the benefits that this scheme can provide and largely supporting nature of the planning officer's comments and go against the Conservation Officer's recommendation. He expressed the view that the scheme is a sustainable development and according with the Development Plan as a whole they would ask members to support and approve it.

Members asked questions of Mr Bevens as follows:

- Councillor Mrs French asked who owns the trees that are obscuring the Windmill? Mr Bevens responded that the vast majority of the trees are outside the ownership of the site and are in adjoining land. He added that there is a hedgerow that runs around the boundary which is 50/50 ownership and then there is a couple of trees that are outside the application site.
- Councillor Mrs French made the point that the last two speakers had quite a lot of questions and perhaps Mr Bevens may be able to answer some of their questions. Councillor Connor stated that he was happy to put some of these questions to Mr Bevens.
- Councillor Connor asked if the application is successful will there be a management company looking after the 9 dwellings? Mr Bevens responded to his knowledge there will be no management company, with the areas of open space being controlled by Construct Reason.
- Councillor Connor asked about the attenuation pond with Mr Gowing saying the attenuation pond on the first phase has not been taken over and, in his opinion, is in an awful state and when he visited he agrees it is not the best. He asked who will be managing the attenuation pond and will it be adopted? Mr Bevens responded that he has photographs of the current SUDs at Juniper Close from fairly recently and it is pretty well maintained, with there being a lot of dry weather and then a lot of wet weather. He stated that the attenuation basin will be maintained by Construct Reason because it is within that area of open space and if it is owned by Construct Reason then it will be offered as part of that public area and can guarantee more that the public can go into that area. Mr Bevens referred to the mention of piling and believes on the first phase the piling was undertaken by orbit pile and he is surprised to hear of windows coming out of the Windmill undertaken by orbit piling as if its flight driven the vibrations can be disruptive but orbit piling generally does not cause that sort of damage.
- Councillor Connor referred to the road and his comments on the last application, what is going to happen to the road is it going to be adopted by a Section 38 Agreement or will it be as Mr Gowing said possibly by an Section 37 Agreement because 5 years ago with the same developer the road has not had anything undertaken to it at all apart from how it was left with the iron works showing which is wrong. He asked what is going to be the difference between the 28 houses where the road has not been brought up to adoptable standard and these 9 houses? Mr Bevens responded that his understanding is that the remainder of the road will be undertaken under a Section 37 Agreement for the remaining 9 plots, with the footpaths in Juniper Close already having been brought up to adoptable standard but the road has not and the reason for this is as discussed is that the County will not allow the roads to be finished until the development is finished. He continued that there has been several applications on this site over the last 3-4 years with the intention of extending the road further than it currently ends at the moment and whilst he has sympathy for the speaker that has been going on for the last 4-5 years in terms of applications. Mr Bevens stated that until this is decided and the road put in for the 9 dwellings then the whole roadway will be finished to adoptable standards. He does not believe there are raised iron works in the current Juniper Close, they are sitting at base level and they will be lifted to the correct level when the topcoat goes on. Councillor Connor expressed the opinion that they are raised and the topcoat has not been put on, he accepts the explanation given but it



gives him no comfort for these additional 9 dwellings. He feels that any future maintenance would fall on residents if there is no management company. Mr Bevens responded that Section 37 is also for adoption and it will all be offered for adoption, with the footpath already to adoptable standard.

- Councillor Connor asked if the application was successful would they be prepared to build the dwellings but only 6 to be occupied before the road is made up to adoptable standard and they would sign an agreement for this? Mr Bevens responded that, as the previous speaker stated on the previous application, if there is a condition worded, because no conditions have been agreed currently, that gives the reassurance as he believes it is tricky to restrict it to three because the construction traffic is still going to need access and the County will not adopt the road until the development's finished. Councillor Connor stated he is saying build the 9 properties if the application is successful but 3 are not to be occupied until the road was made up, which means there would be no more heavy traffic going through the development. Mr Bevens responded that on that basis he does not see a problem with keeping 3 back from occupation until such time as the road is made up to an agreed standard.
- Councillor Connor referred to the Windmill, making the point it is a Grade II Listed Building and he was invited by Ms Hufton and her late partner to look at the damage attributed to the piling and she is absolutely correct. His own feelings are that if the attenuation pond is in the same place as it is proposed it could undermine the foundations of the Windmill. Councillor Connor stated that he does like old buildings and wants to preserve them for future generation and he does not feel comfortable with putting that Windmill into jeopardy. He continued if the 9 were piled it would cause irreparable damage to the Windmill. Mr Bevens responded that he understands where Ms Hufton is coming from and he cannot confirm or not whether that damage was caused by the piling but all he knows is that orbit piling generally does not cause that sort of damage whereas flight driven does but it was not flight driven. He acknowledged that the attenuation pond would have to be created sensitively and he agrees that a Grade II Listed Building should be kept and looked after, however, if a condition could be put together that asks for a schedule of works or something similar for the creation of the attenuation pond that could be judged by officers to ensure that there is a protocol in making sure there is no damage to the Grade II Listed Building. Mr Bevens stated that he does not see piling being used to create the attenuation pond but there will be heavy machinery involved.
- Councillor Connor referred to the proposed pathway from the site, making the point that Mr Sutton owns the roadway from Wood Street into the site and whilst he notes that the footpath in the proposal is providing a shortcut into Wood Street and then into the village nobody has said anything to Mr Sutton and he will not agree to it anyway, which puts another obstacle in the way possibly. Mr Bevens agreed possibly but those discussions can take place post agreement of planning permission to ensure that whatever mechanisms are needed or reassurance can take place. He stated that extra garden is being given to Mr Sutton. Councillor Connor made the point that Councillor Hufton has spoken to Mr Sutton and he is adamant that none of this will happen, no one will be able to walk, cycle or enjoy this pathway and he does not believe he will change his mind.
- Councillor Mrs French asked Mr Bevens to answer the questions with regard to Anglian Water? Mr Bevens responded that they have produced a drainage strategy by experts, MTC, and Anglian Water have not raised any objection to the scheme. He stated that in the conclusion in MTC's report they have said that infiltration testing will be done once all planning approval is agreed and if the worse case scenario is that the current drainage strategy is based on zero infiltration taking place then surface water will be discharged to the adjacent drain along the northern boundary with discharge restricted to the rate of 2 litres a second during all events and the applications will be made to ensure this is all undertaken properly.
- Councillor Benney asked how far away is the Windmill from the nearest build point on this development? Mr Bevens responded that the distance from the Windmill to the edge of Plot 1, the corner of it with no habitable window, is 31.6 metres and to an actual ground floor

window it is 32½ metres.

- Councillor Benney asked what Mr Bevens' assessment was of the standard of the Windmill and is the building in fairly good structural state? Mr Bevens acknowledged that it is an expensive building to repair, he has only seen it from the application site and, in his view, it is in an average condition. He would not say it is at risk but it does need somebody to spend money on it in order to bring it into use again but that would be costly to undertake.

Members asked questions of officers as follows:

- Councillor Mrs French asked what the reason was that the previous application was refused last time? Alan Davies responded that it was the same reason as for this application, which is the impact on the setting of the Grade II Listed Windmill. He referred to the plan on the presentation screen and the advice from the Conservation Officer is by developing this site, which is currently a field, it is slowly eroding the agricultural fields that surround the Windmill, which is impacting upon the character and significance of that setting. Alan Davies stated that the refusal reason for this application is heritage due the impact on the setting of a Grade II Listed Building and the reason for refusal is not the impact on the Windmill itself but the setting so the Conservation Officer has not raised concerns with the structural stability of the Windmill or how it will be affected by vibrations and piling.
- Councillor Benney referred to the roads and drainage being mentioned but the only reason for refusal is the setting of a Listed Building and he does not see anything that is not seen every week in Planning Committee about the drainage, with members having concerns about drainage and the road surface and he agrees with the Chairman about holding 3 houses back in this case. He stated that there is nothing in the report that says there is a reason for refusal on any of the drainage or the road surface and asked if it is correct that these are not relevant planning matters? Alan Davies confirmed this to be correct, in terms of highway impact Highways have commented that they have got no objections to the scheme, with the layout, parking and car parking spaces for the dwellings considered to be acceptable. He continued in terms of drainage there are no objections from the LLFA, with drainage having been satisfactorily addressed.

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

- Councillor Mrs French stated that she cannot see anything to debate, members have asked the questions and received the answers.
- Councillor Purser expressed concern about the access road, with construction traffic utilising it, the roads being narrow with people parking on the side of the roads and this having a detrimental impact on the neighbours. He added that he is also concerned about heavy vehicles damaging the drains underneath as well.
- Councillor Connor referred to Councillor Meekins making a relevant point on the previous application saying that local members are probably not being taken notice of and the Parish Council, if this is approved, are not being taken notice of.
- Councillor Mrs French made the point that the Windmill has been there for many years, probably built in the 1600s, and it is a shame to see it deteriorate. She can understand what Councillor Hufton has said, but she is concerned that if action is not taken it is going to end up falling down and then the developer can come back and get the planning application no problem.

**Proposed by Councillor Connor, seconded by Councillor Meekins and agreed that the application be REFUSED as per the officer's recommendation.**

*(Councillor Connor declared that he knows Councillor Ruth Hufton being the District Councillor for Doddington and Wimblington but he is not pre-determined and will consider the application with an open mind)*

**ERECT 1NO DWELLING AND FORMATION OF A NEW VEHICULAR ACCESS TO  
14 GULDENBURGH CRESCENT (OUTLINE APPLICATION WITH MATTERS  
COMMITTED IN RESPECT OF ACCESS)**

This application was withdrawn.

**P28/25      ENFORCEMENT- LAND WEST OF 54 CHURCH STREET ACCESSED OFF PARK  
LANE**

Members considered what action to take on the owner of land west of 54 Church Street accessed off Park Lane, Whittlesey for failure to comply with the requirements of a Notice under Section 215 of the Town and Country Planning Act 1990 (as amended) presented by Jade Allen.

Members asked questions, made comments and received responses.

**Proposed by Councillor Mrs French, seconded by Councillor Benney and AGREED that officers commence further action under the provisions of Section 216 of the Town and Country Planning Act 1990 (as amended) and authorised referring the matter to the Council's Legal Officer to commence prosecution proceedings for non-compliance with the requirements of the Notice.**

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

**P29/25      ENFORCEMENT - 10 MARKET PLACE, WISBECH**

Members considered what action to take on the owner of 10 Market Place, Wisbech for failure to comply with the requirements of a Notice under Section 215 of the Town and Country Planning Act 1990 (as amended) presented by Matthew Leigh.

Members asked questions, made comments and received responses.

**Proposed by Councillor Meekins, seconded by Councillor Purser and AGREED that officers commence further action under the provisions of Section 216 of the Town and Country Planning Act 1990 (as amended) and authorised referring the matter to the Council's Legal Officer to commence prosecution proceedings for non-compliance with the requirements of the Notice.**

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

**P30/25      ENFORCEMENT - FENVIEW LODGE, 5 FEN VIEW, DODDINGTON**

Members considered what action to take on the owner of Fenview Lodge, 5 Fen View, Doddington for failure to comply with the requirements of a Notice under Section 215 of the Town and Country Planning Act 1990 (as amended) presented by Jade Allen.

Members asked questions, made comments and received responses.

**Proposed by Councillor Connor, seconded by Councillor Mrs French and AGREED that officers commence further action under the provisions of Section 216 of the Town and Country Planning Act 1990 (as amended) and authorised referring the matter to the Council's Legal Officer to commence prosecution proceedings for non-compliance with the**

**requirements of the Notice.**

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

4.03 pm

Chairman

**F/YR25/0149/FDC**

**Applicant: Mr Mark Greenwood  
Fenland District Council**

**Agent: Mrs Fiona Bage  
ELG Planning**

**2 Broad Street, March, Cambridgeshire, PE15 8TG**

**Demolition of existing building and erect a max 2.4m fence in a conservation area**

**Officer recommendation: Refuse**

**Reason for Committee: Fenland District Council are the applicants**

## **1 EXECUTIVE SUMMARY**

- 1.1 The application seeks full planning permission and relevant demolition of an unlisted building in a conservation area, to demolish the existing former Barclays Bank building and erect 2.4m high fencing surrounding the site following demolition.
- 1.2 The building has been purchased by Fenland District Council with the express intention of demolition and Government funding has been secured for this under the Future High Street Fund. The funding arrangements that have led to this approach are not considered material to the assessment of the application, having regard to the Local Planning Authority's legal duties.
- 1.3 It is acknowledged that there is an opportunity for redevelopment of this site to make a positive contribution to the heritage assets and the vitality and viability of the town centre as a whole, hence the demolition of the building could be accepted if it is demonstrated that its replacement would provide a high quality development, with an active ground floor use, which enhances its local setting and the historic and local built environment and would provide a public benefit which would outweigh the less than substantial harm caused by the loss of the existing building.
- 1.4 However, in this case there is no proposal for redevelopment of the site, the application merely seeks permission to demolish the existing building and erect a 2.4m high fence around it; there are no proposals for remediation of the site or a meanwhile use, which may mitigate impact of the loss of the existing structure. The building is not considered such an eyesore as to warrant its demolition without any safeguards in place as to its future development.
- 1.5 There is no evidence of a marketing exercise to otherwise demonstrate re-use is unviable or unattractive to other potential commercial enterprises. There is no evidence as to why it is necessary to demolish the building prior to a scheme for its redevelopment having been secured, and without a proposed scheme and/or evidence of the viability of such a scheme, no evidence that the demolition of the building would result in the site being viable in future.
- 1.6 Therefore, there is a distinct risk that the site would remain vacant with fencing to

secure it indefinitely, which would be more harmful to the character of the area than current appearance and condition of the site. This would result in unjustified harm to the historic environment, the character and visual amenity of the area and the vitality and viability of the town centre, which has recently been subject to substantial regeneration, involving the introduction of large extents of public realm, immediately in front of the application site and along Broad Street, enhancing the setting and appreciation of the War Memorial and Conservation Area as a whole and which would be detracted from should this development be approved. As such, there are not considered to be any public benefits to the proposal which would outweigh the identified harm.

- 1.7 Paragraph 56 of the NPPF 2024 states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. However, these can only be used in certain circumstances as set out in Paragraph 57 and 58 of the NPPF 2024 and Regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended). It could not be considered reasonable to prevent the demolition of the building until such time as a redevelopment proposal came forward, or secure redevelopment of the site, as such, there is no planning mechanism to secure the future of the site should this application be approved.
- 1.8 As set out above, it is considered that there are no benefits to the proposal which would outweigh the harm identified, and there is no planning mechanism to secure the future of the site should this application be approved, as such, the application is recommended for refusal.

## **2 SITE DESCRIPTION**

- 2.1 The application site consists of the former Barclays Bank, a 'Brutalist' style building part 2-storey, part single-storey, located on a prominent corner plot between Broad Street and Grays Lane, immediately abutting the recently regenerated public realm on Broad Street. To the rear of the building is a former car park, partially surrounded by a brick wall where the temporary public toilets have been sited. The site is located within March Conservation Area and situated between the Grade II listed buildings of the War Memorial on Broad Street and the Old Bank House on West End, there are also a number of non-designated heritage assets in the vicinity. It is within the Town Centre Boundary, Primary Shopping Area and constitutes Primary Shopping Frontage. The site is in Flood Zone 1 and is not at risk of surface water flooding.

## **3 PROPOSAL**

- 3.1 The application seeks full planning permission and relevant demolition of an unlisted building in a conservation area, to demolish the existing building and erect 2.4m high solid timber fencing surrounding the site following demolition, the finish of which is to be agreed.
- 3.2 The building has been purchased by Fenland District Council with the express intention of demolition and Government funding has been secured for this under the Future High Street Fund, however there are currently no proposals for future redevelopment of the site.
- 3.3 Full plans and associated documents for this application can be found at:

#### 4 SITE PLANNING HISTORY

There have been numerous applications on this site, predominately for advertisements, and the most recent application is detailed below:

F/YR21/0753/F	Removal of signage and ATM from existing building	Granted 27/8/21
---------------	---	--------------------

#### 5 CONSULTATIONS

##### 5.1 Town Council

*Recommendation: Approval*

##### 5.2 Cambridgeshire County Council Archaeology

*We have reviewed the documents and have no comments or recommendations based on the archaeological implications or the demolition of the existing building. We would however welcome reconsultation with regards to any future development plans.*

##### 5.3 Cambridgeshire County Council Highways

Initial comments were received on 17/3/25 which queried whether the existing access would be retained, following clarification the following comments were received on 11/7/25:

###### *Recommendation*

*Following a careful review of the documents provided to the Local Highway Authority as part of the above planning application, no significant adverse effect upon the public highway should result from this proposal, should it gain benefit of planning permission.*

###### *Comments*

*Following clarification from the applicant that the existing access will remain required, the previously requested condition is no longer necessary. Instead, please append the following condition:*

*No demolition (including any temporary or enabling works, for example ground works and vegetation clearance) shall commence on site until a Demolition Traffic Management Plan (DTMP) has been agreed with the Local Planning Authority in consultation with the Local Highway Authority. The Local Highway Authority requests that the DTMP be a standalone document separate from any Environment Construction Management Plan or the like, as the risks and hazards associated with construction traffic using the public highway are quite different from those associated with the internal site arrangements. The principal areas of concern that should be addressed are:*

- 1. Movements, control, and timings of muck away lorries (all loading and unloading shall be undertaken off the adopted public highway).*
- 2. Contractor parking, during the demolition phase shall be within the curtilage of the site and not on the street. If the site has limited potential to provide on-site car parking the applicant must provide details of how any off-site parking will be controlled, e.g., a managed list of contractor/employee vehicles parking on-street and their drivers telephone contact details.*
- 3. Movements, control, and timings of all deliveries (all loading and unloading shall be undertaken off the adopted public highway).*

*4. Control of dust, mud, and debris in relationship to the functioning of the adopted public highway, including repairs to highway damage caused by site vehicles. Please include wording that the adopted public highway within the vicinity of the site will also be swept within an agreed time frame as and when reasonably requested by any officer of the Local Highway Authority and that any highway damage (including verges) will be repaired in a timely manner at no expense to the Local Highway Authority.*

*The DTMP must relate solely to how the operation of the site will affect the adopted public highway, other information for example noise levels, is not a highway matter and should not be included within the plan. The approved DTMP shall be adhered to throughout any demolition and construction periods for the proposed development.*

*Reason: in the interests of highway safety.*

#### **5.4 Designing Out Crime Team**

*Thank you for the opportunity to comment on this application. I have viewed the documents in relation to crime, disorder, and the fear of crime. I have searched the Constabulary crime and incident systems covering the immediate location and March East / West Ward for the last 2 years. I would consider the proposed location to be an area of medium risk to the vulnerability to crime.*

*It is important that security and crime prevention are considered and discussed at the earliest opportunity to ensure that the security of buildings, homes, amenity space and the environment provide a safe place for people living, working in, and visiting this location.*

*NPPF Para 135(f) states - Planning policies and decisions should ensure that developments - create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

*I can advise that having considered the proposal; I have no objections but have the following recommendations during the demolition / construction phase.*

*Construction Phase Security (Advisory Note) – There are many crimes which occur during the construction phase of a development; the most significant include theft of plant equipment, materials, tools, and diesel fuel. Secured by Design recommend that security should be in place prior and during the construction phase. This should include robust perimeter fencing of the site and a monitored alarm system (by a company or individual who provide a response) for site cabins and those structures facilitating the storage of materials and fuel.*

*The developer is advised that the name of the contractor and signage with an emergency contact telephone number should be displayed at several places on the perimeter fencing. This allows the public to report suspicious circumstances. Mobile or part time CCTV systems can be used as an effective aid to the security of a site and can act as a deterrent to criminal activity. This office will always provide specific advice regarding site security if required. Security lighting will CCTV systems, enhancing the quality and effectiveness of the surveillance footage, especially during nighttime hours.*



## **5.5 Historic England**

*Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.*

*We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>*

## **5.6 Ecology Officer (FDC)**

Initial comments were received on 7/3/25 which set out the requirement for further bat surveys, upon receipt of this the following comments were provided:

- I would accept the results of the bat emergence survey that the building to be demolished does not support a bat roost. No further level of survey is required prior to deciding the application.*
- The application is exempt from the requirement to provide a net gain in biodiversity because the proposals will not affect any substantive areas of semi-natural habitat.*

## **5.7 Arboricultural Officer (FDC)**

*I have no objection.*

## **5.8 Environmental Health (FDC)**

*Thank you for the opportunity to view the attached documents and comment on this application. Environmental Health raise no objection to this application. We would like to raise the following observations.*

*In note the age of the building and therefore recommend that prior to demolition the operator undertakes an asbestos survey of the property. Should materials containing asbestos be found, then a risk assessment for safe removal of these materials and disposal should be undertaken.*

*Due to the proximity of this property and residents, businesses and pedestrians, the site should operate effective dust and noise management practices. During demolition should there be any visible emissions of dust leaving the boundary of the demolition site, mitigation measures should be implemented.*

*Please find the following informatives for your consideration.*

### **A.1. Asbestos**

*The existing structure, which is formed of asbestos containing materials, should be removed by a licensed asbestos removal contractor. However, if the amount of asbestos is such that a licensed waste removal facility is prepared to receive a minimal amount of such material without the need for a contractor to remove it, then this requirement can be waived.*

*If a Licensed Asbestos Removal Contractor is required to be engaged, then an Asbestos Removal Work Plan should be submitted to and approved by Fenland District Council before any work on the removal of the structure commences. The applicant is to advise Fenland District Council which course of action is to be taken in either event and must ensure that they notify Fenland District Council's environmental health team on completion of works.*

## *A.2. Demolition*

*No demolition work should take place outside the hours of 08:00 hours and 18:00 hours on Monday to Friday, 08:00 hours to 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. There should be adequate protection for nearby residents from dust created in the demolition phases of the development and adequate and effective means of suppression of dust must be provided.*

*Prior to the demolition phase commencing, at least 7 days advanced notice is given to the occupiers of the immediate neighbouring properties.*

*Reason: To protect the amenity of the adjoining properties*

### **5.9 Conservation Officer (FDC)**

*The site is host to the former Barclays Bank premises in Broad Street, March. The site is prominent both within the streetscene and within the setting of a host of designated and non-designated heritage assets.*

*The building is highlighted within the March Conservation Area Appraisal and Management Plan as a negative frontage that has a detrimental impact on the character and appearance of the streetscene and March Conservation Area.*

*Despite the above and the public's mixed views on such architectural style. Brutalist architecture, as this building presents itself as an example of, is increasingly becoming rare and many good examples nationally have been lost to redevelopment. Despite the often stark contrast between brutalist style buildings and historic buildings of more traditional form in towns and cities, these buildings represent the varied urban grain that makes up the character of our streets and are examples of an important architectural movement at a particular point in time. Such buildings with comparatively simple form and materials often present themselves as 'ugly' owing to weathering and lack of maintenance. Clean and simple lines don't look well when they are unmaintained and cluttered, for which these buildings are often burdened.*

*Despite mixed opinions, it would be difficult to defend the loss of a building that is identified in the CAAMP as a negative feature. The concern here principally lies with prominent demolition within a conservation area being approved without a forward plan for future development on the site.*

*Justifications have been put forward in the form of a viability report, as well as information surrounding the former bank vault that is said to be difficult to remove without affecting the structure of the building. However, this does not overcome the principal concern of the risk associated with demolition with no forward proposals, thus rendering the site vacant.*

*Although a vacant building does nothing for the vitality and character of a streetscene, a long-term 'missing tooth' in terms of a vacant site has the potential for much greater impact. This is evidenced by the harm caused by a number of long-term vacant sites in both March and Wisbech.*

*Although there is a clear wish from the applicants that the demolition is simply a building block to getting the site sold and redeveloped, there are indeed no guarantees.*

*Permission to demolish without a future plan, essentially renders the site vacant, with risks to the character and appearance of the conservation area for an unknown period of time.*

*It is considered that the decision makers need to be fully aware of this potential for long-term harm, which would ultimately be contrary to national and local planning policy and guidance in relation to heritage assets.*

*The proposed plan shows a tall hoarding fence to be installed around the perimeter of the site to screen the development. If the council decides to approve this application, conditions should be applied to ensure that details of colour can be agreed. An appropriate hoarding colour would likely reduce the negative impact to some degree in the short term.*

*On the basis of the unknowns highlighted above, there are concerns with approving demolition with no forward plan, which would be contrary to national and local planning policy. It is not clear from the submission documents where the public benefit lies and how this outweighs the identified harm of a vacant site with no forward plan.*

*As such, the proposal is not considered to be in accordance with LP19 of the Fenland Local Plan, Section 16 of the NPPF and S72 Planning (Listed Buildings and Conservation Areas) Act 1990.*

**RECCOMENDATION:** *Objection*

## **5.10 Local Residents/Interested Parties**

One objection has been received, from New Road, Chatteris regarding the following:

<b>Objecting Comments</b>	<b>Officer Response</b>
The application should be referred to Cambridgeshire County Council for determination as the applicant is Fenland District Council and concerns that Fenland District Council will be dealing with it's own application to develop the site.	This application does not relate to a County matter so cannot be determined by Cambridgeshire County Council.
The building should be made available for rental publicly for a period of time, not automatically demolished	The material considerations in relation to the loss of the building will be assessed in the sections below.

## **6 STATUTORY DUTY**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014) the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021) and the March Neighbourhood Plan (2017)

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities when considering development to pay

special attention to preserving a listed building or its setting and to the desirability of preserving or enhancing the character or appearance of a conservation area.

## **7 POLICY FRAMEWORK**

### **National Planning Policy Framework (NPPF) 2024**

Chapter 2 - Achieving sustainable development

Chapter 4 – Decision-making

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 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

### **National Planning Practice Guidance (NPPG)**

Determining a Planning Application

### **National Design Guide 2021**

Context – C1, C2

Identity - I1, I2

Nature – N3

Public Spaces -P1, P2, P3

### **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

LP6 – Employment, Tourism, Community Facilities and Retail

LP9 – March

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

### **March Neighbourhood Plan 2017**

TC1 – Primary Shopping Frontages

### **Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021**

Policy 14 - Waste management needs arising from residential and commercial Development

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

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

DM6 – Mitigating Against Harmful Effects

### **Cambridgeshire Flood and Water SPD 2016**

## **March Conservation Area Appraisal and Management Strategy 2008**

### **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 49 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  
LP5: Health and Wellbeing  
LP7: Design  
LP11: Community Safety  
LP15: Employment  
LP16: Town Centres  
LP20: Accessibility and Transport  
LP21: Public Rights of Way  
LP23: Historic Environment  
LP24: Natural Environment  
LP25: Biodiversity Net Gain  
LP27: Trees and Planting  
LP32: Flood and Water Management

## **8 KEY ISSUES**

- **Principle of Development**
- **Town Centre and Economic Growth**
- **Heritage**
- **Amenity and Health and Wellbeing**
- **Highways**
- **Flood Risk**
- **Ecology and Trees**
- **Biodiversity Net Gain (BNG)**

## **9 ASSESSMENT**

### **Principle of Development**

- 9.1 Policy LP1 of the Fenland Local Plan 2014 is a high level, overarching policy supporting a presumption in favour of sustainable development; planning applications that accord with the policies within the Local Plan will be approved without delay unless material considerations indicate otherwise.
- 9.2 There are no specific policies in relation to demolition, however the proposal relates to a building formerly used as a bank, which is in a prominent location within the Town Centre boundary, Primary Shopping Area and constitutes Primary Shopping Frontage. It is located within March Conservation Area and within the setting of Listed Buildings, hence the following policies are the primary points of consideration:
- 9.3 Policy LP6 of the Fenland Local Plan 2014 seeks to support development where it would strengthen the role of Market Towns, enabling these to adapt and provide a wide range of facilities in a high-quality environment. Town Centre uses will be supported within the Primary Shopping Frontage providing there is no impact on the vitality and viability of the centre as a whole and community facilities and

commercial uses at ground floor level within the Town Centre boundary should be retained unless evidence indicates why the use can no longer be justified.

- 9.4 Policy LP16 of the Fenland Local Plan 2014 seeks to protect and deliver high quality environments, ensuring that development makes a positive contribution to local distinctiveness and character of the area, enhances its local setting, improves the character of the local built environment and avoids adverse impacts.
- 9.5 Policy LP18 of the Fenland Local Plan 2014 seeks to protect, conserve and seek opportunities to enhance the historic environment. All development proposals that would affect any designated or undesignated heritage asset are required to describe and assess the significance of the asset and/or its setting, identify the impact of the proposed works on the special character of the asset and provide a clear justification for the works, especially if this would harm asset or setting, so that the harm can be weighed against public benefits.
- 9.6 Hence, the principle of demolition may be accepted subject to compliance with all relevant policies and material considerations.

#### **Town Centre and Economic Growth**

- 9.7 Policy LP6 of the Fenland Local Plan 2014 seeks to support development where it would strengthen the role of Market Towns, enabling these to adapt and provide a wide range of facilities in a high-quality environment. Town Centre uses will be supported within the Primary Shopping Frontage providing there is no impact on the vitality and viability of the centre as a whole. Community facilities and commercial uses at ground floor level within the Town Centre boundary should be retained unless evidence indicates why the use can no longer be justified.
- 9.8 Policy TC1 of the March Neighbourhood Plan 2017 relates predominantly to the retention of retail in the Primary Shopping Frontages, however the justification for this policy sets out that it seeks to ensure the future viability of the town centre, recognising the importance of providing local residents with shops and associated facilities as an important contribution towards sustainable development objectives.
- 9.9 Paragraph 90 of the NPPF 2024 seeks to support the role that town centres play at the heart of their communities, by taking a positive approach to their growth, management and adaption and promote their long-term vitality and viability. Paragraph 85 of the NPPF 2024 states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 9.10 The building subject of this application is a former bank (Use Class E) which is understood to have closed in 2021, and the site is within the Town Centre Boundary, Primary Shopping Area and constitutes Primary Shopping Frontage.
- 9.11 Whilst the former use of the building would be considered a community facility, the introduction of the wider ranging Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) in 2020, and the fact that there are no conditions restricting the use of the building, means the building has the option of being utilised by a variety of commercial uses without the need for planning permission and as such its use as a community facility could not be retained.
- 9.12 The building has been purchased by Fenland District Council with the express intention of demolition and Government funding has been secured for this under the Future High Street Fund, however there are currently no proposals for future

redevelopment of the site, hence the scheme would result in the loss of a building which could be reused for a town centre use without a replacement being secured. The funding arrangements that have led to this approach are not considered material to the assessment of the application, having regard to the Local Planning Authority's legal duties.

- 9.13 Policy LP6 seeks to retain commercial uses at ground floor level unless evidence indicates why this can no longer be justified. The application is accompanied by a viability assessment in respect of the retention and conversion of the existing building as a wholly commercial premises, and alternatively with use of the first floor as residential, and this concludes that retention and conversion is unviable in either case. The supporting documentation raises a number of constraints to conversion, including the vault which would require removal, the presence of asbestos and the upgrades required in order to meet current Building Regulations standards. It is acknowledged that redevelopment of the site has potential for significant improvement, in terms of the usability of the building, potential housing provision and in respect of the quality of the environment and character of the area.
- 9.14 However, the building is not considered such an eyesore to warrant its demolition without any safeguards, or indeed any proposals, in place as to its future redevelopment. There is no evidence of a marketing exercise to otherwise demonstrate re-use is unviable or unattractive to other potential commercial enterprises. There is no evidence as to why it is necessary to demolish the building prior to a scheme for its redevelopment having been secured, and without a proposed scheme and/or evidence of the viability of such a scheme, no evidence that the demolition of the building would result in the site being viable in future.
- 9.15 Therefore, there is a distinct risk that the site would remain vacant with fencing to secure it indefinitely, which would be more harmful to the character of the area than the current appearance and condition of the site. This would result in unjustified harm to the vitality and viability of the town centre, which has recently been subject to substantial regeneration, involving the introduction of large extents of public realm, immediately in front of the application site and along Broad Street. As such, the development is considered contrary to the aforementioned policies.

#### **Heritage and Character of the area**

- 9.16 Under the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council has a legal duty to have special regard to preserving a listed building or its setting when considering whether to grant planning permission which affects a listed building or its setting; and in deciding whether to grant planning permission for development in a conservation area, the Council has a legal duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 9.17 Policy LP16 of the Fenland Local Plan 2014 seeks to protect and deliver high quality environments, ensuring that development makes a positive contribution to local distinctiveness and character of the area, enhances its local setting, improves the character of the local built environment and avoids adverse impacts.
- 9.18 Policy LP18 of the Fenland Local Plan 2014 seeks to protect, conserve and seek opportunities to enhance the historic environment. All development proposals that would affect any designated or undesignated heritage asset are required to describe and assess the significance of the asset and/or its setting, identify the impact of the proposed works on the special character of the asset and provide a

clear justification for the works, especially if this would harm asset or setting, so that the harm can be weighed against public benefits.

- 9.19 DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014 seeks to ensure that as a minimum, development provides high quality and attractive public places, which should aim to improve and reinforce positive features of local identity.
- 9.20 Paragraph 131 of the NPPF 2024 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 9.21 Paragraph 135 of the NPPF 2024 seeks to ensure that developments function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, are visually attractive are sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 9.22 Paragraph 208 of the NPPF 2024 states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 9.23 Paragraph 210 of the NPPF 2024 states that in determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 9.24 Paragraph 212 of the NPPF 2024 states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 9.25 Paragraph 213 of the NPPF 2024 states that any harm to, or loss of the significance of a designated heritage asset should require clear and convincing justification.
- 9.26 Paragraph 215 of the NPPF 2024 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.



- 9.27 Paragraph 217 of the NPPF 2024 states that local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.
- 9.28 Paragraph 219 of the NPPF 2024 states that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets, to enhance or better reveal their significance.
- 9.29 The application site consists of the former Barclays Bank, a 'Brutalist' style building located on a prominent corner plot at the terminus of the continuous built form on the western side of Broad Street, and immediately abutting the recently regenerated public realm, which has opened up this area and results in this site appearing even more prominent in the street scene. The site is located within March Conservation Area and situated between the Grade II listed buildings of the War Memorial, now within the public realm on Broad Street in front of the site, and the Old Bank House on West End, there are also a number of non-designated heritage assets in the vicinity.
- 9.30 The March Conservation Area Appraisal and Management Strategy 2008 (CAAMS) identifies the application site as an enhancement opportunity which is currently a negative frontage that has a detrimental impact on the character and appearance of the street scene and March Conservation Area. Notwithstanding this a vacant site could not be considered an enhancement and would fail to meet the objectives of the CAAMS, furthermore, Brutalist architecture is becoming increasingly rare and these buildings represent the varied urban grain that makes up the character of our streets and are examples of an important architectural movement at a particular point in time.
- 9.31 It is acknowledged that there is an opportunity for redevelopment of this site to make a positive contribution to the heritage assets and the town centre as a whole, hence the demolition of the building could be accepted if it is demonstrated that its replacement would provide a high quality development, which enhances its local setting and the historic and local built environment and would provide a public benefit which would outweigh the less than substantial harm caused by the loss of the existing building.
- 9.32 However, in this case there is no proposal for redevelopment of the site, the application merely seeks permission to demolish the existing building and erect a 2.4m high fence around it; there are no proposals for remediation of the site or a meanwhile use which may mitigate impact of the loss of the existing structure. The building is not considered such an eyesore to warrant its demolition without any safeguards, or indeed any proposals, in place as to its future development. There is no evidence of a marketing exercise to otherwise demonstrate re-use is unviable or unattractive to other potential commercial enterprises. There is no evidence as to why it is necessary to demolish the building prior to a scheme for its redevelopment having been secured, and without a proposed scheme and/or evidence of the viability of such a scheme, no evidence that the demolition of the building would result in the site being viable in future.
- 9.33 Therefore, there is a distinct risk that the site would remain vacant with fencing to secure it indefinitely, which would be more harmful to the character of the area than current appearance and condition of the site. This would result in unjustified harm to the historic environment and the character and visual amenity of the area, which has recently been subject to substantial regeneration, involving the introduction of large extents of public realm, immediately in front of the application

site and along Broad Street, enhancing the setting and appreciation of the War Memorial and Conservation Area as a whole and which would be detracted from should this development be approved. As such, there are not considered to be any public benefits to the proposal which would outweigh the identified harm and the development is considered contrary to the aforementioned policies.

- 9.34 Notwithstanding this, it is noted that the building appears physically attached to 8 Broad Street to the north and limited information has been provided regarding the proposed fencing, hence should the application be approved it would be necessary to impose conditions in this regard to secure further details of how it is proposed to demolish/make good No.8 and the appearance, management and maintenance of the proposed fencing.

### **Amenity and Health and Wellbeing**

- 9.35 Policy LP2 of the Fenland Local Plan 2014 seeks to ensure that proposals positively contribute to creating a healthy and safe environment, reduce crime, the fear of crime and anti-social behaviour and avoid adverse impacts.
- 9.36 Policy LP16 of the Fenland Local Plan 2014 seeks to protect and deliver high quality environments, ensuring that development makes a positive contribution to local distinctiveness and character of the area, enhances its local setting, improves the character of the local built environment and avoids adverse impacts.
- 9.37 Paragraph 135 f) of the NPPF 2024 seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 9.38 To the immediate north and attached to the building it is proposed to demolish, is the commercial unit of 8 Broad Street and residential properties of 27 and 29 Grays Lane, and located to the west on the other side of Grays Lane is the residential property of the Old Bank House. The site is located within the town centre, immediately abutting the public realm, as such it is necessary to consider the impact of the proposal on the amenity of residents, workers, businesses and the general public using this area.
- 9.39 No information has been provided regarding how it is proposed to demolish the existing structure, how long this is likely to take, any mitigation measures proposed to prevent adverse impacts or how the subsequent waste will be dealt with. The Environmental Health team have raised concerns regarding dust and noise management, asbestos and hours of demolition.
- 9.40 Should the application be approved, it is acknowledged that there will be some adverse impact and disruption during the course demolition and the removal of materials, however given the scale of the site this is likely to be only for a short time, would therefore not create a significant adverse impact and one that could be adequately mitigated by the imposition of conditions to secure further details in respect of the demolition, dust and noise management and hours of demolition. Environmental Health also recommend imposing a condition regarding asbestos management as this is likely to be present on site, however given that this is covered by separate legislation it is not considered reasonable or necessary to impose.
- 9.41 Given that the site would become vacant following demolition there is potential for this to become targeted by anti-social behaviour, and the Designing Out Crime

Team have also raised concerns regarding potential criminal activity during the demolition phase. As such, should the application be approved it is considered necessary to impose a condition with regards to security measures, including the timeframe for erecting the proposed fencing; any lighting will have to have regard to its impact on ecology given the location of the site close to the river. Therefore, subject to conditions, the proposal is considered to comply with the aforementioned policies.

### **Highways**

- 9.42 Policy LP15 states that development proposals should demonstrate that they provide well designed, safe and convenient access for all.
- 9.43 Paragraph 116 of the NPPF 2024 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
- 9.44 The application does not seek to alter the existing access, and the proposal will have no impact on the highway network once demolished. The Local Highway Authority have no objections to the proposal, however, should the application be approved it is recommended that a condition is imposed to secure a Demolition Traffic Management Plan (DTMP) to mitigate any potential detrimental impact on the highway network during demolition. Therefore, subject to condition, the proposal is considered to comply with the aforementioned policies.

### **Flood Risk**

- 9.45 Policy LP14 of the Fenland Local Plan 2014 and Chapter 14 of the NPPF 2024 seek to steer developments to the areas with the least probability of flooding and seek to ensure that development can be made safe for its lifetime and will not increase flood risk elsewhere
- 9.46 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; the site is not at risk of surface water flooding. Therefore, the proposal is considered to comply with the aforementioned policies.

### **Ecology and Trees**

- 9.47 Policy LP19 of the Fenland Local Plan 2014 and Paragraph 187 of the NPPF 2024 seek to conserve, enhance and promote biodiversity and the natural environment.
- 9.48 The site is close to a number of trees on adjoining land, albeit on the opposite side of Grays Lane, the Council's Arboricultural Officer has been consulted and has no objections or recommendations regarding mitigation, as such, it is considered that the surrounding trees would not be detrimental affected should the development be approved.
- 9.49 The application is accompanied by a biodiversity checklist for which all answers are no expect for bats and a great crested newts (the site is in a green zone).
- 9.50 Given that there are no natural features on site it is not considered that it could be a potential habitat or dispersal route for great crested newts and as such no further information is considered necessary in this regard.

- 9.51 With regards to bats, the application is accompanied by a Preliminary Roost Assessment and subsequent Phase 2 Bat Survey, which concluded that no evidence of roosting activity was captured during the nocturnal bat activity survey and therefore there are currently no further constraints with respect to roosting bats. A precautionary approach to works was however recommended, and should the application be approved a condition can be imposed to ensure that the recommendations set out are adhered to. Therefore, subject to condition, the proposal is considered to comply with the aforementioned policies.

### **Biodiversity Net Gain (BNG)**

- 9.52 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.
- 9.53 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 pre-development biodiversity value is too low to require statutory net gain.

## **10 CONCLUSIONS**

- 10.1 The policies in the NPPF (December 2024) when taken as a whole constitute the Government's view of what sustainable development means. Paragraph 8 of the NPPF (December 2024) lists the three dimensions to sustainable development; the economic, social and environment objectives, and sets out that these roles should not be undertaken in isolation. Therefore, to achieve sustainable development a proposed development should jointly and simultaneously deliver net gains across each of these key objectives.
- 10.2 To be sustainable, development must strike a satisfactory balance between the applicable economic, social considerations. This stance is supported by Policy LP1 of the Fenland Local Plan 2014, which is a high level, overarching policy supporting a presumption in favour of sustainable development.
- 10.3 It is acknowledged that there is an opportunity for redevelopment of this site to make a positive contribution to the heritage assets and the vitality and viability of the town centre as a whole, hence the demolition of the building could be accepted if it is demonstrated that its replacement would provide a high quality development, with an active ground floor use, which enhances its local setting and the historic and local built environment and would provide a public benefit to which would outweigh the less than substantial harm caused by the loss of the existing building.
- 10.4 However, in this case there is no proposal for redevelopment of the site, the application merely seeks permission to demolish the existing building and erect a 2.4m high fence around it; there are no proposals for remediation of the site or a meanwhile use which may mitigate impact of the loss of the existing structure. The building is not considered such an eyesore to warrant its demolition without any safeguards in place as to its future development.
- 10.5 There is no evidence of a marketing exercise to otherwise demonstrate re-use is unviable or unattractive to other potential commercial enterprises. There is no

evidence as to why it is necessary to demolish the building prior to a scheme for its redevelopment having been secured, and without a proposed scheme and/or evidence of the viability of such a scheme, no evidence that the demolition of the building would result in the site being viable in future.

- 10.6 Therefore, there is a distinct risk that the site would remain vacant with fencing to secure it indefinitely, which would be more harmful to the character of the area than current appearance and condition of the site. This would result in unjustified harm to the historic environment, the character and visual amenity of the area and the vitality and viability of the town centre, which has recently been subject to substantial regeneration, involving the introduction of large extents of public realm, immediately in front of the application site and along Broad Street, enhancing the setting and appreciation of the War Memorial and Conservation Area as a whole and which would be detracted from should this development be approved. As such, there are not considered to be any public benefits to the proposal which would outweigh the identified harm.
- 10.7 Paragraph 56 of the NPPF 2024 states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. However, these can only be used in certain circumstances as set out in Paragraph 57 and 58 of the NPPF 2024 and Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). It could not be considered reasonable to prevent the demolition of the building until such time as a redevelopment proposal came forward, or secure redevelopment of the site, as such, there is no planning mechanism to secure the future of the site should this application be approved.
- 10.8 As set out above, it is considered that there are no benefits to the proposal which would outweigh the harm identified, and there is no planning mechanism to secure the future of the site should this application be approved, as such, the application is recommended for refusal.

## 11 RECOMMENDATION

**Refuse;** for the following reasons:

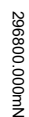
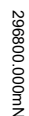
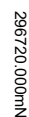
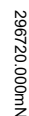
1	<p>Policy LP6 of the Fenland Local Plan 2014, Policy TC1 of the March Neighbourhood Plan 2017 and paragraphs 85 and 90 of the NPPF 2024 seek to support development where it would strengthen the role of Market Towns, enabling these to adapt and provide a wide range of facilities in a high-quality environment, ensure the future vitality and viability of the town centres, and recognising the role that town centres play at the heart of their communities as an important contribution towards sustainable development objectives.</p> <p>The application fails to justify the loss of a commercial use on a site within the Town Centre Boundary, Primary Shopping Area and constituting Primary Shopping Frontage, and there is no proposal for redevelopment of the site, resulting in unjustified harm to the vitality and viability of the town centre. As such, the development is considered contrary to the aforementioned policies.</p>
2	<p>Policy LP16 and Policy LP18 of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014 and Paragraphs 131, 135, 208, 210, 212, 213, 215, 217 and 219 of the NPPF 2024 seek to protect, conserve and seek opportunities to enhance the historic environment and deliver high quality environments and attractive public places,</p>

ensuring that development makes a positive contribution to local distinctiveness and the character of the area, enhances its local setting, avoids adverse impacts and that any harm to or loss of significance of designated heritage assets should have clear and convincing justification and be weighed against the public benefit of the proposal.

The application fails to justify the demolition of a building located on a prominent corner plot within March Conservation Area and in the setting of two Grade II listed buildings. There is no proposal for redevelopment of the site, and the resultant vacant and fenced off site would result in unjustified harm to the historic environment and the character and visual amenity of the area. As such, it is considered that there are no public benefits to the proposal which would outweigh the harm identified and the development is therefore considered contrary to the aforementioned policies.







reasonably visible at the time of the survey.

from cill to the top of window

stated scale. All control must be checked and verified prior to use.

**Bottom scale from this drawing**

## SURVEY GRID AND LEVEL DATUM

must be derived directly from this control data

IPSWICH    BILDFORD    COVENTRY    GLoucester    LONDON    MANCHESTER    NORWICH  
 NOTTINGHAM    TYeM

Sheet 1 of 1

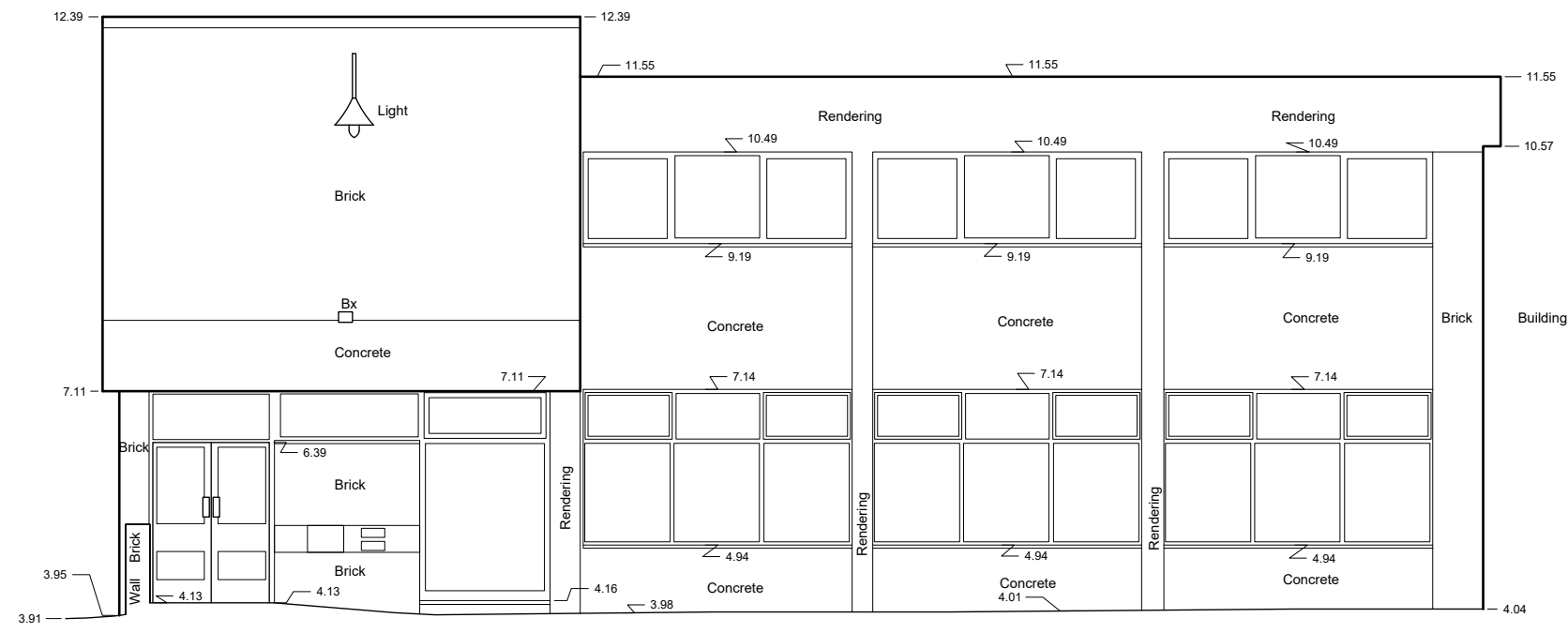
ISO 9001  
REGISTERED FIRM

OX  
OX

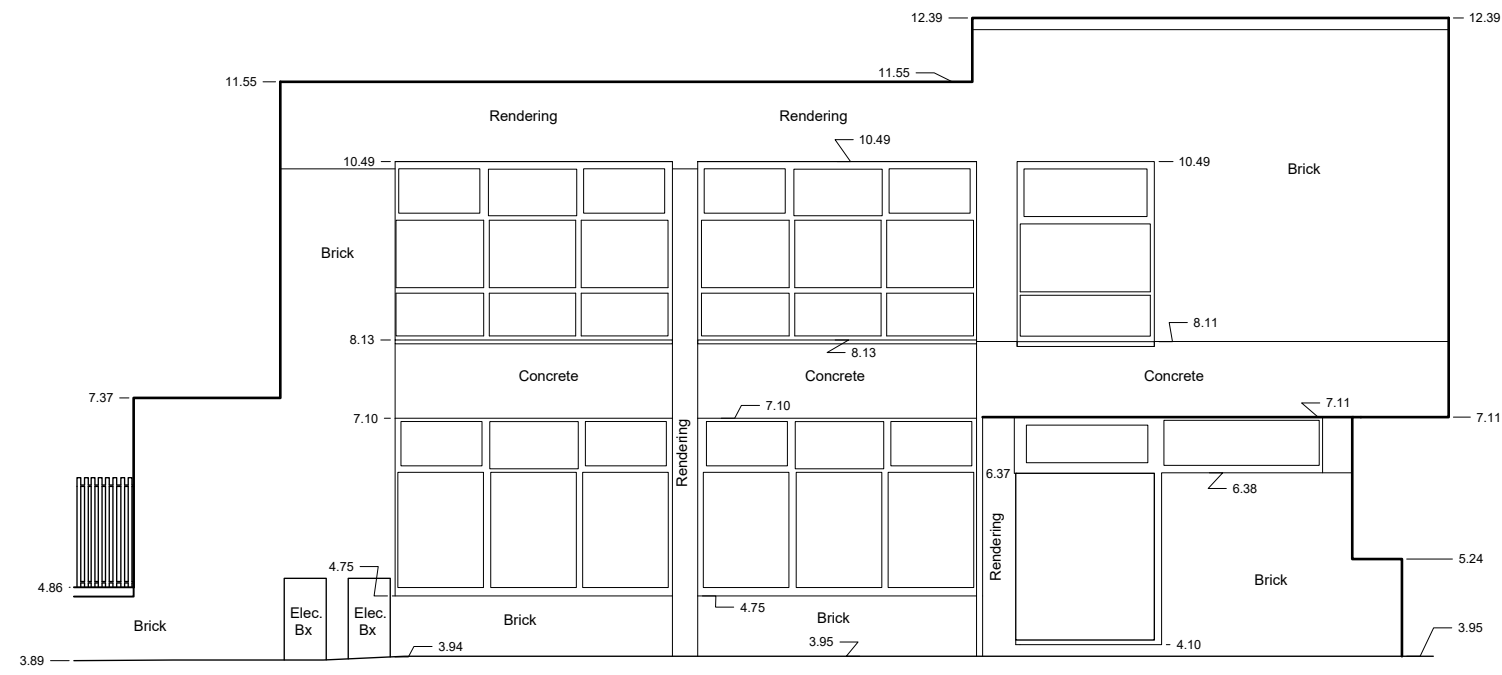
AMS<sup>®</sup>  
14001 : 2015  
REGISTERED



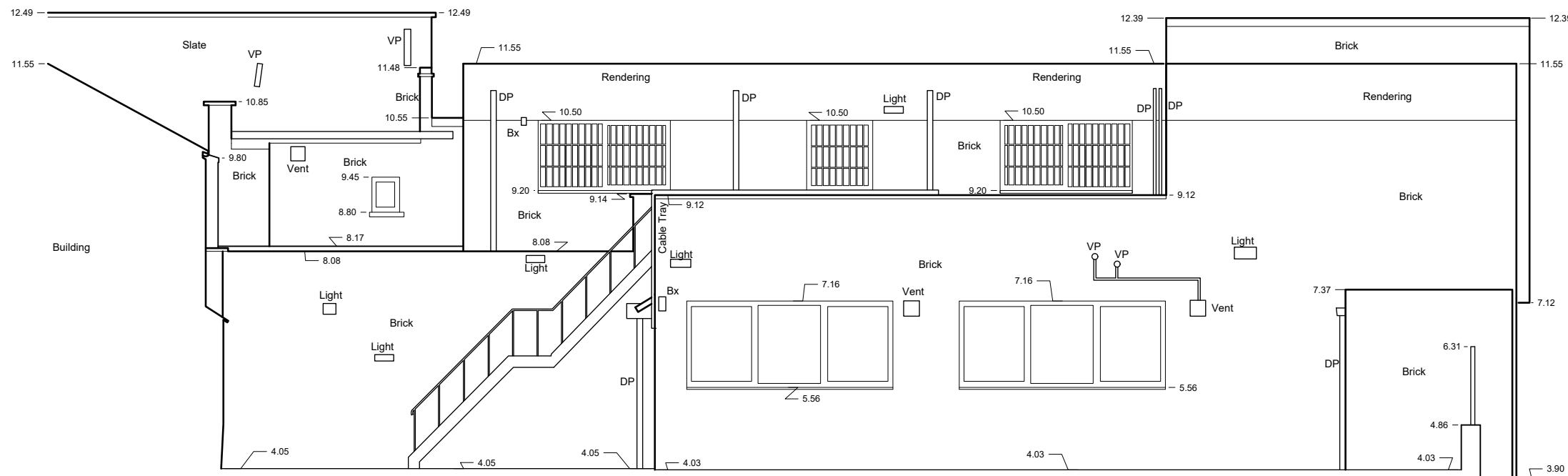




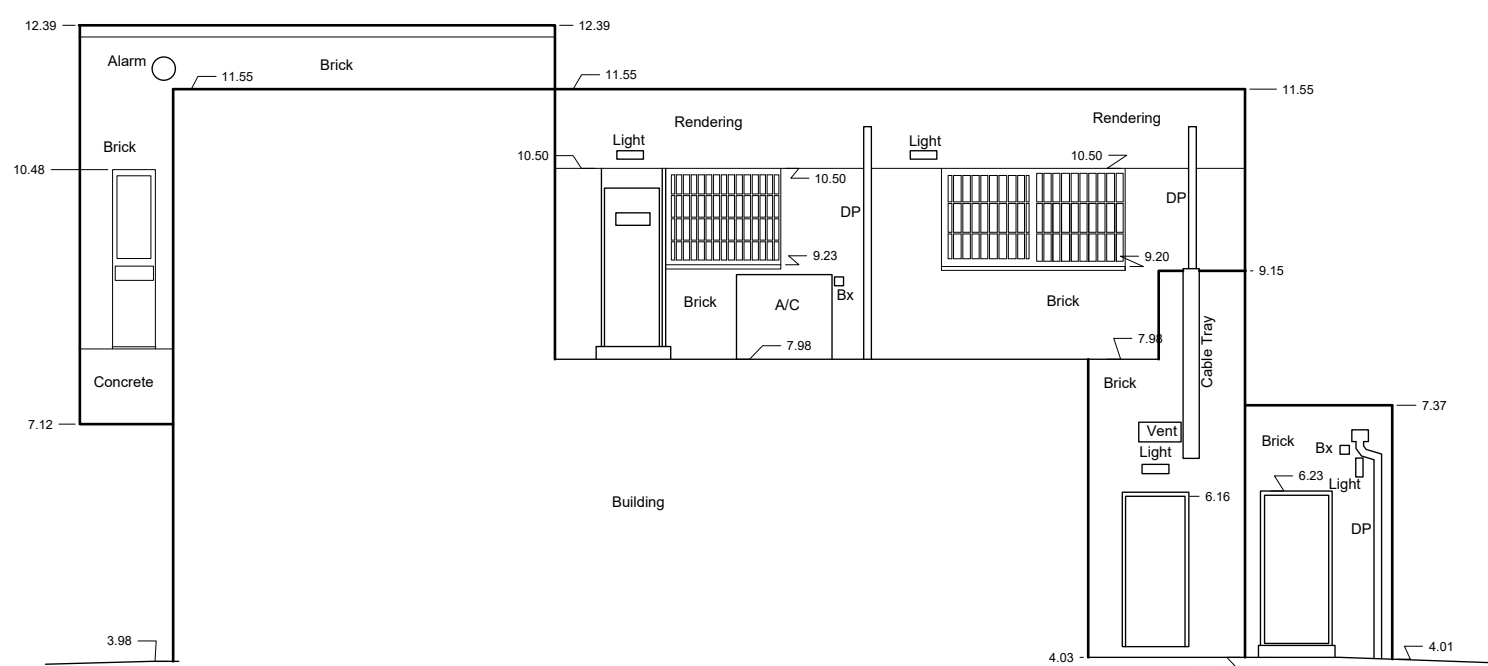
Elevation 1  
Above OS Datum Line 1.00m



Elevation 2  
Above OS Datum Line 1.00m



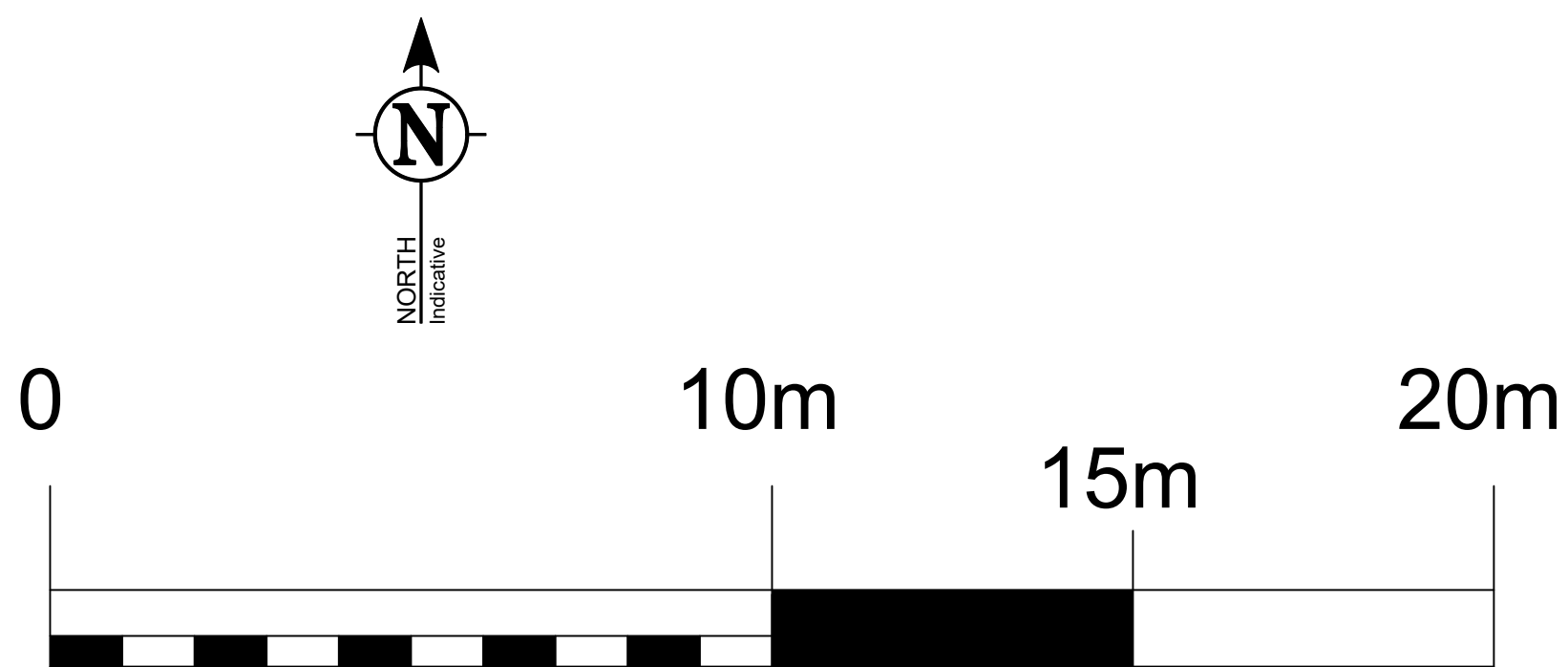
Elevation 3  
Above OS Datum Line 1.00m



Elevation 4  
Above OS Datum Line 1.00m



Elevations Layout



Scale Bar

## TOPOGRAPHICAL & MEASURED BUILDING SURVEYS

### ABBREVIATIONS & SYMBOLS

AH	Arch Head Height	ER	Earth Rod	RSD	Roller Shutter Door
AB	Air Brick	ET	EP+Transformer	RSJ	Roller Steel Joist
AR	Assumed Route	FB	Flower Bed	SI	Sign Post
AV	Air Valve	FBD	Floor Board Direction	SP	Arch Spring Point Height
BB	Beltina Beacon	FH	Fire Hydrant	SV	Stop Valve
BH	Bow Hole	FL	Floor Level	SW	Surface Water
BL	Bed Level	FP	Flag Pole	SY	Cable Stay
BO	Bollard	FW	Foul Water	Tac	Tackle Paving
BP	Brace Post	GG	Gully Grate	TH	Telecom Cover
BS	Bus Stop	GV	Gas Valve	TH	Trail Pit
BU	Bush	HH	Head Height	THL	Threshold Level
BW	Barbed Wire Fence	IC	Inspection Cover	TL	Traffic Light
BX	Box (Utilities)	IL	Invert Level	T/W	Top of Wall
CB	Close Board Fence	IR	Iron Railings	TP	Telegraph Pole
CH	Cill Height	KO	Kern Outlet	TS	Traffic Signal Cover
CL	Cover Level	LP	Lamp Post	TV	Cable TV Cover
CL	Chain Link Fence	MH	Manhole	UB	Universal Beam
C-Lev	Ceiling Level	MP	Marker Post	UC	Unknown Cover
Col	Column	NS	Name Board	UC	Unknown Cover
CP	Chestnut Paling Fence	OHL	Overhead Line (approx)	UMG	Unmade Ground
CR	Cable Riser	Pan	Panel Fence	USB	Under Side Beam
CW	Chicken Wire	PS	Post Box	UTL	Unable To Lift
DC	Drainage Channel	PM	Parking Meter	UTS	Unable To Survey
DH	Door Head Height	PO	Post	VP	Vent Pipe
DI	Displaced	PR	Post & Rail Fence	WB	Waste Bin
DP	Down Pipe	P/W	Post & Wire Fence	WH	Wing Hole
DR	Drain	P/W	Partition Wall	WL	Water Level
EBx	Electric Box	RE	Roofing Eye	WM	Water Meter
EC	Electric Supply Cover	RL	Ridge Level	WO	Warm Out
EL	Eaves Level	RP	Reflector Post	WO	Warm Out
EP	Electric Pole	RS	Road Sign	WO	Warm Out

### DRAWING NOTES

#### Topographical Surveys

Trees are drawn to scale showing the average canopy spread. Descriptions and heights should be used as a guide only.

All building names, descriptions, number of stores, construction type including roof line details are indicative only and taken externally from ground level.

All below ground details including drainage, voids and services have been identified from above ground and therefore all details relating to these features including: sizes, depth, description etc will be approximate only. All critical dimensions and connections should be checked and verified prior to starting work.

Detail, services and features may not have been surveyed if obstructed or not reasonably visible at the time of the survey.

Surveyed physical features may not necessarily represent the legal boundary line.

#### Measured Building Surveys

Measurements to internal walls are taken to the wall finishes at approx 1m above the floor level and the wall assumed to be vertical.

Cill heights are measured as floor to the cill and head heights are measured from cill to the top of window.

#### General

The contractor must check and verify all site and building dimensions, levels, utilities and drainage details and connections prior to commencing work. Any errors or discrepancies must be notified to Survey Solutions immediately.

The accuracy of the digital data is the same as the plotting scale implies. All dimensions are in metres unless otherwise stated.

The survey control listed is only to be used for topographical surveys at the stated scale. All control must be checked and verified prior to use.

© Land Survey Solutions Limited holds the copyright to all the information contained within this document and their written consent must be obtained before copying or using the data other than for the purpose it was originally supplied.

**Do not scale from this drawing.**

### SURVEY CONTROL CO-ORDINATES

STATIONS	EASTINGS	NORTHINGS	LEVEL	DESCRIPTION
----------	----------	-----------	-------	-------------

#### SURVEY GRID AND LEVEL DATUM

The coordinate system established for this survey is related to Ordnance Survey (OS) national grid at a single point using Smartnet, then orientated to grid north with a scale factor of 1.000.

The level datum established for this survey is related to Ordnance Survey (OS) using GPS Smartnet.

To avoid discrepancies any coordinated data used in conjunction with this survey must be derived directly from this control data.

A	Scale Bar Added	TWL	JIA	27/11/24
REV	DESCRIPTION	DRAWN	APPR	DATE



# SURVEY SOLUTIONS

LAND SURVEYING  
BUILDING SURVEYING  
UNDERGROUND SURVEYING  
SITE ENGINEERING  
MONITORING

0845 040 5969  
survey-solutions.co.uk

PWICH BEDFORD COVENTRY GLASGOW LONDON MANCHESTER NORWICH  
NOTTINGHAM YEOVIL

PROJECT TITLE  
2 BROAD STREET, MARCH,  
CAMBRIDGESHIRE, PE16 8TO.

DRAWING DETAIL  
MEASURED BUILDING SURVEY (ELEVATIONS)  
Sheet 1 of 1

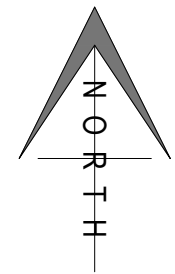
CLIENT FENLAND DISTRICT COUNCIL	SCALE 1:100
SURVEYOR PNC	SURVEY DATE 09/11/2023
CHECKED BY MG	APPROVED BY JIA
DRAWING NUMBER 62191NOLS-03	REVISION A
DWG STATUS FINAL	ISSUE DATE 27/11/2023









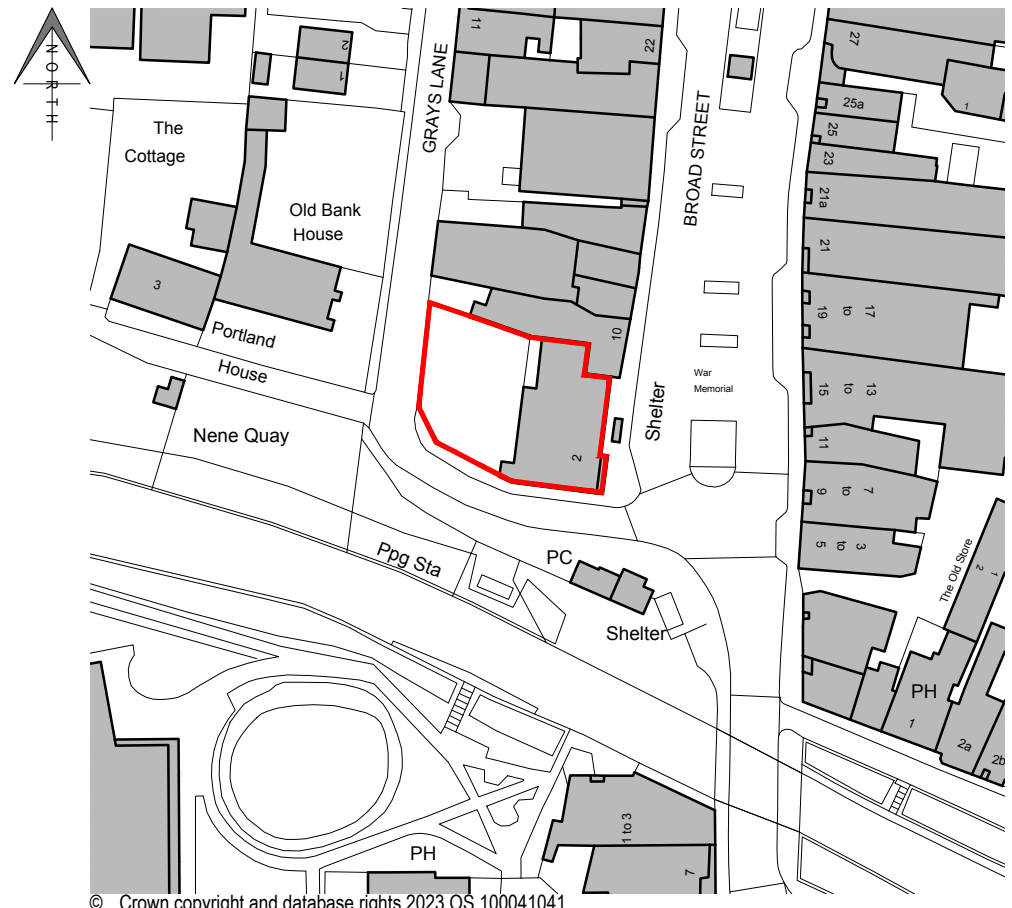
All dimensions to be checked on site and any discrepancies to be reported.  
Units shown are in 'mm' unless otherwise stated.



Site Plan - As Proposed  
0 2 4 6 8 10m  
scale - 1:200

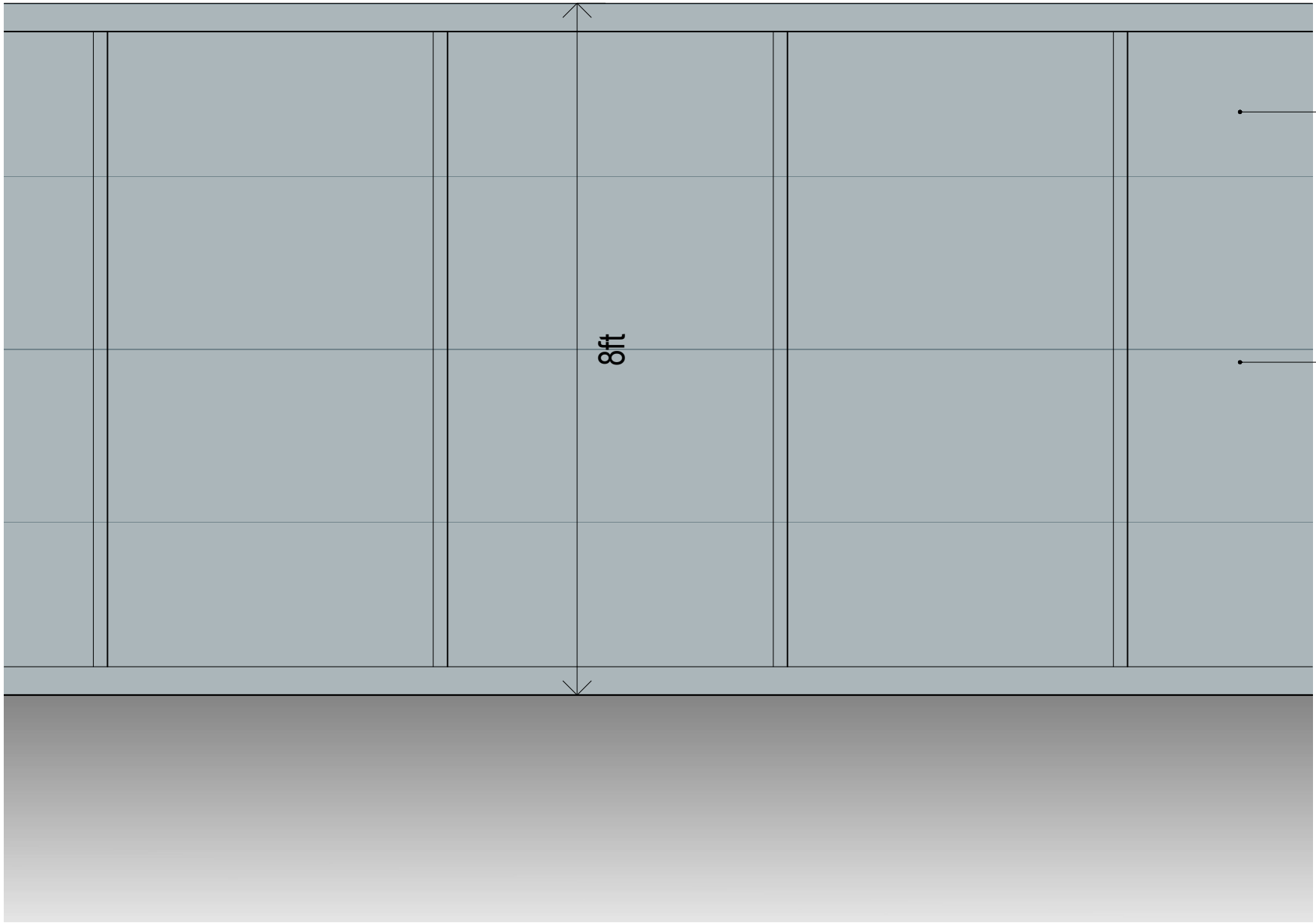
Key

-  Existing tree - indicative size and location.
-  Fencing - 8ft high painted solid timber fence.



Location Plan

0 10 25 50 62.5m  
scale - 1:1250



Fence Elevation - As Proposed

0 0.2 0.4 0.6 0.8 1m  
scale - 1:20

-  Solid timber fencing with top and bottom rails and vertical supports.
-  Painted in neutral colour - dark blue / green.

PROJECT :  
Proposed Mixed-Used Development at 2 Broad Street, March  
for Fenland District Council

DRAWING TITLE :  
PLANNING SUBMISSION  
Post-Demolition Plan

DATE :  
Oct 24

SCALE :  
Var @ A1

SHEET :  
FD-178-P100

REV :  
-

This page is intentionally left blank

---

**F/YR25/0111/O**

**Applicant: Mr Luke Boekestyn  
Burmor Construction**

**Agent: Mr Jamie Burton  
Swann Edwards Architecture Ltd**

**Land North West Of Cobble House, Gull Road, Guyhirn, Cambridgeshire**

**Erect up to 24 dwellings (outline application with all matters reserved)**

**Officer recommendation: Refuse**

**Reason for Committee: Parish Council comments contrary to Officer Recommendation.**

---

## **1 EXECUTIVE SUMMARY**

- 1.1. The proposal is for up to 24 dwellings, (Outline with all matters reserved) on agricultural land on the edge of Guyhirn considered a Small Village in policy LP3 of the Fenland Local Plan. LP3 states that development in Small Villages will be considered on its merits but will normally be limited in scale to residential infilling. This proposal seeks to develop across an entire area of open countryside circa 320 metres in width to the east of Gull Road. The principle of development of this site is therefore considered contrary to Policy LP3 the Council's Settlement Hierarchy and Spatial Strategy resulting in unsustainable development contrary to the golden thread that runs through the NPPF.
- 1.2. Policy LP12 of the Fenland Local Plan also states that new development within villages will be supported where it satisfies Policy LP3, as well as the criteria set out therein. Policy LP16 (d) 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. Development of up to 24 dwellings on an area of land that currently contributes to the countryside character of this rural village is considered likely to result in a detrimental urbanising impact to the settlement form of the village of Guyhirn, resulting in linear development leading to visual harm to the character of this part of Guyhirn and the open countryside and therefore considered contrary to Policy LP12(c d and e) and LP16(d).
- 1.3. 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, and Exception Test (where appropriate), and the demonstration that the proposal meets an identified need and appropriate flood risk management. The site is on land substantially lower than the existing road and is within Flood Zone 3, land at the highest risk of flooding. Given that Guyhirn is classified as a small village, the application proposes a scale of development over and above that which has been identified as being required to sustain the settlement and which must therefore be linked to wider strategic housing

delivery within the district as a whole. Thus, the submitted sequential test, which limits the area of search to Guyhirn only is too limited given the circumstances of the proposal and thus the sequential test is deemed to be failed.

- 1.4. Whilst the provision of up to 24 affordable housing units offers some weight to the case for supporting this scheme, it does not overcome the policy contraventions with respect to development in an unsustainable location, noting the conflicts with Policies LP3, LP12, LP14, and LP16 as discussed in detail below. Accordingly, the scheme is recommended for refusal.

## **2 SITE DESCRIPTION**

- 2.1. This application relates to a 1.03-hectare site on the eastern side of Gull Road, Guyhirn that currently comprises agricultural land. The site fronts Gull Road and currently appears in the streetscene as a circa 320m stretch of open countryside. The site is bounded to the north and south by existing residential development, to the east the boundary is demarcated by an existing IDB drainage ditch with open countryside beyond. The western boundary is formed by the highway. Additional residential development is located to the western side of the highway opposite the site.
- 2.2. The site is within flood Zone 3, an area considered to be at highest risk of flooding. The land sits lower than the existing road. The Applicant's Flood Risk Assessment identifies the existing ground levels at the site are typically between -0.2m OD and +0.3m OD. Alongside Gull Road the site slopes from the carriageway level which is between +1.6m OD and +2.0m OD, i.e. the site sits around 1.75m below the highway on average.

## **3 PROPOSAL**

- 3.1. This application is outline in nature with all matters reserved and proposes a linear residential development of up to 24 dwellings. Indicative plans have been submitted indicating that the proposed dwellings would be a mix of detached and semi-detached properties between 1-3 bedrooms; and it is proffered that these will be 100% affordable. The dwellings are intended to be served by shared driveways with parking, and the plots include gardens to the east. A central visitor parking area is shown, with an attenuation pond to the rear. A proposed 1.8m footpath is shown across the frontage of the site.
- 3.2. Full plans and associated documents for this application can be found at: <https://www.publicaccess.fenland.gov.uk/publicaccess/>

## 4 SITE PLANNING HISTORY

F/YR17/1213/O	Erection of up to 4 dwellings (Outline application with all matters reserved)	Refused 01.02.2018  Appeal Dismissed 28.03.2019
F/YR16/1181/O	Erection of up to 4 dwellings (Outline application with all matters reserved)	Refused 20.07.2017
F/YR13/0648/F	Erection of 4no 3 bed and 8no 2 bed 2 storey dwellings with associated external works and parking	Refused 19.12.2013
F/YR08/0446/RM	Erection of a 4/5-bed detached house with detached double garage with playroom over	Approved 26.06.2008
F/YR07/0392/O	Erection of a dwelling	Granted 07.09.2007

## 5 CONSULTATIONS

### 5.1. Wisbech St Mary Parish Council

*The Parish Council would like to recommend approval for this application subject to it complying with a local lettings policy, The open space on the plan should be an area for visitor car parking and councillors would also like the speed limit of the road to be reduced from 40MPH to 30MPH due to the amount of homes within this area, for the safety of new and existing residents.*

### 5.2. Cambridgeshire County Council (Growth & Economy)

*Table 1 below summarises the contributions requested by the Council.*

	<b>Contribution</b>	<b>Project</b>	<b>Indexation Date</b>	<b>Trigger</b>
<b>Early Years</b>	<i>To be calculated in accordance with Table 9 *£88,408 indicative contribution</i>	<i>Early years places in Guyhirn</i>	1Q2025	<i>50% prior to first occupation and 50% prior to occupation of 50% of the development</i>
<b>Primary</b>	<i>To be calculated in accordance with Table 10 *£265,224 indicative contribution</i>	<i>Primary school facilities serving Guyhirn</i>	1Q2025	

<b>Secondary</b>	<i>To be calculated in accordance with Table 11 *£212,800 indicative contribution Secondary education facilities serving Guyhirn</i>	<i>Secondary education facilities serving Guyhirn</i>	<i>1Q2025</i>	
<b>SEND Education</b>	<i>£47,850</i>	<i>SEND Education places serving the development</i>	<i>4Q2024</i>	
<b>Libraries</b>	<i>£2,800</i>	<i>Enhancement of the mobile library service</i>	<i>1Q2019</i>	<i>100% prior to occupation of 50% of the development</i>
<b>Monitoring Fee</b>	<i>£1,400</i>		<i>1Q2025</i>	<i>10 days of commencement of the development</i>

[...]

5.3. **NHS England (Cambridgeshire & Peterborough Integrated Care System)**

*Following on from the revised proposal and previous comments from CAPICS (please see attached), as the number of dwellings has reduced from 28 to 24 dwellings, I can confirm that CAPICS calculates the level of contribution required is £20,633.31 (3.949sqm at £5224 per sqm).*

5.4. **NHS England (East of England Ambulance Service)**

*A developer contribution will be required to mitigate the impacts of this proposal and is calculated at £9,520 (discounted rate).*

5.5. **FDC Housing Strategy & Enabling Officer**

*My understanding is that this site is being presented as 100% affordable and as such I welcome to proposed development as it will help meet the need for affordable housing in Guyhirn and the wider area.*

[...Outlined required AH provision should the proposal change to not being 100% affordable...]

5.6. **FDC Housing Strategy & Enabling Officer – additional clarification provided (07.08.25)**

	<b>Guyhirn</b>	<b>Wisbech St Mary</b>	<b>Murrow</b>	<b>Thorney Toll</b>	<b>Rings End</b>	<b>Totalled</b>
<i>1 bed</i>	<i>15</i>	<i>28</i>	<i>20</i>	<i>1</i>	<i>4</i>	<i>68</i>
<i>2 bed</i>	<i>6</i>	<i>37</i>	<i>10</i>	<i>0</i>	<i>4</i>	<i>57</i>



3 bed	6	18	10	0	0	34
4 bed	3	4	2	1	2	12
5+ bed	1	3	1	0	0	5
<b>Total</b>	<b>31</b>	<b>90</b>	<b>43</b>	<b>2</b>	<b>10</b>	<b>176</b>

*The above is for affordable rent only from the housing register.*

*These are those on the housing register that have a local connection to Guyhirn (the other places are the same, all local connection to each place).*

*They can currently live anywhere but they would qualify for the housing based on standard rural exception site local connection criteria, the other places listed because there is a cascade which would usually go, Guyhirn, wider parish, adjoining parishes, districtwide, HomeLink area. Based on the number of units proposed on Gull Road, I would think it would be unlikely to ever cascade out of the parish.*

*We would anticipate these numbers going up if granted permission and the news of the development spreads. Many do not register on HomeLink as they feel they have no chance of getting a place in the village.*

*9 of the 31 are using Guyhirn in their current address, although one of those has Rings End, Guyhirn as the address.*

#### 5.7. **Environment Agency**

*Thank you for your consultation dated 07 May 2025. We have reviewed the documents as submitted and we are able to remove our objection to this planning application, providing that you have taken into account the flood risk considerations which are your responsibility. We have highlighted these in the flood risk section below.*

*Please note our comments on water resources in our previous letter referenced AC/2025/132608/01, dated 27 February 2025 remain relevant.*

#### **Flood Risk**

*We strongly recommend that the development should be carried out in accordance with the submitted Flood Risk Assessment (FRA) (Ref: ECL1382a/SWANN EDWARDS ARCHITECTURE; dated May 2025; submitted by Ellingham Consulting LTD) and the following mitigation measures it details:*

- *Finished floor levels shall be set 2.0m AOD*
- *Flood Resilient Construction to 0.3m above Finished Floor Levels*

*These mitigation measures should be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above should be retained and maintained thereafter throughout the lifetime of the development. This is to reduce the risk of flooding to the proposed development and future occupants and to protect against risk to life.*

*We note that internal layout plans have not been submitted at this stage, and therefore we have not been able to review if ground floor sleeping is proposed for this development. If ground floor sleeping is proposed at the reserved matters stage, we may look to object due to possible risks posed.*

**5.8. CCC (Lead Local Flood Authority)**

*We have reviewed the following documents:*

- *Additional Drainage Info, James Burton, 5th June 2025*
- *Proposed Drainage Layout, WE Consulting Engineers Ltd, WECE/24/506/AO/C/100 Rev P03*

*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 an attenuation pond, restricting surface water discharge to greenfield equivalents.*

*The LLFA is supportive of the use of ponds 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.*

*We request the following conditions are imposed:*

*Full conditions wording omitted for brevity, conditions include:*

- *Submission of detailed drainage strategy;*
- *Construction surface water management methods;*
- *Survey report required prior to adoption;*
- *Management and maintenance details required; and*
- *FFLs minimum for freeboard.*

**5.9. Anglian Water Services Ltd**

**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**

*When assessing the receiving water recycling centre's (WRC) dry weather flow (DWF) headroom we take the latest DWF figures, as verified by the Environment Agency and add to this, sites with planning consent. Based on the above assessment West Walton WRC is within the acceptance parameters and can accommodate the flows from the proposed growth.*

### **Section 3 - Used Water Network-Objection**

*We have reviewed the submitted Concept Foul Drainage Strategy Plan WECE-24-506-SK-C-002 and the Foul water drainage strategy - Gull Road, Guyhirn email correspondence with Anglian Water and the Applicant, submitted with the application.*

*Anglian Water's objection to a connection to our vacuum sewerage system remains as per our previous response.*

*In order to overcome our objection, we require that the applicant continues to engage with Anglian Water regarding the capacity of the existing vacuum main system, in order to define a Sustainable Point of Connection (SPOC) for the proposed development. Once a SPOC has been identified and a strategy has been agreed with Anglian Water, we would expect the applicant to submit these details as part of their submitted documents for this application. We will then review the information and respond accordingly.*

*If Local Planning Authority are minded to approve the planning application, despite our objection, we recommend a condition which prevents occupation until any required upgrades are completed.*

**Condition:** *Prior to commencement a scheme for foul drainage works will be submitted to the Local Planning Authority identifying any necessary upgrades. Prior to occupation the identified upgrades must be completed in accordance with the approved scheme. This scheme will identify a sustainable point of connection to the vacuum sewerage system and any necessary upgrades.*

**Reason:** *To protect water quality, prevent pollution and flooding and secure sustainable development having regard to paragraphs 7/8 and 180 of the National Planning Policy Framework.*

*[...]*

#### **5.10. North Level Internal Drainage Board**

*The Board's comments in its letter of 21 February 2025 regarding consent being needed for surface water disposal remain valid.*

*In relation to maintenance of the riparian watercourse, the agent's confirmation that responsibility for this is expected to remain with a single party/landowner is noted.*

*The Board would, however, suggest that any easement strip needs to continue along where an attenuation area is indicated. As substantial ground raising is suggested, detailed design/construction plans will also have to clarify how this will be implemented adjacent to the watercourse, including how it may affect the position of the easement strip. I would suggest such details could form part of imposed pre-commencement "site drainage" condition(s).*

**5.11. Cambridgeshire County Council Highways Authority**

*On behalf of the Local Highway Authority, I have no objection to the principal of the proposed development. However, this is an "All Matters Reserved" application and the below issues would need to be addressed in any future planning submissions to make the development acceptable in highway terms.*

- Gull Road along the length of the boundary of the site, has a posted speed limit of 40mph. Therefore, inter-vehicle visibility splays would need to be 2.4m x 120m in either direction at each access point. These splays have not been shown within this application and therefore I cannot confirm if they are achievable. These splays would need to be either within the extent of the adopted highway or over the land under the control of the applicant and then Conditioned accordingly.*
- The vehicle access arrangement shows a lot of new access points with the highway and is not ideal as could be detrimental to the safety of the highway. However, access approval is not sort or included within this application so I cannot comment on this aspect of this submission as any reserved matters application would deal with this.*
- In order to make any development in this location acceptable to the highways authority. There would be a requirement to install a footway fronting the site which must have appropriate and official pedestrian crossing points. There are no existing or proposed safe crossing points along the frontage of the site. The dropped kerbs opposite are vehicle access points to the existing dwellings and should not be perceived as crossing points. If approved in its current proposed layout, this would be detrimental to the safety of the highway, as pedestrians would be crossing to a live vehicle access over a 40mph road with no facilities for the visually impaired.*
- I am unable to confirm the extent of the highway fronting this site. I would recommend that the applicant supply this information prior to the determination of this application. As it is possible that land dedication would be required in order to facilitate safe pedestrian access and it would need to be established if safe access can be achieved (e.g. visibility splays)*
- Please consider how refuse collect will be achieved and where bins would be stored and collected off the highway.*

- *Gull Road along the length of the has a solid white line. This prohibits vehicle from “Stopping At Any Time” and may require an amendment to the Traffic Regulation Order or the alteration of the restriction to allow access to this site. No proposal has been made on this aspect therefore I am unable to comments what is required. I would recommend that the applicant contact the CCC Policy & Regulations team to determine what is required, if and when it is appropriate.*
- *There are utility poles along the length of the site within the highway. These might need to be relocated, or alternative arrangements made with the utility company to allow safe access with the highway.*

*[...]*

#### **5.12. Cambridgeshire Fire & Rescue Service**

*With reference to the above application for planning. Should you the Planning Authority grant approval, Cambridgeshire Fire & Rescue Service will require a planning condition against this application, for the provision of fire hydrants to be installed, for the purposes of providing water for firefighting.*

*The condition should read as follows:*

*No above ground development should take place until a water scheme for the provision of fire hydrants has been submitted to and agreed with the fire authority.*

*No occupation of the development can occur prior to the installed fire hydrants being inspected and tested for operational use by the fire authority. Proposed water schemes should be submitted via email in pdf format. All required hydrants will be plotted and the pdf returned.*

*Discharge can only be given as follows:*

- Partial discharge once a water scheme has been submitted to the fire authority for processing and or a phase of the development is complete.*
- Full discharge will be given once all water scheme fire hydrants have been inspected, tested and are ready for operational use.*

*All proposed water schemes and installation inspections can be booked via email to: Hydrants.User@cambsfire.gov.uk (Please note this a free service provided by the fire authority)*

*All cost for the installations of fire hydrants proposed are to be borne by the developer.*

*Where a Section 106 agreement or a planning condition has been secured, the cost of Fire Hydrants will be recovered from the developer.*

*The number and location of fire hydrants will be determined following a risk assessment and with reference to guidance contained within the “National Guidance Document on the Provision of Water for Fire Fighting” 3rd Edition, published January 2007. Access and facilities for the Fire Service should also be provided in accordance with the Building Regulations Approved*

**5.13. Designing Out Crime Officers**

*I have searched the constabularies crime and incident systems covering a two year period Guyhirn forms part of the Wisbech St Mary and Parsons Drove council ward, crimes for this ward over the period are 483 and incidents 1,379, I have drilled down to Guyhirn Gull Road as far as Gull Drove, I would consider this to be a low risk to the incidents of crime based on the current figures.*

*I would be happy to arrange a meeting with the developer to discuss Secured by Design (SBD) as I believe this development could achieve the accreditation with discussion.*

*I withhold further comment until this office receives a full or reserved matters application. I am happy for the above to be conditioned should planning be approved.*

*I currently have no further comments.*

*Additional comment received 15 May 2025:*

*The 3-meter maintenance strip must be enclosed and gated with a 1.8m gate anti-cut/anti-climb at both ends of the open space (attenuation pond) to protect the rear gardens of the residential properties.*

**5.14. 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.*

**5.15. FDC Ecology**

*Thank you for consulting me on the additional information provided to inform the above planning application. I have visited the site.*

- While I do note the advice provided by Natural England on the application (they raise no objections), nevertheless I have prepared an HRA for the application because of the proximity of the application site to the Nene Washes designated sites and because I have identified a Likely Significant Effect on the designated sites which I consider needs to be mitigated. I have attached the HRA.*
- I welcome the proposals by the applicant to enhance the watercourse which runs along the eastern boundary of the site and note that enhancements to this watercourse will achieve an overall net gain in biodiversity for the development in excess of the required 10%.*
- I would accept that, providing a Construction Environment Method Statement is prepared and implemented, no impact will be caused to national or local designated wildlife sites.*

- *Having now viewed the site in April, I would not disagree with the habitat assessment provided by the applicant.*

*I would raise no further objections to the application, but I would advise that a number of Conditions are imposed on any permission which may be granted to the scheme to protect biodiversity.*

### **Biodiversity Net Gain**

*The statutory Biodiversity Gain Condition will apply to any permission, to require the pre-commencement submission of a detailed Biodiversity Gain Plan and a Habitat Management and Monitoring Plan. Since the enhancements to the adjacent watercourse are outside the red line boundary of the application site they are classed as ‘off-site biodiversity gain’ and will therefore need to be secured through an S106 planning obligation.*

### **Other Conditions / Informatives**

#### **Condition - Construction Environmental Method Statement**

*No development shall take place (including ground works and vegetation clearance) until a more detailed Construction Environmental Method Statement (CEMS: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMS (Biodiversity) must include the following:*

- 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). This particularly applies to the need to avoid water pollution.*
- 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.*

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

*Reason: to protect biodiversity*

*Informative*

*The Applicant is reminded that under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Vegetation is most likely to contain nesting birds between 1st March and 31st August inclusive. No vegetation clearance should take place within this period, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.*

**5.16. Arboricultural Officer (FDC)**

*The accompanying arboricultural report categorises the trees appropriately and indicates the better quality tree T3 will be retained and can be suitably protected. The low quality trees in G3 will need to be removed which I do not object with.*

*For a detailed application, a tree protection method statement will be required and a robust landscape plan to include suitable tree planting for the scheme.*

**5.17. Environmental Services (FDC)**

*We have 'No Objections' in principle but -*

- Will a path be built as part of the development?*
- New residents will require notification of collection 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.*

**5.18. Environment & Health Services (FDC)**

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

*Construction Noise, Dust and Vibration:*

*There are certain aspects that need to be considered given the nature and scale of the proposed development, with the issues of primary concern to this service during the construction phase being 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](http://fenland.gov.uk)) In the interests of respect for the locally amenity, a submitted CEMP shall be required to include working time restrictions in line with those covered within the aforementioned template.*

*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.*

*I trust that the information clarifies the stance of this service at this outline stage.*

**5.19. Senior Archaeologist (CCC)**

*Thank you for the re-consultation with regards to the updated plans. We have reviewed these and confirm they do not alter previously issued advice. Namely that due to the archaeological potential of the site a further programme of investigation and recording is required in order to provide more information regarding the presence or absence, and condition, of surviving archaeological remains within the development area, and to establish the need for archaeological mitigation of the development as necessary. Usage of the following condition is recommended:*

**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).*

**Informatives:**

*Partial discharge of the condition can be applied for once the fieldwork at Part c) has been completed to enable the commencement of development. Part d) of the condition shall not be discharged until all elements have been fulfilled in accordance with the programme set out in the WSI.*

**5.20. Local Residents/Interested Parties**

The LPA received no comments in support of the scheme. Contrastingly, 5 letters of objection were received from local residents of Gull Road and Nene Close, Guyhirn. The reasons for objection can be summarised as follows:

<b>Objecting Comments</b>	<b>Officer Response</b>
Countryside character impacts	See Character & Appearance section below.
Local infrastructure unable to cope	See Developer Contributions section below.
Ecological concerns	See Ecology section below.
Flood risk and drainage concerns	See Flood Risk section below.
Parking, traffic & road safety concerns	See Access & Parking section below.
No community consultation exercise	See Principle of Development section below.
Potential overlooking concerns	See Residential Amenity section below.
Noise & disturbance concerns	
Relevant planning history of refusals	See Site Planning History and Background sections below.
Loss of countryside views	Loss of view is not a material planning consideration.

## **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) 2024**  
 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 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  
Nature  
Public Spaces  
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  
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  
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**

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

**7.7. Developer Contributions SPD 2015**

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

**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 49 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  
LP5: Health and Wellbeing

LP7: Design  
LP8: Amenity Provision  
LP11: Community Safety  
LP12: Meeting Housing Needs  
LP18: Development in the Countryside  
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

## **8 KEY ISSUES**

- **Principle of Development**
- **Character and Appearance**
- **Residential Amenity**
- **Access and Parking**
- **Flood Risk and Drainage**
- **Biodiversity & Ecology**
- **Infrastructure Contributions**
- **Sustainability**

## **9 BACKGROUND**

- 9.1. The application site as a whole includes two separate areas that were subject of previous planning applications;
- 9.2. In the northern part of the site, F/YR13/0648/F was refused for the erection of 4no 3 bed and 8no 2 bed 2 storey dwellings (totalling 12) with associated works and parking. The application was refused owing to impacts of residential amenity and highway safety and failure of the sequential test. However, it should be noted that assessment of this scheme was based on the now superseded Fenland District Wide Local Plan (1993) and the Fenland Local Plan Core Strategy (2013) and thus should be given limited weight in decision making.
- 9.3. More recently, however, an area in the southern part of the site was subject to a number of outline applications seeking the erection of up to 4 dwellings (F/YR16/1181/O & F/YR17/1213/O). Of which, the most recent (17/1213) was refused owing to the incursion into the open countryside and flood risk, contrary to Policies LP3, LP12, LP14 and LP16 of the current adopted Fenland Local Plan (2014). (Noting that F/YR16/1181/O was refused for the same reasons.)
- 9.4. The application F/YR17/1213/O was subject to a planning appeal (APP/D0515/W/18/3204206), where the Inspector concluded that:

- The scheme did not constitute infill development, as the application site was part of a substantial gap in the built form, and thus was contrary to Policy LP3;
- The development would have a detrimental impact on the character and appearance of the area, by extending linear features contrary to Policy LP12 and LP16;
- The application failed the Sequential Test; contrary to Policy LP14.

Accordingly, the appeal was dismissed.

- 9.5. It should be noted that the applications discussed above were relevant only to parts of the current application site, whereas the current application seeks wholesale development of the entire length the currently undeveloped site. Notwithstanding, the conclusions reached by Officers and the Planning Inspectorate within the site's recent planning history should be given material weight in the below assessment, particularly as these were assessed using the current development plan.

## 10 ASSESSMENT

### Principle of Development

#### Infill development

- 10.1. Policy LP3 of the Fenland Local Plan 2014 defines Guyhirn as a 'small village' whereby development will be restricted to that of a very limited nature and normally be limited in scale to residential infilling or a small business opportunity. Policy LP12 of the Local Plan also states that new development within villages will be supported where it satisfies Policy LP3, as well as the criteria set out therein.
- 10.2. The glossary within the Local Plan defines residential infilling as '*Development of a site between existing buildings.*' The Planning Portal defines this as '*The development of a relatively small gap between existing buildings.*'
- 10.3. The site forms a 320m gap between a residential dwelling at No.6 Gull Road to the north, and Cobble House to the south. This undeveloped expanse cannot be considered as a 'relatively small gap' as defined within the Development Plan. As such, the proposal to develop the site for up to 24 dwellings cannot be considered as residential infill on the basis of the accepted definitions. The linear form of this site and its position in a large element of open countryside which is not an area of otherwise built-up frontage renders this proposal in excess of that which could reasonably be considered small scale.
- 10.4. Thus, the proposal is considered contrary to Policy LP3, which seeks, inter alia, to restrict development within 'small villages' to residential infilling that is limited in scale.

#### Community consultation exercise

- 10.5. Policy LP12 of the Local Plan states that if a proposal within or on the edge of a village would, in combination with other development built since 2011 and committed to be built (i.e. with planning permission), would increase the number of dwellings in a small village by 10% or more, then the proposal should have demonstrable evidence of clear local community support for the scheme (with such support generated via a thorough and proportionate pre-application community consultation exercise or a Neighbourhood Plan exercise); or if, despite a thorough and proportionate pre-application consultation exercise, demonstrable evidence of support or objection cannot be determined, then there will be a requirement for support from the applicable Parish or Town Council.
- 10.6. It is acknowledged that, as of 23 June 2025, the FDC Village Thresholds Position Statement outlines that Guyhirn has already exceeded its 10% growth threshold, with 86 dwellings committed/built over a threshold of 25. However, an appeal decision received in respect of an application that was refused purely on this basis (planning application reference: F/YR14/0838/O) indicates that the threshold considerations and requirement for community support should not result in planning permission being refused.
- 10.7. Therefore, despite the proposed development being in conflict with policy LP12 of the Local Plan in terms of a community consultation exercise, with consideration given to the referenced appeal decision, the absence of clear community support does not render the scheme unacceptable in planning terms.

### **Character and Appearance**

- 10.8. LP12 includes criteria for development in villages and refers to Part A which sets development criteria for rural villages which includes the following:
- (c) It would not have an adverse impact on the character and appearance of the surrounding countryside and farmland,
  - (d) The proposal is of a scale and in a location that is in keeping with the core shape and form of the settlement, and it would not harm its character and appearance.
  - (e) It would extend existing linear features of the settlement.
- 10.9. Policy LP16 (d) refers to development making a positive impact to local distinctiveness and the character of the area and amongst other things should not have an adverse impact on landscape character. It is also a core planning principle in the NPPF that recognises the intrinsic value of the countryside therefore consideration needs to be given to any harm caused.
- 10.10. The proposed development on this currently undeveloped parcel of land would cause an irreversible transformation of the area's rural character. This site makes a vital contribution to the open, expansive countryside setting that defines the identity of this small rural village. The introduction of a development of this scale – up to 24 dwellings, accompanied by extensive hard landscaping, parking areas, a visitor car park, and a new footpath - would result in the wholesale urbanisation of a last remaining key piece of open land.

- 10.11. The open nature of the site presently allows for uninterrupted, far-reaching views across the countryside to the east, serving as one of the final remaining visual links to the wider rural landscape along Gull Road. This openness is not only a visual asset but an essential component of the semi-rural character that remains here, despite recent encroachments of development to the north. By enclosing both sides of Gull Road with linear development, this visual and spatial connection would be severely restricted, creating a sense of enclosure and resulting in suburbanised streetscene with limited rural outlook and a permanent erosion of what is left of the remaining countryside character.
- 10.12. Furthermore, owing to the requirement to raise finished floor levels (with respect to flood mitigation) and the low ground levels of the site when compared with the highway level, it may also be such that the overall scale of the dwellings will be markedly higher than adjacent development which would increase the prominence. However, it is noted that the final height of the dwellings is not yet committed, with final design of layout and scale reserved for later planning stages.
- 10.13. Notwithstanding final design, the location of the development is considered unacceptable with respect to its impact on the surrounding countryside character. The proposal is considered contrary to Policies LP12(c, d and e) and LP16(d) of the adopted Fenland Local Plan in that it results in harm to the open countryside, results in an extension of already harmful ribbon development and fails to contribute positively to local distinctiveness and the character of the area by virtue of the resulting enclosure of the land.
- 10.14. It is noted that the position relating to both the principle of development and the impact on the character and appearance of the area was echoed by the Planning Inspector during the appeal for F/YR17/1213/O (APP/D0515/W/18/3204206), who dismissed the appeal on the basis that the development, inter alia, would be contrary to the settlement hierarchy as set out within LP3, and that it would result in material harm to the character and appearance of the area contrary to Policies LP12 and LP16.

### **Residential Amenity**

- 10.15. Policy LP2 and LP16(e) considers the impact of development on residential amenity. The application does not submit the details of scale or layout. However, it is noted that the FRA recommends finished floor levels to be set between 1.7 and 2.2m above existing ground level, which is a technical requirement to ensure the development is made safe from flooding and consequently would likely have a significant impact on scale.
- 10.16. The indicative drawing shows Plot 1 to be set approximately 16.3m southeast of No.6 Gull Road and Plot 24 approximately 17.5 metres northwest of Cobble house. There is no evidence of how the development would impact on external ground levels; however, it follows that to achieve the finished floor levels requirement there will likely be some ground raising necessary. Accordingly, there is some concern that if garden levels or the dwellings themselves were raised significantly above adjacent development

levels, then the impact of overlooking and overshadowing to any lower-level adjacent dwellings or garden spaces would detrimentally impact on residential amenity.

- 10.17. Whilst this detail would be considered at the reserved matters stage, it may prove difficult to develop in a satisfactory form without harming the amenity of the occupiers of adjacent dwellings and accord with Policies LP2 and LP16 (e).

#### **Access and Parking**

- 10.18. Policy LP15 of the Fenland Local Plan 2014 seeks to ensure safe and convenient access for all within the district.
- 10.19. The application proposes multiple points of access off Gull Road for each dwelling leading to private driveways which will provide parking for the dwellings. In addition, a central visitor parking area has been proposed to mitigate parking overspill onto the public highway (an issue that has been perpetuated by a number of the newly constructed dwellings to the north). However, the application is outline only with all matters reserved, so the exact access and parking arrangements are not yet committed. However, it appears that the plots are potentially large enough to provide appropriate parking/turning for the development.
- 10.20. Comments from the Highway Authority raised no objection in principle to the development, however there were a number of concerns raised that must be addressed at Reserved matters stage to potentially make the scheme acceptable, including the requirement for appropriate visibility splays, concerns over the number of access points proposed, whether the footway proposed to the front of the site is feasible in respect of the available highway verge and land levels, as well as the lack of official pedestrian crossing points (which in its current guise would be considered unacceptable), and the potential requirement for a TRO and/or relocation of a number of utility poles. Notwithstanding, it is considered that subject to matters of detailed design, the development of the site is considered capable of according with Policy LP15.

#### **Flood Risk and Drainage**

- 10.21. 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. They also seek to ensure developments remain safe from all sources of flooding.
- 10.22. The application site is located entirely within Flood Zone 3 and there are some areas of the site that may be subject to a low chance of surface water flooding, as depicted on the Environment Agency flood maps.

#### **Sequential Test**

- 10.23. The submitted sequential test focuses the area of search on the settlement of Guyhirn and concludes that there are no other reasonably available sites



which could accommodate the development. As set out in the 'Principle' section above the Local Plan settlement hierarchy identifies Guyhirn as a Small Village where limited infill proposals should only normally be considered.

- 10.24. The sequential test justifies that the area of search should be limited to Guyhirn as *"the site is located within the built-up limits of this village, which would fall within the definition set out in Policy LP12. This approach is consistent with the NPPF and the NPPG which state that the sequential test should be applied to the catchment area for the development dictated by local circumstances."* The document also refers to the 'Approach to the Sequential Test for Housing' (Fenland Flood Risk Sequential Test Methodology, Feb 2018). Which stated that *"the area of search for the purposes of carrying out the Sequential Test will be:*

- A) Developments in the countryside – The whole of the rural area;*
- B) Developments in towns and villages – The town/villages that the proposal would sustain".*

Thus, this is the evidence base provided by the applicant with respect to the area of search chosen.

- 10.25. However, as of 27 June 2025, the Council has formally withdrawn its Fenland Flood Risk Sequential Test Methodology. This document is no longer a material planning consideration and has been removed from the Council's website. It must therefore no longer be relied upon when preparing or submitting planning applications.

- 10.26. Clarification on the area of search for a sequential test is now provided on the Council's website , which states:

*"Applicants must define and justify an appropriate area of search when preparing the Sequential Test. The extent of this area will depend on the location and role of the settlement, as well as the type and scale of development proposed:*

- For developments within or adjacent to Market Towns and Growth Villages, the area of search will normally be limited to land within or adjacent to the settlement in which the development is proposed.*
- For all other locations — including Limited Growth, **Small** and Other Villages, or Elsewhere Locations — the area of search will normally be expected to be **district-wide**. (Emphasis added)*

*To pass the Sequential Test, applicants must demonstrate that there are no reasonably available sites, within the defined search area, with a lower probability of flooding that could accommodate the proposed development. A poorly defined or unjustified area of search may result in the Sequential Test being considered invalid."*

- 10.27. Notwithstanding, as the application proposes a scale of development over and above that which has been identified as being required to sustain the settlement and which must therefore be linked to wider strategic housing

delivery within the district, it is therefore considered that the area of search must be wider than just Guyhirn in this instance. Accordingly, the sequential test is deemed to be failed.

10.28. It should be noted that the sequential test submitted during the appeal for F/YR17/1213/O (APP/D0515/W/18/3204206) also concentrated the area of search to Guyhirn only. The Appellant considered that as *"the site is located within the village of Guyhirn as it constitutes an infill plot and therefore the area of search would be Guyhirn"* which echoes the conclusion reached by the Applicant within the current sequential test as above.

10.29. However, the Inspector considered the following with respect to the sequential test, and in particular, the area of search:

*"Moreover, I do not find the appellant's argument that the search area for the development should be restricted to Guyhirn alone compelling as the PPG makes it clear that this should be justified with evidence which has not been provided. In addition, the Council's approach to the Sequential Test states that, within the countryside, the search area is the whole of the rural area.... However, from the FRA that was submitted to the EA for consideration, the appellant has not provided information to support a Sequential Test and in the absence of any evidence on the matter, I am unable to conclude that the requirements of the Sequential Test have been met."*

10.30. Thus, whilst the current application seeks to evidence the area of search using the now out-of-date Fenland Flood Risk Sequential Test Methodology (Feb 2018) to address the Inspector's concerns, the scale of development proposed in this case (24 dwellings) and the fact that Guyhirn, as a small village, would likely be unable to accommodate developments of this quantum, it follows that the area of search must be widened to ensure development is appropriately located with respect to flood risk, in accordance with Policy LP14, the NPPF and NPPG.

#### Exception Test

10.31. 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.

10.32. In respect of the latter (b); The inclusion of flood mitigation measures including raised finished floor levels, flood resilient construction measures and sustainable drainage systems within the proposal are highlighted within the flood risk assessment technically address the need for safety in times of flooding at the site, and as such would satisfy the Exception Test in this regard.

- 10.33. However, notwithstanding the Environment Agency's position on this matter, officers retain concern that the implementation of these measures, such as raising FFLS to 2.0m AOD (between 1.7m and 2.2m above existing site level) may result in an unviable or impractical solution that, whilst may address matters of flood safety, may also give rise to a number of other issues with respect to scale, access, and impact on the streetscene.
- 10.34. In respect of a); the most recent Fenland District Council Five Year Housing Land Supply (June 2025) demonstrates a 6.6 year supply of housing land over the five-year period within the district. Thus, the Council has a sufficient supply of housing delivery land and is meeting its requirement as demonstrated through recent housing delivery test results.
- 10.35. It is noted, however, that the scheme will offer 24 affordable housing units, and will offer reasonable contribution toward mitigation impacts on community infrastructure (discussed in more detail below). Accordingly, it is acknowledged that this may offer some material benefit to the wider community in this regard. However, the application is in Outline form which itself reduces the weight to be given to the immediate delivery of houses. In addition, the submitted planning statement suggests that, to date, there is no registered provider finalised for the scheme. No additional substantive 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"*.
- 10.36. In addition, the 'tilted balance' as set out in the footnote to para. 11 of the NPPF (where Councils are unable to demonstrate a sufficient supply of housing) specifically excludes development in high flood risk areas from any presumption in favour of development. This clearly indicates the government's objective of avoiding development in areas of flood risk, unless demonstrably necessary.

### Drainage

#### *Surface Water*

- 10.37. The application is supported by a proposed drainage layout that demonstrates that surface water can be managed through the use of an attenuation pond with controlled discharge to greenfield run-off rates to a nearby IDB watercourse. This method was considered acceptable in principle to both the LLFA and IDB, subject to conditions and appropriate IDB consents.

#### *Foul Water*

- 10.38. The application includes a concept foul drainage strategy, indicating groups of dwellings to link to a new vacuum pot to discharge to the AW vacuum sewer. Anglian Water initially objected to this scheme, as a Sustainable Point of Connection (SPOC) was not initially confirmed to ensure that sufficient capacity was available in the current system to accept foul flows from the development.

- 10.39. In response to this, the applicant sought additional information to confirm a SPOC, and submitted a Tier 1 Pre-Planning Assessment Report - Domestic Foul Water Drainage Feasibility Study (Reference: PPE-0229167) from Anglian Water directly, which considered a number of drainage matters, but with respect specifically to the foul water proposals concluded:

*“West Walton WRC is within the acceptance parameters and can accommodate the flows from the proposed growth”... “This connection point has been determined in reference to the calculated discharge flow and on this basis, the proposed connection to the public vacuum sewer network, as defined in the submitted flood risk assessment (Reference: ECL1382 - November 2024), has been considered. The network from this point has been assessed up to the water recycling centre and determined that the additional foul flow from the proposed development would not create an unacceptable risk of flooding to our existing customers and the environment.”*

Accordingly, given the evidence submitted, it is considered that the concept foul water drainage strategy is acceptable in principle, subject to conditions.

#### Flood risk and drainage conclusion

- 10.40. From the evidence submitted and noting consultee responses on such matters, it is considered that the proposed surface and foul water drainage proposals are acceptable in principle, subject to appropriate conditions and consents obtained.
- 10.41. However, notwithstanding matters of detailed design, the site lies in a high-risk area for flooding and the application fails to pass the sequential test and is unable demonstrate that development of this site is necessary, or that the benefits accrued would outweigh the flood risk. Development of the site would therefore place people and property in an unwarranted risk of flooding for which there is a strong presumption against both through policies of the development plan and national planning policy. The proposal is in direct conflict with local policy LP14 and the NPPF and should therefore be refused.

#### **Biodiversity & Ecology**

- 10.42. 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.
- 10.43. In accordance with statutory guidelines, the application was supported by an Ecological Impact Assessment (EIA) and a Biodiversity Net Gain Metric and statement. The EIA concluded that there are no ecological features that would be of sufficient ecological value to warrant wholesale protection from

development. Considerations for mitigation were recommended with respect to site clearance, best practice methods for amphibians and reptiles, and external lighting, along with enhancements proposed including the installation of bat and bird boxes. No further survey work for protected species was deemed necessary.

- 10.44. A Habitats Regulations Assessment was undertaken by FDC Ecology Officers to determine any likely significant effects on the special nature conservation interests of the Nene Washes designated sites. It concluded that providing mitigation measures are implemented to avoid water pollution during any groundworks and construction period, the integrity of the designated sites will not be affected by the development.
- 10.45. Accordingly, the mitigation and enhancement proposed is supported by Ecology Officers, providing appropriate conditions are imposed.
- 10.46. In addition, the application included an Arboricultural Impact Assessment (AIA), which concluded the indicative layout would see the removal of a low-grade tree, with limited impact on arboricultural or landscape values. It also outlined the requirement for tree protection methods for retained trees on the site. The findings of the AIA were reviewed by the FDC Arboricultural Consultant who agreed with the findings and methods proposed, subject to conditions.
- 10.47. The Biodiversity Net Gain results show that an on-site biodiversity net gain of 13.24% was identified following the completion of baseline and on-site post intervention calculations, with an overall net gain for watercourses of 118% achieved by enhancing the off-site ditch.
- 10.48. As such, a Biodiversity Gain Condition is required to secure provision of the on-site units. Whilst the off-site units, with respect to the watercourse enhancements (that fall outside the red line boundary of the application) would require a S106 planning obligation to secure. This would ensure the scheme complies with Policies LP16, LP19 and the Environment Act 2021.

### **Sustainability**

- 10.49. For the sake of completeness, the scheme has also been assessed against Paragraph 8 of the NPPF (2024). Paragraph 8 states:

*Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives)*

- a) *an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

- b) *a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
- c) *an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

10.50. In respect of this proposal the development of this site will further these sustainability objectives as follows:

- a) Economic: It is recognised that the construction of the development would provide some employment for the duration of the work contributing to a strong responsive and competitive economy and it may also be argued that there may be some potential for increased expenditure with regard to local facilities.
- b) Social: There will be limited opportunities for community cohesion in the wider locality of the settlement given the relationship of the site to the main village. The proposal has a benefit of providing 100% affordable housing, thus contributing to the range of homes on offer and giving the opportunity for new residents to settle in the locality. However, these dwellings will be at some distance from the main village core which in itself offers only limited services and facilities to support community cohesion. It is further acknowledged that the development of this site may serve to sustain some local facilities and bring with it community benefits such as an enhanced footpath network and/or potential improvements to highway safety.
- c) Environmental: It is considered that the proposal will result in an unacceptable incursion into the open countryside rather than small scale infilling. This will result in the loss of the open character of the site and a detrimental urbanisation of the area. In addition, the site is within an area of high flood risk and as such there are environmental consequences of the development proposal.

10.51. Matters of sustainability, with respect to Guyhirn specifically, were considered in a recent Appeal Decision for a site approximately 550m north of the site at Gull Road (APP/D0515/W/25/3361673), where similar site and sustainability constraints exist. Of note, the Inspector, in their assessment of the Appeal site stated:

*On my visit, I observed a bus stop a short distance from the site, however I have limited information on the frequency of service and where it connects to. I cannot therefore be sure it offers a sustainable alternative to a private car. The site would be accessed via a footway enabling future occupiers to walk to local services and facilities. However, whilst noting playing fields, a*

*primary school, farm shop and restaurant on High Road, overall, I observed a limited range of services and facilities within Guyhirn. Taking these points together, I consider any future occupiers would need to travel to access services and facilities in the nearer larger settlements, contrary to the aims of Policy LP3. ...*

*Given the level of services and facilities within the village, limited weight is afforded to the potential economic and social benefits of the appeal scheme supporting these and generating local expenditure and revenues in the longer term.*

Similarly to the current scheme, the Inspector concluded:

*... the development would provide some material positive planning benefits. However, for the reasons given, these carry only limited weight. Even in combination, they amount to no more than moderate weight. I have found that the proposal would conflict with the spatial strategy of the development plan and would result in harm to the character and appearance of the area. These are significant factors weighing against the scheme that overall outweighs the benefits.*

### **Infrastructure Contributions**

- 10.52. A number of representations received cited concerns over impacts to services and infrastructure, such as school and health care services, arising from the development.
- 10.53. Local Plan policy LP13 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. This will be required in addition to the affordable housing requirement as set out in Policy LP5.
- 10.54. Statutory tests 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.
- 10.55. The following contributions and infrastructure are sought through this proposal (based on 24 dwellings) and are considered to be CIL compliant;
- Affordable Housing (discussed in more detail below)
  - Education:
    - Early Years: £88,408

- Primary: £265,224
- Secondary: £212,800
- SEND: £47,850
- All of the above to be provided 50% prior to first occupation and 50% prior to occupation of 50% of the development;
- Libraries – £2,800 – to be provided 100% prior to occupation of 50% of the development.
- CCC Monitoring Fee – £1,400 to be paid within 10 days of commencement of development.
- NHS (Cambridgeshire & Peterborough Integrated Care System) – £20,633.31 – to be paid prior to commencement of development;
- NHS (East of England Ambulance Service) - £9,520 – to be paid prior to commencement of development;
- Open Space – £22,660 – Off-site provision to be paid prior to commencement of development.

#### Affordable housing

- 10.56. Policy LP5 of the Local Plan states that, on sites of 10 or more dwellings, the Council will seek the provision of 25% of the dwellings to be affordable houses (rounded to the nearest whole dwelling) with a 70% affordable rented tenure and 30% shared ownership tenure split. This would equate to the delivery of 4 affordable rented homes and 2 shared ownership based on the provision of 25% affordable housing for a 24-dwelling scheme.
- 10.57. As of 1<sup>st</sup> December 2024, FDC require a site-specific and independently reviewed viability report to be submitted should a development wish to reduce the number of affordable dwellings below that required under Policy LP5 of the Fenland Local Plan. There was no viability report submitted for the current application.
- 10.58. However, the application is accompanied by a Heads of Terms agreeing to the erection of up to 24 affordable houses (equating to 100% of the development). Thus, in any event of planning permission being granted, it is recommended that the grant of planning permission is subject to a legal agreement to secure 100% affordable units in accordance with the Heads of Terms. It is noted that this would surpass the minimum requirements as set out in Policy LP5 and would weigh substantially in favour of the scheme.

#### Housing mix

- 10.59. Policy LP3 of the Local Plan states that development should provide a scale and mix of housing types that will meet the identified need for Fenland (as informed by an up-to-date Cambridge Sub Region Housing Market Assessment (SHMA)) and a range of new job opportunities in order to secure balanced communities.



- 10.60. The latest SHMA data, contained within the Cambridgeshire and West Suffolk Housing Needs of Specific Groups 2021, suggests the following housing mix for Fenland for the 2020-2040 period:

<b>Tenure</b>	<b>1-bedroom</b>	<b>2-bedrooms</b>	<b>3-bedrooms</b>	<b>4+-bedrooms</b>
Market	0-10%	25-35%	40-50%	15-25%
Affordable Home ownership	20-30%	35-45%	25-35%	0-10%
Affordable housing (rented)	35-45%	35-45%	15-25%	0-10%

- 10.61. It is noted that the application form does not commit the specific housing mix, although the indicative plan suggests the following housing mix for the proposed development:

<b>Tenure</b>	<b>1-bed</b>	<b>2-bed</b>	<b>3-bed</b>	<b>Total</b>
Market	0 (0%)*	0 (0%)*	0 (0%)*	0
Affordable Housing (owned/rented tbc)	2 (8.333%)*	8 (33.333%)*	14 (58.333%)*	24

\*% across total proposed for each tenure

- 10.62. The proposed housing mix broadly accords with the suggested housing mix specified within the Cambridgeshire and West Suffolk Housing Needs of Specific Groups 2021 and will likely accord with policy LP3 of the Local Plan albeit skewed towards more 3-bedroom properties. However, it should be acknowledged that the mix of units is not currently committed within this outline application. Therefore, to ensure a policy compliant scheme, details of the intended mix should be secured by condition in any event of planning permission being granted. The FDC Housing Strategy team welcomed the proposal to deliver a 100% affordable scheme but was silent on the indicative mix proposed.
- 10.63. Thus, in any event of planning permission being granted, it is recommended that the grant of planning permission is subject to a legal agreement to secure the provision of 100% affordable houses in a suitable mix (in consultation with the Housing Strategy team) to ensure the scheme contributes a mix that meets the needs of the district at the time.

#### Healthcare and infrastructure contributions

- 10.64. Requests for financial contributions totalling £31,153.31 have been received from NHS (Integrated Care and Ambulance). Education contributions totalling £614,282 have been requested by CCC. In addition, funds for Libraries (£2,800) and monitoring (£1,400) were requested. These contributions seek to appropriately mitigate any infrastructure impacts arising from the proposed development.

#### Contributions conclusion

- 10.65. In summary, it is concluded that the above 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. These contributions would be secured through an appropriate legal agreement.

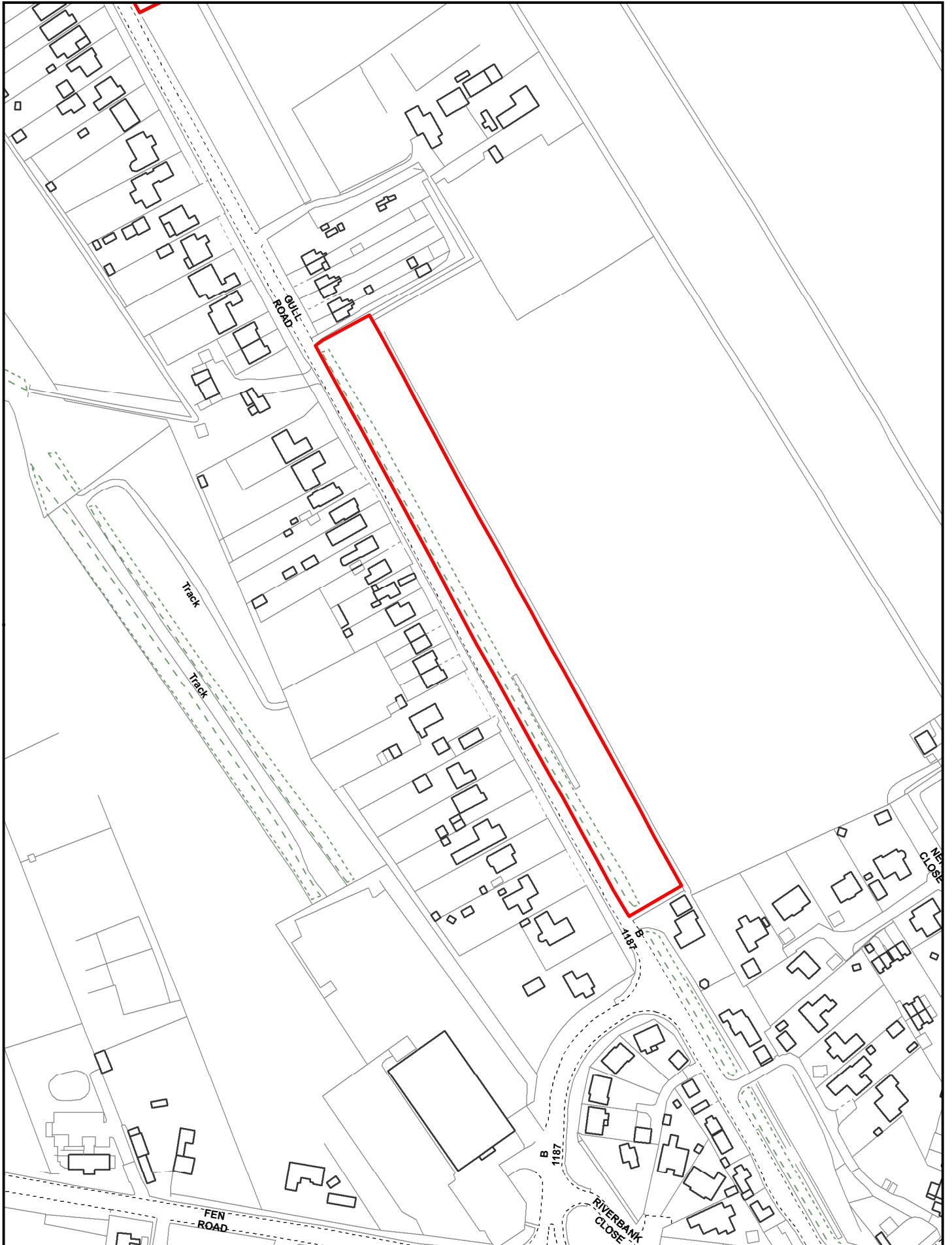
## **11 PLANNING BALANCE and CONCLUSION**

- 11.1. It is understood from the FDC Housing Strategy team that there are currently 31 individuals registered on the current housing list that are seeking affordable housing provision within or near to Guyhirn. The proposal comprises a 100% affordable housing scheme and would therefore provide a substantial contribution towards this need, and as such should be given moderate weight in favour of the scheme.
- 11.2. However, in respect of housing provision more generally, whilst the scheme will deliver 24 dwellings and will therefore contribute in part to Fenland's housing supply, it is noted above that the most recent Fenland District Council Five Year Housing Land Supply (June 2025) demonstrates a 6.6 year supply of housing land over the five-year period within the district. Accordingly, the council has in excess of a five-year supply and this reduces the level of weight that can be attributed to the supply of homes (of any tenure) in this case.
- 11.3. Furthermore, as indicated above the scheme has no significant sustainability credentials over and above a limited economic benefit during the construction phase in terms of goods and services and in terms of potentially sustaining the limited services and facilities within Guyhirn. Its social credentials whilst positive are not so convincing as to overcome the significant concerns highlighted above with regard to flood risk and the detrimental impact on the character of the area. Thus, whilst the provision of up to 24 affordable housing units offers some weight to the case for supporting this scheme, noting the conflicts with Policies LP3, LP12, LP14, and LP16, this benefit does not overcome the clear planning argument to resist this development as unsustainable and as such, these contraventions are considered to outweigh any social benefits arising from the scheme. It must be borne in mind that planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.
- 11.4. Fundamentally, the proposal is contrary to the Council's Spatial Strategy (LP3) by failing to be a small or infill site; fails the sequential test as other sites may exist that are reasonably available within the district that are sequentially preferable (LP14); and also results in the development of the open countryside resulting in harm to the character of the village (LP12 and LP16). Accordingly, it is considered that these are significant factors weighing against the scheme that outweighs any arising social benefits, and the principle is therefore unacceptable and should be refused.

## 12 RECOMMENDATION

**Refuse**, for the following reasons;

1	<p>Policy LP3 of the Fenland Local Plan 2014 defines Guyhirn as a 'small village' whereby development will be restricted to that of a very limited nature and normally be limited in scale to residential infilling. Policy LP12 of the Local Plan also states that new development within villages will be supported where it satisfies Policy LP3, as well as the criteria set out therein. 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.</p> <p>The application site constitutes a considerable gap between built forms where the open countryside meets the village. The development proposal, seeking up to 24 dwellings, would result in significant incursion into the open countryside rather than small scale infilling and would result in the permanent loss of the open character of the site and detrimental urbanisation of the area. Therefore, the proposal is considered to be contrary to Policies LP3, LP12 and LP16 of the Fenland Local Plan (2014) and as such represents unsustainable development contrary to the aims and objectives of the NPPF (2024).</p>
2	<p>Policy LP14 of the Fenland Local Plan, Section 14 of the National Planning Policy Framework (2024) and Cambridgeshire Flood and Water Supplementary Planning Document (2016) 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, and Exception Test (where appropriate), and the demonstration that the proposal meets an identified need and appropriate flood risk management.</p> <p>The development is located within Flood Zone 3, the area of highest flood risk and therefore would result in a 'more vulnerable' development being located in the area of highest flood risk. The application has failed to demonstrate there are no reasonably available sites in sequentially preferable locations available to meet the need of the development. Therefore, the sequential test is considered failed and contrary to the NPPF (2024), Policy LP14 of the Fenland Local Plan (2014) and guidance in the adopted Cambridgeshire Flood and Water Supplementary Planning Document (2016).</p>



Created on: 13/02/2025

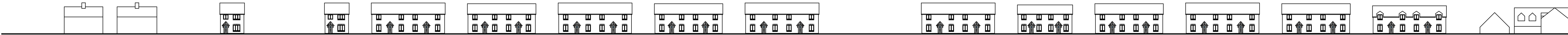
© Crown Copyright and database  
rights 2025 Ordnance Survey 10023778

F/YR25/0111/O

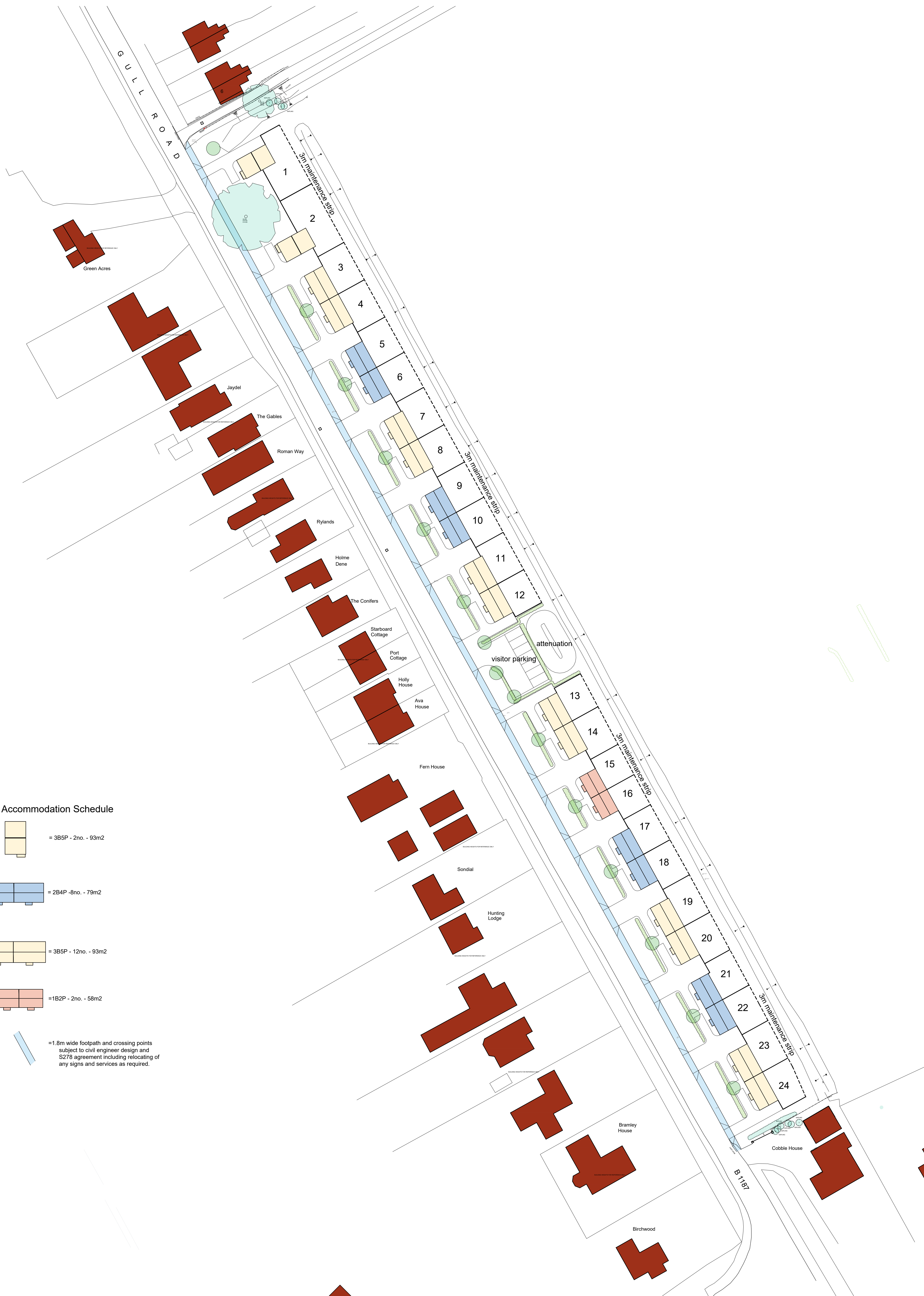
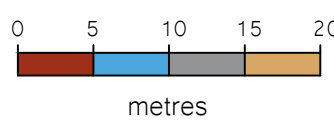
Scale = 1:2,500



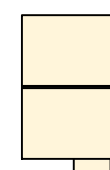




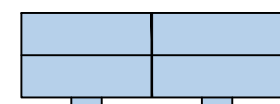
Indicative Street Scene  
Scale: 1:500



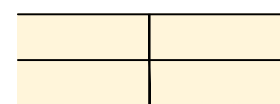
Accommodation Schedule



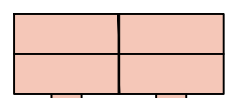
= 3BSP - 2no. - 93m2



= 2B4P - 8no. - 79m2

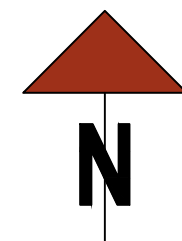


= 3BSP - 12no. - 93m2

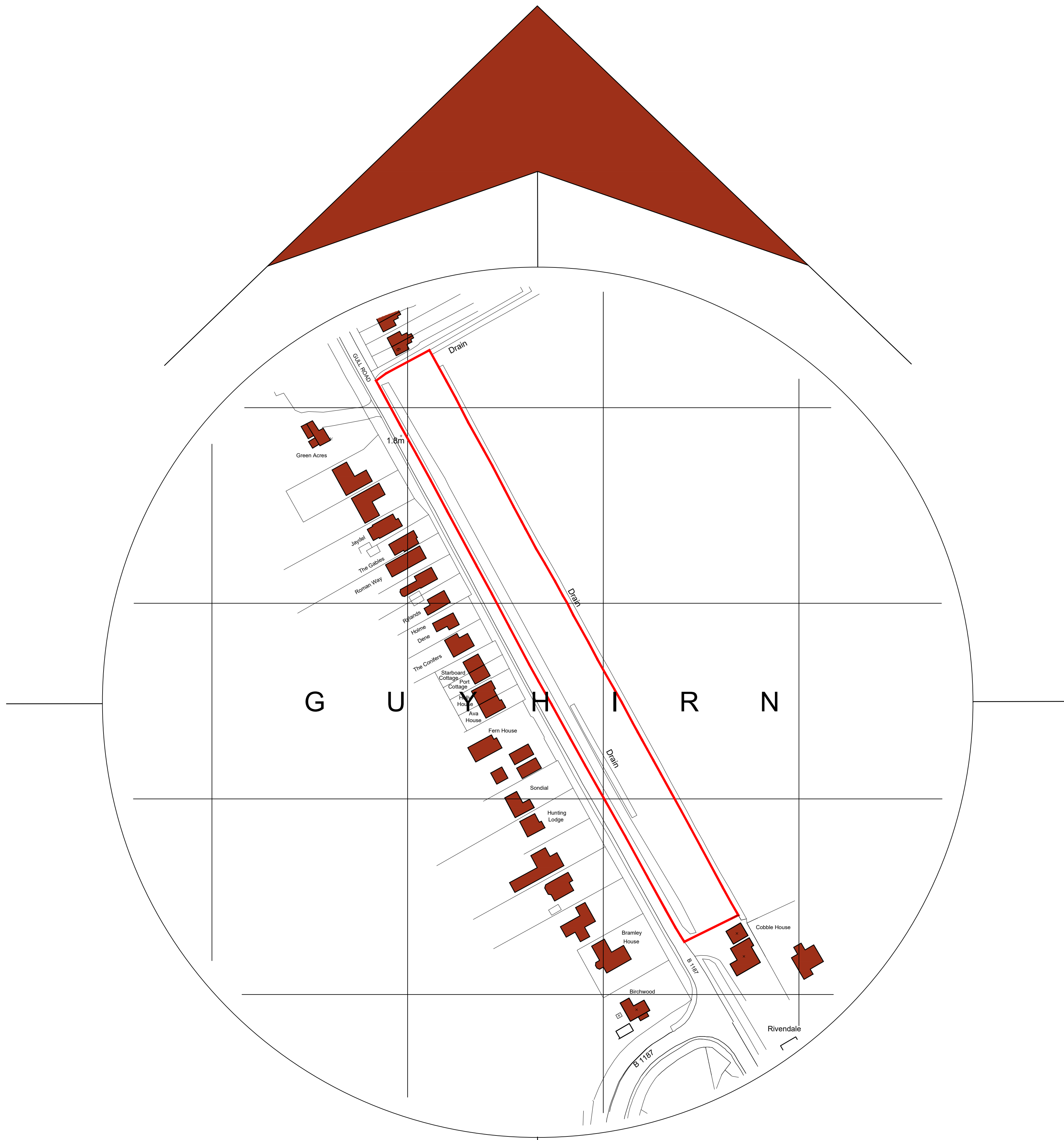
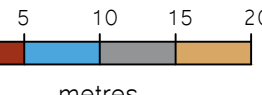


= 1B2P - 2no. - 58m2

= 1.8m wide footpath and crossing points  
subject to civil engineer design and  
S278 agreement including relocating of  
any signs and services as required.



Indicative Site Plan  
Scale: 1:500



Location Plan  
Scale: 1:1250

General Notes  
1. This drawing shall not be scaled, figured dimensions only to be used.  
2. All dimensions are shown in 'mm' unless otherwise stated.  
3. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.  
4. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and specifications.  
5. Any discrepancies are to be brought to the designers attention.

Revisions		Validation Requirements
A	Feb 2025	
B	March 2025	One Bed Dwellings Added
C	April 2025	Number of Units Reduced, Footpath, Maintenance Strip and Street Scene Added
D	July 2025	Visitor Parking to replace Open Space as Parish Council Request

FOR APPROVAL

**SWANN EDWARDS**  
ARCHITECTURE  
Swann Edwards Architecture Limited, Black Barn, Fen Road,  
Guyhirn, Wobech, Cernia, PE13 4AA  
t 01945 450694 e info@swannedwards.co.uk w www.swannedwards.co.uk

Job Title		Date	Drawn by
Proposed Affordable Housing Development, Gull Road, Guyhirn		November 2024	JB
Drawing Title		Drawn by	Checked by
Outline Planning Drawing		AO	GE
Drawing No.		Sheet Size	Revision
PP1000		A0	D

This page is intentionally left blank

**F/YR25/0473/O**

**Applicant: Executors Of Estate of GE  
Salter**

**Agent: Ms Shanna Penney  
Swann Edwards Architecture Limited**

**Land South Of 4 - 16, Back Road, Gorefield, Cambridgeshire**

**Erect up to 9 x dwellings (outline application with all matters reserved)**

**Officer recommendation: Grant**

**Reason for Committee: Parish Council comments contrary to Officer  
Recommendation**

---

## **1 EXECUTIVE SUMMARY**

- 1.1. The proposal seeks outline planning permission with all matters reserved for the erection of up to 9no. dwellings.
- 1.2. Whilst concerns are maintained in respect of the location/principle of development, impact of the development on the character and appearance of the area, and inefficient use of land by virtue of the extremely low density of development, consideration is given to the previous committee decision made under application F/YR24/0772/O, which found these matters to be acceptable. As such, it is considered that it would be unreasonable to resist the development on these grounds.
- 1.3. As such, the only issue to overcome is therefore the flood risk implications of the development and previous inability to pass the sequential and exception test as set out in the NPPF. The current application is supported by sufficient information to demonstrate that these tests are passed by virtue of an absence of alternatively available sites within the search area of Gorefield to accommodate the development, that the development will be safe from flood risk for its lifetime without increasing flood risk elsewhere, and that there will be wider sustainability benefits to outweigh the harm caused by the development.
- 1.4. It will be necessary for detailed proposals for the identified sustainability benefits to be secured through the Reserved Matters submission following the granting of outline planning approval.
- 1.5. It is therefore considered, on balance that the proposal is acceptable in planning terms and is accordingly recommended for approval in this instance.

## **2 SITE DESCRIPTION**

- 2.1. The application site is located on Land South of 4 – 16 Back Road, Gorefield. The site is currently characterised as an undeveloped greenfield site.



- 2.2. The site is adjoined by residential development to the west and north, with a small portion of the eastern boundary of the site adjoined by residential development. The remainder of the site is adjoined by undeveloped greenfield land.
- 2.3. The site is to be accessed via an opening between two residential properties on Back Road, but there is no existing formal access to the site.
- 2.4. The site measures approximately 1.4 hectares.
- 2.5. The application site is located in Flood Zone 3 and has an area of Low Surface Water Flood Risk in the centre of the site.

### 3 PROPOSAL

- 3.1. The application seeks outline planning permission with all matters reserved for the erection of up to 9 dwellings.
- 3.2. The indicative site plan submitted with the application indicates a cul-de-sac style development, and the creation of a new footpath extending east along Back Road from the access point onto the site.
- 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

F/YR24/0772/O	Erect up to 9 x dwellings (outline application with all matters reserved)	Refused 17.12.24
---------------	---	---------------------

### 5 CONSULTATIONS

#### 5.1. Gorefield Parish Council – 19.07.25

*Gorefield Parish Council object to this application as the access is on to a very narrow road with no footpath and is situated in Flood Zone 3*

#### 5.2. Environmental Health – 23.06.25

No objection subject to condition requiring submission of Construction Environmental Management Plan (CEMP).

#### 5.3. North Level Drainage Board – 24.06.25

No objection subject to pre-commencement condition requiring submission of surface water systems and outfalls.

#### 5.4. Environment Agency – 30.06.2025

No objection subject to development being carried out in accordance with Flood Risk mitigation measures set out in Flood Risk Assessment.

#### 5.5. CCC Archaeology – 30.06.25

No objection subject to pre-commencement condition for submission of programme of archaeological work.



## 5.6. Natural England – 03.07.25

No objection

## 5.7. FDC Ecology – 06.08.25

*I would accept that the revised information provides a more accurate description of the ecological value of the site, and that the submitted Biodiversity Metric is correct. Taking into account the revised information I would agree that the development is capable of achieving at least a 10% net gain in biodiversity on-site through the provision of new garden spaces, new tree planting and other landscaping measures.*

*The statutory Biodiversity Gain Condition will apply to any permission which may be granted to the application, to require the submission and approval by the Council of a Biodiversity Gain Plan and a long-term Habitat Management and Monitoring Plan before any development commences. Detailed landscaping plans should be required at Reserved Matters stage.*

*The site has low potential to support any specially protected or notable species, although it does have some potential to support nesting birds. I would advise the applicant by way of an informative that no vegetation clearance required to facilitate the proposals should be undertaken during the optimum time of year for bird nesting (March to August inclusive) unless nesting birds have been shown to be absent by a suitably qualified person. All nesting birds their eggs and young are legally protected under the terms of the Wildlife and Countryside Act 1981 (as amended).*

*The site would benefit from the introduction of bird nesting and bat roosting boxes, these measures should be incorporated into landscaping plans. Boundary features should provide gaps to allow for the movement of small mammals through the site.*

## 5.8. Local Residents/Interested Parties

### Objectors

1no. letter of objection was received from a resident of Back Road, Gorefield, raising the following summarised issues.

Objecting Comments	Officer Response
Impact on dyke between application site and residential dwellings	Civil matter – drainage to be secured via condition
Concerns around means of foul and surface water drainage	Foul and surface water drainage to be secured via condition
Concerns around means of boundary treatment between application site and adjacent residential dwelling	Boundary treatments to be secured at Reserved Matters Stage

### Supporters

8 letters of support were received on the application from residents of Parson Drove, Leverington & Gorefield, raising the following points (summarised)

Supporting Comments	Officer Response
Will improve local amenities	Provision of new dwellings will help

	support local amenities
Will result in environmental benefits, green space and energy efficiency	Addressed in Flood Risk & Drainage Section – to be secured via condition
Will align with the character of the village and will integrate with environment	See Character and appearance section of report

## 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).

## 7 POLICY FRAMEWORK

### **National Planning Policy Framework (NPPF) 2024**

Chapter 2 - Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed 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

### **National Planning Practice Guidance (NPPG)**

Determining a Planning Application

### **National Design Guide 2021**

Context

Identity

Built Form

Movement

Nature

Homes and Buildings

### **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP5 – Meeting Housing Need

LP12 – Rural Areas Development Policy

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP19 – The Natural Environment

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

## **Cambridgeshire Flood and Water SPD 2016**

### **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 49 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
- LP12: Meeting Housing Needs
- LP18: Development in the Countryside
- LP20: Accessibility and Transport
- LP22: Parking Provision
- LP25: Biodiversity Net Gain
- LP27: Trees and Planting
- LP28: Landscape
- LP32: Flood and Water Management

## **8 KEY ISSUES**

- **Principle of Development**
- **Design and Appearance**
- **Impact on Amenities**
- **Flood Risk and Drainage**
- **Parking Provision and Highway Safety**
- **Biodiversity Impact**
- **Biodiversity Net Gain (BNG)**

## **9 BACKGROUND**

- 9.1. The application is a re-submission of that which was previously refused by Planning Committee under reference number F/YR24/0772/O. The application was reported to Planning Committee on 11<sup>th</sup> December 2024 with four recommended reasons for refusal. The sole reason for refusal accepted by the Committee is shown below, with the other proposed reasons for refusal concerning backland development (principle and character impact) and low density not being accepted:

*The application site is located within Flood Zone 3 and fails to meet the sequential or exception test. It is considered that the proposal is at an unacceptable risk of flooding that would fail to be suitably mitigated against. The proposal is therefore considered to be contrary to Policy LP14 of the Fenland Local Plan (2014) and Chapter 14 of the NPPF (2023).*

## **10 ASSESSMENT**

### **Principle of Development**

- 10.1. The proposal seeks outline planning permission with all matters reserved for the erection of up to 9no. dwellings. The site is located adjacent to the built form of the settlement of Gorefield, which is identified as a 'Small Village' in Policy LP3 of the Fenland Local Plan.
- 10.2. Policy LP3 states that development in these villages will be of a limited nature and normally limited to residential infilling or small business opportunities.
- 10.3. In this instance, the application site is situated to the rear of frontage residential development along Back Road and Cattle Dyke. Whilst the indicatively identified access point passes between two existing properties, the developable area of the site constitutes a backland site forming an extension to the settlement. On this basis the development is not considered to constitute infill development and is therefore considered to be contrary to Policy LP3 of the Fenland Local Plan (2014).
- 10.4. Regard must be given to the development approved to the east of the application site under reference number F/YR21/1031/F, which is currently being built out, and which was not of a small-scale infill nature. However, this was for the re-development of a site previously used for B8 (Storage and Distribution purposes, and weight was accordingly given to the re-development of this site when granting that application as per the NPPF. As such it is not considered that this development sets any precedent in principle in terms of the consideration of the current site.
- 10.5. Notwithstanding this, weight is given to the previous decision of the Council under application F/YR24/0772/O, whereby it was concluded that this issue did not justify the refusal of the application. As such, it is accordingly considered that it would be unreasonable to refuse the current application on this basis.

### **Design and Appearance**

- 10.6. As the application is submitted in outline form with all matters reserved, no detailed plans have been submitted alongside the application. However, an indicative site layout plan has been submitted showing a cul-de-sac style development.
- 10.7. As previously highlighted, the site is located to the rear of two existing linear patterns of development along Back Road and Dyke Road, therefore constituting tandem, backland development, contrary to the prevailing character of development in the immediate vicinity and which would be clearly visible behind those frontage properties.
- 10.8. Again, the site to the east must be considered in this context. It is considered that there is a different circumstance with the current application given that substantial commercial buildings already had a visual impact in that other case which does not occur here.
- 10.9. Consideration should also be given to Paragraphs 129 and 130 of the NPPF (2024), which seeks to ensure that developments make efficient use of land.
- 10.10. The application site measures 1.4 hectares in size, and the proposal is for up to 9no. dwellings. Therefore, the development equates to a density of just under 7 dwellings per hectare.
- 10.11. It is considered that a density of 7dph is significantly below that which would usually be considered acceptable when giving weight to the prevailing density in the surrounding area. Using the development approved under reference 21/1031 as an example, this sought the erection of 38 dwellings on a 2.4-hectare site. This

equates to a density of approximately 17dph, which is considered to be a more appropriate density in a location such as this.

- 10.12. Notwithstanding this, weight is given to the previous decision made under application F/YR24/0772/O, whereby it was concluded that this material consideration did not justify the refusal of the application. As such, minimal weight can be given to this consideration, and it is accordingly considered that it would be unreasonable to refuse the current application on this basis.

### **Impact on Amenities**

- 10.13. It is not possible to fully assess the amenity impact of the development due to the application being outline in nature. However, due to the low density of development, it is considered that a Reserved Matters application could suitably accommodate the development whilst retaining appropriate separation distances between plots and existing dwellings and providing suitable plot sizes to provide suitable private amenity space provision.
- 10.14. Notwithstanding this, the indicative layout identifies an access point passing between The Strines and Number 10 Back Road. The access road is approximately 10m in width and does not appear to currently serve any existing vehicular movements.
- 10.15. It is considered that the creation of a vehicular access to serve 9no. properties in this location would result in an increase in traffic movements in close proximity to the residential dwellings on either side of the access. Whilst the increase in traffic movements could result in some noise disturbance to the dwellings adjacent to the access, it is not considered that this would result in an unacceptable impact on the amenities of these properties.
- 10.16. It is overall considered that the proposal can adequately provide for the amenities of the proposed dwellings and can preserve the amenities of the existing dwellings adjacent to the site. Therefore, the proposal is considered to comply with Policy LP16 of the Fenland Local Plan (2014) in this regard.

### **Flood Risk and Drainage**

- 10.17. The application site is located primarily within Flood Zone 3, with a small area falling within Flood Zone 2. There are two small areas of low surface water flood risk on the site, with the majority of the site at very low risk.
- 10.18. Policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF seeks to direct development away from the areas at high risk of flooding, unless the sequential and exception test can be met.
- 10.19. The submitted sequential test focuses the area of search on the settlement of Gorefield and concludes that there are no other reasonably available sites which could accommodate the development. As set out in the 'Principle' section above the Local Plan settlement hierarchy identifies Gorefield as a 'Small Village' where limited infill proposals should only normally be considered. The Council's adopted approach to the Sequential Test states the area of search will be "determined by considering the proposal's objectives, linked to the spatial policies of the Local Plan. For proposals that demonstrate a clear objective to sustain particular settlements or the countryside, the area of search will be:

A) Developments in the countryside – The whole of the rural area

B) Developments in towns & villages – The town/villages that the proposal would sustain”.

9.20. As set out in the ‘Principle’ section above, the previous committee decision under F/YR24/0772/O found the proposal to be acceptable in principle and, therefore, it is considered that the area of search should be as per option B), above. In this instance, the appropriate search area is considered to be the settlement of Gorefield.

9.21. The application is supported by a Sequential Test and Exception Test document. A number of sites within Gorefield have been assessed and the document discounts them as being reasonably available for the following reasons:

- Development completed
- Site within Flood Zone 3 and therefore not sequentially preferable.
- Site does not benefit from planning permission
- Site outside of agreed search area

9.22. A review of the data set out in the document finds that several sites and applications have either been wrongly discounted or inaccurately represented within the document. For example:

- F/YR15/0699/O (Dennicks Yard, Back Road) – This site is referred to as being “under consideration” and is therefore discounted. However, this application was granted planning permission on 29/10/19. Further to this, application F/YR21/1031/F was granted planning permission on the same site for residential development, an application also referenced in the document.
- F/YR23/0548/O (Land West of 176 High Road) – This site is discounted due to the site lying wholly within Flood Zone 3. However, as it has an extant permission it would be deemed as sequentially preferable. As such, it cannot be considered that the Sequential Test as submitted is a robust assessment of the alternative sites available within the search area.

9.23. Further to this, the report dismisses sites on the basis that the development is for conversions or where the site is under the control of a separate developer. It is not considered that such sites should be dismissed as they key element of the Sequential Test is whether development can be steered away from areas of higher risk, as is the case with these alternatively identified sites.

9.24. Application F/YR19/0889/O has been discounted on the basis that the site owner is a client of the agent for the application and has advised that only one plot of the five permitted is to be developed. However, on further review by Officers this outline permission has lapsed and no further reserved matters application could now be submitted.

9.25. Summarising the above findings, it is concluded by the LPA that the submitted Sequential Test is not robust in fully assessing whether there are any alternative reasonably available sites and at lower risk of flooding.

9.26. However, a full assessment of the sites set out in the Sequential Test concludes that there are sites available for 6 dwellings that would be sequentially preferable across the following applications:

- F/YR22/0972/O (1no dwelling)
- F/YR23/0548/O (5no dwellings)

- 9.27. Therefore, whilst the submitted Sequential Test is flawed, there are only alternatively available sites to cumulatively provide 6 dwellings, therefore falling short of the 9 dwellings sought in this application.
- 9.28. On this basis, it is considered and concluded that there are no sequentially preferable sites available for this proposal, either singularly or cumulatively. Therefore, the Sequential Test is considered to be passed.
- 9.29. As such, it is necessary to consider the exception test. In order to pass the exception test, it should be demonstrated that:
- 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.
- 9.24. In respect of criterion a) above, the submitted Sequential Test and Exception Test document submitted by the applicant states that the following sustainable design features shall be incorporated into the proposed dwellings:
- Air source heat pumps
  - Photovoltaic cells
  - Rainwater harvesting
  - Energy Efficiency rating of at least 'B'
- 9.25. These sustainability design features provided sustainability in excess of that which is required by current legislation and Building Regulations. It is therefore considered that this would represent a betterment in this respect and weighs in favour of the scheme.
- 9.26. It is considered that these features could be achieved through the submission of a Reserved Matters condition requiring detailed proposals to be included at Reserved Matters stage. Accordingly, a condition is recommended to require the inclusion of these features as set out in the applicant's submission.
- 9.27. Further to this, the proposal would contribute 9no. dwellings towards the Council's housing supply, therefore offering some benefits in this regard, albeit modest benefits.
- 9.28. It is therefore considered that the proposal would meet the following themes and issues as set out in the Cambridgeshire Flood and Water SPD:
- Land and water resources
  - Climate change mitigation and renewable energy
  - Pollution
- 9.29. Whilst the aforementioned benefits are modest, they are benefits nonetheless and would, on balance, outweigh the harm caused by the flood risk associated with the erection of dwellings in an area of higher flood risk.
- 9.30. Therefore, criterion a) of the Exception Test is considered to be met.
- 9.31. In respect of criterion b), the proposal is considered to be safe from flood risk for the lifetime of the development without increasing flood risk elsewhere by virtue of

the submission of a suitable Flood Risk Assessment that sets out clear flood resilience measures to ensure that the dwellings are safe in the event of a flood event.

9.32. It is therefore considered that criterion b) of the Exception Test is also passed.

9.33. On this basis, it is considered that the proposal is acceptable in terms of its flood risk and is accordingly in compliance with Policy LP14 of the Fenland Local Plan (2014).

### **Parking Provision and Highway Safety**

9.34. The application is submitted in outline form. As such, there are no detailed plans and no definitive requirements in terms of parking provision for the site. However, due to the low density of development as identified on the indicative site plan, it is considered that it will be possible for adequate parking provision to be included in the scheme at Reserved Matters stage.

9.35. The Highway Authority have considered the proposal and have raised no objection to the scheme in terms of the principle of creating an access off Back Road and providing a footpath link from the access to the site extending east.

9.36. It is considered that a Reserved Matters application would be capable of providing a suitable detailed scheme in terms of highway safety and parking provision in accordance with Policy LP15 of the Fenland Local Plan (2014) and the NPPF (2024).

### **Biodiversity Impact**

9.37. The application is supported by an Ecological Impact Assessment that has been considered by both the Council's ecologist and Natural England. No objections have been raised by either body to the application in respect of the impacts on protected species or habitats.

9.38. It is therefore considered that the proposal is acceptable in respect of its biodiversity impacts, in accordance with Policy LP19 of the Fenland Local Plan (2014).

### **Biodiversity Net Gain (BNG)**

9.39. 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.

9.40. In this instance a Biodiversity Gain Condition is required to be approved before development is begun.

## **11 CONCLUSIONS**

12.1. The proposal seeks outline planning permission with all matters reserved for the erection of up to 9no. dwellings.



- 12.2. Whilst concerns are maintained in respect of the location/principle of development, impact of the development on the character and appearance of the area, and inefficient use of land by virtue of the extremely low density of development, consideration is given to the previous committee decision made under application F/YR24/0772/O, which found these matters to be acceptable. As such, it is considered that it would be unreasonable to resist the development on these grounds.
- 12.3. As such, the only issue to overcome is therefore the flood risk implications of the development and previous inability to pass the Sequential and Exception Tests as set out in the NPPF. The current application is supported by sufficient information to demonstrate that these tests are passed by virtue of an absence of alternatively available sites within the search area of Gorefield to accommodate the development, that the development will be safe from flood risk for its lifetime without increasing flood risk elsewhere, and that there will be wider sustainability benefits to outweigh the harm caused by the development.
- 12.4. It will be necessary for detailed proposals for the identified sustainability benefits to be secured through the Reserved Matters submission following the granting of outline planning approval.
- 12.5. It is therefore considered, on balance that the proposal is acceptable in planning terms and is accordingly recommended for approval in this instance.

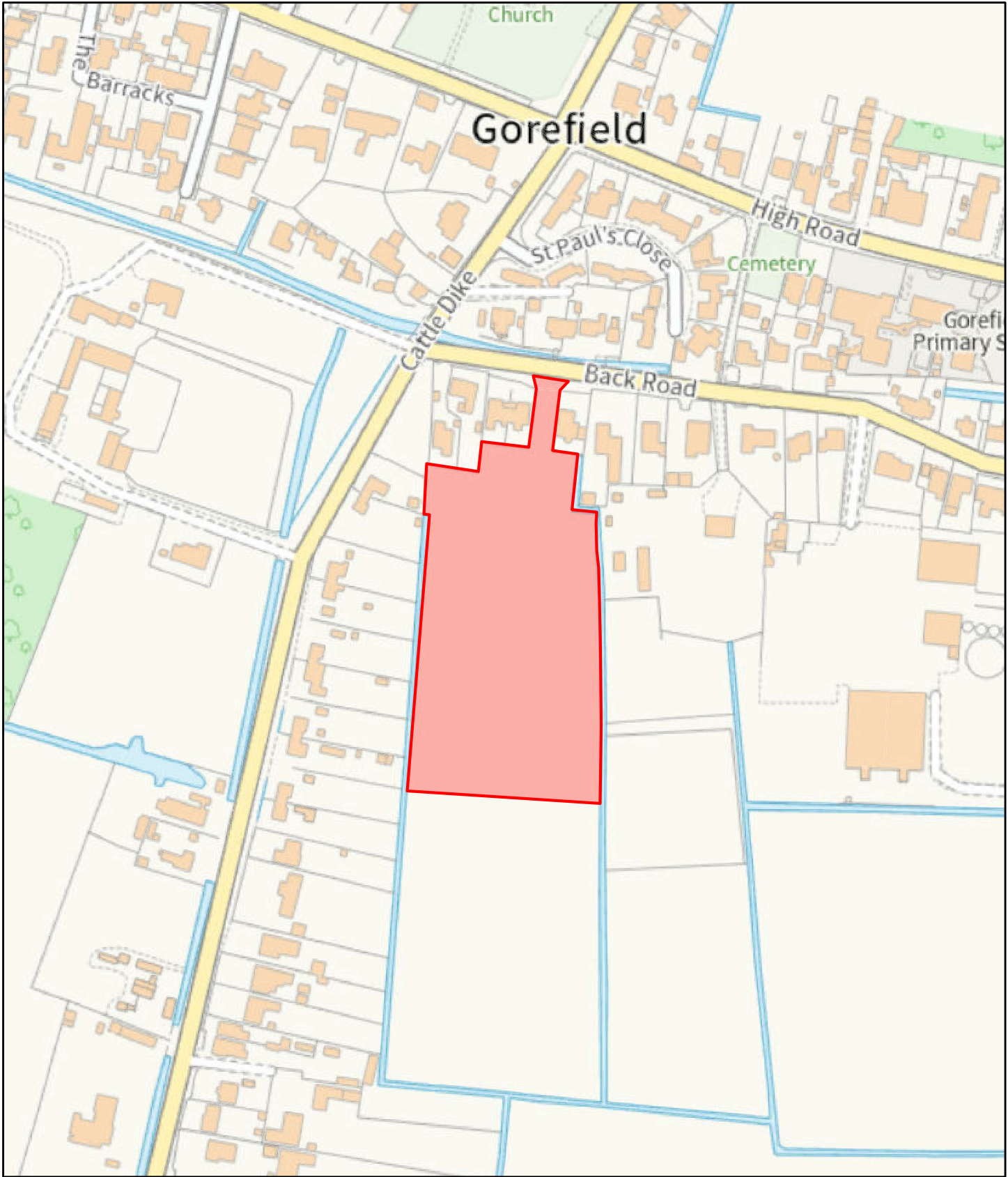
## 12 RECOMMENDATION

**Grant;** subject to the following conditions:

1.	<p>Approval of the details of:</p> <ul style="list-style-type: none"> <li>i. the layout of the site</li> <li>ii. the scale of the building(s);</li> <li>iii. the external appearance of the building(s);</li> <li>iv. the means of access thereto;</li> <li>v. the landscaping</li> </ul> <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>Prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage shall be submitted and agreed in</p>

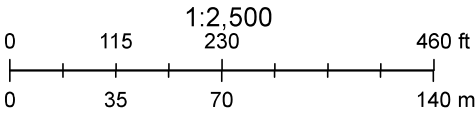
	<p>writing with the Local Authority. The scheme shall subsequently be implemented in accordance with the approved details before the relevant parts of the development are first brought into use and thereafter retained in perpetuity.</p> <p>Reason - To ensure a satisfactory method of foul water drainage and to prevent the increased risk of pollution to controlled waters in accordance with Policy LP14 of the Fenland Local Plan 2014.</p>
5.	<p>Prior to the commencement of any development, a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the relevant parts of the development are first brought into use and thereafter retained in perpetuity.</p> <p>Reason - To prevent the increased risk of flooding, to improve and protect water quality, to improve habitat amenity and to ensure the future maintenance of these in accordance with Policy LP14 of the Fenland Local Plan 2014.</p>
7.	<p>Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.</p> <p>Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policies LP2 and LP16 of the Fenland Local Plan, adopted May 2014. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.</p>
8.	<p>No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work, commencing with the evaluation of the application area, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:</p> <ul style="list-style-type: none"> <li>a. the statement of significance and research objectives;</li> <li>b. The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;</li> <li>c. The timetable for the field investigation as part of the development programme;</li> <li>d. The programme and timetable for the analysis, publication &amp; dissemination, and deposition of resulting material and digital archives.</li> </ul> <p>Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or</p>

	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.
9.	<p>The development hereby permitted shall be constructed in accordance with the Flood Mitigation Measures set out in Section 5 of the Flood Risk Assessment prepared by Ellingham Consulting Ltd (April 2025).</p> <p>Reason: To ensure that the development is safe from flooding for its lifetime in accordance with Policy LP14 of the Fenland Local Plan (2014) and Chapter 14 of the NPPF (2024).</p>
10.	<p>No demolition or 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.</p> <p>Reason: To protect the amenity of the nearby occupiers in accordance with Policy LP16 of the Fenland Local Plan (2014).</p>
11.	<p>Development may not be begun unless:</p> <p>(a) a biodiversity gain plan has been submitted to the planning authority, and (b) the planning authority has approved the plan.</p> <p>Reason: To ensure compliance with Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021).</p>
12.	The development hereby permitted shall be carried out in accordance with the following approved plans and documents.



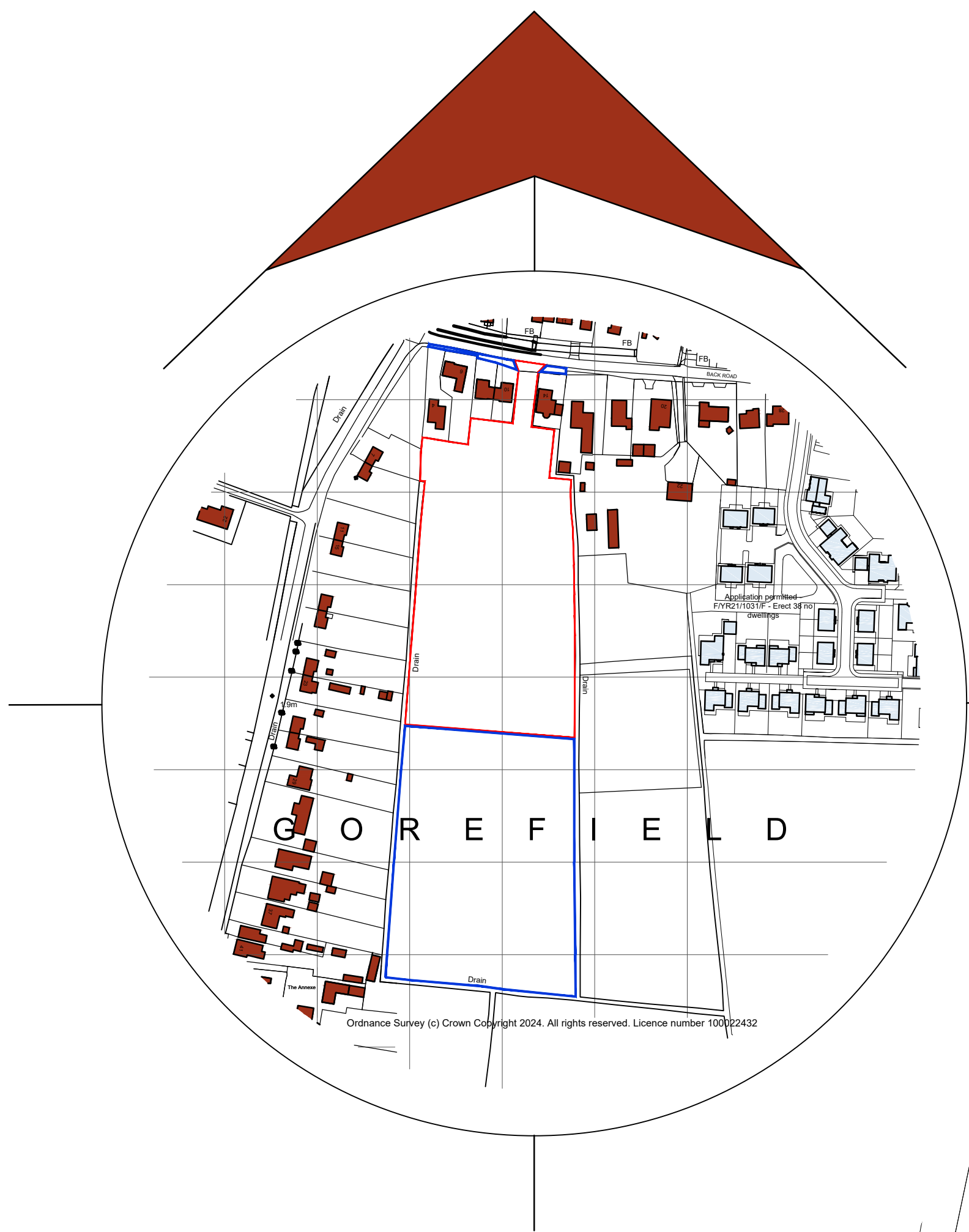
6/23/2025, 12:38:10 PM

 Fenland District Boundary



Fenland District Council





Location Plan  
Scale: 1:2500

### SITE PLAN KEY

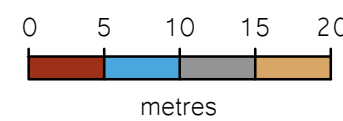
- Indicates buildings un-surveyed (from ordinance survey location plan)
- Indicates proposed single storey dwellings
- Indicates proposed parking spaces
- Indicates adoptable standard shared access road in accordance with Cambridgeshire County Council specification
- Indicates site access points
- Indicates 2.4m x 43m vision splay
- Indicates existing trees and hedges
- Indicates proposed trees (to be determined at a later date via reserved matters application)
- Indicates proposed dwellings permitted under application F/YR21/1031/F - Erect 38 No. dwellings - Extent Approved
- Indicates electric overhead powerlines
- Indicates proposed 2.0m wide footpath

### LOCATION PLAN KEY

- Indicates buildings taken from OS map
- Indicates proposed dwellings permitted under application F/YR21/1031/F - Erect 38 No. dwellings - Extent Approved



Proposed Indicative Site Plan  
Scale: 1:500



- General Notes
1. All dimensions are shown in 'mm' unless otherwise stated.
  2. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
  3. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and specifications.
  4. Any discrepancies are to be brought to the designers attention.

FOR APPROVAL

**SWANN EDWARDS**  
ARCHITECTURE

Swann Edwards Architecture Limited, Swann Edwards Architecture,  
Black Barn, Fen Road, Guyhirn, Wisbech, Cambs. PE13 4AA  
t 01945 450694 e info@swannedwards.co.uk w www.swannedwards.co.uk

Job Title	Date	Drawn by
Proposed Residential Development	Feb 2024	CW
Land off Back Road, Gorefield		Checked by
For: G E Salter Estates		GE
Drawing Title	Job No.	Sheet Size
Planning Drawing	SE-2055	A1
Indicative Site and Location Plans	Dwg No. PP1000	Revision B

This page is intentionally left blank



**F/YR25/0280/VOC**

**Applicant: L Allen  
Grafton Ventures Ltd**

**Agent: Jordan Trundle  
Peter Humphrey Associates Ltd**

**Land North And West Of 47, Fridaybridge Road, Elm,**

**Variation of conditions 3 (External Materials and Detailing), 4 (Surface Water Drainage), 5 (Construction Surface Water Run-Off), 9 (External Lighting), 15 (CEMP: Biodiversity), 18 (Hard and Soft Landscaping), 21 (Levels and Cross Sections) and 23 (Approved Plans and Documents) of Planning permission F/YR21/0339/F (Conversion of existing barns to 2 x two storey dwellings and erection of 8 x two storey dwellings with garaging (and associated works including demolition of existing dwelling)) to allow change in design**

**Officer recommendation: Grant**

**Reason for Committee: Parish Council Comments contrary to Officer Recommendation**

---

## **1 EXECUTIVE SUMMARY**

- 1.1. The application seeks the variation of conditions on planning permission F/YR21/0339/F relating to external materials, surface water drainage, construction surface water management, external lighting, biodiversity enhancements, landscaping, levels and approved plans and documents.
- 1.2. The variations relate to the wording of conditions that have previously been dealt with via discharge of condition applications, and the submission of details to satisfy the conditions pursuant to the new-build element of the scheme only.
- 1.3. Conditions 5 & 15 have previously been dealt with under condition discharge application F/YR24/3110/COND and therefore there are no objections to the variation of this condition to require compliance with the approved details.
- 1.4. In respect of condition 18, there are no objections to the trigger point of the condition being varied from 'no works above slab level' to 'pre-occupation' for the submission of a detailed soft and hard landscaping scheme.
- 1.5. In respect of conditions 3, 4, 9, 21 and 23, the submitted details have been considered by the LPA and relevant consultees, with no objections or concerns raised. As such, it is considered that the details submitted in relation to these conditions is acceptable and accordingly it is recommended that the conditions are varied to require that the new-build element of the scheme is carried out in accordance with these details. Where required, the conditions will retain wording to require the submission of further details prior to the commencement of the conversion element of the scheme.

## **2 SITE DESCRIPTION**

- 2.1. The site comprises land historically associated with Redmoor House, 47 Fridaybridge Road, with the host property excluded from the application site. The site benefits from extant planning permission – to which this proposal relates – granted under application F/YR21/0339/F. This was for the conversion of a barn into 2no. dwellings and the erection of a further 8no. dwellings.
- 2.2. The application site lies within Flood Zone 1 and is at very low risk of surface water flooding.
- 2.3. The surrounding area is characterised by residential development comprising a mix of single and two storey dwellings, as well as detached and semi-detached properties.

## **3 PROPOSAL**

- 3.1. The proposal seeks the variation of the following conditions on planning permission F/YR21/0339/F.

- Condition 3 (External Materials) – The application seeks to agree the proposed materials and detailing for the new build dwellings only.
- Condition 4 (Surface Water Drainage) – The application seeks to agree the surface water drainage scheme and to amend the condition to be a compliance condition.
- Condition 5 (Construction Surface Water Run-Off) – The scheme for managing Construction Surface Water Run-Off was approved under condition discharge application F/YR24/3110/COND. It is therefore proposed to amend the condition to require compliance with the approved scheme.
- Condition 9 (External Lighting) – The application seeks to agree the external lighting scheme and to amend the condition to be a compliance condition.
- Condition 15 (CEMP: Biodiversity) – The CEMP: Biodiversity was approved under condition discharge application F/YR24/3110/COND. It is therefore proposed to amend the condition to require compliance with the approved scheme.
- Condition 18 (Hard and Soft Landscaping) – The application seeks very the trigger point for the condition from 'no works above slab level' to 'pre-occupation' for the submission of a detailed soft and hard landscaping scheme.
- Condition 21 (Levels and Cross Sections) – The Levels and Cross Sections were approved under condition discharge application F/YR24/3110/COND. It is therefore proposed to amend the condition to require compliance with the approved scheme.
- Condition 23 (Approved Plans and Documents) – The application seeks to amend the list of approved plans in accordance with the amendments set out in the preceding conditions.

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



#### 4 SITE PLANNING HISTORY

F/YR21/0339/F	Conversion of existing barns to 1 x 4-bed and 1 x 5-bed two storey dwellings and erection of 8 x dwellings with garaging (6 x 2-storey 4-bed and 2 x 2-storey 5-bed) and associated works including demolition of existing dwelling	Grant 23.09.21
F/YR24/3110/COND	Details reserved by conditions 5, 15 and 21 of F/YR21/0339/F	Approved 09.10.24
F/YR24/0582/NONMAT	NMA: Variation of conditions 2 and 14 to enable commencement of work relating to planning permission F/YR21/0339/F	Approved 09.08.24
F/YR25/0217/NONMAT	NMA: Amendment to wording of description to remove the bedroom descriptions relating to planning permission F/YR21/0339/F	Approved 22.05.25

#### 5 CONSULTATIONS

##### 5.1. Elm Parish Council – 10.07.25

*Council maintains the objections submitted to the original application in 2021. Council requests that variations relating to construction surface water run-off and surface water drainage are fully investigated noting concerns that have already been raised by Cambridgeshire County Council in their role as the lead local flood authority.*

##### 5.2. LFA – 16.07.25

*We have reviewed the submitted documents and based on these we can support the variation of Conditions 4 and 5 of planning permission F/YR21/0339/F. The above documents demonstrate that surface water can be managed on site through the use of permeable paving over the private parking, with attenuation provided in tanks. Water will then be treated further in proprietary treatment, before discharge into the IDB drain at a restricted rate, to be agreed formally with the IDB. It has also been demonstrated that the system can be maintained in perpetuity. Condition 5 wording to be amended following the discharge of conditions under F/YR24/3110/COND.*

##### 5.3. Local Residents/Interested Parties

A total of one letter of objection was received from a resident of Wales Bank raising the following points:

Objecting Comments	Officer Response
Existing brick wall taller than proposed 1.8m fence resulting in increased overlooking.	The existing brick wall was shown to be removed and replaced by a 1.8m timber fence on the approved documents. This is unchanged by this application and is therefore not a consideration under this 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) the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021).

## **7 POLICY FRAMEWORK**

### **National Planning Policy Framework (NPPF) 2024**

Chapter 2 - Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

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

Chapter 15 – Conserving and enhancing the natural environment

### **National Planning Practice Guidance (NPPG)**

Determining a Planning Application

### **National Design Guide 2021**

Context

Identity

Built Form

Movement

Nature

Homes and Buildings

### **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

LP12 – Rural Areas Development Policy

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP19 – The Natural Environment

### **Cambridgeshire Flood and Water SPD 2016**

### **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 49 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
- LP12: Meeting Housing Needs
- LP18: Development in the Countryside
- 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

## **8 BACKGROUND**

- 8.1. The development was originally permitted under application reference F/YR21/0339/F. The description of development was subsequently amended under Non-Material Amendment Application F/YR25/0217/NONMAT to remove reference to the number of bedrooms proposed on the new-build units.
- 8.2. A Non-Material Amendment was also sought under reference number F/YR24/0582/NONMAT to amend the wording of conditions 2 & 14, to allow the commencement of development on the new-build units only, and for the required information to be submitted to and approved by the LPA prior to the commencement of works on the stable conversion element of the scheme.
- 8.3. Accordingly, the amendments to the original description of development and conditions 2 and 14 have been incorporated into the current VOC application.
- 8.4. In respect of the implementation of the original planning permission, the submitted application form states that development commenced on 16.09.2024, prior to the expiry of the permission on 23.09.2024. Correspondence with the agent confirms that the development was commenced by virtue of the demolition of the existing bungalow on site known as 'Red Roofs'. It is considered that this sufficiently demonstrates the commencement of the development in accordance with the criteria set out in the Town and Country Planning Act.

## **9 KEY ISSUES**

- **Principle of Development**
- **Acceptability of variation of conditions**
- **Biodiversity Net Gain (BNG)**

## **10 ASSESSMENT**

### **Principle of Development**

- 10.1. The principle of development in this instance has been established by virtue of the granting of planning permission F/YR21/0339/F, which remains extant.

- 10.2. As the quantum of development and nature of development is unchanged, it is considered that the principle of the residential development remains established and acceptable in this instance.

### **Acceptability of variation of conditions**

#### Condition 3 (External Materials and Detailing)

- 10.3. The application is supported by the submission of the following details in respect of external materials and detailing:
- Bricks: Vandersanden Old Farmhouse Blend (Plots 1, 4, 5 & 7), Vandersanden Flemish Antique (Plots 2, 3, 6 & 8)
  - Roof Tile: FP Mcann Thin Flat Roof Tile in Anthracite (Plots 1-8)
  - Windows & Doors: Flush Casement Cream Double Glazed Windows, Composite to Front Doors and Cream Frame to Side Doors, Aluminium Anthracite Grey to Bi-Fold Doors, Sectional Garador to Garage (Plots 1-8)
  - Features: Re-constituted Stone Cills and Lintels to all openings (Plots 1-8), Weberplast TF or equivalent Cream Render (Plots 1, 2, 6 & 8)
  - Other Details: Black Brett Martin Cascade Cast Iron Effect Rainwater Goods, Cream uPVC Facias and Soffits, Oak Porches, Round buff Chimney Pots (Plots 1-8)
- 10.4. The submitted details are supported by samples and product brochures/info sheets.
- 10.5. The proposed materials are specified to only be used on the new-build plots, with details of materials on the conversion element of the scheme to be submitted separately at a later point.
- 10.6. The materials proposed in this instance are considered to be sympathetic to and in keeping with the character and appearance of the area, with similar external materials present on residential dwellings in the area surrounding the site. It is further considered that the proposed materials and detailing would represent a high standard of development in this locality.
- 10.7. It is therefore considered that the submitted details are suitable to accord with Policy LP16 of the Fenland Local Plan (2014) and it is therefore considered appropriate to vary Condition 3 to require compliance with the submitted details on the new-build element of the scheme only.

#### Condition 4 (Surface Water Drainage)

- 10.8. The application is supported by the submission of a detailed Drainage Strategy Plan prepared by 'Parsons' which has been reviewed and considered by the LLFA.
- 10.9. The scheme involves the use of permeable paving over the parking areas with attenuation provided via tanks on-site.
- 10.10. The LLFA are satisfied with the submitted details and are content that this will be sufficient for the site to mitigate its own surface water flood risk.
- 10.11. It is therefore considered that the submitted Surface Water Drainage Scheme complies with Policy LP14 of the Fenland Local Plan (2014) and Chapter 14 of the

NPPF (2024) in respect of Flood Risk and Drainage. It is therefore considered that the condition wording should be varied to require compliance with the submitted surface water drainage strategy prepared by Parsons.

Condition 5 (Construction Surface Water Run-Off)

- 10.12. The details required by this condition have previously been submitted for consideration under discharge of condition reference F/YR24/3110/COND and found to be acceptable by the LLFA, with the condition subsequently discharged on this basis and subject to the development being carried out in accordance with the approved details.
- 10.13. Given that the details have already been found acceptable and are unchanged, it is not considered that there are any new factors to consider in this regard, and the condition is therefore recommended to be amended in wording to require compliance with the already approved details.

Condition 9 (External Lighting)

- 10.14. The application is supported by the submission of a Lighting Scheme plan prepared by Kingfisher Lighting. The plan shows the provision of a total of 6no. streetlights throughout the site, all of which face into the public highway.
- 10.15. The location of the proposed streetlights is such that it will not cause undue disturbance on the properties within the site, or any existing properties adjacent to the site.
- 10.16. It is therefore considered that the scheme is sufficient to accord with Policy LP16 of the Fenland Local Plan (2014) in respect of amenity impact. It is accordingly recommended that the condition is varied to require compliance with the submitted external lighting scheme.

Condition 15 (CEMP: Biodiversity)

- 10.17. The details required by this condition have previously been submitted for consideration under discharge of condition reference F/YR24/3110/COND and found to be acceptable by the CCC Ecology, with the condition subsequently discharged on this basis and subject to the development being carried out in accordance with the approved details.
- 10.18. Given that the details have already been found acceptable and are unchanged, it is not considered that there are any new factors to consider in this regard, and the condition is therefore recommended to be amended in wording to require compliance with the already approved details.

Condition 18 (Hard and Soft Landscaping)

- 10.19. The application requests the variation of the condition to replace the trigger point from being 'no works above slab level' to 'pre-occupation' for the submission of a detailed soft and hard landscaping scheme.
- 10.20. This change will still allow the LPA to secure a suitable scheme for landscaping prior to the first occupation of the development, and will allow the landscaping scheme to be implemented prior to the occupation of each dwelling to which it relates.

- 10.21. It is therefore recommended that the condition is varied to require the submission of a detailed soft and hard landscaping scheme prior to the first occupation of the development.

Condition 21 (Levels and Cross Sections)

- 10.22. The details required by this condition have previously been submitted for consideration under discharge of condition reference F/YR24/3110/COND and found to be acceptable by the LPA, with the condition subsequently discharged on this basis and subject to the development being carried out in accordance with the approved details.
- 10.23. Given that the details have already been found acceptable and are unchanged, it is not considered that there are any new factors to consider in this regard, and the condition is therefore recommended to be amended in wording to require compliance with the already approved details.

Condition 23 (Approved Plans and Documents)

- 10.24. As set out above, the preceding conditions are considered to have been suitably addressed through the submission of the relevant information, both in this application and preceding discharge of condition applications.
- 10.25. Given that the submitted details are considered to accord with local and national policy, it is considered appropriate to amend the list of approved plans and documents, as set out in Condition 23, to reflect the plans and documents submitted alongside this application.

**Biodiversity Net Gain (BNG)**

- 10.26. 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.
- 10.27. 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 original application to which this variation relates was submitted prior to the requirement for statutory net gain coming into force.

**11 CONCLUSIONS**

- 11.1. The application seeks the variation of conditions on planning permission F/YR21/0339/F relating to external materials, surface water drainage, construction surface water management, external lighting, biodiversity enhancements, landscaping, levels and approved plans and documents.
- 11.2. The variations relate to the wording of conditions that have previously been dealt with via discharge of condition applications, and the submission of details to satisfy the conditions pursuant to the new-build element of the scheme only.

- 11.3. Conditions 5, 15 & 21 have previously been dealt with under condition discharge application F/YR24/3110/COND and therefore there are no objections to the variation of this condition to require compliance with the approved details.
- 11.4. In respect of condition 18, there are no objections to the trigger point of the condition being varied from 'no works above slab level' to 'pre-occupation' for the submission of a detailed soft and hard landscaping scheme.
- 11.5. In respect of conditions 3, 4, 9, 21 and 23, the submitted details have been considered by the LPA and relevant consultees, with no objections or concerns raised. As such, it is considered that the details submitted in relation to these conditions is acceptable and accordingly it is recommended that the conditions are varied to require that the new-build element of the scheme is carried out in accordance with these details. Where required, the conditions will retain wording to require the submission of further details prior to the commencement of the conversion element of the scheme.

## 12 RECOMMENDATION

**Grant;** subject to the following conditions:

1.	<p>Prior to the commencement of development on the barns, a level 3 Historic Building Recording is to be carried out for the stable block in accordance with Historic England guidelines and to be lodged with the Cambridgeshire Historic Environment Record.</p> <p>Reason - To ensure that an appropriate record is made of the historic building fabric that may be affected by the development.</p>
2.	<p><b>Prior to the commencement of any development pursuant to the Stable Conversion, samples of all external materials, including joinery details to be used in the construction of the development shall be required to be submitted to and approved in writing by the LPA. 1m x 1m sample panels should be provided to indicate brick, mortar and bonding, and joinery details should be satisfied by scale drawings of no less than 1:10 scale for the stable conversion.</b></p> <p><b>The new build dwellings shall be constructed in accordance with the details hereby approved details, as shown on the submitted Development Schedule (Peter Humphrey Associates).</b></p> <p><b>Reason - To ensure that the appearance of the development is acceptable in the context of the site noting the presence of the non-designated heritage assets which form part of the development/form its setting, thereby satisfying the aims of the NPPF (2021) and Policy LP18 of the Fenland Local Plan (2014).</b></p>
3.	<p><b>The development shall be carried out in accordance with the Surface Water Drainage Strategy as shown on Drawing Number 21120-001 Rev P04.</b></p> <p><b>The drainage strategy shall be implemented in full prior to the first occupation of the development hereby permitted.</b></p> <p><b>Reason - To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off</b></p>

	<p>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>
4.	<p><b>The development shall be carried out in accordance with the details approved under application reference F/YR24/3110/COND in respect of Construction Surface Water Run-Off Management.</b></p> <p><b>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.</b></p>
5.	<p>The vehicle turning and parking spaces shown on the approved plans shall be provided before the development is brought into use and shall be retained thereafter.</p> <p>Reason - To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.</p>
6.	<p>Prior to first occupation of the development hereby approved, visibility splays shall be provided as shown on the approved plan and shall be maintained thereafter free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.</p> <p>Reason - In the interests of highway safety.</p>
7.	<p>No part of the development shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed private drive have been submitted to and approved by the Local Planning Authority. The private drive shall thereafter be maintained in accordance with the approved management and maintenance details in perpetuity thereafter; this management plan shall extend to include the external lighting secured under condition 07 of this approval.</p> <p>Reason - To ensure a satisfactory means of access in accordance with policies LP15 and LP16 of the Fenland Local Plan 2014.</p>
8.	<p><b>The development shall be carried out in accordance with the External Lighting Scheme as shown on Drawing Number D54054/JB/B.</b></p> <p><b>The lighting scheme shall be implemented prior to the first occupation of the development hereby permitted.</b></p> <p><b>Reason - In order to ensure that the site meets the crime prevention guidelines in accordance with Policies LP16 and LP17 of the Fenland Local Plan 2014</b></p>
9.	<p>Prior to the first occupation of the development any gate or gates to the vehicular access shall be set back the minimum distance detailed on the approved plan. Any access gate or gates shall be hung to open inwards.</p> <p>Reason - In the interests of highway safety.</p>

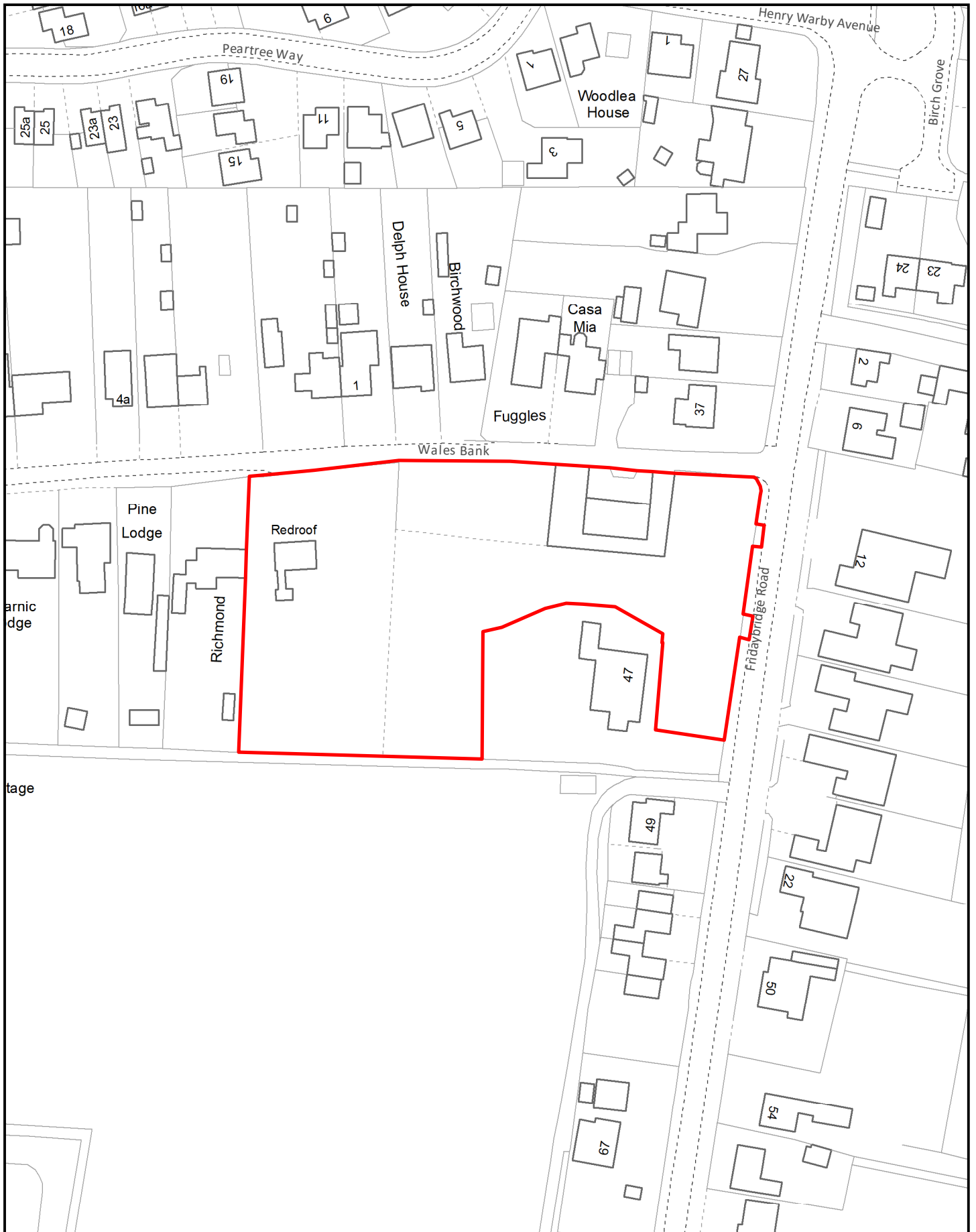


10.	<p>No vehicular access(es) from the development hereby approved are permitted to access Wales Bank.</p> <p>Reason - In the interests of highway safety.</p>
11.	<p>The existing access(es) to Wales Bank shall be permanently and effectively closed and the highway verge shall be reinstated in accordance with a scheme to be agreed with the Local Planning Authority in consultation with the Highway Authority, within 28 days of the bringing into use of the new access.</p> <p>Reason - In the interests of highway safety.</p>
12.	<p>The buildings shall not be occupied until the means of vehicular access has been laid out and constructed in accordance with the approved plans.</p> <p>Reason - In the interests of highway safety and to ensure satisfactory access into the site.</p>
13.	<p>Development shall not in any circumstances commence on the barns unless the local planning authority has been provided with either:</p> <p>a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead; or</p> <p>b) a statement in writing from the relevant licensing body or a suitably qualified bat ecologist to the effect that it does not consider that the specified activity/development will require a licence.</p> <p>Reason: As recommended within section 1.1.5 of the EclA (Glaven Ecology, 2021). This will ensure that the development aligns with the National Planning Policy Framework and Fenland Local Plan.</p>
14.	<p><b>The development shall be carried out in accordance with the details approved under application reference F/YR24/3110/COND in respect of the CEMP: Biodiversity.</b></p> <p><b>Reason - To ensure that the recommended mitigation and compensation suggested in section 5 of the EclA (Glaven Ecology, 2021) and section 5.21 of the Ecological Survey Report (Golden Tree Surgeon, 2021) are followed correctly. This will ensure that the development aligns with the National Planning Policy Framework and Fenland Local Plan (2014).</b></p>
15.	<p>No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.</p> <p>Reason - Protected species are a material concern for Local Planning</p>

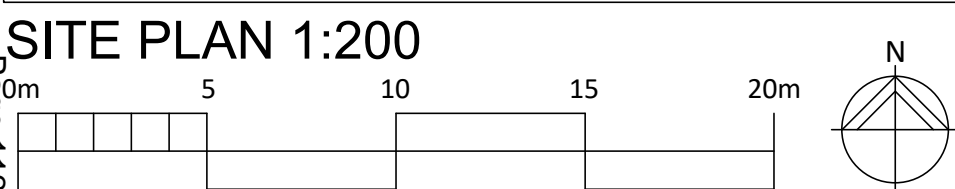
	<p>Authorities as per the National Planning Policy Framework and Fenland Local Policy. The disturbance of protected species may be an infraction as described within the Wildlife and Countryside Act 1981.</p>
16.	<p>No part of the development hereby approved shall be occupied until such time as a refuse strategy has been submitted to and approved in writing by the Local Planning Authority. The agreed strategy shall be adhered to thereafter in perpetuity.</p> <p>Reason - To ensure a satisfactory form of refuse collection in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
17.	<p><b>Prior to the first occupation of the development hereby permitted, a scheme for the hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-</b></p> <ul style="list-style-type: none"> <li><b>a) hard surfacing, other hard landscape features and materials</b></li> <li><b>b) existing trees, hedges or other soft features to be retained</b></li> <li><b>c) planting plans, including specifications of species, sizes, planting centres number and percentage mix</b></li> <li><b>d) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife</b></li> <li><b>e) details of siting and timing of all construction activities to avoid harm to all nature conservation features</b></li> <li><b>f) location of service runs</b></li> <li><b>g) management and maintenance details</b></li> </ul> <p><b>Where it is intended to create semi-natural habitats, all species used in the landscaping schedules shall be locally native species of local provenance unless otherwise agreed in writing with the local planning authority. The approved hard landscaping scheme shall be carried out with regard to the dwelling to which it relates, prior to the occupation of that dwelling and the soft landscaping shall be carried out within the first available planting season following completion of the development or first occupation (whichever is the sooner) or alternatively in accordance with a timetable for landscape implementation which has been approved as part of the submitted landscape scheme.</b></p> <p><b>Reason - The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policy LP16 of the Fenland Local Plan 2014.</b></p>
18.	<p>All hard and soft landscape works including any management and maintenance plan details, shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased (except those contained in enclosed rear gardens to individual dwellings) shall be replaced in the next planting season with</p>

	<p>others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason - To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policy LP16 of the Fenland Local Plan 2014</p>																
19.	<p>Prior to the first occupation of the development hereby approved, a scheme for the provision of fire hydrants or equivalent emergency water supply shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and made available for use prior to the occupation of the first dwelling.</p> <p>Reason - In the interests of the safety of the occupiers and to ensure there are available public water mains in the area to provide for a suitable water supply in accordance with infrastructure requirements within Policy LP13 of the Fenland Local Plan 2014.</p>																
20.	<p><b>The development shall be carried out in accordance with the details approved under application reference F/YR24/3110/COND in respect of site levels and cross sections.</b></p> <p><b>Reason - To ensure that the precise height of the development can be considered in relation to adjoining dwellings to protect and safeguard the amenities of the adjoining occupiers in accordance with Policies LP2 and LP16 of the Fenland Local Plan 2014.</b></p>																
21.	<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, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. The development shall then be carried out in full accordance with the approved remediation strategy. Reason - To control pollution of land and controlled waters in the interests of the environment and public safety in accordance with the National Planning Policy Framework and Policy LP16 of the Fenland Local Plan 2014.</p>																
22.	<p><b>The development hereby permitted shall be carried out in accordance with the following approved plans and documents:</b></p> <table border="1"> <tr> <td>7009/C03</td><td>Condition Drawing 3 (Proposed Site Sections) (revision C)</td></tr> <tr> <td>21120</td><td>Storm Water Calculations Aug 2021</td></tr> <tr> <td>7009/C02</td><td>Condition Drawing 2 (Proposed Site Layout) (revision C)</td></tr> <tr> <td>7009/C01</td><td>Condition Drawing 1 (Existing Site Plan)</td></tr> <tr> <td>7009/C03</td><td>Condition Drawing 3 (Site Sections) (revision C)</td></tr> <tr> <td>RH-005</td><td>Roof Plans - Existing Barns and House</td></tr> <tr> <td></td><td>Drainage Design Report</td></tr> <tr> <td>21120-002</td><td>Exceedance Flows August 2021 (revision P3)</td></tr> </table>	7009/C03	Condition Drawing 3 (Proposed Site Sections) (revision C)	21120	Storm Water Calculations Aug 2021	7009/C02	Condition Drawing 2 (Proposed Site Layout) (revision C)	7009/C01	Condition Drawing 1 (Existing Site Plan)	7009/C03	Condition Drawing 3 (Site Sections) (revision C)	RH-005	Roof Plans - Existing Barns and House		Drainage Design Report	21120-002	Exceedance Flows August 2021 (revision P3)
7009/C03	Condition Drawing 3 (Proposed Site Sections) (revision C)																
21120	Storm Water Calculations Aug 2021																
7009/C02	Condition Drawing 2 (Proposed Site Layout) (revision C)																
7009/C01	Condition Drawing 1 (Existing Site Plan)																
7009/C03	Condition Drawing 3 (Site Sections) (revision C)																
RH-005	Roof Plans - Existing Barns and House																
	Drainage Design Report																
21120-002	Exceedance Flows August 2021 (revision P3)																

	7009/PL03	Planning Drawing 3 (Garages) (revision C)	
	7009/PL02	Planning Drawing 2 (Type 2) (revision E)	
	7009/PL01	Planning Drawing 1 (Type 1) (revision E)	
	PP2003	Barn Conversion - Elevations and Floor Layouts (revision A)	
	7009/PL04	Planning Drawing 4 (Site Plan) (revision D)	
	2152-GE-SE	Ecological Impact Assessment - Bats June 2021	
	21120-003	Flow Control Manhole Detail (revision P1)	
	21120-001	Drainage Plan (revision P4)	







Residential development  
under construction  
opposite

D: 20.05.25 - Amendments following client instructions.  
C: 18.03.25 - Amendments following client instructions and validation comments.  
REVISED



**PETER HUMPHREY  
ASSOCIATES**

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

TELEPHONE: 01945 466966

E-MAIL: info@peterhumphrey.co.uk

WEB: www.peterhumphrey.co.uk

CLIENT:

GRAFTON VENTURES LTD

PROJECT:

PROPOSED RESIDENTIAL DEVELOPMENT

SITE:

LAND NORTH AND WEST OF

47 FRIDAYBRIDGE ROAD

ELM

WISBECH

CAMBS

DRAWING:

PLANNING DRAWING 4 (SITE PLAN)

JOB NO:

7009/PL04D

PAPER SIZE:

A1

DATE:

FEB 2025

Notes:

This drawing is the property of Peter Humphrey Associates Ltd. and may not be

reproduced, stored or copied in whole or part without written consent.

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:

These Regulations apply to all projects where the client confirms whether

the project is a 'notifiable' project or a 'non-notifiable' project 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 be apparent to a

competent contractor.

**F/YR25/0156/F**

**Applicant: Mr G Sharman**

**Agent : Mr G Boreham  
Morton & Hall Consulting Ltd**

**Sharman Fabrications, Gaul Farm, Gaul Road, March Cambridgeshire PE15 0YY**

**Erect 1 x self-build/custom build dwelling and erect 1 x storage shed involving demolition of existing shed and stable (B2)**

**Officer recommendation: Refuse**

**Reason for Committee: Deferral from previous Committee meeting**

---

## **1 EXECUTIVE SUMMARY**

- 1.1 This application was heard at Planning Committee on 28<sup>th</sup> May 2025 where it was agreed to defer the application to allow for further information to be provided to demonstrate the operating model of the business, including details of expansion and to prove that the business is viable and to substantiate the need for the dwelling on site, including evidence to prove that the employees listed as working there actually do.
- 1.2 The applicant has provided further information in the form of a business plan and confidential financial statement from 2020-2023.
- 1.3 The submitted business plan identifies availability of staff on site and security as reasons for the functional need of the dwelling, however it is not considered that these reasons are sufficient to justify a dwelling on site, particularly considering that the address detailed within the application form is approximately 0.6 miles from the application site, which equates to a 3 minute drive.
- 1.4 The submission largely fails to address the requirements of Policy LP12 – Part D in terms of a functional need for a dwelling on site as it is not considered that the increased security or convenience from the applicant residing adjacent to the site is a material factor sufficient to overcome the policy requirement to direct development away from such sites.
- 1.5 As such, the application is recommended for refusal.

## **2 UPDATE**

- 2.1 This application was presented at Planning Committee on 28<sup>th</sup> May 2025 where it was agreed to defer the application to allow for further information to be provided to demonstrate the operating model of the business, including details of expansion and to prove that the business is viable and to substantiate the need for the dwelling on site, including evidence to prove that the employees listed as working there actually do.

- 2.2 The submitted business plan provides an overview of the history of the business, noting that the business has been operating on this site since 2004. The business plan indicates that the business has recently expanded and diversified into other areas of work including fencing and gates for schools and homes; supply of beams for house; repair work to lorries and their equipment. Prospective activity detailed within the business plan include being on call to repair lorries and equipment during evenings and weekends, shot blasting and powder coating.
- 2.3 The business plan appears to indicate two reasons for the need for a dwelling on site. The first reason is to allow for availability of an employee to undertake on call lorry repairs on evenings and weekends. The business plan notes that the applicant would be available 24 hours a day to take delivery of equipment and for goods to be collected. The second reason is regarding site security. The business plan states that the business has had items stolen. The plan does note that the materials are left on site in a building which is secure, however the business owners have received phone calls when vehicles are outside of the site so therefore travel to check the site.
- 2.4 The submitted business statement notes that the applicant would be living in the property, with his wife and two children.
- 2.5 Contained within Appendix A is the Officer's original committee report.

### **3 ASSESSMENT AND CONCLUSIONS**

#### Functional need of the dwelling

- 3.1 The submitted business plan provides an overview of the history of the business and proposed expansions, including looking into expanding the company into shot blasting and powder coating. The business plan notes that the business is open to expansion in work and would take more employees if the work was to increase. The submitted financial statements appear to indicate that the business is relatively low risk.
- 3.2 The submitted business statement identifies that having an employee on site 24 hours of the day would allow for improved availability of staff on site. The business plan states that applicant would be available to be on call and to take delivery/collection of equipment and goods.
- 3.3 The applicant currently lives 0.6 miles from the application site, which is a 3-minute drive. This is not considered an unreasonable journey time to travel to the site to take collection/delivery of goods within the site. In addition to this, it is unlikely that collection and deliveries would be outside of normal, reasonable working hours.
- 3.4 It is also not clear from the submitted information why the applicant living on site would allow for the applicant to be available 24 hours for on call repair works, especially considering the proximity of the applicant's current address to the application site. As a result, it is not considered that the scheme would result in significant sustainability benefits given that the existing distances involved in travelling from their permanent address to the site would be considered reasonable.
- 3.5 The submitted business statement identifies site security as justification for a dwelling on the site. The business statement however does note that the buildings



on site are secure. In addition to this, no crime details or police crime numbers have been provided.

- 3.6 Security is a matter to be considered in relation to the acceptability or otherwise of a planning application, however it would not be uncommon or unreasonable for business premises of this type to operate under a scheme of security cameras and alarms. It should also be noted that the site itself is not unduly remote or isolated given its proximity to the A141 to the east of the application site.
- 3.7 With regards to the issue of safety and security this is not generally held to demonstrate an essential requirement for a dwelling to be required on site given the range of other measures there are to address this such as CCTV, alarms etc. This is borne out by the number of planning appeals around the country which are dismissed in this regard. An on-line search shows of appeals in 2024 and 2025 concerning dwellings submitted in connection with business premises with security cited as justification, that 13 out of 15 were dismissed with the two allowed relating to businesses with animal welfare justification.
- 3.8 Accordingly, the submission largely fails to address the requirements of Policy LP12 – Part D in terms of a functional need for a dwelling on site as it is not considered that the increased security or convenience from the applicant residing adjacent to the site is a material factor sufficient to overcome the policy requirement to direct development away from such sites, especially considering that the applicant is currently situated 0.6 miles away from the site, which is a 3 minute drive.
- 3.9 In addition to the above, Paragraph 84(a) of the NPPF states that the development of isolated homes in the countryside should be avoided unless there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.
- 3.10 The additional information submitted has failed to demonstrate that there is an essential need for a worker to live permanently on site and thus the application is also considered to be contrary to Paragraph 84 of the NPPF.

## 4 RECOMMENDATION

### 4.1 **Refuse;** for the following reasons:

1	<p>Policy LP3 of the Fenland Local Plan 2014 and National Planning Policy Framework (NPPF) steer new development to sustainable areas that offer the best access to services and facilities. The exception to this approach is where it can be demonstrated that such development is essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services, or that there is a justifiable reason for locating development in otherwise unsustainable locations.</p> <p>The proposed dwelling would be located in the open countryside and whilst it is asserted that it is essential for business reasons, the justification given does not meet the requirements of LP12(D) in terms of evidencing a clear functional need or that no other suitable accommodation is available. Whilst the NPPF seeks to support a prosperous rural economy this does not override the need to ensure that development is located in the most accessible and sustainable locations. The proposed development is located outside any settlement limits and the justification given is not sufficient to warrant the</p>
---	--

	development being considered as an exception. The proposal is therefore contrary to Local Plan Policies LP3 and LP12 of the Fenland Local Plan (adopted May 2014).
2	<p>Policy LP14 of the Fenland Local Plan, and paragraphs 155-165 of the National Planning Policy Framework 2021, set out the approach to developing land in relation to flood risk, with both documents seeking to steer new development in the first instance towards available land at a lower risk of flooding. This is achieved by means of requiring development proposals to undertake a sequential test to determine if there is land available for development at a lower risk of flooding than the application site, and only resorting to development in higher flood risk areas if it can be demonstrated that there are no reasonably available sites at a lower risk of flooding.</p> <p>Fenland District Council's adopted approach to sequential testing is that where a site is located in the countryside, the area of search for application of the sequential test is the whole District. The Sequential Test accompanying the application (contained within the submitted Flood Risk Assessment) does not consider sites across the whole of the District and therefore the Sequential Test is lacking proper application and is accordingly failed. As a result, the proposal would fail to accord with the provisions of the NPPF, Policy H2(c) of the March Neighbourhood Plan 2017, Policy LP14 of the Fenland Local Plan 2014 and the Cambridgeshire Flood and Water SPD 2016.</p>
3	<p>Policy LP16 of the Fenland Local Plan (2014) requires development proposals to deliver and protect high quality environments throughout the district. Proposals are required to demonstrate that they make a positive contribution to the local distinctiveness and character of the area, enhancing their local setting and both responding to and improving the character of the local built environment whilst not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area.</p> <p>The proposal is for the construction of a new dwelling within an area characterised by sporadic development with a close relationship to the wider open countryside. The development would result in the consolidation of existing sporadic built form and an urbanisation of the area, detracting from the open and sporadic character of this rural location. The result would be a development that results in harm to the existing distinctiveness and open character of the area which would be contrary to policy LP16 of the Fenland Local Plan (2014).</p>

---

**F/YR25/0156/F**

**Applicant: Mr G Sharman**

**Agent : Mr G Boreham  
Morton & Hall Consulting Ltd**

**Sharman Fabrications, Gaul Farm, Gaul Road, March Cambridgeshire PE15 0YY**

**Erect 1 x self-build/custom build dwelling and erect 1 x storage shed involving demolition of existing shed and stable (B2)**

**Officer recommendation: Refuse**

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

---

**Government Planning Guarantee**

**Statutory Target Date For Determination: 23 April 2025**

**EOT in Place: Yes**

**EOT Expiry: 4 June 2025**

**Application Fee: £2312**

**Risk Statement:**

**This application must be determined by 4<sup>th</sup> June 2025 otherwise it will be out of time and therefore negatively affect the performance figures.**

---

**1 EXECUTIVE SUMMARY**

- |  |
|--|
| <p>1.1 This application seeks to erect a self-build/custom build dwelling and a storage shed, involving the demolition of an existing shed and stable.</p> <p>1.2 The application states that the dwelling is to be in association with the existing fabrication business on site, however limited justification has been provided as to the functional need for the dwelling on site. In addition to this, the existing business use on site does not fall within the development criteria listed under Policy LP3 of the Fenland Local Plan 2014.</p> <p>1.3 Accordingly, the submission largely fails to address the requirements of Policy LP12 – Part D in terms of a functional need for a dwelling on site as it is not considered that the increased security from the applicant residing adjacent to the site is a material factor sufficient to overcome the policy requirement to direct development away from such sites.</p> <p>1.4 A further permanent dwelling in this predominantly rural location is considered unjustified in this case and would significantly detract from, and undermine, the rural character of this part of the district.</p> <p>1.5 The application is not accompanied by a sequential test exploring the availability of alternative sites in location of lower flood risk.</p> |
|--|

1.6 The application is therefore recommended for refusal.

## 2 SITE DESCRIPTION

- 2.1 The application site is situated to the southwest of the junction of the A141 Isle of Ely Way and Gaul Road, to the west of March.
- 2.2 The site features a corrugated metal workshop building, stables, paddock land and a gravelled parking/turning area. There is an existing gated access off Gaul Road leading to the parking/turning area.
- 2.3 The application site is situated within Flood Zone 3 (high risk).

## 3 PROPOSAL

- 3.1 This application seeks to erect 1 x self-build/custom build dwelling and erect 1 x storage shed involving the demolition of the existing shed and stable. The proposed dwelling would be a detached 2-storey, 4-bed dwelling, with attached single-storey garage. The dwelling would have a greatest depth of 10.8 metres approx and a greatest width of 21.2 metres approx (including the garage). The dwelling would feature dual-pitched roofs with an eaves height of 5.2 metres and a ridge height of 7.9 metres approx. the dwelling would be finished in a buff brick, with red brick plinth and detailing and red roof tiles.
- 3.2 The dwelling would be situated to the north-east of the site, with parking and turning space situated to the front of the dwelling. Private amenity space would be to the side and rear of the dwelling itself.
- 3.3 The proposed storage shed would be situated to behind the existing workshop and would have a floor area of 15 x 10 metres. The storage shed would feature a dual-pitched roof and would have a ridge height of 5.1 metres approx. The storage shed would be finished in a green sheet cladding.
- 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

Reference	Description	Decision
F/YR21/0657/F	Formation of a ménage	Granted 11/08/2021
F/YR06/1289/O	Erection of a workplace home	Refused 22/12/2006
F/YR06/1002/O	Erection of a workplace home	Refused 17/10/2006
F/YR04/3057/F	Change of Use of existing building to workshop for the manufacture of playground equipment	Granted 07/04/2004

## 5 CONSULTATIONS

### 5.1 March Town Council

## **5.2 FDC Environmental Health**

*I confirm receipt of the above application details and have considered the implications of the proposed development in terms of:*

*Noise*

*Air pollution*

*Contaminated land*

*Artificial light*

*I conclude that the Environmental Health Team do not object to the principle of this application but would like to raise the following observations.*

*Noise / Light from the Fabrication business*

*I note that the residential property is linked to the fabrication business, therefore I would not propose that noise or light will be a matter to consider. However, should the residential property be sold or occupied separately to the business, the business will not be able to operate without exceeding noise levels that will be likely to cause a nuisance to the residential property.*

*Land affected by contamination*

*Historic land use likely to results in the potential for contamination to be left in the soils have ben identified. Site photos also identify made ground and deposits of construction and demolition waste. Therefore, I recommend that the standard contaminated land conditions are applied to this application.*

*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 FDC Ecology**

*I have no objections to the above planning application on Ecology grounds.*

*The proposed new hedge at the southern boundary of the site represents a suitable biodiversity enhancement for the scheme.*

### **5.4 CCC Highways**

*Recommendation*

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

*Comments*

*The existing access is suitable for the proposed development outlined. Therefore, this proposal is acceptable to the Local Highway Authority.*

### **5.5 Environment Agency**

*We have no objection to the proposed development on flood risk grounds but wish to make the following comments:*

*We consider that the main source of flood risk at this site is associated with watercourses under the jurisdiction of the Internal Drainage Board (IDB). As such, the IDB should be consulted with regard to flood risk associated with watercourses under their jurisdiction and surface water drainage proposals.*

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

*NPPF Flood Risk Sequential Test*

*In accordance with the National Planning Policy Framework (paragraph 162), development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of*

*flooding. It is for the Local Planning Authority to determine if the sequential test needs to be applied and whether there are other sites available at lower flood risk. Our flood risk standing advice reminds you of this and provides advice on how to apply the test.*

## **5.6 Local Residents/Interested Parties**

Eight letters of support were received regarding this application from addresses within March (Whittlesey Road x2, Burrowmoor Road x2, Corner Lodge Industrial Estate, Brewin Avenue, Millfield Close and Brewin Avenue), several of these appear to be business addresses. The reasons for support are summarised as follows:

- Allow business to grow
- Economic growth
- Asset to the community
- Security for business
- House would not impact anyone

## **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 March Neighbourhood Plan (2017).

## **7 POLICY FRAMEWORK**

### **7.1 National Planning Policy Framework (NPPF) 2024**

Chapter 2 - Achieving sustainable development

Chapter 4 – Decision-making

Chapter 9 – Promoting sustainable transport

Chapter 12 – Achieving well-designed 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 (NPPG)**

Determining a Planning Application

### **7.3 National Design Guide 2021**

Context

Identity

Built Form

Uses

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

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

LP19 – The Natural Environment

## **7.5 March Neighbourhood Plan 2017**

H2 – Windfall Development

## **7.6 Cambridgeshire Flood and Water SPD 2016**

## **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 49 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

LP18: Development in the Countryside

LP20: Accessibility and Transport

LP22: Parking Provision

LP24: Natural Environment

LP32: Flood and Water Management

## **8 KEY ISSUES**

- **Principle of Development**
- **Self-build**
- **Character and Appearance**
- **Residential Amenity**
- **Access and Parking**
- **Flood Risk**
- **Ecology and Trees**
- **Biodiversity Net Gain (BNG)**

## **9 ASSESSMENT**

### **Principle of Development**

- 9.1 The application site is situated to the southwest of the junction of the A141 Isle of Ely Way and Gaul Road, to the west of the built-up settlement of March. This is an 'elsewhere' location when applying the criteria outlined in Policy LP12; given that it is clearly outside the built-up settlement of March. There is one additional dwelling on this section of Gaul Road, and therefore whilst the site is not necessarily 'physically' isolated, the lack of nearby services and facilities would render the location 'functionally' isolated.
- 9.2 As identified under Policy LP3, development in such areas should be restricted to that which is essential for agriculture, horticulture, forestry, outdoor recreation,



transport or utility services and to minerals or waste development. The current use of the site is a B2 use for the manufacturing of playground equipment and therefore clearly does not accord with these prescribed uses. In addition to compliance with Policy LP3, Policy LP12 Part D requires the application to demonstrate the following:

- (a) The existing functional need for the dwelling
- (b) The number of part time and full-time worker(s) to live in the dwelling
- (c) The length of time the activity has been established
- (d) The financial viability of the enterprise
- (e) The availability of other suitable accommodation on site or in the area
- (f) How the proposed size of the dwelling relates to the viability of the enterprise

#### Justification of need

- 9.3 The justification provided for the functional need for the dwelling is limited. The submitted design & access statement highlights that the business use has been on site for an excess of twenty years with two full time workers on site, noting that this may expand. The statement also notes that there is no alternative accommodation within the area as the site is already established for the business. An economy statement has also been submitted with the application which contradicts the design and access statement, as this clearly sets out there no additional jobs would be created as part of this proposal. This statement also highlights that the proposal would not have a distinct community benefit and that the dwelling on site would safeguard the existing business.
- 9.4 No business plan has been submitted as part of the application and thus no detail has been provided to satisfy parts (d), or (f) of the Policy. It is therefore unclear why the applicant considers it is essential for a full-time worker to occupy the dwelling. Nor has any business case been provided to be able to confirm that the business is viable to support this.
- 9.5 The application has failed to justify why an additional dwelling would be required to support the business needs. Accordingly, the submission largely fails to address the requirements of Policy LP12 – Part D in terms of a functional need for a dwelling on site as it is not considered that an additional dwelling would be necessary and it is not considered that convenience from the applicant residing adjacent to the site is a material factor sufficient to overcome the policy requirement to direct development away from such sites.
- 9.6 In addition to the above, Paragraph 84(a) of the NPPF states that the development of isolated homes in the countryside should be avoided unless there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.
- 9.7 The application submitted has failed to demonstrate that there is an essential need for a rural worker to live permanently on site and thus the application is also considered to be contrary to Paragraph 84 of the NPPF.

#### **Self – build**

- 9.8 Policy LP5, Part C seeks to provide, in appropriate circumstances, housing solutions that meet market expectations including self build homes, which is supported by para 62 of the NPPF. Under Section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those

seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand. Weight would therefore be given to this, the amount dependant on identified demand.

- 9.9 The proposal is for self/custom build dwellings, however the Council can currently demonstrate that the number of permissions given for self/custom builds exceeds identified demand. The register currently demonstrates that 3 permissions are required, with 58 permissions granted to date. As such very limited weight can be afforded to this.

### **Character and Appearance**

- 9.10 This application proposes to erect one self-build/custom build dwelling and a storage shed, involving the demolition of an existing shed and stable.
- 9.11 The character of development along this area of Gaul Road is predominantly agricultural, with the presence of one singular dwelling. The character of development could therefore be classed as sporadic and loose knit, due to the large and spacious fields forming gaps between the existing development.
- 9.12 Policy H2 of the March Neighbourhood Plan 2017 states that development should be of a high standard of design. Policy LP16 of the Fenland Local Plan requires development to 'make a positive contribution to the local distinctiveness and character of the area, enhancing its local setting, responding to and improving the character of the local built environment, providing resilience to climate change, reinforcing local identity and not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area'.
- 9.13 The design and appearance of the proposed dwelling is not considered to be objectionable in its own right, the proposal however by its very nature and location, would detract from the relationship between the site and its rural and undeveloped surroundings. The proposed development would undermine this relationship by the consolidation of existing sporadic and loose-knit built form notable in this area and would therefore be contrary to Policy LP16 of the adopted Fenland Local Plan.
- 9.14 The proposed storage shed would be situated to the rear of the existing workshop and whilst this would be visible from the surrounding public realm (given the open nature of the surrounding area), it is not considered to be out of character in this location.

### **Residential Amenity**

- 9.15 There are no immediate neighbours surrounding the application site and therefore the scheme will not adversely impact upon residential amenity and as such there are no issues to address with regard to Policy H2(a) of the March Neighbourhood Plan 2017 and Policy LP2 and LP16 of the Fenland Local Plan 2014.

### **Access and Parking**

- 9.16 The proposed development would utilise the existing access into the site and extending the gravel/hardcore to create a driveway to the proposed dwelling.

Upon consultation with CCC Highways, no objections have been raised to the utilisation of this access to serve the proposed development.

- 9.17 Appendix A of the Fenland Local Plan states that dwellings with four or more bedrooms should provide three onsite parking spaces. One parking space is detailed to the front of the dwelling, and two within the garage. It is therefore considered that sufficient parking space could be achieved on site. As such, there are no issues to address with regard to Policy LP15.

### **Flood Risk**

- 9.18 The application site is located within Flood Zone 3. Policy LP14 of the Fenland Local Plan requires new development to be the subject of a sequential test, which aims to direct new development to the areas at the lowest risk of flooding.
- 9.19 The application is accompanied by a Flood Risk Assessment which states '*the proposed dwelling will be tied to the business that is based at the site and therefore can be considered to pass the Sequential Test. Justification for the need for a dwelling is provided within a separate document*'.
- 9.20 The matter of need for the dwelling to be located on site is addressed above. It is concluded that there is no site specific need for the dwelling on site and therefore the sequential test needs to be applied.
- 9.21 It is considered that applying the sequential test across the whole of the District, as is the Council's adopted approach for a site outside the settlement, would result in identifying sites at lower risk, capable of accommodating a single dwelling. Therefore, the proposal is deemed to have failed the sequential test.
- 9.22 On matters of flood risk, therefore, the application site would not accord with the planning requirements at set out under the NPPF, Policy H2(c) of the March Neighbourhood Plan 2017, Policy LP14 of the Fenland Local Plan 2014 and the Cambridgeshire Flood and Water SPD 2016.

### **Ecology and Trees**

- 9.23 The application is accompanied by a tree statement confirming that no trees will be removed on the site. A Preliminary Ecological Appraisal has also been submitted which confirms that precautionary working methods should be put in place to prevent disturbance to wildlife. Recommended enhancements have also been suggested. The FDC Ecologist has raised no objections to the scheme and therefore there are no issues to address with regards to Policy LP19.

### **Biodiversity Net Gain (BNG)**

- 9.24 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.
- 9.25 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 nature of the development being self / custom build is exempt from statutory net gain.

## 10 CONCLUSIONS

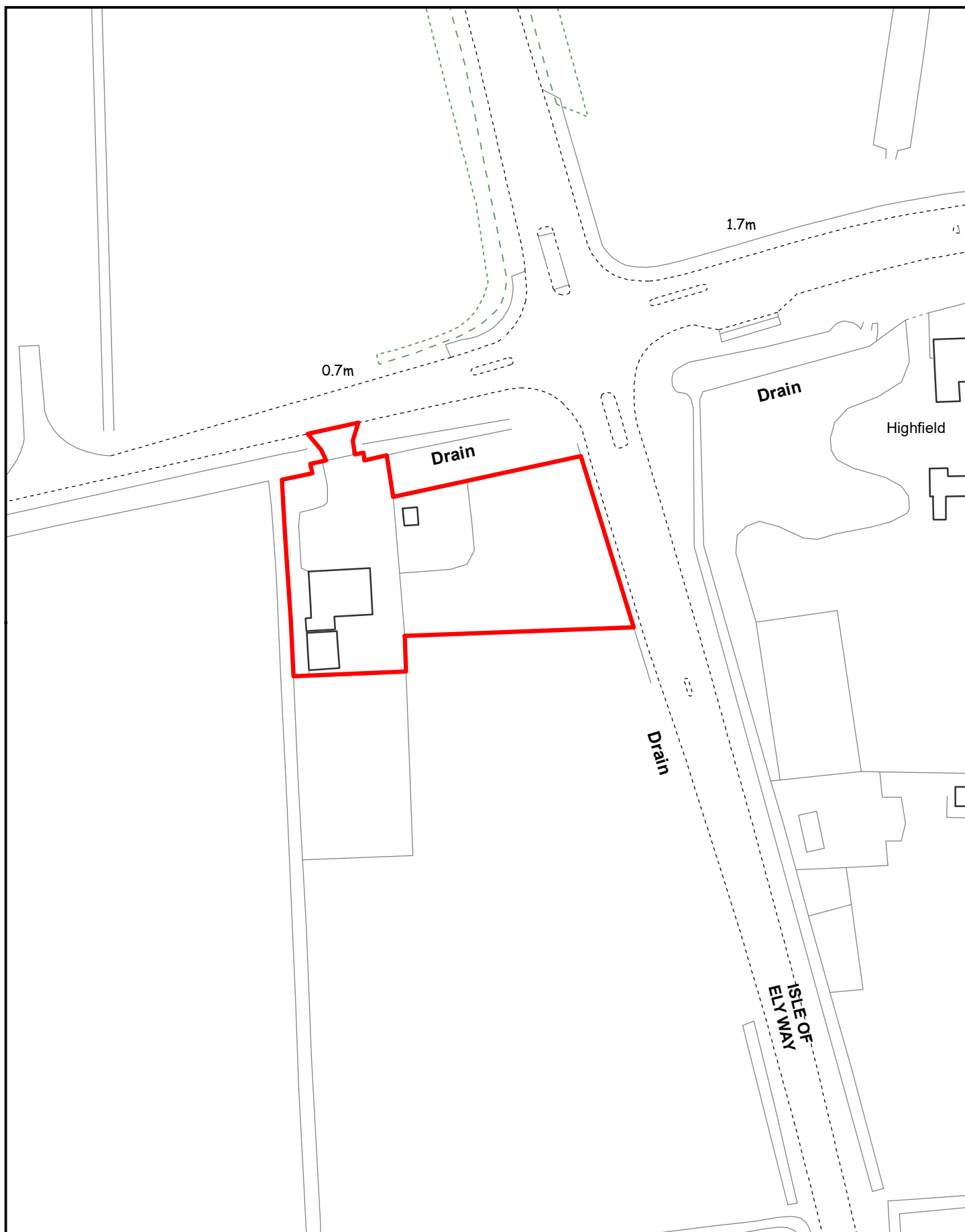
- 10.1 The site lies within an 'elsewhere' location as such, the erection of a dwelling is contrary to the settlement policies outlined in Policy LP3 of the Fenland Local Plan 2014. Furthermore, the scheme fails to evidence the 'need' for the property in this location as required by Policy LP12 – Part D and would detrimentally impact on the character of the area. Given that the scheme fails to demonstrate that the development is justified in terms of a functional need and the visual harm that ensues, development plan policies indicate that the application should be refused and there are no material considerations to indicate a departure from the development plan is warranted in this instance.
- 10.2 The Sequential Test accompanying the application does not consider sites across the whole of the District and therefore the Sequential Test is lacking proper application and is accordingly failed. As a result, the proposal would fail to accord with the provisions of the NPPF, Policy H2(c) of the March Neighbourhood Plan 2017, Policy LP14 of the Fenland Local Plan 2014 and the Cambridgeshire Flood and Water SPD 2016.

## 11 RECOMMENDATION

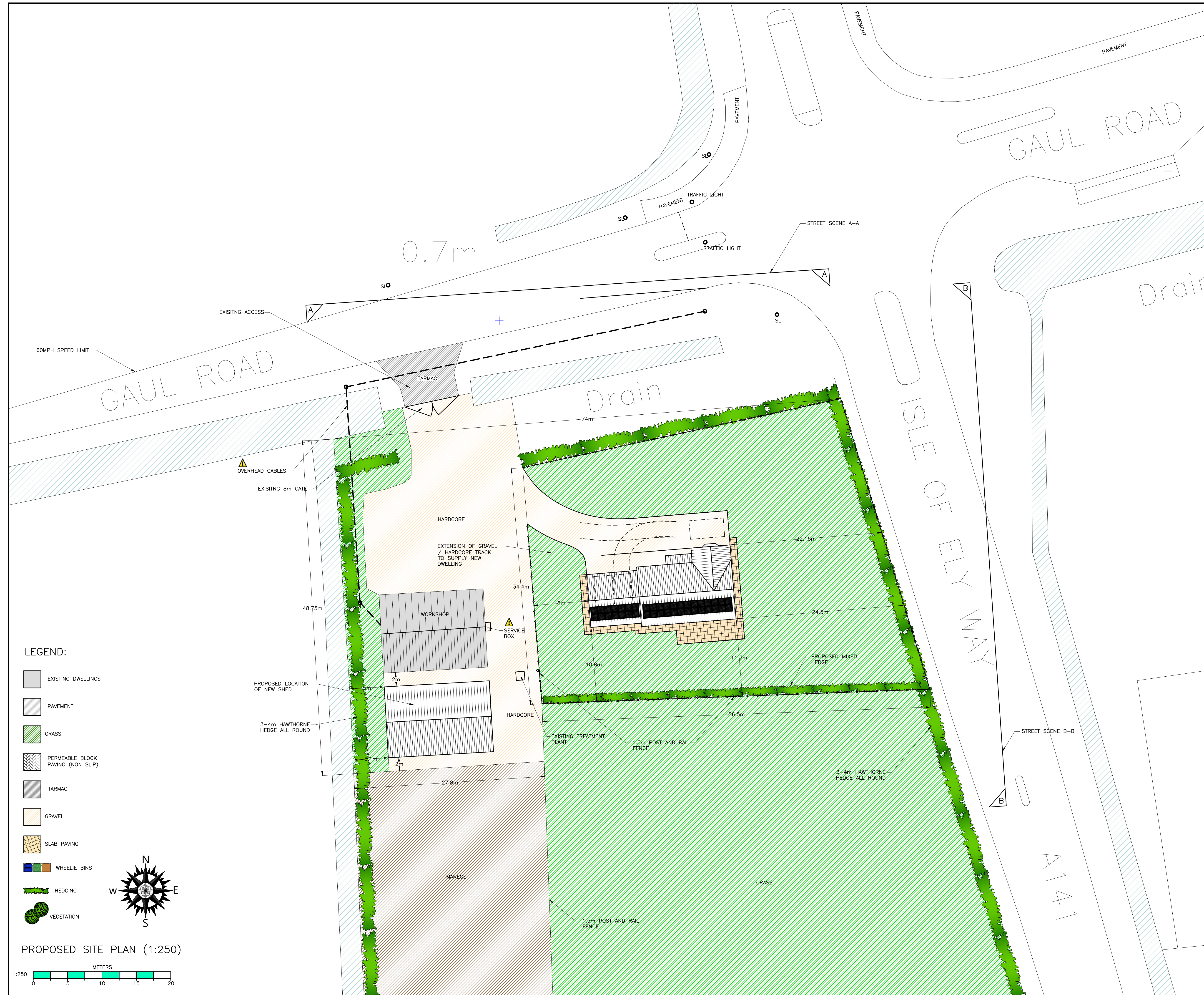
- 11.1 **Refuse;** for the following reasons:

1	<p>Policy LP3 of the Fenland Local Plan 2014 and National Planning Policy Framework (NPPF) steer new development to sustainable areas that offer the best access to services and facilities. The exception to this approach is where it can be demonstrated that such development is essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services, or that there is a justifiable reason for locating development in otherwise unsustainable locations.</p> <p>The proposed dwelling would be located in the open countryside and whilst it is asserted that it is essential for business reasons, the justification given does not meet the requirements of LP12(D) in terms of evidencing a clear functional need or that no other suitable accommodation is available. Whilst the NPPF seeks to support a prosperous rural economy this does not override the need to ensure that development is located in the most accessible and sustainable locations. The proposed development is located outside any settlement limits and the justification given is not sufficient to warrant the development being considered as an exception. The proposal is therefore contrary to Local Plan Policies LP3 and LP12 of the Fenland Local Plan (adopted May 2014).</p>
---	---

2	<p>Policy LP14 of the Fenland Local Plan, and paragraphs 155-165 of the National Planning Policy Framework 2021, set out the approach to developing land in relation to flood risk, with both documents seeking to steer new development in the first instance towards available land at a lower risk of flooding. This is achieved by means of requiring development proposals to undertake a sequential test to determine if there is land available for development at a lower risk of flooding than the application site, and only resorting to development in higher flood risk areas if it can be demonstrated that there are no reasonably available sites at a lower risk of flooding.</p> <p>Fenland District Council's adopted approach to sequential testing is that where a site is located in the countryside, the area of search for application of the sequential test is the whole District. The Sequential Test accompanying the application (contained within the submitted Flood Risk Assessment) does not consider sites across the whole of the District and therefore the Sequential Test is lacking proper application and is accordingly failed. As a result, the proposal would fail to accord with the provisions of the NPPF, Policy H2(c) of the March Neighbourhood Plan 2017, Policy LP14 of the Fenland Local Plan 2014 and the Cambridgeshire Flood and Water SPD 2016.</p>
3	<p>Policy LP16 of the Fenland Local Plan (2014) requires development proposals to deliver and protect high quality environments throughout the district. Proposals are required to demonstrate that they make a positive contribution to the local distinctiveness and character of the area, enhancing their local setting and both responding to and improving the character of the local built environment whilst not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area.</p> <p>The proposal is for the construction of a new dwelling within an area characterised by sporadic development with a close relationship to the wider open countryside. The development would result in the consolidation of existing sporadic built form and an urbanisation of the area, detracting from the open and sporadic character of this rural location. The result would be a development that results in harm to the existing distinctiveness and open character of the area which would be contrary to policy LP16 of the Fenland Local Plan (2014).</p>







Copyright on all drawings prepared by Morton & Hall Consulting Limited is their property. Drawings and designs may not be reproduced in part or in whole without written permission of the company.

Please read, if in doubt ask. Change nothing without consulting the Engineers.

Contractor to check all dimensions on site before work starts. Materials are ordered. If in doubt, ask. All dimensions are in mm unless stated otherwise.

Where materials, products and workmanship are not fully specified they are to be of the standard appropriate to the use and service conditions. Where not stated or reasonably to be inferred from the drawings and specification. All work to be in accordance with the relevant product standards. The relevant product recommendations define the quality of the finished work. Materials products and workmanship to comply with all British Standards and CE marked products with, where appropriate, BS or EC marks.

All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.

The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer

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

B A	UPDATED FOR PLANNING CLIENT COMMENTS	JAN 2025 DEC 2024
	REVISIONS	DATE


# MORTON & HALL


## CONSULTING LIMITED

CONSULTING STRUCTURAL ENGINEERS


1 Gordon Avenue,  
March,  
Cambridgeshire.  
PE15 8AJ

**Tel:** 01354 655454  
**Fax:** 01354 660467  
**E-mail:** [info@mortonandhall.co.uk](mailto:info@mortonandhall.co.uk)  
**Website:** [www.mortonandhallconsultingengineers.co.uk](http://www.mortonandhallconsultingengineers.co.uk)






**LABC**  
BUILDING EXCELLENCE AWARDS  
**winner**



**Fenland District Council**  
**Building**  
Design Awards  
Building Excellence in Fenland



**NINE RADIO**

CLIENT \_\_\_\_\_

Mr Sharman

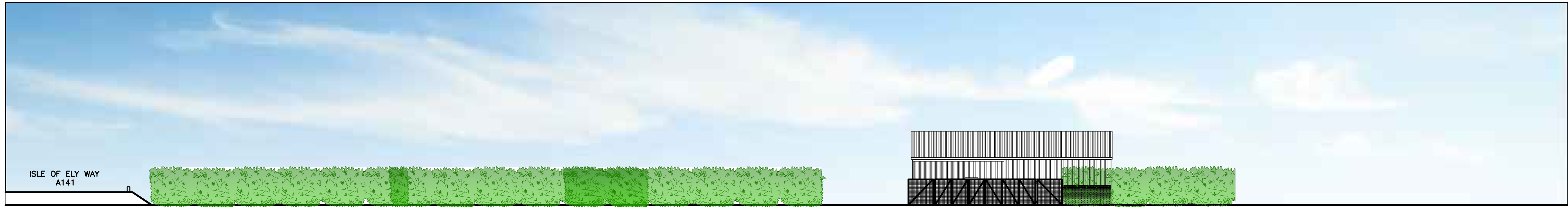
PROJECT

Sharman Fabrications  
Gaul Road, March  
Cambridgehire  
PE15 0YY

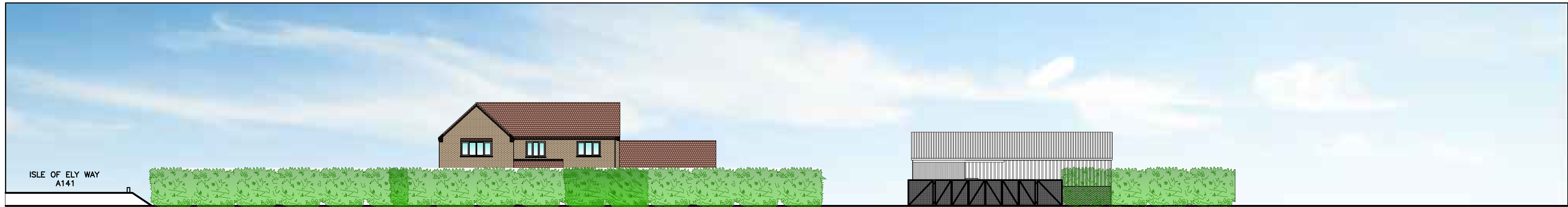
## Proposed Site Plan

DRAWN <b>G.Boreham</b>	DATE OF ISSUE
CHECKED	
DATE <b>Dec 2024</b>	DRAWING NUMBER  <b>H10015/05<sub>B</sub></b>
SCALE <b>As Shown</b>	

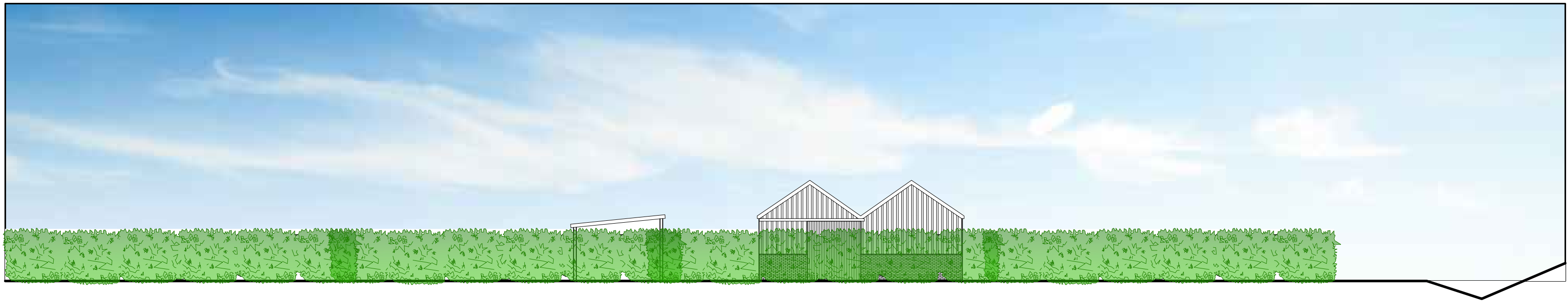




EXISTING STREET SCENE A-A  
(1:200)



PROPOSED STREET SCENE A-A  
(1:200)



EXISTING STREET SCENE B-B  
(1:200)

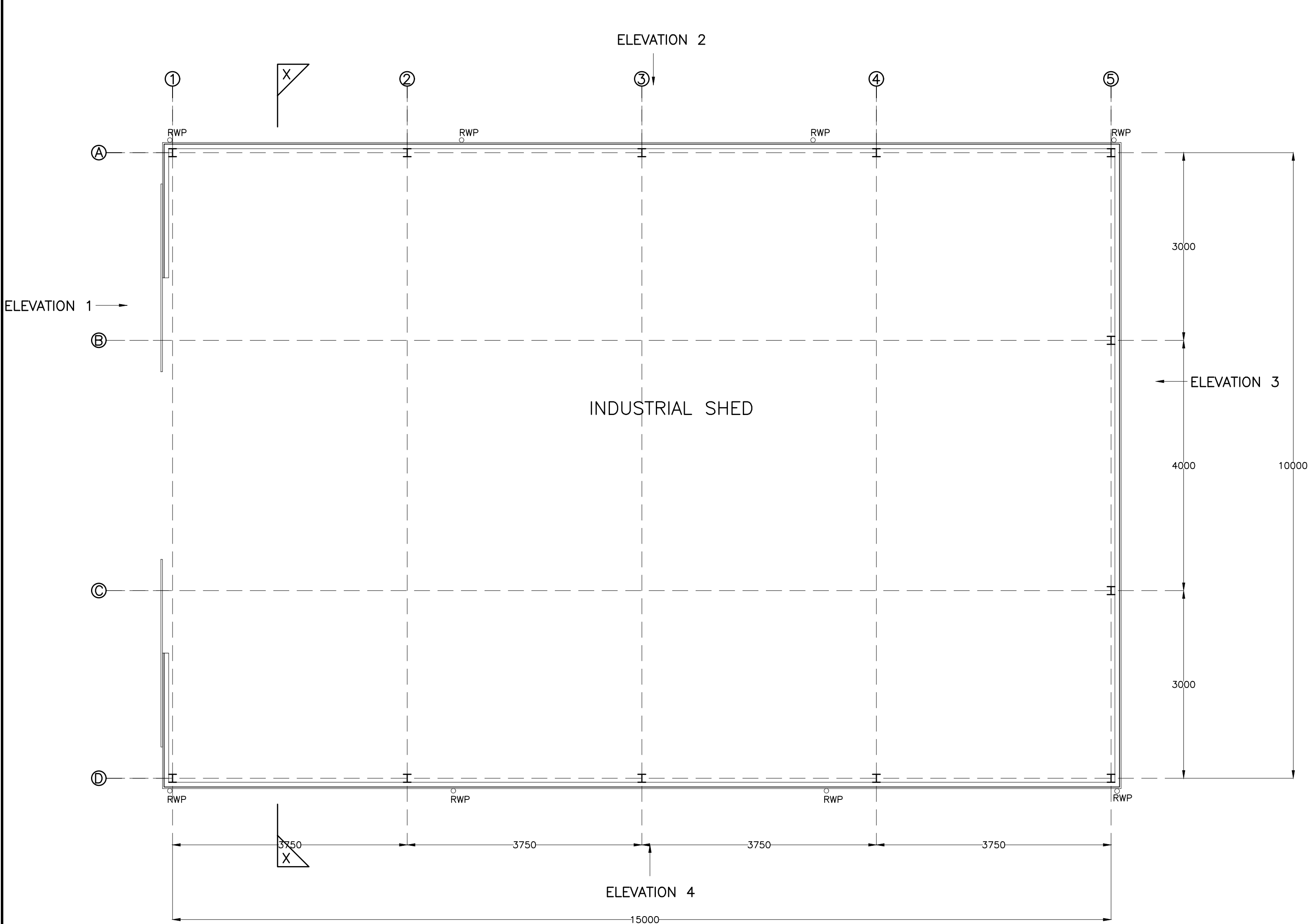


PROPOSED STREET SCENE B-B  
(1:200)

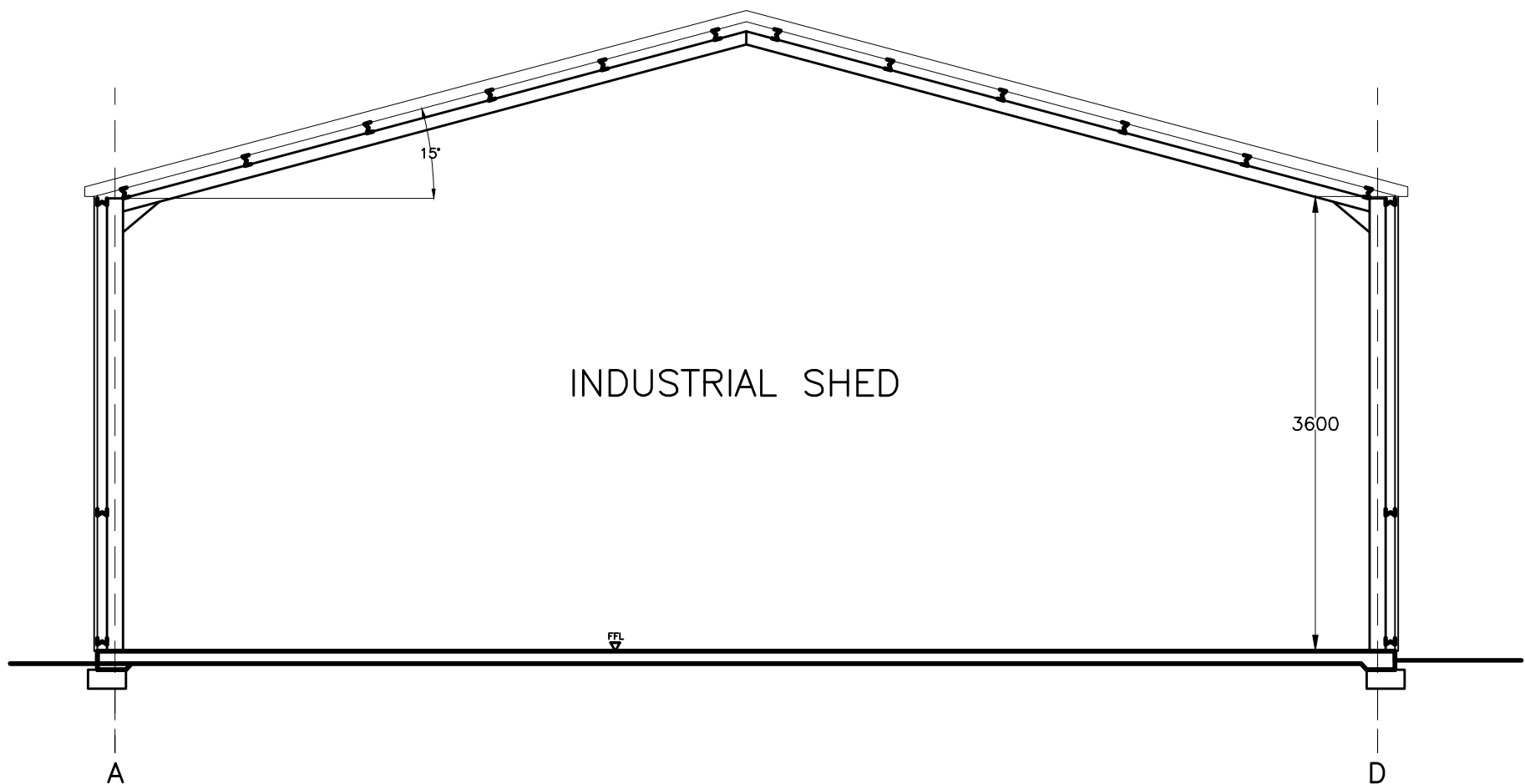
Copyright on all drawings prepared by Morton & Hall Consulting Limited is their property. Drawings and designs may not be reproduced in part or in whole without their written permission.  
Please read, if in doubt ask. Change nothing without consulting the Engineers.  
Contractor to check all dimensions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

REVISIONS		DATE
<div><div><div><div><div><div><span></span></div><div><b>MORTON &amp; HALL</b></div><div>CONSULTING LIMITED</div><div>CONSULTING STRUCTURAL ENGINEERS</div></div></div><div><div>1 Gordon Avenue, March, Cambridgeshire, PE15 8AJ</div><div><div>Tel: 01354 655454 Fax: 01354 660467 E-mail: <a href="mailto:info@mortonandhall.co.uk">info@mortonandhall.co.uk</a> Website: <a href="http://www.mortonconsultingengineers.co.uk">www.mortonconsultingengineers.co.uk</a></div></div></div></div><div><div><div><div><div><span></span></div><div>LABC</div></div><div><div><span></span></div><div>LABC</div></div></div><div><div><div><div><span></span></div><div>Fenland District Council</div></div><div><div><span></span></div><div>Building Design Awards winner</div></div></div><div><div><div><div><span></span></div><div>Building Excellence in Fenland</div></div></div></div></div></div></div></div></div>		
CLIENT		
Mr Sharman		
PROJECT		
Sharman Fabrications Gaul Road, March Cambridgehsire PE15 0YY		
TITLE		
Existing and Proposed Street Scenes		
DRAWN	G.Boreham	DATE OF ISSUE
CHECKED		
DATE	Jan 2025	DRAWING NUMBER
SCALE	As Shown	H10015/06

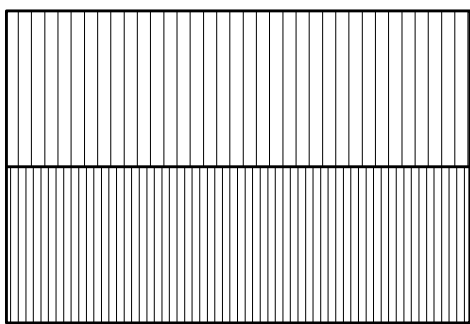




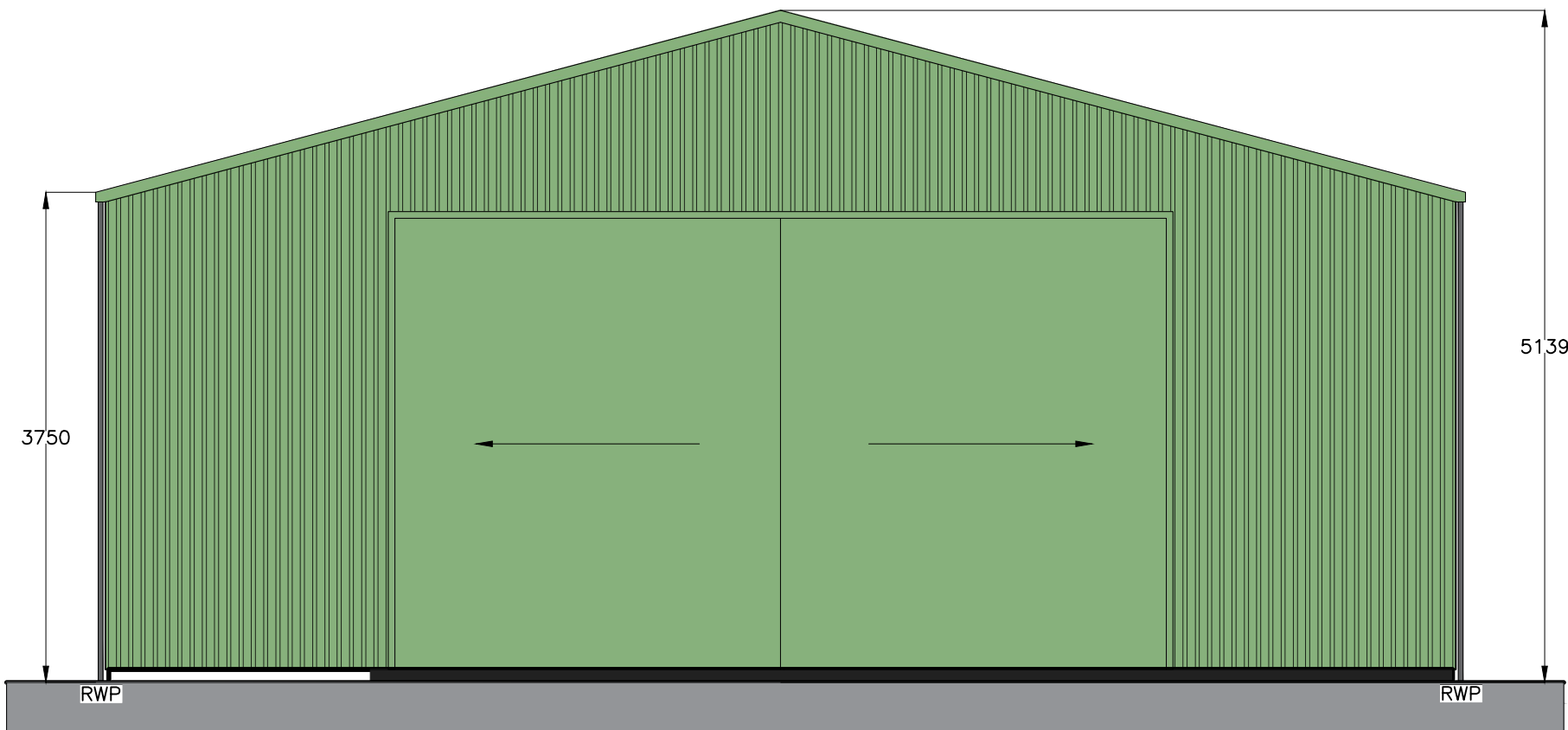
PROPOSED FLOOR PLAN (1:50)



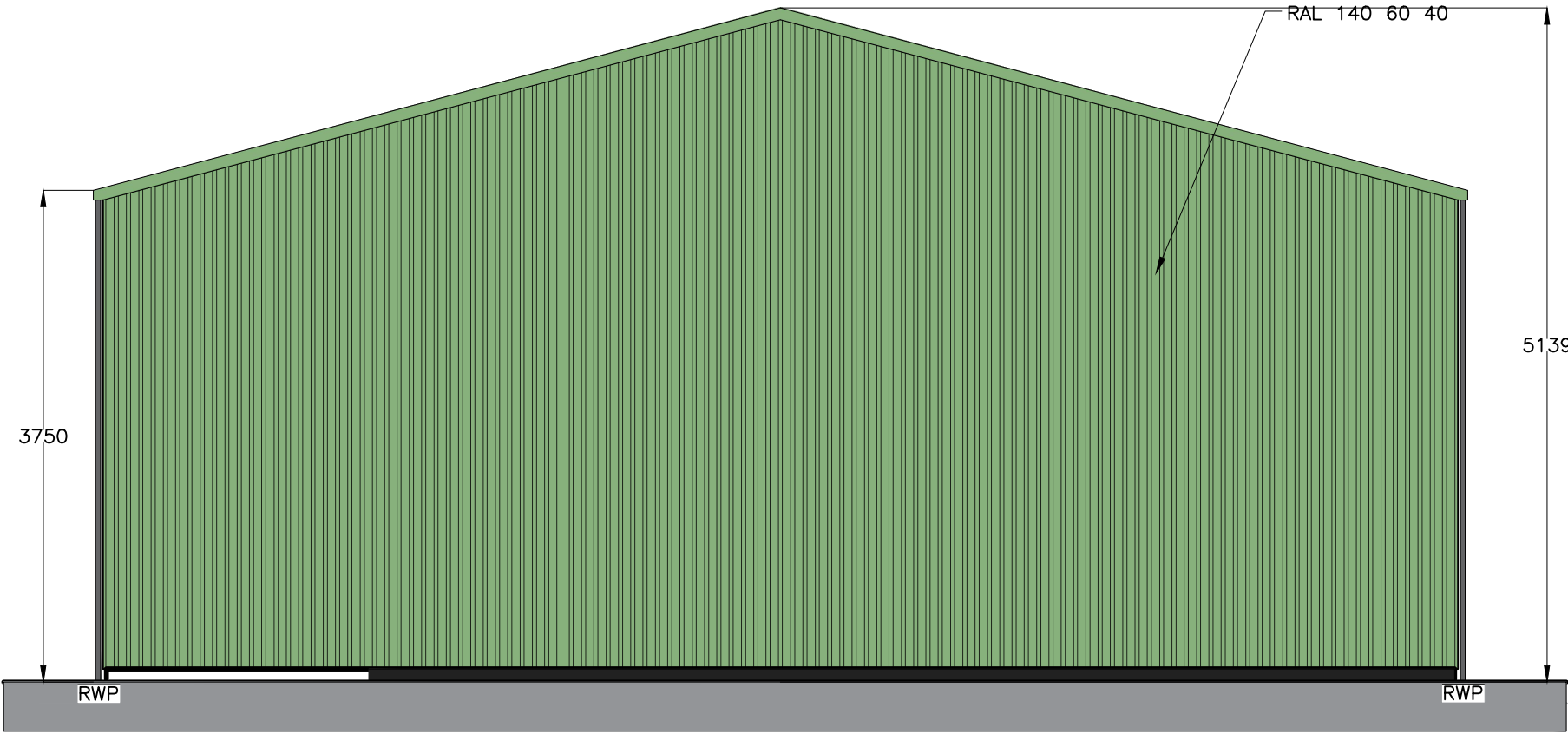
TYPICAL SECTION X-X (1:50)



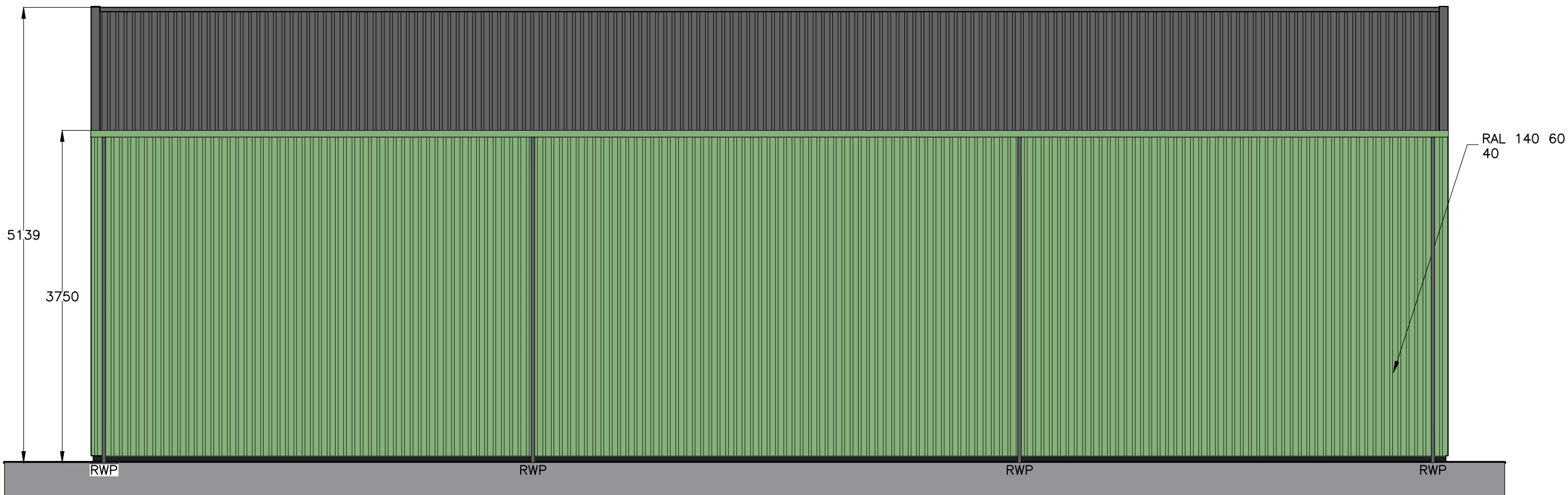
PROPOSED ROOF PLAN (1:250)



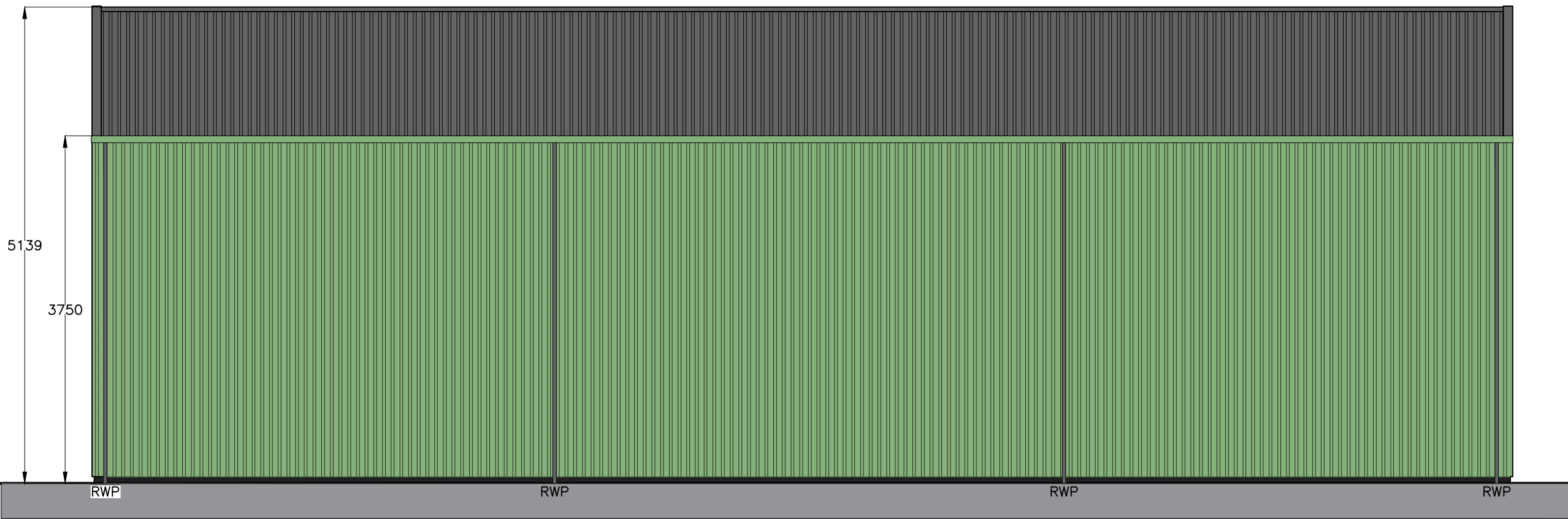
PROPOSED FRONT ELEVATION 1 (1:50)



PROPOSED REAR ELEVATION 3 (1:50)



PROPOSED SIDE ELEVATION 4 (1:50)



PROPOSED SIDE ELEVATION 2 (1:50)

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

B	UPDATED FOR PLANNING	JAN 2025
A	CLIENT COMMENTS	DEC 2024
REVISIONS		DATE

MORTON & HALL

CONSULTING LIMITED

CONSULTING STRUCTURAL ENGINEERS

1 Gordon Avenue,  
March,  
Cambridgeshire,  
PE15 8AJ

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

LABC

THE BUILDING EXCELLENCE AWARD

winner

LABC

Fenland District Council

Building Design Awards

Building Excellence in Fenland

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

51

52

53

54

55

56

57

58

59

60

61

62

63

64

65

66

67

68

69

70

71

72

73

74

75

76

77

78

79

80

81

82

83

84

85

86

87

88

89

90

91

92

93

94

95

96

97

98

99

100

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

51

52

53

54

55

56

57

58

59

60

61

62

63

64

65

66

67

68

69

70

71

72

73

74

75

76

77

78

79

80

81

82

83

84

85

86

87

88

89

90

91

92

93

94

95

96

97

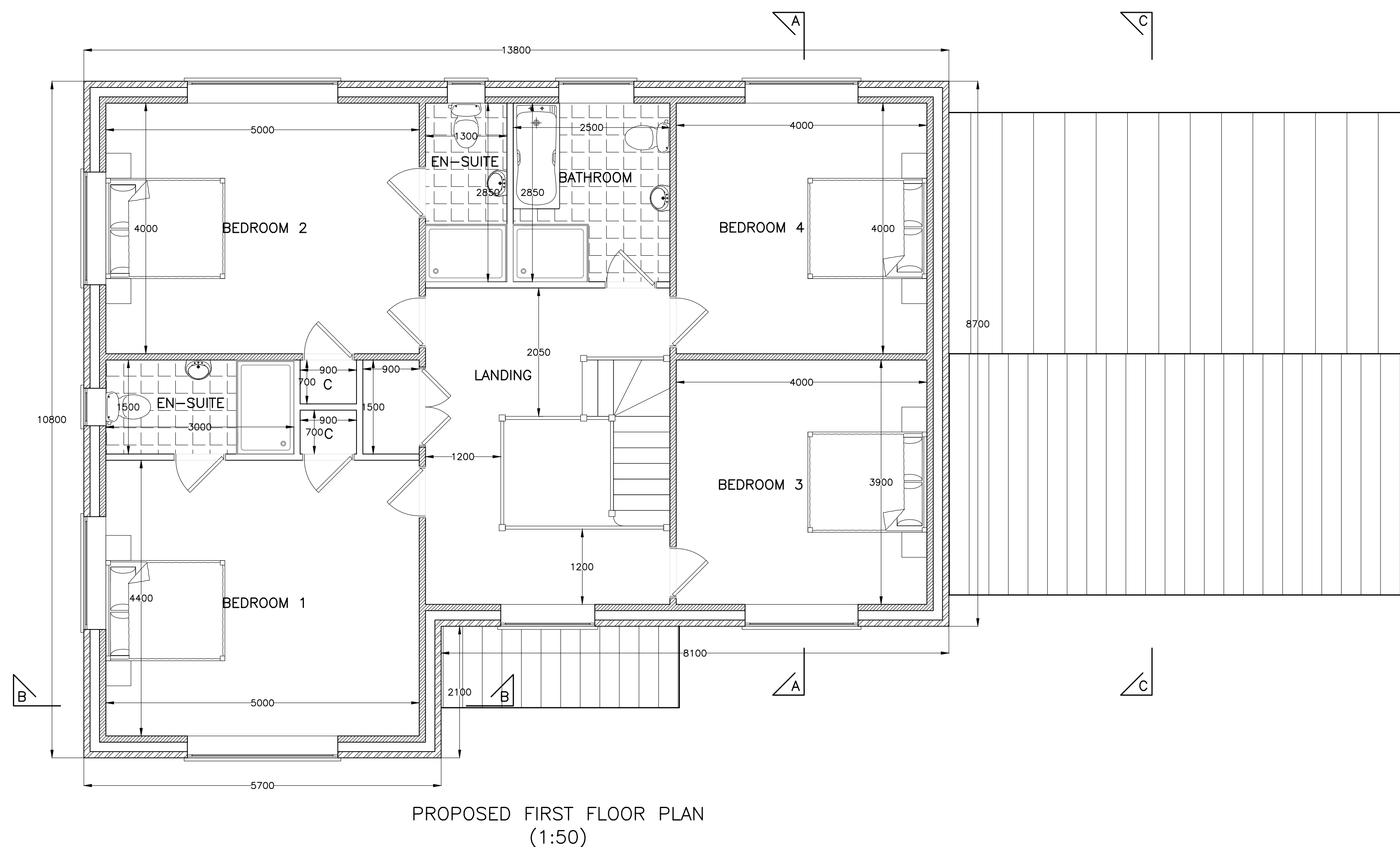
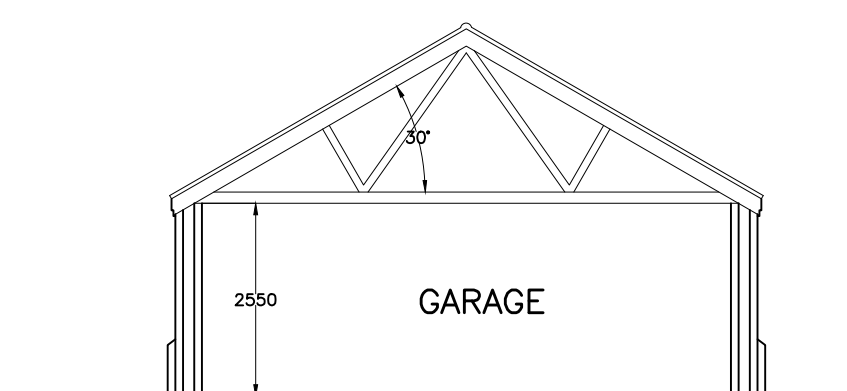
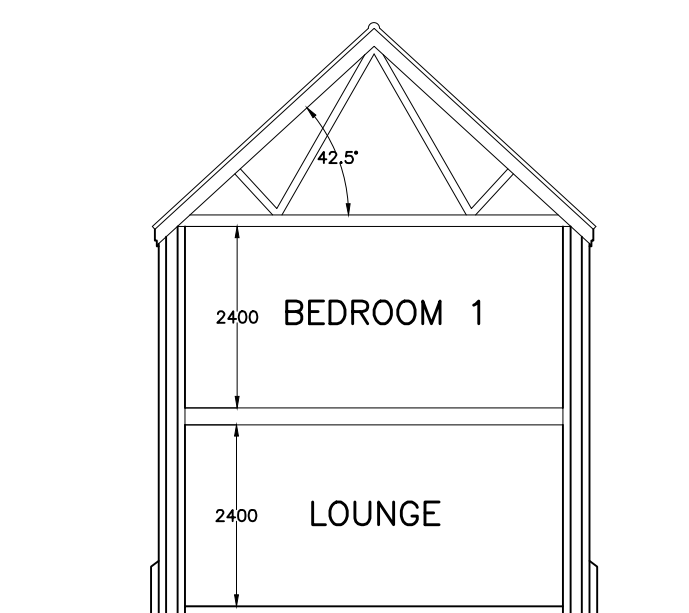
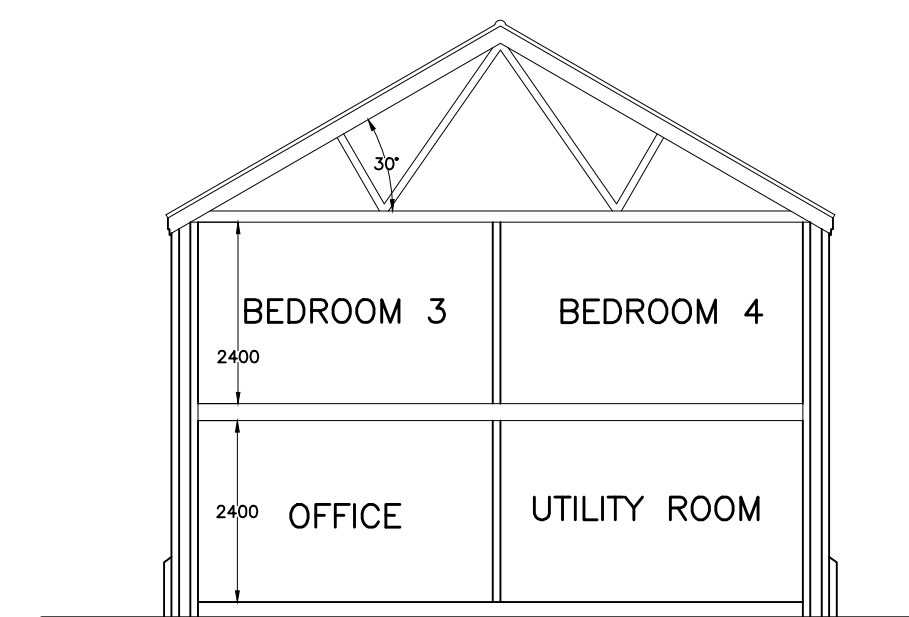
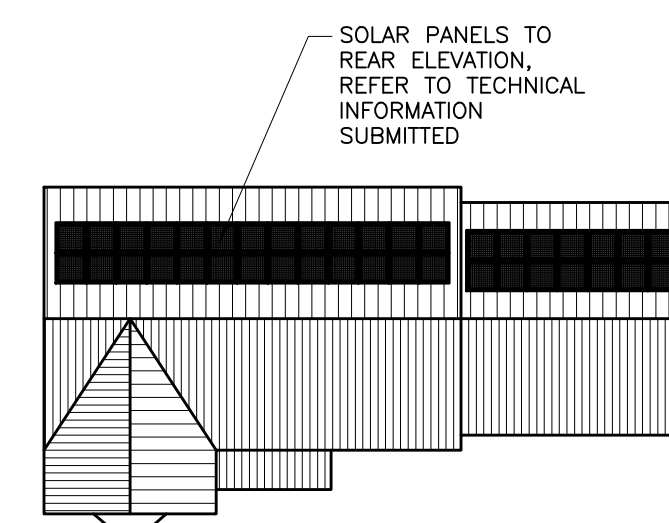
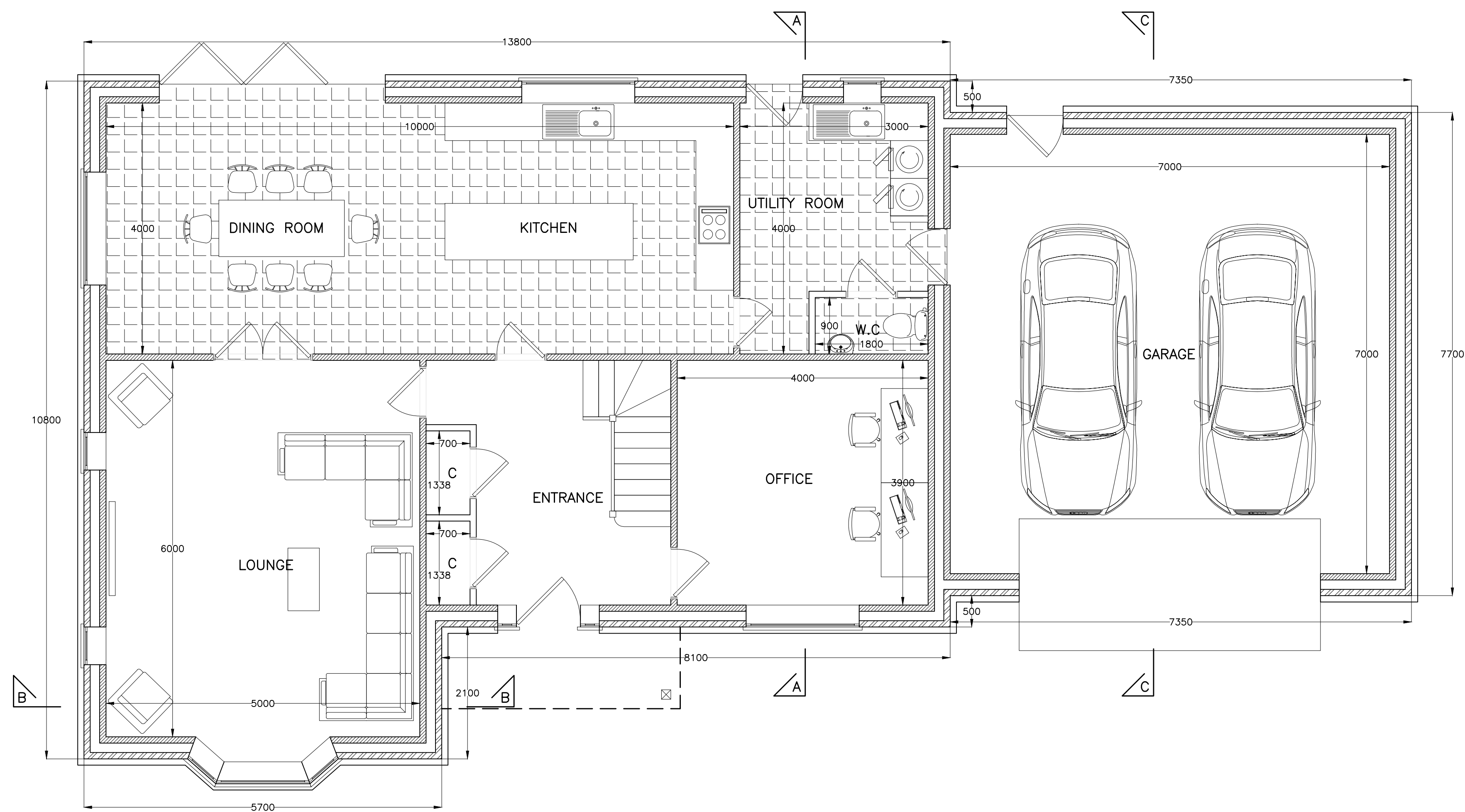
98

99

100

CLIENT		Mr Sharman	
PROJECT		Sharman Fabrications Gaul Road, March Cambridgeshire PE15 0YY	
TITLE		Proposed Shed Plans & Elevations	
DRAWN	G.Boreham	DATE OF ISSUE	
CHECKED		DRAWING NUMBER	H10015/04_B
DATE	Dec 2024	SCALE	As Shown

Page 131



Copyright on all drawings prepared by Morton & Hall Consulting Limited is their property. Drawings and designs may not be reproduced in part or in whole without written permission.

Please read, if in doubt ask. Change nothing without consulting the Engineers.

Contractor to check all dimensions on site before work starts. Materials are ordered. If in doubt ask. All dimensions are in mm unless stated otherwise.

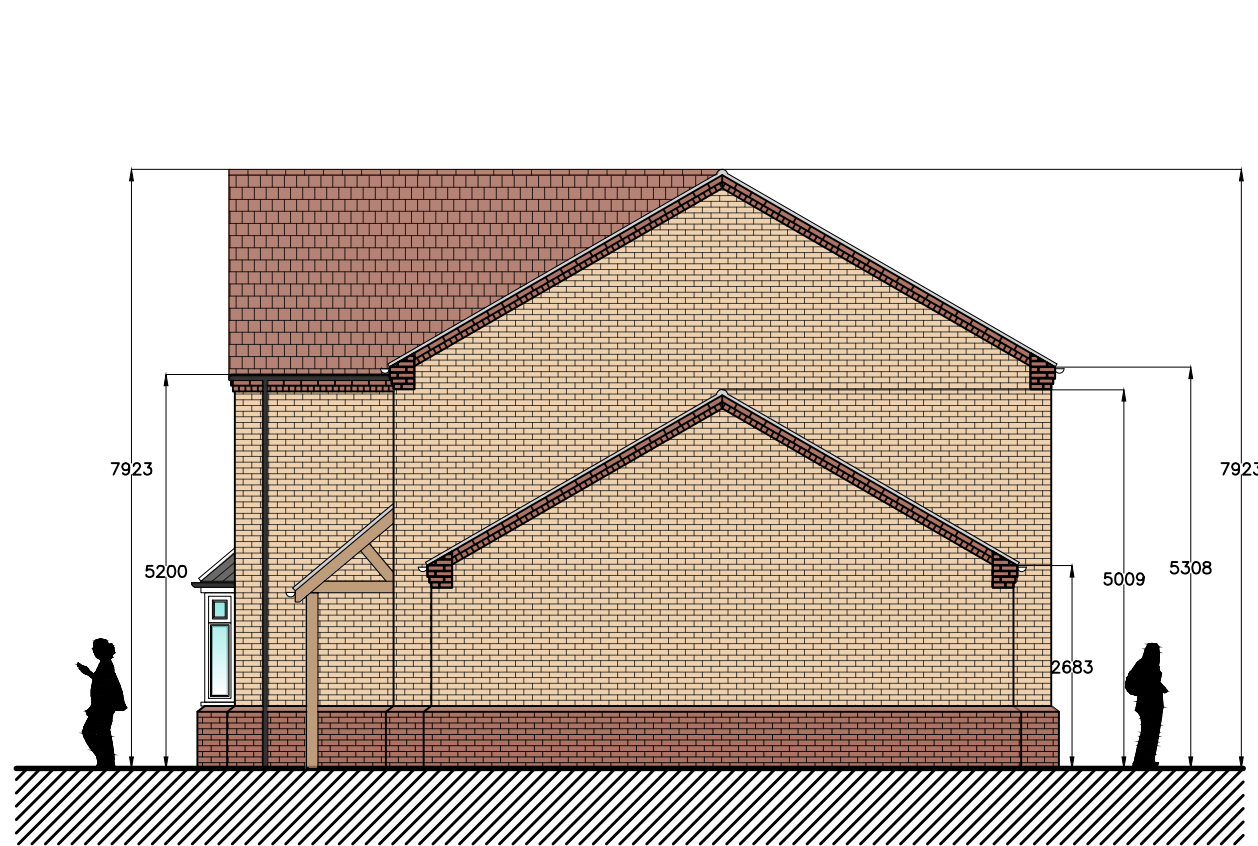
Where materials, products and workmanship are not fully specified they are to be of the standard appropriate to the use and service conditions. Where not stated or reasonably to be inferred from the drawings and specification. All work to be in accordance with the relevant product standards. It is the Engineer's recommendations define the quality of the finished work. Materials products and workmanship to comply with all British Standards and CE standards with, where appropriate, BS or EC marks.

B A	UPDATED FOR PLANNING CLIENT COMMENTS	JAN 2025 DEC 2024
REVISIONS		DATE
<div>   </div> <p> <b>MORTON &amp; HALL</b>  <b>CONSULTING LIMITED</b>          CONSULTING STRUCTURAL ENGINEERS       </p> <p>         1 Gordon Avenue,          March,          Cambridgeshire,          PE15 8AJ       </p> <p>         Tel: 01354 655454          Fax: 01354 660467          E-mail: <a href="mailto:info@mortonandhall.co.uk">info@mortonandhall.co.uk</a>          Website: <a href="http://www.mortonconsultingengineers.co.uk">www.mortonconsultingengineers.co.uk</a> </p>		<div>  <p> <b>Fenland District Council</b>  <b>Building</b>  <b>Design Awards</b>          Building Excellence in Fenland       </p> </div> <div>  <p>         LABC          BUILDING EXCELLENCE AWARD          WINNER       </p> </div>
CLIENT		
Mr Sharman		
PROJECT		
Sharman Fabrications Gaul Road, March Cambridgeshire PE15 0YY		
TITLE		
Proposed Floor Plans & Sections		
DRAWN G.Boreham	DATE OF ISSUE	
CHECKED		
DATE Dec 2024	DRAWING NUMBER	
SCALE As Shown	H10015/02	

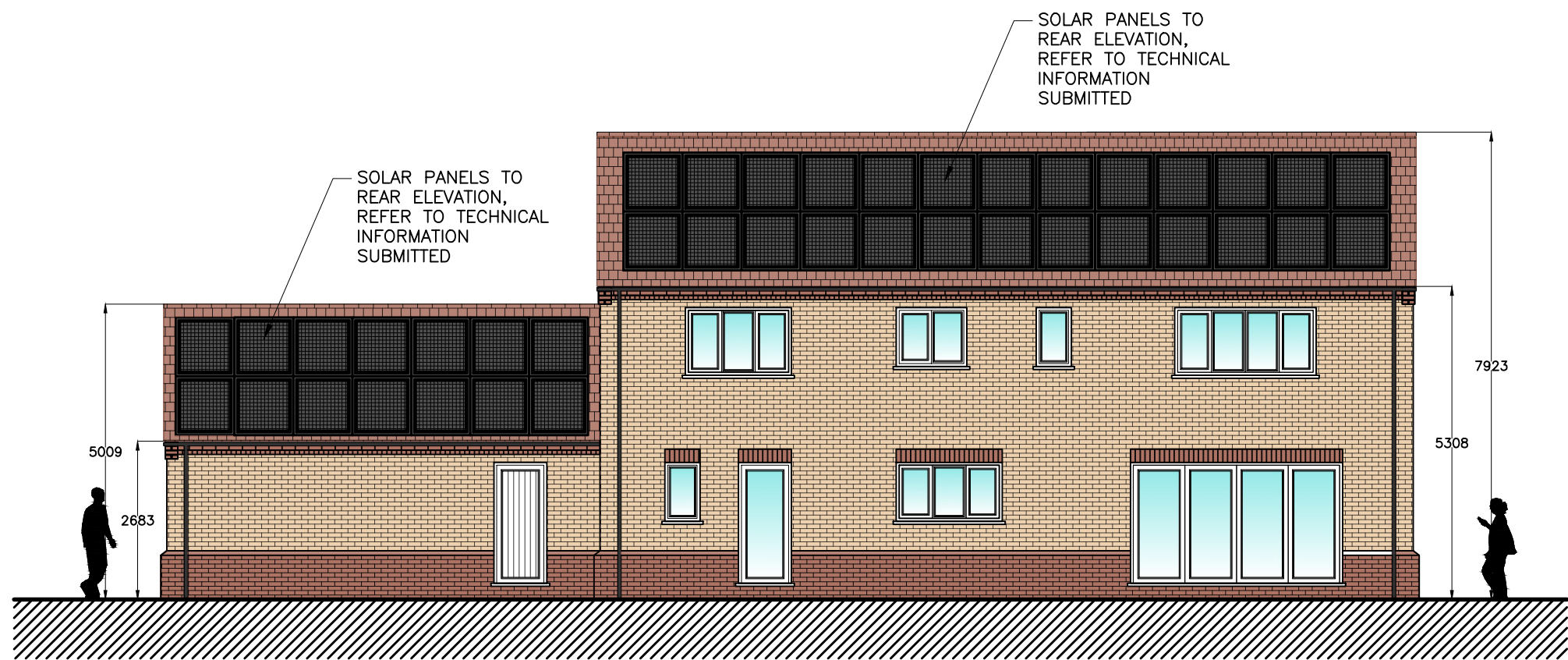




PROPOSED FRONT ELEVATION  
(1:50)



PROPOSED RHS ELEVATION  
(1:100)



PROPOSED REAR ELEVATION  
(1:100)



PROPOSED LHS ELEVATION  
(1:100)

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

B A		UPDATED FOR PLANNING CLIENT COMMENTS	JAN 2025 DEC 2024
REVISIONS			DATE
<div><div><div>MORTON &amp; HALL CONSULTING LIMITED</div><div>CONSULTING STRUCTURAL ENGINEERS</div></div><div>1 Gordon Avenue, March, Cambridgeshire, PE15 8AJ</div><div>Tel: 01354 655454 Fax: 01354 660467 E-mail: info@mortonandhall.co.uk Website: www.mortonconsultingengineers.co.uk</div></div> <div><div><div>LABC</div><div>LABC</div></div><div>Fenland District Council Building Design Awards Building Excellence in Fenland</div></div> <div><div>winner</div><div>Building Excellence in Fenland</div></div>			
CLIENT			
Mr Sharman			
PROJECT			
Sharman Fabrications Gaul Road, March Cambridgehire PE15 0YY			
TITLE			
Proposed Elevations			
DRAWN G.Boreham		DATE OF ISSUE	
CHECKED			
DATE Dec 2024		DRAWING NUMBER	
SCALE As Shown		H10015/03 <sub>B</sub>	

This page is intentionally left blank

Agenda Item No:	<b>10</b>	
Committee:	<b>Planning Committee</b>	
Date:	<b>20 August 2025</b>	
Report Title:	<b>Update on Planning Application F/YR24/1000/F and Relevant Statutory Duties</b>	

## 1 Purpose / Summary

- 1.1 This report is presented to provide Members with a formal update in respect of planning application F/YR24/1000/F, which was considered by the Planning Committee on 28 May 2025. At that meeting, Members resolved to grant planning permission, subject to conditions, contrary to the Officer recommendation as set out in the published committee report (reproduced at Appendix 1).
- 1.2 The purpose of this report is to addresses recent legal correspondence received on behalf of a third party which raises a formal pre-action indication of potential judicial review proceedings in relation to the Committee's resolution. As part of this a transcript of the debate was provided (provided at Appendix 2).
- 1.3 Given the seriousness of the matters raised and the potential legal and procedural consequences of proceeding to issue a decision notice the Council has not issued the decision notice.
- 1.4 Where a resolution to grant planning permission has been made by a Committee but no formal decision notice has yet been issued, the Council has not, in law, determined the application. Until the decision notice is issued, the authority retains jurisdiction to reconsider the matter. The Courts have confirmed that, in such circumstances, if there is a material change in circumstances, Officers must consider whether it remains lawful and appropriate to proceed to issue the decision or whether the matter should be referred back to Committee. This principle was clearly established in *R (Kides) v South Cambridgeshire DC* [2003] 1 P&CR 19.
- 1.5 The Committee is invited to consider whether, in light of the issues now set out, it would be appropriate to revisit the resolution to grant planning permission in order to

ensure that the Council's position is legally robust, clearly reasoned, and compliant with its statutory duties as the Local Planning Authority.

## **2 Key issues**

- Members resolved to grant planning permission contrary to Officer recommendation due to identified heritage impacts.
- The planning application affects the setting of a Grade II listed building, engaging statutory duties under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The statutory duty requires “special regard” to preserving the setting of listed buildings, creating a strong presumption against granting permission where harm is identified.
- The Council has received formal legal correspondence challenging the lawfulness of the Committee's resolution to grant planning permission contrary to Officer recommendation.
- Independent legal advice has been sought, which raises concerns about the robustness of the Committee's reasons and the risk of judicial review if the decision is not revisited.
- The Committee may still lawfully conclude that planning permission should be granted, provided that any such decision is underpinned by clear, well-reasoned, and publicly defensible justifications that fully address the relevant legal requirements, development plan policies, and material considerations.
- Failure to address these legal and policy requirements risks significant financial costs to the Council if the decision is subject to judicial review, costs ultimately borne by the local community through Council Tax.
- The Committee is invited to reconsider the application, applying the relevant statutory duties, policies, and material considerations, to ensure a lawful and robust decision.

## **3 Recommendations**

- 3.1 The recommendation is to refuse planning permission for the reason set out in section 11 of this report.

Wards Affected	All
Forward Plan Reference	N/A
Portfolio Holder(s)	Cllr Mrs D Laws
Report Originator(s)	Matthew Leigh
Contact Officer(s)	Matthew Leigh - Head of Planning <a href="mailto:mleigh@fenland.gov.uk">mleigh@fenland.gov.uk</a>
Background Paper(s)	N/A

## 4 Decision-Making Framework and Member Responsibilities

- 4.1 In determining planning applications, the Planning Committee exercises the Council's functions as the Local Planning Authority under the Town and Country Planning Act 1990 (as amended), together with any relevant subordinate legislation. In doing so, Members are legally obliged to operate within the statutory framework that governs all planning decisions.
- 4.2 In particular, Members of the Committee:
- Must determine planning applications in accordance with the development plan for the area (in this case, the Fenland Local Plan (2014) the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021) and the Wimblington and Stonea Neighbourhood Plan (Pre-Submission Draft October 2024)), unless material considerations indicate otherwise, as required by section 38(6) of the Planning and Compulsory Purchase Act 2004.
  - Are required to have proper regard to the Officer's report, including its assessment of the development plan policies and all other relevant material considerations. This includes giving due weight to matters of planning

judgement, technical advice from consultees, and any legal context or implications referred to in the report.

- Are entitled to form a different conclusion from Officers, provided their reasons are rational, evidence-based, and capable of withstanding scrutiny. Members may give differing weight to material considerations, but must ensure that the reasons for doing so are clearly explained, relevant, and defensible.
- Must also have regard to all other relevant statutory duties beyond the planning acts. This may include, where applicable, obligations under the Planning (Listed Buildings and Conservation Areas) Act 1990, the Environment Act 2021 and the Natural Environment and Rural Communities Act 2006. These place additional legal duties on the decision-maker and must be read alongside the planning legislation.

4.3 The law is clear that failure to have regard to these legal requirements, or a failure to articulate robust and lawful planning reasons for departing from policy or technical advice, may render a decision unlawful and liable to legal challenge.

## **5 Application History**

5.1 On 28 May 2025, the Planning Committee considered planning application reference F/YR24/1000/F for the erection of five dwellings and associated works on land to the rear of 31 Norfolk Street, a Grade II listed building. The Officer's Report, which set out the relevant planning policy context, detailed assessment, and recommendation, is attached at Appendix 1 to this report.

5.2 The planning application was recommended for refusal for the following reason:

*“The application would result in development within the setting of a Grade II listed building, 31 Norfolk Street, and would result in less than substantial harm to this setting, by virtue of introducing built form into currently undeveloped open land forming the historic context to the listed building, without adequate justification, and without any public benefits outweighing this harm. As such, if permitted, the development would be contrary to Policy LP18 of the Fenland Local Plan (2014) as well as Paragraphs 213 and 215 of the National Planning Policy Framework.”*



- 5.3 Despite the Officer's recommendation, Members resolved to approve the proposal. While Members are of course entitled to depart from Officer advice, any such decision must be based on sound planning grounds, supported by evidence, and capable of clear articulation. This is particularly important where such a decision engages policies of recognised importance, such as those relating to heritage assets.
- 5.4 It is well established in case law that, in such circumstances, a general common law duty to give reasons will arise—particularly where permission is granted in the face of substantial public opposition, contrary to Officer recommendation, and involving a significant departure from the development plan or other policies of national importance.
- 5.5 Following the Committee's resolution, legal representatives acting on behalf of an interested third party wrote to the Council on 5 June 2025. Their correspondence alleged that the Council had failed to lawfully assess and apply the statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and had not properly addressed the relevant policies within the National Planning Policy Framework or the local development plan, specifically Policy LP18.
- 5.6 In light of the serious nature of the issues raised, and given the legal and procedural sensitivities surrounding the determination of applications affecting designated heritage assets, the Council sought independent legal advice. That advice addresses the legal robustness of the Committee's decision and whether the resolution to grant permission was lawfully made, particularly in light of the concerns raised by the Council's Heritage Officer and the Officer Report. The advice is appended at Appendix 3 to this report.
- 5.7 The independent legal advice concludes that there are concerns regarding the robustness of the Committee's debate and the reasoning that underpinned the resolution to grant planning permission. The proposal would result in harm to the setting of a Grade II listed building and therefore, the statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is engaged. This duty requires decision-makers to have special regard to the desirability of preserving the setting of listed buildings, and case law confirms that this creates a strong

presumption against the grant of planning permission; this statutory duty must be given considerable importance and weight in the planning balance.

- 5.8 The advice goes on to state that the public benefits put forward in support of the development are limited. The provision of five additional dwellings carries only modest weight in circumstances where the Council can demonstrate a healthy and deliverable five-year housing land supply. No other compelling countervailing public benefits have been identified that would clearly and convincingly outweigh the harm to the designated heritage asset. In such circumstances, the legal opinion advises that the justification for approving the development is weak and legally vulnerable unless it is revisited and properly articulated.
- 5.9 The independent legal advice obtained by the Council concludes that the most appropriate and legally robust course of action would be for Officers to refer the application back to the Planning Committee for further consideration. This recommendation does not imply that the Committee is incapable of reaching a lawful decision to approve the development; rather, it reflects the legal adviser's view that the reasons articulated during the debate were insufficiently clear or detailed to support the current resolution. The advice highlights that, as presently recorded in the transcript, the justification for granting permission lacks the necessary robustness and is therefore vulnerable to legal challenge.

## **6 Considerations**

- 6.1 In light of the matters raised in this report, Members are required to reconsider whether, having regard to the statutory and policy framework, the resolution to grant planning permission remains appropriate and lawful. Specifically, Members must consider whether the development would give rise to harm to the setting of the Grade II listed building, and if so, whether such harm has been properly identified, weighed, and justified. This assessment must include consideration of whether the proposal would conflict with Policy LP18 of the Fenland Local Plan (2014), and, by extension, whether the application is in accordance with the development plan when read as a whole, as required by section 38(6) of the Planning and Compulsory Purchase Act 2004.

- 6.2 To assist Members in undertaking this reassessment, this section sets out a summary of the relevant statutory duties and policy requirements, including the statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the provisions of Policy LP18 (including criteria (a) to (c)), and the relevant paragraphs of the National Planning Policy Framework (Chapter 16: paragraphs 212 to 221, and in particular paragraphs 213 and 215). These provisions collectively establish the legal and policy framework for assessing the impact of development on designated heritage assets and must be applied rigorously when determining applications where heritage considerations are engaged.

#### Section 66 Duty

- 6.3 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on local planning authorities when considering applications that affect listed buildings or their settings. It states:

*“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

- 6.4 This statutory duty is not merely procedural; it has substantive weight in the decision-making process. Its significance was underlined in *East Northamptonshire DC & Barnwell Manor Wind Energy Ltd v Secretary of State for Communities and Local Government* [2015] 1 WLR 45, where the Court of Appeal made clear that when the section 66 duty is engaged, decision-makers must give considerable importance and weight” to the desirability of preserving the setting of listed buildings. It is not a simple planning balance but a presumption in favour of preservation that must materially influence the outcome unless outweighed by sufficiently powerful countervailing considerations.
- 6.5 While the Courts have also clarified that some degree of harm to the setting of a listed building does not automatically render a decision unlawful, provided the statutory duty is properly applied and appropriately weighed (as in *Safe Rottingdean Ltd v Brighton and Hove City Council* [2019] EWHC 2632 (Admin)), the duty remains stringent.

- 6.6 The Planning Encyclopaedia (Commentary to L66.01) summarises the established position as follows:

*“It follows that it is clearly established that a decision which engages the duties in either s.66(1) or 72(1) will be legally flawed if it does not give effect to those duties, the strong presumption they create, and fails to accord them ‘considerable importance and weight’ when weighing up any harm against any benefits or countervailing factors”.*

#### LP18 – The Historic Environment

- 6.7 Policy LP18 of the Fenland Local Plan (2014) sets out the Council’s approach to conserving and enhancing the historic environment. The policy seeks to ensure that development proposals affecting designated or non-designated heritage assets are appropriately assessed, justified, and, where necessary, mitigated. Its overarching aim is to safeguard the historic environment as a key component of the district’s character, distinctiveness, and cultural value, while allowing for sustainable development that respects heritage significance.

- 6.8 The policy is explicit in its requirements. It states that:

*“All development proposals that would affect any designated or undesignated heritage asset will be required to:*

*(a) describe and assess the significance of the asset and/or its setting to determine its architectural, historic or archaeological interest; and*

*(b) identify the impact of the proposed works on the special character of the asset; and*

*(c) provide a clear justification for the works, especially if these would harm the asset or its setting, so that the harm can be weighed against public benefits.”*

#### The NPPF

- 6.9 Chapter 16 of the National Planning Policy Framework (NPPF) sets out the Government’s national planning policies for conserving and enhancing the historic environment. Paragraphs 212 to 221 emphasise the importance of heritage assets as an irreplaceable resource and require that they be conserved in a manner appropriate to their significance. Local planning authorities must ensure that decisions reflect the

desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

6.10 Paragraph 213 is particularly relevant in this case. It states:

*“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

6.11 This paragraph reinforces the principle that any harm to the significance of a designated heritage asset, including harm to its setting, must be treated with great weight in the planning balance. It is not sufficient to simply acknowledge harm; the weight attached to that harm must be proportionate and substantial, even if the level of harm is categorised as *“less than substantial.”*

6.12 Paragraph 215 further sets out the balancing exercise required in such cases:

*“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*

6.13 This paragraph does allow for harm to be outweighed by public benefits, but it requires a demonstrably clear and convincing case to be made. The language of both paragraphs is consistent with the statutory duty under section 66(1) and national case law, reaffirming the need for decision-makers to apply considerable importance and weight to any harm and to ensure that any countervailing benefits are sufficiently compelling.

## PPG

6.14 The Planning Practice Guidance (PPG) provides further detail on the application of national policy in relation to the historic environment. The guidance under the section *“Conserving and enhancing the historic environment”* supports and expands upon the policies set out in Chapter 16 of the NPPF.

6.15 The PPG advises that:

*“In determining applications, local planning authorities should take account of the significance of any heritage asset affected, including any contribution made by its setting.”*

6.16 It also notes that the setting of a heritage asset is not fixed and may change over time. While public access to the setting can influence significance, it is not a requirement for the setting to contribute meaningfully to how a heritage asset is experienced or understood.

6.17 The guidance emphasises that:

*“Great weight should be given to the conservation of heritage assets.”*

6.18 This applies regardless of the scale of harm. The PPG clarifies that this weight should be applied consistently and that decision-makers must give *“clear and convincing justification for any harm or loss.”* It goes on to state that the level of detail required in an application should be proportionate to the asset’s importance but sufficient to understand the potential impact.

6.19 In relation to ‘significance’ and its importance in decision-making the PPG states:

*“Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals.”*

#### Heritage Assessments

6.20 As part of the planning submission, the applicant provided a Heritage Assessment which sought to identify and assess the significance of the affected heritage assets and the likely impact of the proposed development upon that significance. The Council consulted its Conservation Officer, who provided detailed comments on the proposals, identifying specific areas of concern in relation to the level of harm and the justification provided. In response, the applicant submitted further information and clarification,

which was carefully reviewed. The Conservation Officer subsequently provided additional comments.

- 6.21 The Applicant's Heritage Assessment is attached as Appendix 4. The Council's Conservation Officer was formally consulted on the application and provided detailed comments on 13 February 2025. These are attached as Appendix 5.
- 6.22 A Heritage Rebuttal (HR) was received by the Council in response to the Conservation Officers comments. The HR is appended to this report as Appendix 6. A further response was issued on 9 April 2025 following the submission of additional material by the applicant. These additional comments are appended in full at Appendix 7 to this report. The HR concludes that the proposal *"responds to the setting of the asset through a more traditional layout of development, aligned along the western edge of the site and set away from the listed building. Key views will be preserved, and the new homes are appropriate in scale, massing and design details, reflecting the local character"*.
- 6.23 The Conservation Officer concluded that the proposed development would result in *"less than substantial harm"* to the significance of the designated heritage asset and its setting. The level of harm was categorised as *"medium"* within that spectrum. Furthermore, the Conservation Officer advised that the justification provided by the applicant was insufficient to demonstrate that the identified harm was necessary or outweighed by meaningful public benefit. As such, the proposal was considered to be in conflict with Policy LP18 of the Fenland Local Plan (2014) and the relevant provisions of Chapter 16 of the National Planning Policy Framework.

## **7 Assessment and Application of the Statutory and Policy Tests**

- 7.1 Having regard to the legal, policy, and procedural framework set out above, and in light of the heritage advice received, Members should approach the decision-making process by sequentially addressing the following considerations:

### **Whether the development would result in harm to the setting of the listed building**

Members are invited to consider and reach a view, based on the submitted material and professional advice, as to what level of harm, if any, the proposed development

would cause to the significance of the Grade II listed building at 31 Norfolk Street through changes to its setting. The Conservation Officer has advised that the scheme would result in *less than substantial harm (medium)*. It should be noted that at the time of the last application, the transcript evidences that the Committee acknowledged some level of harm as when going against the Officer recommendation it was stated “*to me does not do sufficient harm to warrant a refusal on this application*”.

**Whether the statutory and policy duties are properly engaged and applied**

Where harm is identified, Members must apply the statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires *special regard* to be given to the desirability of preserving the setting of the listed building. This is not a neutral or procedural exercise, it establishes a strong presumption against granting planning permission where harm is found. That presumption must be given *considerable importance and weight* in the planning balance. Members must also assess the proposal against Policy LP18 of the Fenland Local Plan and the relevant provisions of Chapter 16 of the NPPF, particularly paragraphs 213 and 215.

**Whether there is clear and convincing justification for the identified harm**

If Members accept that there would be *less than substantial harm*, the next step is to determine whether that harm is justified. Paragraph 200 of the NPPF confirms that any harm to a designated heritage asset must require *clear and convincing justification*. Paragraph 215 then requires that the harm be weighed against the public benefits of the proposal. In this case, due to the Council being able to demonstrably a healthy five-year housing land supply the delivery of five dwellings is of limited public benefit. No other public benefits of significance have been identified as part of the planning application process at this time. Members must determine whether the justification and benefits are sufficient to outweigh the identified harm and the significant hurdle placed by S.66.

**Whether the proposal complies with the development plan when read as a whole**

Finally, applying section 38(6) of the Planning and Compulsory Purchase Act 2004, Members must determine whether the proposal accords with the development plan taken as a whole and, if it does not, whether there are other material considerations that indicate that planning permission should nevertheless be granted. In this case, if



Members conclude that the proposal conflicts with Policy LP18 and the harm to the designated heritage asset is not outweighed by public benefits, then the appropriate and lawful conclusion would be that planning permission should be refused.

## **8 Effect on corporate objectives**

8.1 The granting of planning permission in conflict with guidance within the NPPF, and the potential for resultant legal challenge, would impact of the following corporate objective:

- a) Promote and enable housing growth, economic growth and regeneration across Fenland.

## **9 Community impact**

9.1 Should the Council proceed to issue planning permission on the basis of a resolution that is open to legal challenge, there is a real risk that it may be required to defend those proceedings in the High Court. The legal advice obtained indicates that the current reasoning is insufficiently robust, which exposes the authority to a heightened risk of judicial review. In such circumstances, the Council could incur significant legal costs, both in preparing its defence and, if unsuccessful, in meeting the claimant's costs as well.

9.2 These financial implications would inevitably be borne by the local community, as the Council's activities are ultimately funded by residents through Council Tax. The potential diversion of resources to defend a legally vulnerable decision represents not only a financial risk but also a reputational one. It could erode public trust in the planning system and the Council's decision-making processes.

## **10 Conclusions**

10.1 In making planning decisions, it is essential that Local Planning Authorities adhere not only to the policies of the development plan and the National Planning Policy Framework, but also to the statutory duties imposed by legislation such as the Planning (Listed Buildings and Conservation Areas) Act 1990. Where heritage assets are affected, the legal framework requires decision-makers to give considerable

importance and weight to any harm, and to ensure that any such harm is clearly and convincingly justified.

- 10.2 In this case, the proposal engages section 66(1) of the 1990 Act, and both the case officer and the Council's Conservation Officer have identified less than substantial harm to the setting of a Grade II listed building. The Council must therefore, when determining the planning application undertake a lawful balancing exercise, having full regard to the requirements of Policy LP18 of the Fenland Local Plan and paragraphs 213 and 215 of the NPPF. The Council must be able to demonstrate that it has properly assessed the level of harm, considered whether there is adequate justification, and reached a reasoned conclusion consistent with statute and policy.
- 10.3 The independent legal advice obtained in response to third-party representations confirms that the reasons given by Committee in support of their resolution to grant permission are not currently sufficiently robust to be lawfully relied upon. The opinion makes clear that this does not prevent the Committee from ultimately approving the application, but in order to do so lawfully, it would need to articulate a clear and defensible planning rationale, with proper regard to the statutory heritage duties.
- 10.4 Given the risks identified, including the potential for legal challenge, the appropriate and prudent course of action is to return the application to Committee for further consideration. This will enable Members to revisit the planning balance in light of all relevant legal and policy duties, and to reach a decision that can be lawfully issued and robustly defended.

## **11 Recommendation**

- 11.1 It is recommended that Planning Committee REFUSE the application for the following reason:
1. The application would result in development within the setting of a Grade II listed building, 31 Norfolk Street, and would result in less than substantial harm to this setting, by virtue of introducing built form into currently undeveloped open land forming the historic context to the listed building, without adequate justification, and without any public benefits outweighing this harm. As such, if permitted, the

development would be contrary to Policy LP18 of the Fenland Local Plan (2014) as well as Paragraphs 213 and 215 of the National Planning Policy Framework.

This page is intentionally left blank

---

**F/YR24/1000/F**

**Applicant: Mr D Wyatt  
Construct Reason Ltd**

**Agent: Mr Lee Bevens  
L Bevens Associates Ltd**

**Land West Of 27 Norfolk Street Accessed From, Morley Way, Wimblington,  
Cambridgeshire**

**Erect 5 dwellings with associated garages and the formation of an attenuation  
pond**

**Officer recommendation: Refuse**

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

---

**Government Planning Guarantee**

**Statutory Target Date For Determination: 12 February 2025**

**EOT in Place: Yes**

**EOT Expiry: 06 June 2025**

**Application Fee: £2890**

**Risk Statement:**

**This application must be determined by 06.06.2025 otherwise it will be out of time  
and therefore negatively affect the performance figures.**

---

**1 EXECUTIVE SUMMARY**

- 1.1. The application seeks full planning permission for the erection of 5no. storey, 3-bed properties served via an access off Morley Way.
  - 1.2. The proposal is considered to be acceptable when considered in terms of its location within the built form of the settlement of Wimblington, which is identified as a 'Growth Village' in Policy LP3 of the Fenland Local Plan (2014).
  - 1.3. The proposed design and layout of the dwellings, along with the palette of materials, is considered to be in keeping with the surrounding pattern of development seen along Morley Way and Waggoners Way.
  - 1.4. Further, it is not considered that the proposal would give rise to any unacceptable amenity impacts, in accordance with Policy LP16 of the Fenland Local Plan (2014).
  - 1.5. However, it has been identified that the development would result in 'less than substantial harm' to the setting of the adjacent Listed Building, 31 Norfolk Street, and it is not considered that the public benefits arising from the scheme would outweigh this harm in the overall planning balance.

1.6. The proposal is therefore considered to be unacceptable and it is accordingly recommended for refusal.

## 2 SITE DESCRIPTION

- 2.1. The application site is located at Land West of 27 Norfolk Street, but is accessed via Morley Way in Wimblington.
- 2.2. The site comprises an area of undeveloped grassland that is surrounded by residential properties. There are well-established soft landscaping features that provide natural screening along the western and southern boundary of the site. There is a mix of soft and hard landscaping features along the eastern boundary, although these are less substantial, with the site appearing to sit at a higher level than the residential properties to the east of the site.
- 2.3. The site is located entirely in Flood Zone 1 and is at very low risk of surface water flooding.
- 2.4. The adjacent building dwelling to the east, 31 Norfolk Street, is a Grade II Listed Building.

## 3 PROPOSAL

- 3.1. The application seeks full planning permission for the erection of 5 single storey, 3-bed dwellings. Plots 1-3 & 5 are proposed to have integral garages, whilst Plot 4 benefits from a detached double garage.
- 3.2. The development is proposed to be served via a new access created onto Morley Way that will run from north to south down the western side of the site, with the dwellings situated immediately east of the access road.
- 3.3. The proposed palette of materials includes a mix of orange and cream facing brickwork, and a mix of red pantiles and Sandtoft slates.
- 3.4. The proposed dwellings measure between 5.5m-5.8m in height to the ridge, between 12m-14m in width, and between 11m-13m in depth.
- 3.5. An attenuation basin is proposed at the southern end of the site.
- 3.6. Full plans and associated documents for this application can be found at:

<https://www.publicaccess.fenland.gov.uk/publicaccess/>

## 4 SITE PLANNING HISTORY

F/YR24/0051/F	Erect 8 x dwellings (2 x single storey, 2 bed and 6 x single storey 3 bed) with associated garages and the formation of an attenuation pond	Withdrawn 19.07.24
---------------	---	-----------------------

## 5 CONSULTATIONS

### 5.1. Anglian Water – 03.01.25

*We need to inform you that there is a 150mm gravity foul sewer which is crossing the development site. We have reviewed the submitted Proposed Site Layout CH23/LBA/630/FP-2-101 revision A which states that there will be 3.0m easement from either side of the existing foul sewer which is acceptable to Anglian Water. It is also stated that the existing gate in Morley Way will be relocated to new southern boundary fence.*

*So that Anglian Water has clear access to the Anglian Water owned sewer, the applicant is required to clarify that the proposed gate will not obstruct Anglian Water's access to the 150mm sewer for future maintenance and operations to the sewer.*

No objection subject to conditions in relation to Wastewater Treatment & Surface Water Disposal.

## **5.2. Cambridgeshire County Council Highways – 20.01.25**

*The applicant is proposing a shared use area at 5.5m wide with a turning head at the end. This layout and its dimensions are suitable for refuge vehicles to enter and turn in the proposed road. There is also a suitable existing footway for pedestrians along Morley Way leading directly to the proposed site. As such all highway offsite works are already in place and no further mitigation works on the highway are needed to facilitate this development.*

*I note that the local residents have concerns regarding the impact of the construction of this development, on the highway. However, the highways authority can not object to a development based on how it will be constructed. As all road legal vehicles are permitted to use the adopted highway. Should the development gain the benefit planning permission I would suggest a Condition where the applicant demonstrate how delivers, parking and the site as a whole is managed including wheel washing facilities for construction traffic.*

## **5.3. Cambridgeshire County Council Archaeology – 02.01.25**

*Our records indicate the development lies in an area of high archaeological potential. Prior to modern development, cropmarks to the north-west of the development area showed the presence of a series of irregular shaped enclosures (Cambridgeshire Historic Environment Record reference. 11646). Archaeological investigations have since been undertaken to the north of the cropmarks which showed a number of remains dating from the Bronze Age to Roman periods (CHER ref. MCB20356). The earliest activity on the site was a barrow of Bronze Age to Iron Age date. During the middle Iron Age a farmstead was developed comprised of post-built structures and field systems.*

*The Roman period saw the expansion of settlement in the area, with the creation of a number of enclosures, waterholes and a timber structure (CHER ref. MCB20356). The Roman settlement is believed to have centred upon a trackway leading from the cropmark complex to the north, and has been traced in subsequent archaeological investigations which has revealed similar patterns of Iron Age to Roman enclosures and settlement (CHER refs. MCB31818). Later occupation saw the surrounding development area turn to agriculture, with earthwork remains of ridge and furrow cultivation lying to the west (CHER ref. 02742). To the south-east archaeological investigations revealed evidence for 17th to 20th century pitting (CHER refs. MCB17779 and MCB16492).*

*We have commented on the previous application within the same bounds (F/YR24/0051/F), of which our advice remains the same. Namely that due to the archaeological potential of the site, a further programme of investigation and recording is required in order to provide more information regarding the presence or absence, and condition, of surviving archaeological remains within the development area, and to establish the need for archaeological mitigation of the development as necessary.*

#### **5.4. Environmental Health – 03.01.25**

*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.*

#### **5.5. Conservation Officer**

Response received 13.02.25

*I am of the view that the loss of one of the last remaining parcels of open land on the edge of the historic parts of the settlement will have a considerable impact on the setting of the GII listed 31 Norfolk Street. This is an in-principle objection to the loss of this grazing land.*

*The setting of the LB is currently that of a building set within its spacious grounds with a verdant and spacious field setting in the backdrop, as it has benefitted from historically. The change to this setting would be considerable and alter the context that the Listed building is appreciated and understood.*

*The development results in less than substantial harm (medium) to the identified heritage assets, for which national and local heritage policy and guidance points to a presumption against Councils supporting such development, unless there are strong public benefits which outweigh the harm identified.*

Response received 09.04.25

*There is a firm disagreement with the statements made in the rebuttal with regards to key views and setting being preserved. Furthermore, there is strong disagreement that the development accords with LP18 and heritage sections of the NPPF.*



*The proposals came forward with little heritage consideration and without a suitably detailed HIA. The HIA's have been created after the proposal has been put together and attempt to justify.*

*Owing to the impact on setting and the loss of one of the last remaining parcels of open land adjacent to the historic core of the village, the development will result in less than substantial harm (medium on the spectrum) and therefore is not deemed accord with Policy LP18 of the Fenland Local Plan 2014 and relevant heritage sections of the NPPF.*

*Finally, para 213 of the NPPF states that any harm to the significance of a designated heritage asset or its setting should require clear and convincing justification for which has not been provided.*

*Recommendation: Refuse*

## **5.6. Wimblington Parish Council – 21.01.25**

*5 Dwellings off Morley Way This planning application needs to be refused because it does not comply with a number of FDC Local Planning Policies and NPPF policies, also there are strong objections from both the local community and the Parish Council. The planning officer and planning committee are asked to consider all of the following policies. Wimblington has far exceeded its 'village threshold' for LP12 Part A.*

*LP2 - Facilitating Health and Wellbeing of Fenland Residents creating sufficient and the right mix of homes to meet people's needs, and in the right location*

*(LP3, LP4 and LP5) - these dwellings are not in the right location, the village does not need further homes, the health and Well-being of local residents is being affected due to the lack of sustainable facilities, especially the surgery.*

*(LP14B) - pluvial flooding is a grave concern in this area which includes a number of historic listed buildings, non-listed heritage buildings and the village hall (an asset of value to the community). (LP16) avoiding adverse impacts LP3 Wimblington is no longer a sustainable location and struggles to address local needs, there is no validated need for more housing at present. Wimblington has already exceeded a considerable scale of development.*

### **3.4 - Housing Growth and Meeting Housing Need**

*3.4.2 - Wimblington as a growth village has not been reviewed, the Housing Needs Assessment done on behalf of the village states that Wimblington has achieved its growth, it also states the village far exceeds the percentage of bungalows needed.*

*3.4.3 - Wimblington is no longer a sustainable location and struggles to address local needs, further housing will only exacerbate these problems.*

*3.4.4 - There are a number of developments still awaiting completion, the infrastructure is not coping especially the utilities, residents are suffering because of this.*

### **4.7 - Rural Areas**

*4.7.1 - This proposal does not retain the distinctive settlement patterns, it is being shoehorned into a central part of the village which is of historical value to the community and the village is no longer a sustainable environment.*

*LP4 - Housing - total target need - 11,000 in 20 years*

*\*Note: Development at Wimblington and Doddington will be appropriate provided that capacity at, or in the sewerage network leading to, the Waste Water Treatment Work in Doddington can be addressed. - this has not been addressed and Anglian Water do not foresee it being addressed in the immediate future. At present there are major problems with pluvial flooding within areas of the village and this development will exasperated this. Anglian Water cannot manage the present water and sewerage problems and there are a further 88 dwellings off March Road and 21 dwellings off of Willow Gardens that have still to be added to the existing system WHICH ISN'T COPING. (LP13)*

*LP5. A recent Housing Need Assessment, now adopted by Parish Council, states Wimblington village far exceeds the national average in Fenland and England for built bungalows in our area, there is no need for further housing.*

*NPPF*

*Delivering a sufficient supply of homes 61 To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment - a local housing needs assessment has been completed for Wimblington.*

*LP 12 - Rural Areas Development Policy It would not put people or property in danger from identified risks It will increase vehicle movement around a residential play area. It will increase the risk of pluvial flooding of peoples properties, increase the risk of drainage and sewage problem already experienced within the village.*

*It can be served by sustainable infrastructure provision, such as surface water and waste water drainage and highways – The infrastructure within the village is already struggling both with pluvial flooding, sewage coming up through drains and into peoples properties, drains flooding. The roads in the village are damaged, cracked and with potholes, due to the increase in traffic especially heavy traffic.*

*Waggoners Way and Morley Way roads were not constructed to take heavy plant machinery and vehicles, who will be responsible for the possible deterioration of the road surface and pathways? The proposal is of a scale and in a location that is in keeping with the core shape and form of the settlement and will not adversely harm its character and appearance - this application will adversely harm the historic, heritage character of the village. It would not result in the loss of important spaces within the village - the proposed site will remove the open space that helps retains the important historic elements of the village separate from the new built area to the north, both listed and non-listed heritage assets surround this open space.*

*LP13 - Supporting and Managing the Impact of a Growing District the implications of constructing this development in the heart of the village are of grave concern to local residents and the Parish council, the infrastructure is not sufficient to support or meet all the requirements of the additional growth.*

*LP 14 - Responding to Climate Change and Managing the Risk of Flooding in Fenland This development could have devastating consequences on both the heritage-built area, historic buildings and the village hall. Parish Council has very recently had to withdraw the option of double depth graves as its cemetery as at a recent grave digging the contractor struggled to dig the depth as the ground is so sodden that the sides collapsed despite robust shoring up. He has advised that he cannot dig double depth in our soil in the future as it would be dangerous.*

*LP16 - Delivering and Protecting High Quality Environments across the District The proposed site will not make a positive contribution, this site will impose on the historic character of the centre of the village heritage area, it will not reinforce local identity or improve the character of the local built environment. It will introduce an alien environment within the important heritage element of the village.*

*NPPF - Considering development proposals 112 within this context application for development should a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas - this development will have consequences on the pedestrian and cycle movements within the neighbouring areas, this development is to be situated at the end of a quiet cul-de-sac which incorporates PROW used extensively by local residents and ramblers. c) create places that are safe, secure and attractive - which minimise the scope for conflict between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards - this site increases the scope of conflict between pedestrians, cyclist and vehicles in an area of the village that has always been a quiet street with little traffic. This application is not responding to local character or designs standards that will sit comfortably in an open space surrounded by the village's historically built area.*

*LP 18 - The Historic Environment This development has the potential to harm the setting and local heritage assets, designated and undesignated, within the heart of our historic environment in the village centre. It is not just the visible historical aspects of the village there is also an archaeological heritage below the surface that needs protecting.*

#### *Further Comments*

*Wimblington is a historic, residential village situated within a unique working landscape which is slowly being eroded. This application is proposed adjacent to one of the most popular 'green spaces' still available within the centre of our village that leads off of PROW 236/1. It is being shoehorned into the end of a recorded 'no through' road that is greatly used, safely, by the local community - school children of all ages, juniors going through to Thomas Eaton school and seniors going through to the main road to catch the bus through to March and Chatteris. The cul-de-sac area of bungalows is predominately older residents who enjoy the relaxed environment surrounding their homes. Constructing 5 un-required bungalows, with up to a minimum of 10 additional vehicles passing through the small estate, is going to impact on this quiet purpose-built environment.*

*The adjacent roads are the epicentre of Wimblington's historic heritage with a number of listed buildings and buildings on the villages non-listed heritage assets. Allowing dwellings in between the heritage, historic environment of village life is not supported by many of the residents or by the Parish Council. The fact that the proposed area slopes south/easterly means that there is a possibility that those important heritage, historic village assets will be put at risk of flooding. There are already problems within the area of surface flooding, drainage and sewerage back flooding. LLFA have stated, in regards to the planning application adjacent to this application, that there is a water course located on the eastern boundary surface, LLFA also state that 'if the development is in an area with critical drainage problems', which Wimblington is now experiencing, that concern should be raised. The excess water will travel in a south/easterly direction, there are assets of heritage importance and our village hall in that direction. Anglian Water have also stated that they have foul sewer pipes running within the proximity of the site. The site itself has been highlighted as an area of high archaeological interest and for that reason should be respected and preserved.*

*Trying to get construction vehicles onto the proposed site is going to have a traumatic impact on the residents of both Waggoners Way and Morley Way, especially those facing directly on to the road with little or no frontage. The mental stress of having constant heavy vehicles travelling pass their homes, close to cars parked out on the road and residents walking around the small estate.*

*Although the actual planning application may comply with a number of FDC Local Planning Policies and NPPF it needs to be recognised as an invasion in two different areas of the village. The historic, heritage area of our beautiful village and the small, quiet, tranquil estate that has appealed to the older resident of the village. This site sits as a buffer between the more modern bungalow area and the historic, heritage area of the village, by shoehorning in 5 unnecessary dwellings it is compacting housing into the heart of the village centre.*

*It is questionable that this proposed development is sustainable - there has been a sufficiently large increase in the number of dwellings built in Wimblington over the past 10 years, which far outreaches the planned target for this 'growth village'. The infrastructure within the village already struggles to cope and as such could result in detrimental impacts to the local community and the environment (surface water flooding and sewage/waste water back flooding), services are becoming stretched (doctor's appointments can mean travelling to other surgeries, for example, many services can only be accessed at the Ramsey surgery a 22 mile round trip and many residents do not have their own transport), schooling of senior children means travelling by vehicle, shopping means travelling by vehicle) employment is limited locally therefore involves travelling, there is no regular bus service available for the local community. Travelling by vehicle inevitably means using the busy A141 and joining this main road can be both hazardous and difficult especially at busy peak-times. Even service energy providers are struggling to maintain a consistent flow of energies especially at peak-times.*

*This planning application is not supported by the local community or the Parish Council and as such the planning officer and planning committee are asked to refuse this development and support the local community.*

#### **5.7. Tree and Landscape Consultant – 03.01.25**

*The arboricultural report provided demonstrates the existing trees can be present. I would suggest that the method statement is amended to ensure arboricultural supervision is present when works in the root protection area are undertaken, so that if roots are encountered, they will be suitably protected.*

*The landscape scheme is acceptable with suitable planting for the scheme.*

#### **5.8. LLFA**

Response received 22.01.25

*At present we object to the grant of planning permission for the following reasons:*

*We have reviewed the submitted documents and at present we object to the grant of planning permission for the following reasons:*

##### *1. Pumping*

*Pumping of surface water is an unsustainable drainage method. Pumps present a significant residual risk if they are not maintained or fail during a storm event. Our preference is for gravity discharge to the surface water drainage system, mimicking the natural drainage of the site and reducing energy consumption as stated in*

*paragraph 6.3.5 and 6.3.28 of the Flood and Water Supplementary Planning Document (SPD).*

*We require that the applicant attempts to discharge as much surface water runoff via gravity as possible. This can be achieved through the use of larger areas of shallow attenuation, alternative SuDS approaches or an amendment to the layout of the site.*

## ***2. Inappropriate on H&S grounds***

*The maximum depth of the permanent pool should not exceed 2 m and should normally be a maximum of 1.2 m unless all safety considerations indicate a greater depth is acceptable. The present design shows a permanent water depth of 3.4m +, if the pump should fail, which is unacceptable.*

Response received 27.02.25

*We have reviewed the following documents:*

- *RESPONSE FROM CONSULTANT TO LLFA COMMENTS, MCT Engineering, 14/2*
- *Indicative Drainage Layout, MTC, Ref: 3087-05 rev G, 27/7/23*
- *External and Floor Levels, MTC, Ref: 3087-12 rev B, 17/5/24*
- *SWS Pump Failure Calcs, MTC, Rev B, 23/1/25*
- *SWS Calculations, MTC, Rev D, 23/1/25*

*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 permeable surfacing and attenuation basin, restricting surface water discharge to 2l/s.*

*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.*

*Conditions requested relating to detailed surface water drainage scheme, scheme for managing water run-off during construction and maintenance scheme for surface water drainage.*

## **5.9. Local Residents/Interested Parties**

### **Objectors**

A total of 78 letters of objection were received from residents of Wimblington. The comments raised the following points:

- Disruption to residents of Waggoners Way and Morley Way caused by construction vehicles
- Danger to uses of allocated green space on Morley Way
- Road network too narrow for heavy goods vehicles
- Traffic calming measures will be damaged by construction vehicles
- Insufficient parking provision in the area
- Decrease in value of existing properties

- No need for further homes in Wimblington
- Flood risk on and around the site
- Impact on Listed Buildings
- Wimblington has already experienced considerable scale of development
- Lack of privacy for occupiers of proposed dwellings due to overlooking from existing dwelling

## **Supporters**

A total of 23 letters of support were received, raising the following points:

- Same developer that originally built our Morley Way and was always intended to build this land
- Continuity of approach to building
- Some infrastructure already in place on site
- Need for bungalows

## **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 Wimblington and Stonea Neighbourhood Plan (Pre-Submission Draft October 2024).
- 6.2. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting.

## **7 POLICY FRAMEWORK**

### **National Planning Policy Framework (NPPF) 2024**

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 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

### **National Planning Practice Guidance (NPPG)**

Determining a Planning Application

### **National Design Guide 2021**

Context

Identity

Built Form

Movement

Nature

Uses

Homes and Buildings

## **Fenland Local Plan 2014**

- LP1 – A Presumption in Favour of Sustainable Development
- LP2 – Facilitating Health and Wellbeing of Fenland Residents
- LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
- LP4 – Housing
- LP5 – Meeting Housing Need
- LP13 – Supporting and Managing the Impact of a Growing District
- LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland
- LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
- LP16 – Delivering and Protecting High Quality Environments across the District
- LP18 – The Historic Environment
- LP19 – The Natural Environment

## **Wimblington and Stonea Neighbourhood Plan (Pre-Submission Draft October 2024)**

Wimblington & Stonea Parish Council has carried out a pre-submission consultation on the draft plan, as required by Regulation 14 of the Neighbourhood Planning (General) Regulations 2012. The draft plan has not yet been submitted for examination. Given the very early stage which the draft plan is therefore at, it is considered, in accordance with Paragraph 49 of the NPPF, that the policies of this should carry very limited weight in decision making. Of relevance to this application are policies:

- Policy NE1: Protecting the Landscape
- Policy NE2: Biodiversity
- Policy HE1: Protecting and enhancing local heritage assets
- Policy SD1: Development and the Settlement Boundary
- Policy SD3: High-Quality Design
- Policy SD6: Flood Risk
- Policy H1: Housing Mix
- Policy TT1: Car Parking
- Policy C2: Local Green Spaces

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

- DM3 – Making a Positive Contribution to Local Distinctiveness and character of the Area

## **Cambridgeshire Flood and Water SPD 2016**

### **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 49 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  
LP12: Meeting Housing Needs  
LP13: Custom and Self Build  
LP20: Accessibility and Transport  
LP22: Parking Provision  
LP23: Historic Environment  
LP24: Natural Environment  
LP25: Biodiversity Net Gain  
LP27: Trees and Planting  
LP28: Landscape

## **8 KEY ISSUES**

- **Principle of Development**
- **Character and appearance**
- **Amenity Impact**
- **Impact on Historic Environment**
- **Flood Risk and Drainage**
- **Parking provision and highway safety**
- **Biodiversity Impact**
- **Biodiversity Net Gain (BNG)**

## **9 BACKGROUND**

- 9.1. The application site was subject to a previous application under reference number F/YR24/0051/F, which sought planning permission for a scheme of 8no. dwellings.
- 9.2. This application was subsequently withdrawn and as such, does not represent a material planning consideration in the determination of this application. However, it is noted that the scheme has been reduced in scale and amended in layout in an attempt to address the objections received, primarily from the Conservation Officer in relation to the impact on the adjacent Listed Building.
- 9.3. The objections from the Conservation Officer remain. However, this will be addressed in further detail in the Assessment section of this report.

## **10 ASSESSMENT**

### **Principle of Development**

- 10.1. The application site is considered to be located within the developed footprint of the village, within the settlement of Wimblington. Policy LP3 of the Fenland Local Plan advises that Wimblington is a 'Growth Village' and that development within the existing urban area, such as this location, is appropriate.
- 10.2. Policy LP12 advises that for villages, new development will be supported where it contributes to the sustainability of that settlement and does not harm the open character of the countryside. The site is considered to be within the developed footprint of the village and therefore would not impact the character of the countryside.
- 10.3. This policy also advises that if a proposal within or on the edge of a village, in conjunction with other development built since 2011 and committed to be built (i.e. with planning permission) increases the number of dwellings in a growth village by 15% or more, then the proposal should have demonstrable evidence of clear local community support for the scheme.



- 10.4. Wimblington has already exceeded its 15% threshold. However, an appeal decision received in respect of an application that was refused purely on this basis (F/YR14/0838/O) indicates that the threshold considerations and requirement for community support should not result in an otherwise acceptable scheme being refused.
- 10.5. In this instance, a number of representations have been received, both in support and against the proposals, with the objections far outnumbering the letters of support. As such, it cannot be demonstrated that there is clear community support for the proposals. Notwithstanding that, as per the appeal decision referenced in paragraph 10.4, the absence of clear community support does not render the scheme unacceptable in principle in planning terms.
- 10.6. As such, the principle of this development is considered to be supported by Policies LP3 and LP12 of the Fenland Local Plan (2014).

### **Character and appearance**

- 10.7. The application is submitted in Full format and is therefore supported by detailed drawings of the dwellings proposed and a detailed site layout.
- 10.8. The submitted site layout plan identifies the development as being an extension of the existing cul-de-sac, Morley Way, with a spine road that extends from north to south along the western boundary of the site, with the dwellings located immediately to the east of this.
- 10.9. The proposed dwellings are single storey in nature and measures between 5.5m-5.8m in height to the ridge, between 12m-14m in width, and between 11m-13m in depth.
- 10.10. Development along Morley Way is predominantly characterised by bungalows and, as such, the scale of the proposed dwellings is considered to be appropriate in this location. This is further reinforced by a palette of materials that is in keeping with the surrounding area, as set out in paragraph 3.3 of this report.
- 10.11. The density of development is approximately 10 dwellings per hectare. Whilst this density of development is relatively low compared to that seen generally on Morley Way and Waggoners Way, it is not considered that it is so low so as to represent an inefficient use of land. This is particularly notable when considering that the development along Norfolk Street to the east is of a much lower density than that along Morley Way. As such, it can be considered that the development proposed in this application represents a transition in density between the two.
- 10.12. Further to this, the plot sizes for each dwelling are generous, therefore avoiding a cramped form of development in this location. Minimal hardstanding is proposed throughout the site, with soft landscaping features proposed for retention. It is considered that this will soften the visual impact of the development and ensure a reduced impact on the landscape character of the area.
- 10.13. The proposal is overall considered to be in accordance with the requirements of Policy LP16 of the Fenland Local Plan (2014).

### **Amenity Impact**

- 10.14. The site is adjoined by residential dwellings to the east and west. The land immediately to the west comprises private amenity space for dwellings on March Road. The proposed units are separated from the western boundary of the site by

approximately 10m, thereby offering some separation from the adjoining private amenity space. Further, there is existing and well-established hedgerow along this boundary that offers substantial screening and protection for the private amenity space of the neighbouring properties to the west.

- 10.15. The land to the east of the application site also comprises of residential properties on Norfolk Street. The dwellings along Norfolk Street are generally set back from the public highway and are in close proximity to the boundary with the application site. The proposed dwellings are separated from the eastern boundary by 26m-28m, with the nearest residential property, 31 Norfolk Street, separated by a distance of 36m.
- 10.16. The topographical survey undertaken of the site states that the ground level of the site nearest to the adjoining property, 31 Norfolk Street, is 4.54m. The survey further notes that the ridge height of 31 Norfolk Street stands at 10.79m. Whilst the ground level on the adjacent site is not specified on the plans, it is clear that the ground level on the adjacent land is lower than that of the application site.
- 10.17. The single storey nature of the proposed dwellings and length of rear gardens backing onto 31 Norfolk Street are considered to be sufficient to avoid any overlooking impacts or overshadowing impacts on the adjacent dwelling.
- 10.18. It is noted that there is already a degree of boundary screening along the boundary with 31 Norfolk Street, but it is suggested that a condition is imposed requiring the submission of a detailed soft and hard landscaping scheme to ensure that any impacts are suitably mitigated against whilst retaining appropriate private amenities for the existing occupiers.
- 10.19. Further to this, a condition is suggested to remove permitted development rights from the proposed dwellings for any works permitted under Schedule 2, Part 1, Classes AA (Construction of additional stories), Class B (Additions to roof), and Class E (Buildings incidental to the enjoyment of a dwellinghouse).
- 10.20. The removal of these Permitted Development Rights will ensure the avoidance of any undue detrimental impacts on the amenities of 31 Norfolk Street through the further development of the site without first securing planning permission for the works.
- 10.21. The concerns raised by neighbouring properties in respect of the impact of the development during the construction phase in respect of noise and disruption etc. are noted, however, these are not material planning considerations. Notwithstanding this, a condition requiring the submission of a CEMP is suggested to ensure that any impacts arising from the construction phase are mitigated as far as practicably possible.
- 10.22. It is overall considered, on balance, that the proposal is in accordance with Policy LP16 of the Fenland Local Plan (2014) in respect of amenity impacts.

### **Impact on Historic Environment**

- 10.23. The application site is immediately adjacent to a Grade II Listed Building, 31 Norfolk Street, which is a residential property situated to the east of the site. Historic maps show this as a relatively isolated building set within farmland and as such the open application site immediately to the rear forms part of the setting of this, reflecting the listed building's historic relationship with the open countryside. Setting is defined in the Glossary to the NPPF as "The surroundings in which a

heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve”.

- 10.24. The scheme has been considered by the Council’s Conservation Officer, who has objected to the application on the basis that the scheme will result in ‘less than substantial harm’ to the setting of the Listed Building without justification and that the application is supported by insufficient justification as to the harm caused to the Heritage Asset, contrary to the NPPF and Fenland Local Plan. Less than substantial harm is the medium level of harm identified within the NPPF.
- 10.25. Paragraph 215 of the NPPF states that “*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...*”. In this instance, it is not considered that the benefits arising from the development of only five market dwellings, when considered in the context of the district’s healthy five year housing land supply, outweigh the harm which would be caused to the setting of the Listed Building, and therefore the proposal is considered to be contrary to Paragraph 215 of the NPPF (2024).
- 10.26. It is acknowledged that the context in which the listed building is viewed has changed significantly over time and that it is now seen in a more urban environment than was the case historically. However, as the Council’s Conservation Officer sets out in their objection to the application, “Historic England guidance on setting states that ‘where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policy, strong considerations need to be given to whether additional change will further detract from the significance of the asset’. Negative change would include severing the last link between the asset and its historic setting, as would clearly be the case here”.
- 10.27. The proposal is therefore considered to be unacceptable, on balance, having regard to Policy LP18 of the Fenland Local Plan (2014) and the NPPF (2024) and in the context of the requirements of Section 66 of the Planning (Listed Building and Conservation Area) Act 1990.

### **Flood Risk and Drainage**

- 10.28. The application site falls within Flood Zone 1 and is at Very Low Risk of Flooding. As such, it is considered that there are no issues to consider with regard to Policy LP14 of the Fenland Local Plan (2014) or Chapter 14 of the NPPF (2024).
- 10.29. The LLFA were consulted on the application and, after the submission of additional information and indicative drainage details, have raised no objections to the proposal, subject to conditions requiring the submission of detailed drainage measures.
- 10.30. The LLFA have no objections to the principle that the site is capable of accommodating the development, providing sufficient drainage and avoiding any adverse off-site impacts in respect of flood risk.
- 10.31. The proposal is therefore considered to satisfy the requirements of Policy LP14 of the Fenland Local Plan (2014) and Chapter 14 of the NPPF (2024) in respect of Flood Risk and Drainage.

### **Parking Provision and Highway Safety**

- 10.32. The Highway Authority have been consulted on the application and have raised no objections to the proposal in respect of its impact on highway safety in the locality.
- 10.33. Whilst the representations made in respect of the impact of the development during the construction phase are noted, it is not possible to object to a planning application on these grounds. As such, a condition is suggested requiring the submission of details of wheel washing facilities and a temporary facilities area to minimise the highway impact of the development during the construction phase.
- 10.34. Each plot is considered to benefit from adequate parking and turning provision to allow vehicles to access the public highway in forward gear, and to avoid on-street parking that could give rise to any highway safety concerns.
- 10.35. The proposal is therefore considered to accord with the requirements of Policy LP15 of the Fenland Local Plan (2014).

### **Biodiversity Impacts**

- 10.36. The application is supported by a Preliminary Ecological Appraisal prepared by Philip Parker Associates Ltd (10.06.2024). The report concludes that there will be no significant biodiversity impacts arising from the development, and that no further surveys are required subject to the precautionary measures set out in the report being adhered to during the construction phase.
- 10.37. Due to the largely built-up nature of the surrounding area, it is considered unlikely that the site will offer little by way of habitat or biodiversity value that could not be mitigated against nor have enhancements provided by virtue of the submission of an appropriate scheme.
- 10.38. The proposal is therefore considered to be acceptable in terms of its biodiversity impact, having regard to Policy LP19 of the Fenland Local Plan (2014), subject to conditions requiring the submission of a full mitigation and enhancement plan.

### **Biodiversity Net Gain (BNG)**

- 10.39. 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.
- 10.40. In this instance a Biodiversity Gain Condition is required to be approved before development is begun.

## **11 CONCLUSIONS**

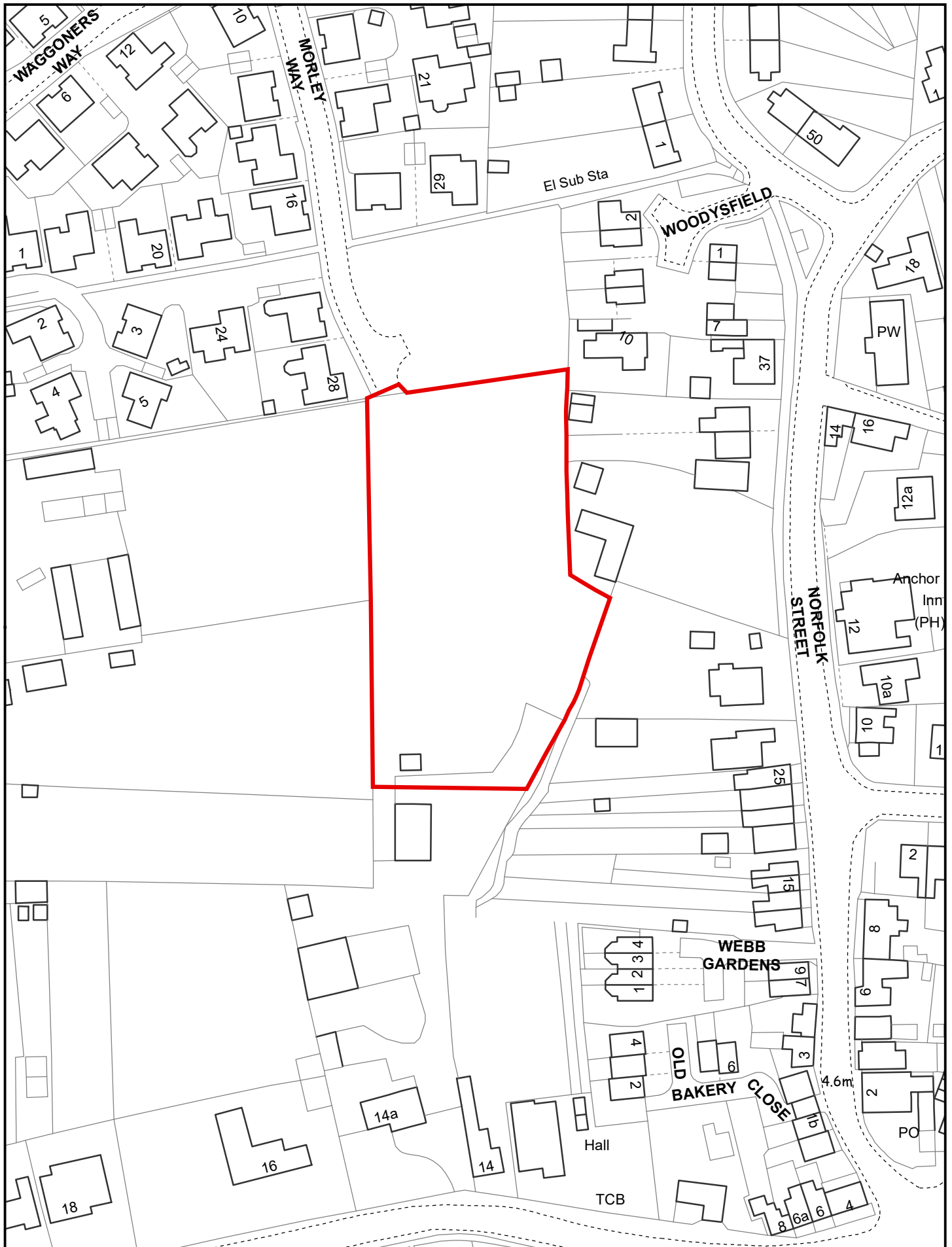
- 11.1 The application seeks full planning permission for the erection of 5no. storey, 3-bed properties served via an access off Morley Way.
- 11.2 Whilst the proposed development accords with the settlement hierarchy of Policy LP3 of the Local Plan, and the proposed design and layout of the dwellings is considered to be in keeping with the surrounding pattern of development seen along Morley Way and Waggoners Way, and it is not considered that the proposal would give rise to any unacceptable amenity impacts, in accordance with Policy LP16 of the Fenland Local Plan (2014) the impact on the setting of the adjacent Grade II listed building is not considered to be acceptable.

- 11.3 It has been identified that 'less than substantial harm', which is the medium level of harm, would occur to this setting, without adequate justification, and, as per Paragraph 215 of the NPPF, it is not considered that the public benefits arising from the scheme would, on balance, outweigh this harm.
- 11.4 The proposal is therefore considered to be unacceptable in planning terms, and it is accordingly recommended that planning permission is refused on this basis. To grant the application may be seen as indicative of a failure by the Council to exercise its duties under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## 12 RECOMMENDATION

**Refuse;** for the following reasons:

1.	The application would result in development within the setting of a Grade II listed building, 31 Norfolk Street, and would result in less than substantial harm to this setting, by virtue of introducing built form into currently undeveloped open land forming the historic context to the listed building, without adequate justification, and without any public benefits outweighing this harm. As such, if permitted, the development would be contrary to Policy LP18 of the Fenland Local Plan (2014) as well as Paragraphs 213 and 215 of the National Planning Policy Framework.
----	---



Created on: 23/12/2024

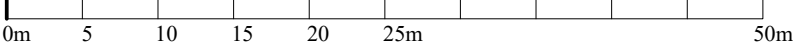
© Crown Copyright and database  
rights 2024 Ordnance Survey 10023778

**F/YR24/1000/F**

Scale = 1:1,250



Scale: 1:500



THIS DRAWING AND THE BUILDING WORKS DEPICTED ARE THE COPYRIGHT OF L BEVENS ASSOCIATES ARCHITECTS LTD AND MAY NOT BE REPRODUCED OR AMENDED EXCEPT BY WRITTEN PERMISSION. NO LIABILITY WILL BE ACCEPTED FOR AMENDMENTS MADE BY OTHER PERSONS. COPYRIGHT 2024 ©.

ALL MEASUREMENTS SHOULD BE CHECKED ON SITE AND ANY DISCREPANCIES SHOULD REPORTED TO THE ORIGINATOR.

ALL WORKS TO COMPLY WITH CURRENT CDM REGULATIONS AS APPROPRIATE. IT IS THE CLIENT'S RESPONSIBILITY TO FULLY COMPLY WITH THE CDM 2016 REGULATIONS INCLUDING APPOINTING A PRINCIPAL DESIGNER AND PRINCIPAL CONTRACTOR FOR PROJECTS WITH MORE THAN ONE CONTRACTOR ON SITE.

NO WORKS TO COMMENCE ON SITE UNTIL ALL APPROVALS ARE CONFIRMED IN WRITING. L BEVENS ASSOCIATES ARCHITECTS LTD ACCEPTS NO LIABILITY IF THIS IS BREACHED. IT IS THE CONTRACTOR'S RESPONSIBILITY TO ACCURATELY LOCATE EXISTING SERVICES PRIOR TO WORKS COMMENCING.

Plot Schedule

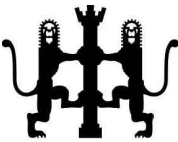
- Plot 1 - Waveney - 3 bedroom bungalow
- Plot 2 - Waveney - 3 bedroom bungalow
- Plot 3 - Waveney - 3 bedroom bungalow
- Plot 4 - Waltham K - 3 bedroom bungalow
- Plot 5 - Waltham KG - 3 bedroom bungalow

Biodiversity enhancements

(Please refer to Preliminary Ecological Appraisal by Philip Parker Associates Ltd and Soft Landscape Plan by Richard Morrish Associates for locations of bat and bird boxes, bee bricks and hedgehog homes)

- Integrated bat boxes inserted on southern and western elevations and noted as ØBB on Site Plan
- Integrated swift boxes placed in PAIRS. Inserted on north or north-east elevations and noted as ØSWB on Site Plan
- Sparrow terraces integrated into walls. Inserted on north or north-east elevations and noted as ØSPB on Site Plan
- Bee Bricks integrated into south-western and south-eastern walls of garages and noted as ØBEEB on Site Plan

Rev A      Sept. 24      Revised following feedback from Heritage Consultant and scheme reduced to 5 dwellings.



L Bevens Associates Architects Ltd  
The Doghouse  
10 Cricketers Way  
Chatteris  
Cambridgeshire  
PE16 6UR  
Tel: 01354 693969  
Mob: 07739 562818  
Email: enquiries@lbevens-associatesltd.co.uk  
Web: www.lbevens-associatesltd.co.uk

DRAWING STATUS	PRELIMINARY <input type="checkbox"/>	CONSTRUCTION <input type="checkbox"/>
	PLANNING <input checked="" type="checkbox"/>	FILE COPY <input type="checkbox"/>

CLIENT  
Construct Reason Ltd

PROJECT  
Land South of Morley Way, Wimblington, Cambridgeshire.

DRAWING TITLE  
Proposed Site Layout

SCALE	DATE	DRAWN	CHECKED
1:500 @ A3	August 2024	LB	
DRAWING NUMBER			REVISION
CH23/LBA/630/FP-2-101			A



[illegible]





# CONSTRUCT REASON LIMITED

DRAWING TITLE

Plots 2 & 3 - Planning Drawing

[illegible]



SIDE



SIDE



## ROOF PLAN

BUNGALOW TYPE 'WALTHAM K'  
floor area 95.29m<sup>2</sup>(1025ft<sup>2</sup>)

Beaver House  
Northern Road  
Sudbury  
Suffolk CO10 6XQ

Sudbury 01787 376241

# CONSTRUCT REASON LIMITED

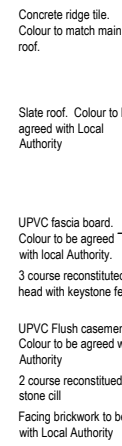
JOB TITLE Land South of Morley Way,  
Wimblington,  
Cambridgeshire.

DRAWING TITLE

Plot 4 - Planning Drawing

[illegible]

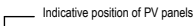




SIDE



(Showing Bathroom window)



SIDE



KITCHEN

BEDROOM. 1.

-W.

BEDROOM. 2.

BEDROOM. 3.

HALL

[illegible]

11

GARAGE

GARAGE



floor area  $95.29\text{m}^2(1025\text{ft}^2)$

# CONSTRUCT REASON LIMITED

JOB TITLE Land South of Morley Way,  
Wimblington,  
Cambridgeshire.

DRAWING TITLE

Plot 5 - Planning Drawing

REV	DATE	DETAILS		BY
SCALES		DESIGN BY		DATE
1:100 @ A2		DRAWN BY		
		LB		
DRAWING No.			REV	
CH23/LBA/630/FP-2-106				

## **MEETING TRANSCRIPT**

F/YR24/1000/F - Land West of 27 Norfolk Street  
Accessed from Morley Way, Wimblington, Cambridgeshire

In attendance at meeting on: 28<sup>th</sup> May 2025

Councillors:

Charlie Marks (Vice-Chairman), Ian Benney, Mrs Jan French, Roy Gerstner, Elisabeth Sennitt Clough, Mark Purser

Officers & Council Staff:

David Rowen, Alan Davies, Tom Donnelly, Stephen Turnbull, Jo Goodrum

Speakers:

Steve Dubois (Local Resident, Objector), Amy Richardson (on behalf of Agent)

<b>Speaker</b>	<b>Transcription</b>	<b>Para</b>
Chair	That proposal has been passed. I will now hand over to Tom Donnelly to present FYR 24-1000F Agenda Item Number 8.	1.
Tom Donnelly	<p>Thank you, Chairman. So this is a full application seeking the erection of five dwellings with associated garages and the formation of an attenuation pond. The location plan and aerial photograph identifies the site as being an area of green space surrounded by residential dwellings with relatively high density development present on Morley Way to the north, with much lower development – density development to the east and west.</p> <p>On this slide we can see the relationship to the site with the adjacent listed building which is 31 Norfolk Street, which is highlighted in blue immediately adjacent to the eastern boundary of the site. The submitted site plan identifies a linear form of development running from north to south within the site, with the access road running tight up against the western boundary of the site.</p> <p>So we've had four sets of elevation plans submitted, which are the four house types across the five plots. All of the dwellings are single storey in nature and a palette of materials which match the existing development on Morley Way to the north. We also have a street scene drawing, viewing the development as seen from the east of the site. You may just be able to make out the dotted lines above plot 3 and immediately to the left of plot 2, which identify the rough outline of the listed building behind the site and an associated outbuilding on that site also.</p> <p>So image 1, we have an internal view of the site taken from the north-western corner looking towards the boundary shared with the adjacent listed building. Image 2 taken from the same location is a view down the site looking from north to south. Image 3 has been taken from an area of open space immediately north of the site which also shows an example of the existing development on Morley Way and also showing that the site is currently fenced off from public view and access. And finally, image 4 taken from the driveway of the listed building 31 Norfolk Street looking towards the application site in the backdrop there.</p> <p>In terms of assessment of the application, it's been found to be acceptable in terms of principle, design and appearance, amenity impact, highway safety</p>	2.

	<p>and flood risk. However, it is Officers' opinion that the development would result in less than substantial harm to the adjacent listed buildings, however, with insufficient benefits arising from the scheme to outweigh the harm caused. The Council's Conservation Officer has considered the proposal and has concluded that this harm would arise through the loss of open space which has historically contributed to the historic setting of the listed building.</p> <p>As such, it's considered that the proposal is unacceptable in planning terms on the basis of the impact on the designated heritage asset, and it's accordingly being recommended for refusal. Thank you.</p>	
Chair	<p>Thank you, Tom. We have two speakers on this application. Firstly, I would like to invite Steve Dubois, an objector, to make his presentation to the Committee. Okay, gentlemen there, you have five minutes to make your presentation.</p>	3.
Steve Dubois	<p>Okay. So good afternoon, my name is Steve Dubois. I live at 31 Norfolk Street, the listed building that borders the proposed development. I oppose the proposal and welcome the Planning Officer's recommendation to refuse.</p> <p>Now whether or not you agree with the heritage assessment, when it comes to evaluating the recommendation, we are all bound by the same guiding principles, that great weight should be given to the asset's conservation, that the Local Planning Authority shall have special regard to the desirability of preserving the building and its settings, and whilst those are a matter for the Committee, the NPPF also states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, as is the case with 31 Norfolk Street, this harm should be weighed against the public benefit of the proposal.</p> <p>So what are the benefits of the proposal? Can I have the next slide, please? Increased housing stock, obviously. Opportunity to monetise an under-developed – or undeveloped, sorry, parcel of land. And out of due diligence, I would also look to consider the key themes from the 23 letters of support that were provided and weigh these up against the harm to the listed building and the loss of green space. Given more time, I would touch on the increased fire risk – it is a thatched property – the loss of privacy and the lack of community support, as evidenced by the 78 letters of objection.</p> <p>Can I have the next slide, please? I appreciate that the FDC are working on a new plan, but as a designated growth village, Wimblington has reached nearly three times its target set in 2014. There is no economic merit in building a further five homes. There is a significant pipeline of activity or building or developments in Wimblington and the wider March area to keep much of the local construction industry busy for quite some time. Building what is an area favoured by older residents, there is no educational merit. The proposed development would do very little to address the under-subscription of the Thomas Eaton Local Primary School. It has no social merit, it offers no affordable housing and potentially compounds already stretched medical services.</p> <p>Can I have the next slide, please? I've lived in the village for 25 years. When we moved in, we could see our house from March Road. The hedges were much, much lower and looking west, we could see the big skies and fen sunsets from our patio. That is the traditional context in which 31 Norfolk Street should be appreciated. Figure 1 not only shows the growth in housing, but the erosion of green spaces within the heart of the village.</p>	4.

	<p>Can I have the next slide, please? Figure 2 provides an aerial view of the proposed site, the circle at 31 Norfolk Street for reference. This is how the plot stands today, the modern Morley Way development to the west, the green amenity to the north acting as a buffer between the old and the new, in line with Wimblington and Stonea Design Guidance and Codes, which stipulates, and I quote, "New developments in proximity to designated and non-designated heritage assets must propose green screenings to mitigate any unpleasant visual impact whilst also preserving key views."</p> <p>So in light of that statement, now consider the impact of the proposal on 31 Norfolk Street. If I could have the next slide. Now, I'm no CAD technician, but whilst I made every effort to draw things to scale, my Photoshop skills have their limitations. So returning to those letters of support, many reference the scheme as being an extension of Morley Way. There is no disputing that access is from Morley Way, but viewed from the air, figure 3 clearly shows it to be a standalone development. It is not a benefit.</p> <p>Can I have the next slide please? Supporters also place significant weight on having the same developer as Morley Way. When we talk about a buffer between old and new, Construct Reasons Ltd were the ones responsible for the siting of the green amenity, now an asset of community value, between Morley Way and the heritage part of the village. You can see it in figure 4. Can I have the next slide or back, please? I think we may have gone ahead. Thank you. That says figure 4. That same developer is now proposing to develop a site that is closer to the listed building than the very buffer they created some 20 years earlier. It is simply incongruous and is not a benefit.</p> <p>Finally, supporters of the scheme also believe that there is a need for more bungalows in Wimbleton. The proposed development is for five three-bedroom bungalows. Yet, the Wimblington and Stonea Housing Needs Assessment of January 23 stated that the village far exceeds the national average for built bungalows and suggests that the greater proportion of dwellings are delivered as two-bedroom dwellings with an emphasis on affordable housing. This is not a benefit.</p> <p>The Fenland plan calls for a presumption in favour of sustainable development. It talks of growth that is not for its own sake. The only true benefit of this proposal is the monetisation of an undeveloped parcel of land and that is not a public benefit. It is growth for its own sake. To conclude, in line with NPPF guidelines, there is no clear and convincing justification or public benefit that outweighs the harm to the setting of the listed building. To draw any other conclusion would be irrational. Thank you.</p>	
Chair	Thank you. I would now like to invite Members to put questions to Mr Dubois. If you would like to ask a question, please can you raise your hand? Starting with Cllr Sennitt Clough.	5.
Cllr Sennitt Clough	Thank you Chair. Hello, Chair. I'd just like to –	6.
F1	Sorry, can you just turn your microphone on?	7.
Cllr Sennitt Clough	Hello, start again. The word harm is used quite a lot and everybody has a different interpretation of what harm means. I wondered if you could just unpack that term in regard to your own experience of what you think that will mean in relation to this development next to your property?	8.
Steve	Look, I'm not a planning expert and I would defer that question to the planning	9.

Dubois	<p>experts, the very same people who have offered or proposed a refusal. But in this case, it is certainly in my opinion a view that we have got a heritage and a legacy in terms of that property that stood there for over 200 years in an open space and then all of a sudden we're now going to enclose that space.</p> <p>There is a connection, and if you look at some of the other documentation, there is a connection between that property and the other listed building at Addison Road and that's the field that separates those two. So there is very much a connection between that field and the property at 31 Norfolk Street. I'd invite the planning experts to answer what is a technical question.</p>	
Chair	Cllr Sennitt Clough, I suggest you put your question to Officers in a moment. Cllr Bennie. Sorry.	10.
Cllr Sennitt Clough		11.
Chair	Yes, certainly, sorry.	12.
Cllr Sennitt Clough	I appreciate that there is a technical aspect. I was asking the question from your own personal experience. That was all. I'm well aware of what harm means in terms of what the Planning Officer meant. I meant from your own perspective. Thank you.	13.
Steve Dubois	Thank you, Cllr Clough. I did say that with greater time, I would touch on other factors. That house has been there for 200 years. It is a listed building. It does not have the modern amenities in terms of things like soundproofing, there is no double glazing for example, it is a one and a half elevation building, so effectively, you know, upstairs is plasterboard and thatch. You can literally hear everything outside. It is dependent on its isolation for modern living, not – it is not conducive to being in an environment with a sort of housing density that you would have as part of a modern development. I think building that close to it is not conducive to that house.	14.
Cllr Sennitt Clough	Just to come back on that. Thank you. I'm glad that I asked again because that is the sort of information I wanted to hear, as I'm keeping an open mind on this application. I really wanted to hear from your own perspective, so thank you.	15.
Chair	Cllr Benney.	16.
Cllr Benney	Good afternoon. You bought this house obviously some time ago. Was the field whatever part of the land that was associated with that house?	17.
Steve Dubois	No, certainly not in our lifetime. That was always part of the farm behind it I think, and again the Planning Officers may have further information. I think there is definitely a relationship between that and the house at Addison House with the other listed property, and there may well have been historically a connection between those two properties.	18.
Cllr Benney	So that the house, was it – I know it could go back far further than you can remember – was that field ever associated with this house? Has somebody sold the land off separately to the house? Is it a separate piece of land or...?	19.
Steve Dubois	It was always a separate piece of land, but obviously whilst ownership was different, the location – it has always been in context of that land.	20.
Cllr Benney	Okay. Thank you very much.	21.
Chair	Thank you. A couple of questions from myself. Could we go back to the slide where we had the imposed – that one, thank you very much. What distance from your property, you talk about noise, do you believe they will be built?	22.
Steve Dubois	I think the plan is marked up. I think the plan is marked up. I think from memory – is it 36 meters I think?	23.
Chair	36, yes. Sorry. Okay, yeah, 36. And the second one – and second question, proximity to the other buildings around you, is that within the same distance?	24.
Steve	It's a good question. So clearly the road to the right is Norfolk Street. It	25.

Dubois	formerly was the High Street. The nearest building is about 25 meters away and that's the back of the garage, so it's probably a good 30 meters to Norfolk Street.	
Chair	Thank you. So the new proposed buildings would be 36 meters from the back of their properties as well.	26.
Steve Dubois	No, that's incorrect because the thing about 31 Norfolk Street is that it is set back in its plot, whereas every other house along Norfolk Street is running adjacent to the street. So the one house that is most affected and nearest to the development is the listed building, the thatched property at 31 Norfolk Street.	27.
Chair	Sorry. So just to clarify, you are saying that the existing properties are 25 metres from your property. The new proposed properties would be 36 metres from – and they are the rear of the properties.	28.
Steve Dubois	<p>Yeah. So just to clarify, my neighbours to the front of the property, where incidentally we have secondary double glazing, they are roughly 25 meters and they are, you know, in line with the road. This development is at the rear of the house and that would be effectively 36 meters away where we don't have those kinds of measures.</p> <p>Might I just add whilst we're on that subject, one of the things about having a thatched property is that things like Guy Fawkes night are not the greatest time of year, right? We do have – in our insurance we're not allowed to have any incineration or burn anything within 100 meters of or on our property within 100 meters, right? It's a clause within our insurance.</p> <p>Those back gardens will literally be the other side of the hedge. I cannot stop people from having barbecues, from setting off fireworks, from incineration, and potentially I have certainly got two if not three properties that would be incredibly close to that thatched property.</p>	29.
Chair	If I could come back on that, but you also have, as you've said previously, within 25 metres existing properties who also could have barbecues, fires or whatever, so you already have that existing problem. So would you agree?	30.
Steve Dubois	I would also agree and, look, the owners of the land have had bonfires on that land in their time. They have set them much further back than this proposed development, but I can assure you that on one occasion we had to call the fire – it only takes one occasion, right? If needs be, I can go and find the date for you, but yeah, it would be incredibly concerning and these are a lot, a lot closer than some 50 meters away that the owners might have previously had bonfires on.	31.
Chair	Thank you. Any further questions? Thank you very much.	32.
Steve Dubois	Thank you.	33.
Chair	I would now like to invite Amy Richardson on behalf of the agent to make her presentation to the Committee. You also have five minutes.	34.
Amy Richardson	Thank you, Chairman, Members. We've worked closely with the Planning Officer, Tom Donnelly, throughout the planning process and dealt with any issues proactively. As noted in his report, the scheme complies with policy LP3 of the Local Plan, provides a scheme that is in keeping with the surrounding pattern of development in Morley Way and Waggoners Way and does not give rise to any unacceptable amenity impacts in accordance with policy LP16 and the scheme also accords with policy LP12. The Officer even refers to the fact that the plot sizes are generous and avoid a cramped form of development while still making an efficient use of the land.	35.



	<p>The main issue here is the impact on the listed building at 31 Norfolk Street. As Members will be aware from the Officer report, the previous scheme for eight bungalows was withdrawn to try and address the impact of development on the listed property and the scheme has been reduced to only five bungalows with frontage development onto a private road. The road will remain private and not be offered for adoption. All issues around drainage for the development have been addressed in the planning process and the Lead Local Flood Authority have no objections to the scheme.</p> <p>Members should be made aware of the fact that the original listing to 31 Norfolk Street only referred to three windows which face east, that's the front elevation of the property, towards Norfolk Street and part of the original rectangular shaped cottage. More recent additions have been added to the western side of the property together with a detached garage.</p> <p>There are no first floor windows in the listed building facing towards the application site and as we've just heard, the nearest bungalows in the development are over 36 metres away from the listed building. We've added photographs of the listed building which confirm that there are no windows facing the development. These are taken from estate agents' particulars, as the property is currently on the market.</p> <p>Our Heritage Consultant has tried to address the concerns raised by the Conservation Officer, noting amongst things that the village of Wimblington has significantly changed over the last 100 years from a much smaller village to a growth village and noting there is nothing to suggest that 31 Norfolk Street has had a direct functional connection with the site such as grazing or farmland. The site is not known to have ever been grazing land and the asset is not located within open countryside or on the edge of the village but instead surrounded by residential development within the heart of the village.</p> <p>The grounds of the listed building primarily extend to the east towards Norfolk Street where the majority of the bedroom windows face, suggesting that the property is clearly orientated towards the east and this has formed its primary amenity space. It's considered that the Conservation Officer has given undue weight to the contribution the site makes to the setting of the listed building and has failed to acknowledge the current setting asset as experienced in, which is one of residential built form.</p> <p>The proposed layout was amended to offer a single line of dwellings to the far west of the site and provide greater distances to the listed building within the spaces between each dwelling, helping ensuring that the dwellings do not appear as a solid wall of development and with a variety of roofscapes helping to break up the massing.</p> <p>Members should also be aware that the District Council are looking to sell the open space in Morley Way – sorry, could you just skip to the last one, thank you – that the applicants provided as part of the original Morley Way development. This will take away the nearby public open space and will no doubt be subject to residential development, removing current green space.</p> <p>We would ask Members to look at the benefits of this scheme and what it can provide and largely the supporting nature of the Planning Officers comments and go against the Conservation Officer's recommendations. Thank you.</p>	
Chair	Thank you. I would now like to invite Members to put questions to Ms	36.

	Richardson. If you would like to ask a question, please raise your hand. Cllr French.	
Cllr French	Thank you, Chair. I noticed Anglia Water, excuse me, Anglia Water do have – thank you. I notice Anglia Water have concerns. Have you addressed these concerns?	37.
Amy Richardson	Yes, there aren't any drainage concerns anymore, it's been dealt with.	38.
Chair	<p>Okay. Thank you very much. I would now like to invite Members to put questions to Officers. Officers are getting away very lightly then. Okay. Thank you, everyone.</p> <p>I would now like to invite Members to debate the item in respect of the material planning considerations relevant to the application. If you would like to speak, please raise your hand. Cllr Gerstner.</p>	39.
Cllr Gerstner	Thank you. I think it's going to be a difficult one in the respect that we have a heritage site here. We have a green field site that's nearby. I have reservations about the impact on noise and amenity in respect for the questions you brought, Chairman. 25 metres and 36 metres I think was the quoted distances away. Where do we value our heritage, is the question that needs to be asked. It looks to be a well thought out, designed development. Thank you.	40.
Chair	Cllr Benney.	41.
Cllr Benney	<p>Thank you, Chairman. Yeah, sitting here listening to the speaker's views, see what he says, but equally, if this was any other development, the distance between houses is 21 metres. We've got 36 here. I think the developer has worked to try and mitigate the harm to the historic building, nor should a historic building be a block to development. It's a piece of land, it's well within the build form of Wilmington.</p> <p>These houses – I've been at Morley Way several times, often with Cllr French when we've done site visits, we've looked at other things down there when we've been down there to look at stuff. And this piece of land is – and land usage is what we're looking at here today is. Is this land suitable to build on?</p> <p>I do take on board the comments about fire risk of a thatched cottage, but that's a risk you take when you buy a thatched cottage. that could come from anywhere. That doesn't necessarily mean if it does catch fire that it's going to come from these five dwellings. There is a <span style="background-color: yellow;"> </span> everywhere in everything you buy.</p> <p>This piece of land from what the speaker was saying has no connection to this house. And I think this has been well planned out. I think consideration has certainly been given to keep the distance away from the heritage asset. We have certainly passed other applications that have been a lot closer to a heritage asset. There was one in Whittlesea we passed a few years ago and the Committee at that point decided that we would build closer to that.</p> <p>So I think that, you know, it's a district wide policy that we've got and we have passed stuff there before near a heritage asset. I think looking at the size of green that is left there, I think there is sufficient there to safeguard the heritage asset and provide the homes that Fenland so much needs.</p>	42.
Chair	Thank you. Cllr Sennitt Clough.	43.
Cllr Sennitt Clough	Thank you, Chair. I agree with the points raised by the two Members so far. It is a difficult one because I think that the bungalows look of a very nice design.	44.

	<p>They are some distance away. Somebody mentioned about the 25 meters versus 36 or whatever it is. I mean, there's a point at which I'm thinking, well, do we need to add more properties to surround this historic building though? I keep coming back to LP18.</p> <p>I'm obviously still deciding myself, but it is a difficult one, weighing up the value of this thatched building with the need for bungalows. And obviously, as was stated, Wilmington is a growth village, but its growth has been reached. So I'm very much sort of undecided at the moment.</p>	
Chair	Thank you. Cllr Gerstner.	45.
Cllr Gerstner	Just one more time. There seems to be a good break between the development and the listed building. It doesn't seem to me to be overdeveloped at all. You know, they look to be, I'd say, good form, good planned buildings. I think there's a need for that type of development – type of building and it looks to be quite desirable. I think the distance is acceptable, you know. Whether that field was part of the heritage of that building, we don't know and it really doesn't make much difference at this moment in time. But I think there's still a good break there between that development and the listed building.	46.
Chair	Thank you. Cllr Purser.	47.
Cllr Purser	<p>Thank you, Mr Chairman. Yeah, I had to wander down there and had a look around the site and what have you, and while I understand there's a need for the development, there's a need for the bungalows and it's all well planned out there, there is another side of it from my perspective on that, which we actually had a look at another site some time ago, and the fact that a lot of the people who actually live there already are actually quite older people, retired people and what have you.</p> <p>And the heavy traffic going through there to actually develop the site could have a detrimental effect to their own properties that are down there. And I think there's a – I'm let's believe there's a possibility of a flooding issue there, but I'm concerned for those people who actually live down there with the disturbance and they actually have their own living down there at the moment. Thank you.</p>	48.
Chair	Thank you. Cllr French followed by Cllr Benny.	49.
Cllr French	Thank you, Chairman. I listened to what Cllr Purser has said. What you've just stated really isn't a planning merit. The question I'd like to answer has – as Elizabeth pointed out, policy LP18, were English Heritage involved in any discussions?	50.
Chair	I believe that would be a question to Officers. Would you like me to ask Officers now? Are you happy to...?	51.
David Rowen	Yeah, through you, Chairman, so English Heritage or Historic England are only consulted on certain applications, so development within the setting of a Grade II listed building would not be an application that would be consulted upon.	52.
Cllr French	Thank you.	53.
Chair	Cllr Benney.	54.
Cllr Benney	Yeah, thank you, Chairman. I think this could be a lot worse. We turn this down today and you could get this come back with it full of houses. I think this is truly is a compromise and compromise is where we try and be, and compromises never seem to please anybody. But we have got a good fire break there and we have got a good break for sound. I mean, if this was any other development, it would be 21 meters and you wouldn't be able to build between – closer than that. And if this gets refused, this could come back with	55.

	<p>more and even closer ties to it. I think this is a – this is the compromise.</p> <p>I understand what the applicant says, but nobody ever wants anything built near them, do they? And, you know, you can always come up with a thousand reasons why you shouldn't. But in truth, looking at this, I think, you know, look at the bungalows. They are [REDACTED] bungalows and you never see them empty. As soon as they're built, they sell. and that proves a need for it. And you know, I personally think this is an application worthy of support.</p>	
Chair	<p>Thank you. I quite agree. I mean I look at it and think to myself, like I do with most applications, would I want to live there? And actually, yes, in both properties. I don't think, you know, with the bungalows built, you're going to have any overlooking problems. It's not as though we're putting up five bedroom houses or anything. Noise wise, the likelihood is if they're going to be bungalows, they're going to be older people anyway.</p> <p>The likelihood of them having fires and bonfires and fireworks and stuff I guess is fairly negligible, but you know, there is always that risk, but in saying that, there's the same risk around all the other properties as well. At the moment, from what I can see, I'm still not 100% mind made up, but at the moment I am leaning more to pass this application. Any further debate? Cllr Sennitt Clough.</p>	56.
Cllr Sennitt Clough	<p>Thank you, Chair. I just wanted to say that there was a comment made about if we refuse and the future of the site and da-da-da-da, I think we just have to stick to the application that's in front of us today. I still haven't made my mind up, but I think, you know, we just need to focus on what we think of this application rather than think about what would happen down the road.</p>	57.
Chair	<p>Thank you. Any further comments for debate? No? Okay. Thank you, Members. Does any Officer have any points of clarification?</p>	58.
David Rowen	<p>Yeah. Thank you, Chair. So I think just to pick up on a few of the issues that Members have raised, so in terms of the separation distances, I think some of the distances that have been referenced are sort of amenity standards, so in terms of distances between properties, in terms of overlooking, etc.</p> <p>We're not looking at amenity here, we're looking at the setting of the listed building. Within the report there is the definition of setting that's given by Historic England and that setting varies from listed building to listed building. So in some instances, you will potentially have new build very close to a listed building because that reflects the historic pattern of development, etc.</p> <p>Here, it's considered that the setting is the open space around that building and that encroaching into that open space is what's detrimentally impacting upon that setting. Whether that land has been in the ownership of the building, the listed building historically, is not particularly relevant. Land that is not – that is in separate ownerships, multiple separate ownerships, can still form part of the setting of a listed building. So that is the pertinent issue.</p> <p>If Members are minded to grant the application, I would remind the Committee of the legal duty, again set out in the Officer report, within the 1990 Listed Building Act, that essentially Local Planning Authorities when considering development should pay special attention to preserving a listed building or its setting. So the lawful duty on the Council is to give great weight to preserving the setting of a listed building.</p> <p>If Members are minded to grant the application, however, within that context I</p>	59.

	would perhaps advise that any reason for doing that needs to be sort of clearly articulated and clearly set out in respect of the public interest sort of benefit or balance that's set out within the NPPF, so there's a sort of clear decision making trail almost that you have to go through to ensure that it's a robust and unchallengeable decision. I'm not sure whether there's anything that the Legal Officer would want to add to that in terms of the duty in law.	
Stephen Turnbull	<p>Thank you. Through you, Chair, yes, what David just said is correct, that there is a legal duty to pay special – that's the word they use – special attention, special regard to preserving the setting of a listed building. So if Members decide that this proposal can proceed notwithstanding some degree of harm to that setting, then they must explain whether they think that level of harm is low enough to justify the proposal or whether there's a countervailing public benefit to overcome the harm that's involved.</p> <p>And just to repeat a point that was raised earlier, that setting is not the same as ownership, so the two are completely separate concepts. So the setting of a building transcends its ownership and ownership is irrelevant. So the fact that this field is not owned by the same people as the listed building has nothing – no relevance at all to the test that should be applied. Thank you.</p>	60.
Chair	Any further questions to Officers? Or to Stephen? No? Okay. Do I have a proposal to go with the Officers' recommendation to refuse planning permission? Cllr Sennitt Clough. Do I have a seconder for this recommendation? No? Okay. Do we still need to go to the vote on this, as we haven't got a seconder? We can't. Right. Okay, fine. So that proposal has now failed. So do we have a proposal to go against Officers' recommendation? Please raise your hand. Cllr Benney.	61.
Cllr Benney	<p>Yeah, Chairman. I propose that we go against Officers' recommendation on this one and approve the application. I don't think it does any serious detrimental harm to the setting of the listed building. There is still sufficient space around it not to harm it. It's a very subjective answer, as David has already pointed out, there's no set distances for this. If there were, it would be very clear cut. It depends on each building individually.</p> <p>And we need houses in Fenland. As Councillors, we know what this is costing in terms of emergency accommodation because we have not got enough houses in this district. We've got people living in bed and breakfasts and they won't move into those houses, but somebody will move out of a small house to move into a bigger house and that will create homes because we are desperate. We are so, so desperate. I know that houses are being built here, but we as a Council have a legal responsibility to provide homes for people, and truthfully, we are struggling as a Council to do this.</p> <p>So if there is public need, go and ask anybody who lives in bed and breakfasts and ask them if there's a need for housing. I feel there is. I feel that the distances between this and the listed building are sufficient that it won't cause harm in terms of noise, no more than the other residents that live near that property. In terms of construction traffic, not a material planning consideration. We pass stuff every day with it. There's building materials go past people's houses, that's not a consideration.</p> <p>And I just feel that, you know, in terms of land usage, this is what this piece of land is for. It's never going to be agricultural, it will be built on at some point, and this scheme does provide a buffer zone between here and that house. So I'm quite comfortable with approving this application, Mr Chairman.</p>	62.

Chair	Thank you, Cllr Benney. Could we just be very clear on the planning reasons, obviously having heard what the Legal Officer has said, as to why we believe we should go against this?	63.
Cllr Benney	I think I've already done that, Mr Chairman.	64.
Stephen Turnbull	Well, I've heard what was said, yeah, I think to characterise what Cllr Benney said, your view is there's no harm to the setting or if there is some harm, that's counterbalanced by public benefits.	65.
Cllr Benney	Whenever you build something, it changes the character of the area. Whether that is harm, or whether that is benefit is in the eye of the beholder. And truthfully, this to me does not do sufficient harm to warrant a refusal on this application.	66.
David Rowen	Through you, Chairman, that's the reason that Cllr Benney's given, so I think that's the one on which the Committee need to vote.	67.
Chair	Thank you. As the proposal is to go against Officers' recommendation and you have provided planning reasons for the proposal, do I have a seconder? Cllr Gerstner. We will now go to the vote. If you support the new proposal, please raise your hand.	68.
F1	That's five votes, Chairman.	69.
Chair	If you're against the new proposal, please raise your hand.	70.
F1	One vote, Chairman.	71.
Chair	Conditions to Officers, yeah, not too onerous. Do you want to see – Cllr Benney, do you want to see the conditions? No? Okay. Okay. The Committee has decided to go against Officers' recommendation and grant planning.	72.

Document is Restricted



This page is intentionally left blank

November 2024

# Heritage Statement

Morley Way, Wimblington



<i>Project number: 24.121</i>		
<i>Version</i>	<i>Prepared by</i>	<i>Checked and issued</i>
<i>1</i>	<i>Emma Healey IHBC, AssocRTPI</i>	<i>Jenni Mason, IHBC, November 2024</i>
<i>2</i>	<i>Emma Healey IHBC, AssocRTPI</i>	<i>Jenni Mason, IHBC, November 2024</i>

**COPYRIGHT**

**The contents of this document must not be copied or reproduced in whole or in part without the written consent of JB Heritage Consulting Limited.**

JB Heritage Consulting Limited. Registered in England and Wales. Registered number: 13063265. Registered office: BCS, Windsor House, Station Court, Great Shelford, Cambridge, CB22 5NE.

CONTENTS

1.0 Introduction

2.0 Site Context

3..0 Legislation, Policies and Guidance

4.0 Statement of Significance

5.0 Heritage Impact Assessment

6.0 Conclusions

**1.0 Introduction**

- 1.1. This Heritage Statement has been prepared on behalf of the Applicant to accompany the submission of a planning application for the erection of five homes, with access from Morley Way, landscaping and associated infrastructure. The site is located to the south of Morley Way, Wimblington, March.
- 1.2. The Site is adjacent to Grade II listed 31, Norfolk Street.
- 1.3. The purpose of this Heritage Statement is to describe the heritage significance of those assets potentially affected by the proposed development and assess the heritage impact. It has been informed by desk-top research and a site visit made on 2nd October 2024.
- 1.4. The scope of this report deals only with the above-ground heritage constraints.



## 2.0 Site Context

### Heritage designations

- 2.1. Heritage assets are defined in Annex 2 of the National Planning Policy Framework (NPPF) (2023) as:

*A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decision, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).*

- 2.2. The Site is located adjacent to several designated heritage assets. A site visit and initial background research has confirmed that very few of these assets would have the potential to be impacted by the proposals by virtue of the separation distance, intervening built form, landscape and vegetation features and the nature of these assets. As such only Grade II listed 31 Norfolk Street (NHLE 1126585) will be taken forward for assessment.

- 2.3. The restricted scope of designated heritage assets considered to be potentially affected is supported by the Conservation Officer's comments on the previous withdrawn application on the Site (ref.: F/YR24/0051/F).

### Non-designated heritage designations

- 2.4. Fenland District Council does not yet have an adopted Local Heritage List of non-designated heritage assets. There are currently no buildings or structures nominated within the village for the Cambridgeshire's Local Heritage



Fig. 1. Heritage asset plan. Listed buildings marked in blue, and the Site outlined in white.  
©Google 2024 ©Getmapping plc, Infoterra Ltd & Bluesky Maxar Technologies, The GeoInformation Group

List. There were also none identified through the previous application (ref.: F/YR24/0051/F).

identified in the previous application.

- 2.5. An online search of the Cambridgeshire Historic Environment Record via Heritage Gateway did not identify any assets that would have the potential to be impacted by the development proposals. None have been

### 3.0 Legislation, Policies and Guidance

3.1. This section sets out a summary of the core heritage decision-making framework. It is not intended to be exhaustive.

#### Legislation

3.2. The Planning (Listed Buildings and Conservation Areas) Act 1990 establishes powers to designate listed buildings and conservation areas together with a statutory duty to consider the impacts of proposed development in the determination of planning applications.

3.3. Section 1 makes provision for the Secretary of State to compile lists of buildings of special architectural or historic interest. Section 5 defines a 'listed building' to include any object or structure fixed to the building, and any object or structure within the curtilage of the building which forms part of the land and has done so since before 1st July 1948.

3.4. Section 16 requires local planning authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant applications for listed building consent.

3.5. Section 66 establishes a duty with respect to the determination of planning applications. In considering whether to grant planning permission which affects a listed building or its setting, local planning authorities shall have special regard to the desirability of preserving

the building or its setting or any features of special architectural or historic interest which it possesses.

3.6. Section 69 of the Act establishes powers for local planning authorities to designate areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance as conservation areas.

3.7. Section 72 establishes a general duty in the exercise of planning functions with respect to any buildings or other land within a conservation area to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

3.8. Scheduled Monuments are statutorily protected through the Ancient Monument and Archaeological Act 1979. The setting of Scheduled Monuments are protected through local and national planning policy.

#### Local Plan

3.9. The Development Plan comprises the Fenland Local Plan (2014), Cambridgeshire and Peterborough Minerals and Waste Plan (2021) and 'made' Neighbourhood Plans.

3.10. The principal historic environment policy is LP18 The Historic Environment of the Fenland Local Plan (2014), which reads as follows:

*The Council will protect, conserve and seek opportunities to enhance the historic environment throughout Fenland. This will be achieved through*

- *the consideration of applications for*

*planning permission and listed building consent;*

- *the use of planning obligations to secure the enhancement of the significance of any heritage asset,*
- *where development might impact on that significance (including impact on setting);*
- *keeping up-to-date and implementing conservation area appraisals and management plans, and*
- *using such up to date information in the determination of planning applications;*
- *making use of Article 4 Directions, where appropriate, to prevent unsympathetic alterations to buildings in conservation areas;*
- *the preparation and maintenance of a list of buildings and other heritage assets of local importance;*
- *steps to reduce the number of heritage assets in Fenland on English Heritage's Heritage at Risk Register; and*
- *the use of grant schemes, as resources permit, to safeguard heritage assets at risk and encourage sympathetic maintenance and restoration of listed buildings and historic shop fronts.*

*All development proposals that would affect any designated or undesignated heritage asset will*

be required to:

*(a) describe and assess the significance of the asset and/or its setting to determine its architectural, historic or archaeological interest; and*

*(b) identify the impact of the proposed works on the special character of the asset; and*

*(c) provide a clear justification for the works, especially if these would harm the asset or its setting, so that the harm can be weighed against public benefits.*

*The level of detail required should be proportionate to the asset's importance and sufficient to understand the potential impact of the proposal on its significance and/or setting.*

*All development proposals that would affect a heritage asset will be determined in accordance with local policy in this Plan and national policy in the National Planning Policy Framework. Where permission is granted, a programme of work and/or the implementation of any necessary mitigation measures may be secured by condition or as part of a planning obligation in order to minimise any adverse impact.*

#### National Planning Policy

3.11. National planning policy is established in the National Planning Policy Framework (NPPF) (2023). Chapter 16 (paragraphs 195-214) sets out policy guidance for development affecting the historic environment.

3.12. Paragraph 195 recognises that heritage assets

are an irreplaceable resource and should be conserved in a manner that is appropriate to their significance such that they can be enjoyed by existing and future generations.

3.13. Paragraph 200 requires applicants to describe the heritage significance of any heritage assets affected by a proposed development, including the contribution made by their setting. This should be proportionate to the assets' importance, and no more than is required to understand the potential nature of the impact on that significance. Paragraph 196 requires local planning authorities to assess the significance of any heritage assets potentially affected to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposed development.

3.14. Paragraph 203 states that in determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities; and the desirability of new development making a positive contribution to local character and distinctiveness.

3.15. Paragraphs 205 onwards provide guidance for considering the potential impacts. Paragraph 199 states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This should be proportionate to its significance, the more important the asset, the greater the weight

should be. This is irrespective of whether the harm is substantial, total loss, or less than substantial.

3.16. Paragraph 206 goes on to state that any harm to, or loss of, the significance of a designated heritage asset, including through development within its setting, should require clear and convincing justification.

3.17. Paragraphs 206 and 207 deal with instances of substantial harm to a designated heritage asset. Development causing substantial harm should be refused unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or other criteria are met. Paragraph 208 guides that where a development would lead to less than substantial harm to a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.

3.18. Paragraph 209 deals with non-designated heritage assets. It guides that the effect on the significance of a non-designated heritage asset should be taken in to account. A balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

3.19. Paragraph 212 encourages local planning authorities to look for opportunities for new development within conservation areas and the setting of heritage assets to enhance or better reveal their significance. Those proposals that preserve elements of the setting that make a positive contribution to



the asset should be treated favourably.

### Guidance and Best Practice

3.20. Interpretation of the NPPF is provided by the Planning Practice Guidance (PPG). This is a digital guidance note divided into a series of chapters which is subject to regular review; the historic environment chapter was last updated in July 2019.

3.21. The historic environment chapter guides that understanding the significance of a heritage asset and its setting from an early stage in the design process can help to inform the development of proposals which avoid or minimise harm (paragraph 8). Paragraph 13 provides further guidance on setting, making clear that setting is not only related to visual attributes but other environmental factors such as noise, dust, smell and vibration as well as the relationship between places.

3.22. Paragraph 15 recognises that sustaining heritage assets in private hands often requires an incentive for their active conservation. It goes on to note that putting heritage assets to a viable use is likely to lead to investment in their maintenance and thereby support their long-term conservation. It goes on to state that harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset, notwithstanding the loss of significance caused, and provided the harm is minimised.

3.23. Paragraph 18 provides guidance on assessing harm. It is clear that proposed development may have no impact or may enhance an asset's significance such that no harm is caused.

Where development would be harmful to a designated heritage asset, this needs to be categorised as either 'less than substantial' or 'substantial' harm. The level of harm can vary within these two categories. It goes to elaborate that substantial harm is a 'high test' and therefore is unlikely to arise in many cases. This harm may arise from works to the asset or from development within its setting.

3.24. Historic England has produced a series of best practice guidance notes to assist in the identification of assets, assessing significance and managing change. Those of particular relevance include:

- Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment (2008)
- Managing Significance in Decision-Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning: 2 (2015)
- The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) (2017)
- Statements of Significance: Analysing Significance in Heritage Assets Historic England Advice Note 12 (2019)

## 4.0 Brief History and Statement of Significance

### Brief history of the Site and surrounding area

- 4.1. The Site is located within the village of Wimblington to the south of Morley Way. The village historically formed a hamlet of the larger parish of Doddington. It became a separate parish in 1874 with a new church opening the same year.
- 4.2. The Tithe Map dating to 1840 depicts the village, and shows that the Site appears to partially fall across two land parcels labelled 506 and 511. 506 is shown partially divided by a dotted line from the property to the north of it, this is 31 Norfolk Street. It is labelled as a "Close" in the apportionment. Land parcel 511 is labelled as a "Millfield" within the apportionment. Both areas are noted in the apportionment as being owned by John Horsey Waddington Esquire and occupied by John Eaton who also both own and occupy plot 507 which is a "Close" attached to 31 Norfolk Street.
- 4.3. The surrounding village is shown with built form constructed in a linear pattern along the main roads of the village that stem from the "Turnpike Road". The wider area is shown divided into parcels of land.
- 4.4. The Ordnance Survey (OS) map dated 1887 depicts the Site as part of an open area of an 'L' shaped field on the edge of the main village development. Plots 511 and 506 from the Tithe Map appear as one.
- 4.5. The map shows an increase of built form throughout the village, focussed on the High Street, Fullers Lane and Addison Road.

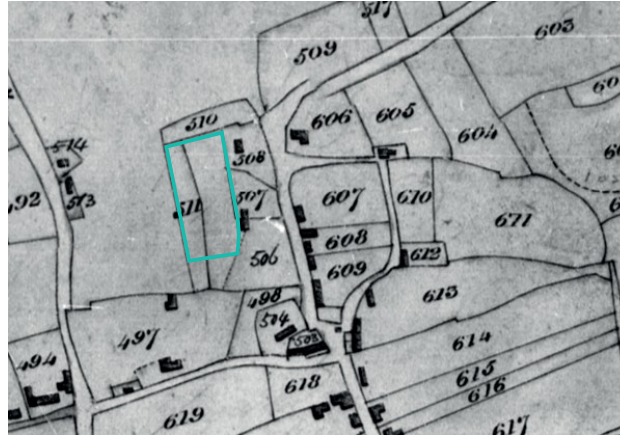


Fig. 2 Tithe Map, published 1840. Site outlined in blue. Accessed via The Genealogist, 23.10.24.



Fig. 3 Ordnance Survey Map, surveyed 1886 and published 1887, accessed via National Library of Scotland, 23.10.24. Site outlined in blue.

- 4.6. There is little change to the Site or surrounding area in the 1902 OS Map. The OS Map published in 1926 highlights the continued development

of the surrounding area. A row of terraced housing is shown immediately south of 31 Norfolk Street, occupying part of its former plot (as depicted on earlier maps). The plot of 31 Norfolk Street is features a small area to the rear and immediately north and east of the property Its primary amenity spaces has historically been focussed to the east. The map also captures the continued linear development within the core of the village and also to the west along March Road.



Fig. 4 Ordnance Survey Map, surveyed 1925 and published 1926, accessed via National Library of Scotland, 23.10.24. Site outlined in blue.

- 4.7. The OS Map published in 1952 shows the character of the Site unchanged, appearing as part of an enclosed field. The map also depicts the continued development of the village, built form is now more frequent along March Road to the west of the Site and King Street to the north-east.



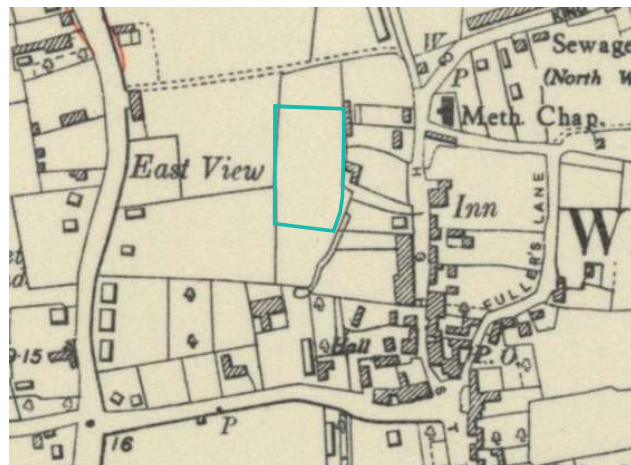


Fig. 5 Ordnance Survey Map, surveyed 1950 and published 1952, accessed via National Library of Scotland, 23.10.24.



Fig. 6 Historic England Aerial View, RAF/543/2409, flown 16 September 1963, accessed via Historic England, 23.10.24.

4.8. An aerial view was taken of the Site in 1963, shows the amalgamation of the Site with a parcel of land to the north and north-west and the loss of historic field boundaries with the amalgamation of smaller fields. The start of the Eaton Estate residential development can be seen to the north-east of the Site, highlighting the gradual expansion of the village.

4.9. The OS Map published in 1983 depicts the Site as part of an upside down 'L' shape, combined with the parcel to the north-west. To the south of the Site are a series of buildings which are thought to be part of a yard of agricultural buildings. The map depicts the increased development around Eaton Estate to the north-east and more centrally within the village,

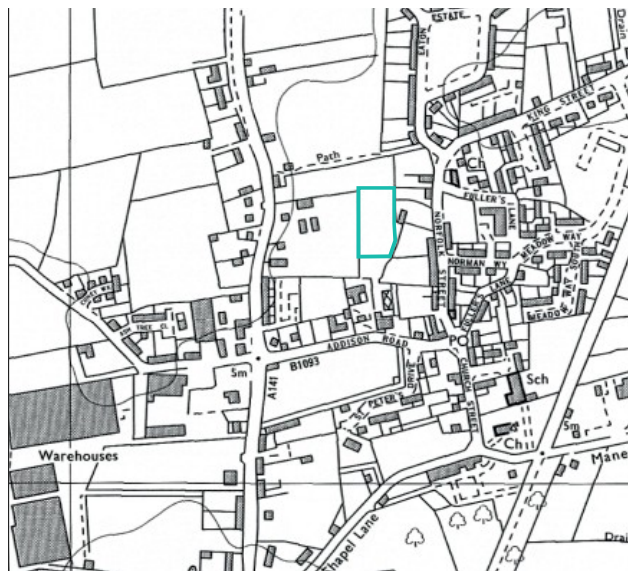


Fig. 7 Ordnance Survey Map, published 1983, accessed via Promap, 23.10.24.

east of Norfolk Street. This new development comprises a mix of built form, however much of this is single storey bungalows. The map also depicts industrial development to the south-west of the Site, west of March Road.

4.10. An aerial view of the Site taken in 1999 continues to depict the Site as part of the 'L' shaped field. It is shown predominantly grassed, to the south, where there is access from Addison Road, is a yard with agricultural /storage buildings.



Fig. 8 Aerial Image of the Site, taken in 1999, accessed via Google Earth, 23.10.24. Site outlined in blue.

4.11. An aerial view from 2003 depicts the division of the Site from the parcel to the north-west which has been developed. The Site is shown as a cleared yard area with very little greenery. The building from the previous view still appears on the map to the south of the Site. The image also depicts extensive change to the north of the Site through the development of bungalows on Morley Way.





Fig. 9 Aerial Image of the Site, taken in 2003, accessed via Google Earth, 23.10.24. Site outlined in blue.

The area immediately to the north of the Site is shown with built form, perhaps relating to the construction of the Morley Way development.

4.12. The 2007 aerial view depicts the completion of the Morley Way site which provides access to the Site from the north. The Site itself is shown as a grassed area of land associated with the buildings to the south, forming a yard. The Site is shown surrounded by residential development.

4.13. The aerial views of the Site depict the built form to the south of the Site until 2021 when some of the buildings closer to the Site were demolished. In these images, whilst grassed, the Site appears as part of the yard.

4.14. Today, the Site comprises a small enclosed parcel of grassed land surrounded by residential development.



Fig. 10 Aerial Image of the Site, taken in 2007, accessed via Google Earth, 23.10.24. Site outlined in blue.



Fig. 11 Aerial Image of the Site, taken in 2024, accessed via Google Earth, 23.10.24. Site outlined in blue.

## Statement of significance

### Introduction

4.15. Determining significance is a professional judgement taking into account the designation status, desk-top research and fieldwork. The assessment should seek to understand the nature, extent and level of significance, and should be proportionate to the relative importance of the asset (Historic England, 'Managing Significance in Decision-Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning: 2' [2015] p. 2.)

4.16. Annex 2 of the NPPF defines significance as 'the value of a heritage asset to this and future generations because of its heritage interest'. This interest may be archaeological, architectural, artistic or historic. An understanding of significance must therefore derive from the heritage interest/s of the heritage asset.

4.17. The 'Historic environment' chapter of the PPG provides a definition for these interests as follows (Paragraph: 006):

- *archaeological interest: As defined in the Glossary to the National Planning Policy Framework, there will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.*
- *architectural and artistic interest: These are interests in the design and general aesthetics of a place. They can arise from*

*conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skill, like sculpture.*

- *historic interest: An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation's history, but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.*

- 4.18. Significance derives not only from the heritage interests of the asset itself, but also from the contribution made by its setting. The setting of a heritage asset is defined in Annex 2 of the NPPF as:

*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*

### 31 Norfolk Street

- 4.19. The asset was first listed at Grade II in February 1985. It was built in the late 18th/ early 19th

century, constructed in red and gault brick with a long straw thatched roof. The building is of a single storey with an attic and features end stacks. It is an 'L' shaped building and the cartographic evidence suggests it was originally a rectangular form parallel to the road and then later extended in the early 20th century with a rear wing. The planning history also indicates a two storey extension was approved in 1988 (ref.: F/1320/87/LB).

- 4.20. There are simplistic vernacular features including the glazed front door, three-light windows in segmental brick arches and dormer windows with leaded lights. Architecturally, the building is distinctly vernacular, employing typical and local materials and techniques of the period in its design, and as such it has moderate architectural interest.

- 4.21. There are also moderate levels of historic interest in the asset as one of the earlier surviving houses within the village which can help us to understand its historic development and common construction techniques from the time.

### Setting

- 4.22. The asset is located on the west side of Norfolk Street, set towards the rear of a large plot. The original range of the building is parallel to the road with the extension perpendicular to the main range extending towards the rear. Adjacent to the house is a double garage constructed in the late 20th century. The house and garage are immediately surrounded by a gravelled area to provide parking and access, the gravelled drive extends to the road.

- 4.23. To the rear is a small garden, contained by a

fence and large hedge. To the front, there is a larger private garden extending to the public highway and surrounded by a tall hedge. These features to both the front and rear of the property help to create a distinctly domestic and enclosed character to the private residence. Given the position of the house and intervening vegetation, there are limited views of the house from Norfolk Street, further enforcing this private character.

- 4.24. Beyond its private curtilage, the asset has a residential setting, defined by its location in the centre of the village, surrounded by a range of built form varying in date and style. The cartographic evidence has shown how the setting of the asset has changed significantly over time through the continued expansion of Wimblington and infilling of development, on all sides of the asset. It also demonstrated the changes to ownership and plot size of the asset over time which whilst still large today, has considerably decreased from its 19th century form. Whilst the asset once experienced a



Fig. 12 31 Norfolk Street viewed from the Site, taken 02.10.24.





Fig. 13 31 Norfolk Street viewed from the Norfolk Street into the plot, taken 02.10.24.

more open agricultural character to the west this has since changed through the 20th century.

4.25. The Site is located to the west of the asset. It is a small parcel of land which is currently grassed but historically has been used as a yard through the 20th century, associated with buildings to the south (Fig. 14). The Site is divided from the asset by a boarded fence and tall, well-established hedgerow.

4.26. The Site appears to have once formed part of the land parcel associated with 31 Norfolk Street, sharing both owner and occupier on the Tithe Map. However, the cartographic evidence demonstrates that the majority of the Site was within land parcel 511 (Millfield) on the Tithe Map rather than directly associated to 31 Norfolk Street. As such, the majority of the plot has always been separate. Furthermore, there is no evidence within the historic

record to suggest that 31 Norfolk Street had a direct functional connection with the Site such as grazing land or farmland. The Site is described as a "Close" and "Millfield" in the Tithe apportionment.

4.27. As set out within the history of the Site, the area surrounding 31 Norfolk Street has changed significantly throughout the second half of the 20th century through residential expansion in the area. The outlook of 31 Norfolk Street to the west would once have been more open land, including the Site, this is now more clearly defined by surrounding residential development. Given the context of the Site today, it provides a positive contribution to the asset by virtue of its open character, however, the ability to understand the asset within an agricultural, rural context is much changed, limiting the contribution of the Site.

4.28. Given the proximity between the Site and the asset, there are views between the two. From the Site, the rear of the asset is partially visible over the fence and hedge which form its western boundary, dividing it from the Site. This view is primarily of the more recent extension and lesser significant rear elevation.

4.29. There are no designed views between the site and the listed building. The property is clearly orientated towards the east and this has historically formed its primary amenity space; any functional connection with the land to the west which encompasses the site has been separate to the domestic usage of the cottage, as evidenced by the form and orientation of the property which 'turns its back' to the land to the west.



Fig. 14 The yard character to the south of the Site, taken 02.10.24.



Fig. 15 Taken towards the south of the Site looking north, 31 Norfolk Street visible on the right of the image, taken 02.10.24.

- 4.30. From outside 31 Norfolk Street, standing on the public footpath, there are no views towards the Site. From this location, there are also no views of the Site seen in conjunction with the asset.
- 4.31. Access was not obtained to 31 Norfolk Street which is a private property. Given the height of the fence and hedgerow (which are above 6ft), it can be assumed that there will be limited views from the asset looking towards the Site, limited to those from upper floors. This accentuates that the property is purposefully excluding views of the Site and there is no direct visual relationship between the two, and never has been.



## 5.0 Heritage Impact Assessment

### Planning History

- 5.1. The Site has been the subject of a previous planning application, validated in January 2024 (ref.: F/YR24/0051/F) which proposed to “Erect 8 dwellings (2 x single storey, 2 bed and 6 x single storey, 3 bed) with associated garages and the formation of an attenuation pond”. The application was withdrawn in July 2024.



Fig. 16 Previous Proposed site layout for application F/YR24/0051/F, produced December 2023. Produced by L Bevrens Associates Architects Ltd.

- 5.2. In relation to the scheme, the Conservation Officer provided the following commentary (comments dated 20.02.24):

*“The site forms a paddock/grazing land which has historically been the edge of settlement/commencement of the open countryside to the rear of Norfolk Street and Addison Road. It therefore reflects and represents a last link to the agricultural landscape setting of Norfolk Street and the setting the Listed Building (31 Norfolk Street) enjoys.*

*Development here would represent a cumulative detrimental impact to the setting of the listed building (31 Norfolk Street) the principal of which is considered harmful.”*

- 5.3. The comments acknowledged the 20th century changes to its setting including the impact of Morley Way and changes along Norfolk Street, however concluded that there was a potential cumulative impact.
- 5.4. The comments suggest there are vantage points along Norfolk Street in which the dwellings would be visible. Particular concerns were raised in relation to the submitted plots 3 and 4 and their visibility from the street. There were also concerns raised in relation to Plots 1 and 2 and views from Morley Way towards 31 Norfolk Street being obstructed.
- 5.5. The conclusion was as follows:

*“I am of the view that the loss off one of the last remaining parcels of open land on the edge of the historic parts of the settlement will have a considerable impact on the setting of the GII listed 31 Norfolk Street. This is an in-principle objection to the loss of this grazing land.*

*The development results in less than substantial harm (medium) to the identified*

*heritage assets, for which national and local heritage policy and guidance points to a presumption against Councils supporting such development, unless there are strong public benefits which outweigh the harm identified.*

*Furthermore, the heritage statement that is a requirement of both the NPPF and the Local Plan does not satisfactorily assess the impacts upon the setting of the GII listed building that is approx. 14.3m from the proposed plots 3 and 4 and views from the Morley Way public realm. The statement concludes ‘that appropriate measures have been taken with the proposed site layout to minimise the impact on the Listed Building’. It is not clear what these measures are. The statement is therefore fails to assess the relationship and impacts of this development on designated heritage assets.”*

- 5.6. The proposals were amended following these comments, however the amendments were not considered to be material and the objection from the conservation officer remained.

### Proposed development

- 5.7. The proposed scheme has been fully reconsidered in response to the conservation officer comments. A key change has been the reduction of the number of units on the site to 5 no. dwellings, with access from Morley Way, including landscaping and associated infrastructure.
- 5.8. The access road of the development will continue from Morley Way along the western boundary of the Site. Five single storey 3 bed

bungalows will be constructed fronting the road. They will be set back behind a small front garden with a much larger garden space for each plot to the rear. Each dwelling will have either an attached or detached garage.

5.9. There will be an attenuation pond to the



Fig. 17 Proposed site layout for application. Produced by L Bevens Associates Architects Ltd.

- 5.10. A number of amendments have been made to the proposals to address concerns with the previous scheme identified in the conservation officer's comments. These include:
- Reduction in number of dwellings from 8 to 5 to form a more traditional layout of development;
  - Shifting of built form to the west of the Site, away from 31 Norfolk Street alleviating previous concerns about Plots 3 and 4;
  - Removing built form from the north of the Site to alleviate previous concerns about Plots 1 and 2; and
  - Amendments to the detailing to respond to the local vernacular.

Heritage Impact assessment

Impact on 31 Norfolk Street

- 5.11. As set out in Section 4, whilst the Site's existing open character reflects the more rural aspect of the property historically to the west, the asset's setting is now predominantly 20th century residential development.
- 5.12. The comments on the previous application suggest the Site was historically grazing land in the setting of 31 Norfolk Street, there is no known record that confirms this associative use. In addition, the comments refer to this parcel of land as a historic edge of settlement. The cartographic record has demonstrated that the development along March Road is

visible on the Tithe Map and continues to increase, with the early/mid 20th century showing regular development to the west of the Site. The Site has not formed part of the edge character of the village for over 100 years and this is therefore not an appreciable characteristic of the listed building's setting, and has not been for some considerable time.

- 5.13. Taking into consideration the comments on the previous application, the positioning and layout of development has been located towards the western boundary of the Site. The proposed dwellings are generously-spaced within individual plots with large areas to the rear (east) of the dwellings. This helps to create a greater separation between the built form proposed and 31 Norfolk Street. The intervening distance will be utilised as private garden space which will retain an open element to the character of the Site. The density of the development is responsive to its surroundings and incorporates the village development character.

- 5.14. The scale and height of the proposals responds to the local character. It is single storey throughout the Site with small attached or detached garages associated with each property. This responds to the prevailing modest and single storey scale of the surrounding area and also ensures all the proposed built form remains subservient to 31 Norfolk Street.

- 5.15. A photo montage visual provided in Figure 18 shows the Site as developed following the proposed plans. This clearly demonstrates the set back of development along the western boundary and separation from 31 Norfolk



Street. It highlights the preservation of the green character of the Site towards the rear of the proposed properties in closest proximity to the asset.

provision of additional native vegetation throughout, particularly to the north, south-east and western boundaries. This reflects the green character of the Site and this area of the village.

5.16. The proposals will be enhanced by the



Fig. 18 Photomontage of the proposed development. Produced by L Bevens Associates Architects Ltd.



Fig. 19 Garage of 31 Norfolk Street. The style is replicated in the garages of the proposed design.

- 5.17. The materials and design of the proposed dwellings have been chosen to create variety within the Site, whilst also drawing inspiration from the existing built form within the local area. This references and connects to the existing village character ensuring the development works coherently with the neighbouring Morley Way and also more widely within the historic settlement.
- 5.18. The design of the dwellings takes a traditional approach. There are design features such as a keystone which reference the local character. The gables of the proposed dwellings respond to the gabled form of many of the properties in the surrounding area including 31 Norfolk Street.





Fig. 20 House on March Road. The style of stone keystones and materials are replicated in the proposed dwellings.

5.19. The conservation officer comments from the previous application raised concerns about viewpoints towards the Site from Norfolk Street. Images were included within the comments however it must be noted these are not taken from the public highway in Norfolk Street but rather within the curtilage of 31 Norfolk Street. The views over the fence towards the Site have also been taken at an elevated position. A site visit has confirmed that there will be limited to no visibility of the Site from Norfolk Street itself as a result of the dense vegetation and boundary treatment of

the property. There are currently no publicly accessible views on Norfolk Street in which the Site can be currently appreciated alongside 31 Norfolk Street. Therefore, given the limited height of the proposed dwellings, there will be limited if any views of the proposed dwellings from Norfolk Street.



Fig. 21 View of the asset from Norfolk Street, taken 02.10.24.



Fig. 22 View of the asset from Norfolk Street, taken 02.10.24.

5.20. In addition, the site visit also confirmed the lack of visibility of 31 Norfolk Street from the end of Morley Way, another view point referred to by the conservation officer. In its current form, there are glimpsed views of 31 Norfolk Street over the top of the fence and beyond the mature vegetation. Through the positioning of built form within the proposals, these views will be retained.



Fig. 23 View from the green at Morley Way towards the Site and 31 Norfolk Street (outlined in blue), taken 02.10.24.

5.21. Irrespective of views, the proposals will introduce additional built form within proximity of the identified heritage asset. However, the site is currently appreciated in the context of the surrounding residential and bungalow development and it is much changed from its historic more rural character. The Site provides a limited contribution to how the asset is experienced. Through the careful consideration of design, massing, layout, landscaping and materials, the proposed development is considered to preserve the setting of 31 Norfolk Street.

## **6.0 Conclusions**

- 6.1. This Heritage Statement has been produced to accompany the planning application for the erection of five single storey dwellings with associated landscaping and infrastructure at land to the south of Morley Way.
- 6.2. The previous sections of the report have demonstrated that this scheme will not result in an adverse impact on the setting of 31 Norfolk Street.
- 6.3. The proposals have taken into consideration comments made on the previously withdrawn scheme to ensure the proposed built form better responds to the setting of the asset through a more traditional layout of development, aligned along the western edge of the site and set away from the listed building. Key views will be preserved, and the new homes are appropriate in scale, massing and design details
- 6.4. The proposals represent an opportunity to deliver residential development which reflects the green, rural character of the village in a sensitive manner. In line with the objectives of para 203 of the NPPF, the development has responded to the local character and distinctiveness of the village.
- 6.5. The proposals are also considered to be in accordance with LP18 The Historic Environment of the Fenland Local Plan, in addition to the policy tests set out in the 1990 Act and Chapter 16 of the NPPF.

## CONSERVATION REFERRAL COMMENTS

**Application Ref: F/YR24/1000/F**

**Address: Land West Of 27 Norfolk Street Wimblington Cambridgeshire**

**DC Case Officer: T Donnelly**

**Conservation Officer: S Falco**

**Date: 13/02/2025**

**Proposal:**

Erect 5 dwellings with associated garages and the formation of an attenuation pond

**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 the proposal on the architectural and historic interests of Non-Designated Heritage Assets 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.
3. Due regard is given to relevant planning history.
4. Comments are made with due regard to Section 16 of the National Planning Policy Framework, 2023, specifically, paragraphs 201, 203, 205, 206, and 208.

---

**Revised Application F/YR24/1000/F:**

Erect 5 dwellings with associated garages and the formation of an attenuation pond.

The previous application was withdrawn and has been resubmitted under current planning ref: F/YR24/1000/F for a reduced number of dwellings of 5 in number rather than 8.

Rather than two lines of dwellings with a roadway through the centre of the site, the proposal is for a single line of dwellings with the roadway to the far west of the site.

The result of this revision is that the site is being less intensively developed with greater distances between the proposed and the GII listed cottage known as 27 Norfolk Street. However, results in the effect of a wall of development in the backdrop of the listed building, which changes its setting from one of open countryside to that of residential development.

The historic maps below show the listed building and the open agrarian landscape setting it has benefitted from and had a very strong relationship with historically. The open setting allows the building to be appreciated within its historic context.



Fig 1: Early C20 map of area



Fig 2: Early C20 map of area



The setting has changed somewhat in the C20 whereby the listed building no longer stands isolated, with C20 dwellings fronting Norfolk Street now flanking the listed building, however, 31 Norfolk Street (GII) still retains a spacious plot and its contextual setting with Norfolk Street and the open grazing land to the rear (the development site).

The modern housing development of Morley Way, has had some impact on the wider setting and appreciation of both 31 Norfolk Street and Addison House, by changing the historic morphology of the settlement and how these historic buildings are understood in their context, however, this is more distant than the current proposal where those setting impacts would be directly behind and therefore magnifying the impact.

Historic England guidance on setting states that you should consider the effect of cumulative impact on setting: "Cumulative change, where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset. Negative change could include severing the last link between an asset and its original setting" (p4 of *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)*).

There has previously been and remains an in-principal objection to the loss of this historic area of paddock / grazing land to development, which benefits the setting of a number of nearby heritage assets and the general historic settlement layout and its agrarian land uses.

The opinion that this historically important undeveloped land should not be developed with piecemeal residential encroachment is consistent with the views of the previous conservation officer who commented the following on an adjacent application relating to the redevelopment of the farmyard to the south under app ref:

*'Therefore, when a full planning permission application comes forward the development should be clearly designed to fall within the existing yard and in such a way, as to not allow for the possibility of further development (for example, linking up with Morley Way) as this kind of piecemeal development would affect the ability to appreciate the significance of the nearby listed buildings'.*

It should be noted that there are vantage points from the front of 27 Norfolk Street and from the rear of the listed building. The proposed dwellings, despite their greater distance from the listed building would remain visible in the backdrop of these views and intrude on the appreciation of the listed building which at present is appreciated with no development in the backdrop, for which it has benefitted from historically. A considerable amount of its significance is derived from a rural cottage with open land surrounding it. As a result of this development, that setting and significance will be impacted upon.



Fig 3: Yellow arrows denoting views from curtilage of GII listed Building (31 Norfolk Street) to proposed plots 2, 3 and 4 which are of comparable height to Listed Building. Red arrows denote current views from the public realm of Morley Way where the listed building is appreciated from the rear in context with the historic open landscape of the grazing land to the rear.

This gives rise to a strong objection as to the impact the development will have upon the setting and historical associations of 31 Norfolk Street with the open countryside.

The proposed dwellings are considered to be of comparable height to the existing listed building and the ground levels of the proposed development site is noticeably higher than the ground levels of the listed building. As such, the presence of the proposed development (taking into consideration their respective heights), are considered to unacceptably intrude on and clutter the surroundings and backdrop of the listed building and impact detrimentally on its setting and its appreciation in views towards it from various vantage points.



Fig 4: Views through to the development site and proposed dwellings in close proximity



Fig 5: Views through to the development site and proposed dwellings in proximity



Fig 6: Views through to the development site and proposed dwellings in close proximity





Fig 7: View towards development site within garden of Listed Building. The presence of modern development from the garden would impact on setting also



Fig 8: View along shared boundary of Listed Building and Proposed Development showing very close proximity

### **Conclusion:**

I am of the view that the loss off one of the last remaining parcels of open land on the edge of the historic parts of the settlement will have a considerable impact on the setting of the GII listed 31 Norfolk Street. This is an in-principle objection to the loss of this grazing land.

The setting of the LB is currently that of a building sat within its spacious grounds with a verdant and spacious field setting in the backdrop, as it has benefitted from historically. The change to this setting would be considerable and alter the context that the Listed building is appreciated and understood.

The development results in less than substantial harm (medium) to the identified heritage assets, for which national and local heritage policy and guidance points to a presumption against Councils supporting such development, unless there are strong public benefits which outweigh the harm identified.

**RECCOMENDATION: Objection - Refuse**

# Heritage Rebuttal

---

*"Erect 5 dwellings with associated garages and the formation of an attenuation pond"* at the Land West of 27 Norfolk Street, accessed from Morley Way (ref.: F/YR24/1000/F)

Project Number: 24.121  
Version: 1  
Date Issued: March 2025  
Author: Emma Healey IHBC AssocRTPI, reviewed by Jenni Mason IHBC

#### **COPYRIGHT**

**No part of this document may be copied or reproduced without the written consent of JB Heritage Consulting Limited.**

JB Heritage Consulting Limited. Registered in England and Wales. Registered number: 13063265. Registered office: BCS, Windsor House, Station Court, Great Shelford, Cambridge, CB22 5NE.



## 1.0 Introduction

- 1.1. This Heritage Rebuttal has been prepared on behalf of the applicant to support the live application (ref.: F/YR24/1000/F) relating to the Land West of 27 Norfolk Street, accessed from Morley Way to *"Erect 5 dwellings with associated garages and the formation of an attenuation pond"*.
- 1.2. The Site comprises a small enclosed parcel of grassed land surrounded by residential development. The only heritage asset deemed to have the potential to be impacted by the proposals is Grade II listed 31 Norfolk Street (NHLE 1126585). This has been established by the Conservation Officer's comments on the previous withdrawn application on the Site (ref.: F/YR24/0051/F).
- 1.3. As part of the formal consultation for this application, comments were received by the Conservation Officer for Fenland District Council who has objected to the proposals stating that: *"The development results in less than substantial harm (medium) to the identified heritage assets, for which national and local heritage policy and guidance points to a presumption against Councils supporting such development, unless there are strong public benefits which outweigh the harm identified."* The detailed comments raise concerns in relation to the setting of 31 Norfolk Street, specifically the loss of one of the last remaining parcels of open land (misunderstood to be grazing land) on the edge of the historic settlement and the loss of the *"verdant and spacious field setting in the backdrop"* of 31 Norfolk Street.
- 1.4. This rebuttal has been specifically written in reference to these comments, providing additional assessment of these issues. It should be read in conjunction with the submitted Heritage Statement which sets out the baseline and heritage impact assessment in more detail.
- 1.5. Whilst it is recognised that the National Planning Policy Framework has been updated following the submission of the application, the content within the Chapter 16 relating to heritage has not changed and therefore the amended numbering has not been repeated here for reasons of brevity.
- 1.6. This note will summarise the heritage baseline before considering the concerns raised by the conservation officer in turn.

## 2.0 Heritage Baseline

- 2.1. The Heritage Statement set out a statement of significance of 31 Norfolk Street and a detailed history of the Site including a map regression which will not be repeated fully here but referenced to aid in the discussion of the conservation officer's comments.
- 2.2. The conservation officer's comments state: *"The historic maps below show the listed building and the open agrarian landscape setting it has benefited from and had a very strong relationship with historically. The open setting allows the building to be appreciated within its historic context."* The maps reproduced in the Conservation Officer's comments are dated by them to the early 20th century; the National Library of Scotland confirms they date from 1903 and 1887 respectively.
- 2.3. Whilst it is acknowledged these maps show the listed building within a more open setting, they show a snapshot in time of a much smaller village that has changed significantly over the last century. This is partially acknowledged in the comments which state: *"The setting has changed somewhat in the C20 whereby the listed building no longer stands isolated, with C20 dwellings fronting Norfolk Street now flanking the listed building, however, 31 Norfolk Street (GII) still retains a spacious plot and its contextual setting with Norfolk Street and the open grazing land to the rear (the development site)." There are also continued references throughout the comments to the asset being set within "open countryside".*
- 2.4. As set out within the Heritage Statement, there is no evidence within the historic record to suggest that 31 Norfolk Street had a direct functional connection with the Site such as grazing land or farmland. The Site is described as a *"Close"* and *"Millfield"* in the Tithe apportionment. The aerial views combined with the map evidence help to showcase the changing setting of 31 Norfolk Street as the village developed through the 20th century, particularly evident along Norfolk Street and March Road to the rear of 31 Norfolk Street and the Site where a line of development formed. By the early 2000s, the aerial views

depict both the Site and 31 Norfolk Street largely surrounded by residential development. The Site itself is also shown as a cleared yard with no vegetation in the aerial images. Historically and today, the Site is not known to have ever been grazing land. The asset is not located within open countryside or on the edge of the village but surrounded by residential development in the heart of the village. The Tithe and OS maps clearly show development (albeit limited) along the road to the west, demonstrating that historically this asset has never been at the edge of the village.

- 2.5. The conservation officer's comments on the asset being located within a *"spacious plot"*. The map regression within the Heritage Statement highlighted that the plot of 31 Norfolk Street has historically only extended very minimally to the rear (west) on the boundary of the site, with a slightly larger extent to the north, but its grounds primarily extend to the east, towards Norfolk Street. The property is clearly orientated towards the east and this has historically formed its primary amenity space; any functional connection with the land to the west which encompasses the site has been separate to the domestic usage of the cottage, as evidenced by the form and orientation of the property which 'turns its back' to the land to the west.
- 2.6. The comments state: *"...this historic area of paddock / grazing land ... benefits the setting of a number of nearby heritage assets and the general historic settlement layout and its agrarian land uses."* There is particular mention of Grade II listed Addison House which is located to the south of the Site. Addison House has historically been separated by intervening built form, as shown on the historic maps within the Heritage Statement and indeed the two maps used within the conservation officer's comments. In addition to this, the consented scheme for eight dwellings (ref.: F/YR21/1055/O) will be constructed in between this asset and the Site, clearly removing any contribution the site may have possibly made to the wider setting of Addison House. For these reasons, it is not considered that this parcel of land contributes to our appreciation and understanding of Addison House.
- 2.7. It is considered that the conservation officer has given undue weight to the contribution the Site makes to the setting of 31 Norfolk Street and has failed to acknowledge the current setting the asset is experienced in is one of residential built form.

### **3.0 Heritage Impact Assessment and Conclusions**

#### ***Heritage Impact Assessment***

- 3.1. The conservation officer's comments acknowledge the amendments made from the previously submitted scheme: *"Rather than two lines of dwellings with a roadway through the centre of the site, the proposal is for a single line of dwellings with the roadway to the far west of the site. The result of this revision is that the site is being less intensively developed with greater distances between the proposed and the GII listed cottage known as 31 Norfolk Street."* We welcome the recognition of this change as careful consideration has been given to reduce the number of dwellings within the Site from the previous scheme. However, the comments go on to state that the proposals: *"...results in the effect of a wall of development in the backdrop of the listed building, which changes its setting from one of open countryside to that of residential development."*
- 3.2. We consider that this comment fails to acknowledge the layout of the proposed development with the spaces between each dwelling which helps to ensure the proposed dwellings do not appear as a solid wall of development but reflects the surrounding character in the area. This also fails to recognise the variety in the roofscape which helps to break up the massing of the dwellings, particularly when viewed from 31 Norfolk Street. Furthermore, as set out above, it is evident in the map regression and assessment of significance and setting that 31 Norfolk Street does not have an *"open countryside"* setting but already exists within a residential setting of the existing residential built form.
- 3.3. The conservation officer refers back to their comments on the approved scheme to the south (ref.: F/YR21/1055/O) with reference to the conjoining of the approved scheme and this development which is under consideration, in particular the reference of this residential development linking up to Morley Way. An attenuation pond has been located within the southern portion of this Site, separating this Site from the approved development to the south. This helps to keep the two areas of proposed residential development separate and prevent the merging of the two. Whilst this Site will add further residential development to this area of the village, the large plots and spacing of the proposed layout will respect



Fig. 1 Image within property boundary of 31 Norfolk Street, taken from Conservation Officers comments (fig. 4). Houses on March Road visible to the rear, circled in blue.



Fig. 2 Image within property boundary of 31 Norfolk Street, courtesy of conservation officer. CGI of roofscape of proposed dwellings.





*Fig. 3 Image within property boundary of 31 Norfolk Street to the rear, taken from Conservation Officers comments (fig. 7). Morley Way visible in the views, circled in blue.*



*Fig. 4 Image within property boundary of 31 Norfolk Street to the rear, courtesy of conservation officer. CGI of roofscape of proposed dwellings.*

the historic layout within the village.

- 3.4. The comments state that *"...there are vantage points from the front of 27 Norfolk Street and from the rear of the listed building. The proposed dwellings, despite their greater distance from the listed building would remain visible in the backdrop of these views and intrude on the appreciation of the listed building which at present is appreciated with no development in the backdrop, for which it has benefited from historically. A considerable amount of its significance is derived from a rural cottage with open land surrounding it. As a result of this development, that setting and significance will be impacted upon."* Firstly, it is important to establish that the reference to *"no development in the backdrop"* is incorrect and fails to acknowledge the residential development that is viewed behind 31 Norfolk Street. The images within the conservation officer's comments (Figs. 4 and 7 within the comments, reproduced as Figs. 1 and 3 within this note) both include a view taken from within the property boundary of 31 Norfolk Street and clearly show that residential development of March Road and Morley Way is visible in these views. In addition, it must be emphasised that from outside 31 Norfolk Street, standing on the public footpath, there are no views towards the Site. From this location, there are also no views of the Site seen in conjunction with the asset. Views only exist from within the property boundary.
- 3.5. The conservation officer's images use arrows to highlight where the proposed dwellings are thought to be visible. The client has prepared some CGI images of these specific view points to show where the proposed development would actually be seen. The CGIs produced by the applicant demonstrate that the roofscape of the proposed dwellings will be visible in conjunction with 31 Norfolk Street, however given the considerable separation distance, this is limited to one or two dwellings in each view and with a view of only the traditional gabled roof forms of the buildings which do not detract from our appreciation of the asset which is already seen and experienced alongside residential development. The proposed design of the dwellings is also not dissimilar from the character and form of ancillary outbuildings found in service yards and areas such as this. Certainly from the property, the view across the roofscape is not overtly domestic or dominant in character.
- 3.6. The conservation officer's comments note: *"The proposed dwellings are considered to be of comparable height to the existing listed building and the ground levels of the proposed development site is noticeably higher than the ground levels of the listed building. As such, the presence of the proposed development (taking into consideration their respective heights), are considered to unacceptably intrude on and clutter the surroundings and backdrop of the listed building and impact detrimentally on its setting and its appreciation in views towards it from various vantage points."* Whilst it is true that the proposed dwellings are of comparable heights to 31 Norfolk Street, the dwellings have been designed to sit lower than 31 Norfolk Street which has a ridge height of 10.96m with the proposed dwellings at 10.41m. The comments suggest that there is a substantial height difference as a result of the ground levels; the submitted section of the Site (Figure 5) highlights that this difference is minimal and not perceptible on the ground. Furthermore, the CGIs highlight the proposed dwellings will not clutter the backdrop of the listed building but simply be partially visible through the gaps in planting over the boundary fence seen within the context of surrounding residential built form.

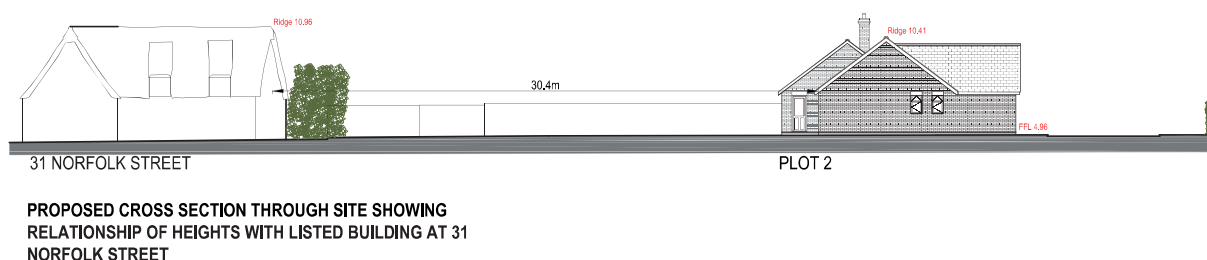


Fig. 5 Cross Section of the proposed dwelling and 31 Norfolk Street showing ridge heights and separation distance.





Fig. 6 Image from the viewpoint at Morley Way across to 31 Norfolk Street with the rear of the proposed dwellings marked by orange cones.

- 3.7. In addition to the view points from the listed building to the Site, the conservation officer's comments included a view point of *"current views from the public realm of Morley Way where the listed building is appreciated from the rear in context with the historic open landscape of the grazing land to the rear."* Currently this view is considerably screened by the 1.8m fence which separates the Site from Morley Way, limiting views towards the listed building from this area. Consideration has been given to this viewpoint through the design and layout of the scheme with the line of built form set back, preserving the view towards the asset (as shown in Figure 6).

### Conclusions

- 3.8. The conservation officer's comments conclude:

*"...the loss off one of the last remaining parcels of open land on the edge of the historic parts of the settlement will have a considerable impact on the setting of the GII listed 31 Norfolk Street. This is an in-principle objection to the loss of this grazing land. The setting of the LB is currently that of a building sat within its spacious grounds with a verdant and spacious field setting in the backdrop, as it has benefited from historically. The change to this setting would be considerable and alter the context that the Listed building is appreciated and understood. The development results in less than substantial harm (medium) to the identified heritage assets, for which national and local heritage policy and guidance points to a presumption against Councils supporting such development, unless there are strong public benefits which outweigh the harm identified."*

As set out above, the description of the Site as *"grazing land"* (which evidence suggests it has never been) and part of the *"verdant and spacious field setting"* of 31 Norfolk Street aggrandises the importance of the Site to the setting of the listed building which today is more readily appreciated within the context of residential development which surrounds the asset and is symbolic of the evolving village throughout the 20th century. It is considered that the conservation officer's comments have failed to recognise the current setting of the listed building and the most important aspects of its setting which have historically and today focussed towards the east.

- 3.9. To conclude, the proposals have taken into consideration comments made on the previously withdrawn scheme to ensure the proposed built form better responds to the setting of the asset through a more

traditional layout of development, aligned along the western edge of the site and set away from the listed building. Key views will be preserved, and the new homes are appropriate in scale, massing and design details, reflecting the local character.

- 3.10. The proposals represent an opportunity to deliver residential development which respects the green, rural character of the village in a sensitive manner. In line with the objectives of para 203 of the NPPF, the development has responded to the local character and distinctiveness of the village.
- 3.11. The proposals are also considered to be in accordance with LP18 The Historic Environment of the Fenland Local Plan, in addition to the policy tests set out in the 1990 Act and Chapter 16 of the NPPF.



## CONSERVATION REFERRAL COMMENTS

**Application Ref:** F/YR24/1000/F

**Address:** Land West Of 27 Norfolk Street Accessed from Morley Way, Wimblington

**DC Case Officer:** T Donnelly

**Conservation Officer:** S Falco

**Date:** 09/04/2025

The below is in response to the submitted rebuttal to the FDC Conservation objections, by the applicant's heritage consultant.

The comments have clearly been made to support the application and choose to take a different view of the assessed impacts surrounding the proposal.

The CGI images within the rebuttal clearly show that the current open backdrop that this GII listed cottage has benefitted from historically and how its setting will indeed be eroded by the presence of suburban development in close quarters. Essentially replacing open backdrop that has formed the setting of the listed building historically.

The view in figure 1 (below) of the rebuttal shows an open backdrop with a distant farmhouse and mature trees. Figure 2 CGI clearly shows the roofscape of modern development in a continuous line in the backdrop setting of this heritage asset. In my professional opinion, the rebuttal unintentionally highlights the harm, rather than negating. The CGI clearly shows a wall of development directly behind the key views of the listed building that interrupts its longstanding setting.



Fig. 1 Image within property boundary of 31 Norfolk Street, taken from Conservation Officers comments (fig. 4). Houses on March Road visible to the rear, circled in blue.



Fig. 2 Image within property boundary of 31 Norfolk Street, courtesy of conservation officer. CGI of roofscape of proposed dwellings.

Fig 4 and 5 below, although to a lesser extent owing to the existing building in the backdrop, still highlights the close quarters and impact on setting that would result from this development. It should also be noted that the existing backdrop building shown in fig 4 is circa 80m from the listed building, not circa 30m as will be the case with the proposed (fig 5).



Fig. 3 Image within property boundary of 31 Norfolk Street to the rear, taken from Conservation Officers comments (fig. 7). Morley Way visible in the views, circled in blue.



Fig. 4 Image within property boundary of 31 Norfolk Street to the rear, courtesy of conservation officer. CGI of roofscape of proposed dwellings.

6

The statement raises that *'the conservation comments fail to acknowledge the layout of the proposed development, with the spaces between each dwelling'*. When referring to the wall of development that the rebuttal seeks to dismiss, I refer to the string of houses with attached pitched roof garages, with less than a meter between each, running in a continuous line directly behind the listed building. This acts to negatively alter the setting of the LB, by enclosing views that are currently open and providing a positive setting to the listed building.

The open agrarian land that the development is proposed is considered to be an important buffer in preserving the setting of the listed building.

The Morley Way development has indeed impacted the setting to a degree, but this current development proposal is located immediately to the rear of the listed building and therefore the additional impacts on the setting of the listed building are magnified.

Historic England guidance on setting states that *'where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policy, strong considerations need to be given to whether additional change will further detract from the significance of the asset'*. Negative change would include severing the last link between the asset and its historic setting, as would clearly be the case here.

It is considered that the author to the report has given insufficient weight to the contribution the historic area of open land makes to the setting of 31 Norfolk Street and indeed the edge of the historic settlement.

The rebuttal states that the OS mapping is a *'snapshot in time of a much smaller village that has changed substantially over the last century'*. Whilst there has been considerable growth and change, the immediate backdrop setting to the rear of the listed building has changed little.

Regarding the historic relationship between the host listed building and the agrarian land to the rear. Whilst there is no evidence of historic combined ownership, there is a clear and longstanding relationship and setting that this Listed Building has benefitted from historically, for which the rebuttal fails to consider.

### **Conclusions:**

To conclude, there is a firm disagreement with the statements made in the rebuttal with regards to key views and setting being preserved. Furthermore, there is strong disagreement that the development accords with LP18 and heritage sections of the NPPF.

The proposals came forward with little heritage consideration and without a suitably detailed HIA. The HIA's have been created after the proposal has been put together and attempt to justify.

Owing to the impact on setting and the loss of one of the last remaining parcels of open land adjacent to the historic core of the village, the development will result in less than substantial harm (medium on the spectrum) and therefore is not deemed accord with Policy LP18 of the Fenland Local Plan 2014 and relevant heritage sections of the NPPF.

Finally, para 213 of the NPPF states that any harm to the significance of a designated heritage asset or its setting should require clear and convincing justification for which has not been provided.

**Recommendation: Refuse**

Agenda Item No:	<b>11</b>	
Committee:	<b>Planning Committee</b>	
Date:	<b>20 August 2025</b>	
Report Title:	<b>Update on Planning Application F/YR25/0328/F and Relevant Statutory Duties</b>	

## 1 Purpose / Summary

- 1.1 This report is presented to provide Members with a formal update in respect of planning application F/YR25/0328/F, which was considered by the Planning Committee on 25 June 2025. At that meeting, Members resolved to grant planning permission, subject to conditions, contrary to the Officer recommendation as set out in the published committee report (reproduced at Appendix 1).
- 1.2 This report has been prepared with the purpose of providing Members with an update which, in Officers' view, is considered material to the determination of the application.
- 1.3 Where a resolution to grant planning permission has been made by a Committee but no formal decision notice has yet been issued, the Council has not, in law, determined the application. Until such time as the decision notice is issued, the Local Planning Authority retains jurisdiction to reconsider the matter.
- 1.4 The Courts have confirmed that, in these circumstances, if there is a material change in relevant considerations, Officers must assess whether it remains lawful and appropriate to proceed to issue the decision as previously resolved, or whether the application should be referred back to Committee. This principle is well established in case law, most notably in R (Kides) v South Cambridgeshire DC [2003] 1 P&CR 19.
- 1.5 In practical terms, this means that where a material change in circumstances arises following the Committee's resolution to grant planning permission, but before the formal decision notice has been issued, the implied authority for Officers to issue the decision no longer applies. In such cases, the application therefore, is required to be referred back to Committee for further consideration.



- 1.6 The Committee is invited to consider whether, in light of the issues now set out, it would be appropriate to revisit the resolution to grant planning permission in order to ensure that the Council's position is legally robust, clearly reasoned, and compliant with its statutory duties as the Local Planning Authority.

## **2 Key issues**

- Members resolved to grant planning permission contrary to Officer recommendation due to identified heritage impacts.
- The planning application affects the setting of a Grade II listed building, engaging statutory duties under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The statutory duty requires "special regard" to preserving the setting of listed buildings, creating a strong presumption against granting permission where harm is identified.
- The Council has received formal legal correspondence challenging the lawfulness of the Committee's resolution to grant planning permission for an application that affects the setting of a Grade II listed building contrary to Officer recommendation for a different application.
- Independent legal advice has been sought, for the other application, which raises concerns about the robustness of the Committee's reasons and the risk of judicial review if the decision is not revisited.
- Whilst the legal opinion does not relate specifically to this application, it addresses legal matters that are directly comparable to those relevant to the assessment of this proposal and the planning balance previously undertaken by Members. As such, it constitutes a material consideration in the determination of the application.
- The Committee may still lawfully conclude that planning permission should be granted, provided that any such decision is underpinned by clear, well-reasoned, and publicly defensible justifications that fully address the relevant legal requirements, development plan policies, and material considerations.

- Failure to address these legal and policy requirements risks the Council making an unlawful decision. This decision would be vulnerable to a judicial review and the associated costs ultimately borne by the local community through Council Tax.
- The Committee is invited to reconsider the application, applying the relevant statutory duties, policies, and material considerations, to ensure a lawful and robust decision.

### 3 Recommendations

- 3.1 The recommendation is to refuse planning permission for the reason set out in section 11 of this report.

Wards Affected	All
Forward Plan Reference	N/A
Portfolio Holder(s)	Cllr Mrs D Laws
Report Originator(s)	Matthew Leigh
Contact Officer(s)	Matthew Leigh - Head of Planning <a href="mailto:mleigh@fenland.gov.uk">mleigh@fenland.gov.uk</a>
Background Paper(s)	N/A

### 4 Decision-Making Framework and Member Responsibilities

- 4.1 In determining planning applications, the Planning Committee exercises the Council's functions as the Local Planning Authority under the Town and Country Planning Act 1990 (as amended), together with any relevant subordinate legislation. In doing so, Members are legally obliged to operate within the statutory framework that governs all planning decisions.
- 4.2 In particular, Members of the Committee:

- Must determine planning applications in accordance with the development plan for the area (in this case, the Fenland Local Plan (2014) the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021) and the Wimblington and Stonea Neighbourhood Plan (Pre-Submission Draft October 2024)), unless material considerations indicate otherwise, as required by section 38(6) of the Planning and Compulsory Purchase Act 2004.
- Are required to have proper regard to the Officer's report, including its assessment of the development plan policies and all other relevant material considerations. This includes giving due weight to matters of planning judgement, technical advice from consultees, and any legal context or implications referred to in the report.
- Are entitled to form a different conclusion from Officers, provided their reasons are rational, evidence-based, and capable of withstanding scrutiny. Members may give differing weight to material considerations, but must ensure that the reasons for doing so are clearly explained, relevant, and defensible.
- Must also have regard to all other relevant statutory duties beyond the planning acts. This may include, where applicable, obligations under the Planning (Listed Buildings and Conservation Areas) Act 1990, the Environment Act 2021 and the Natural Environment and Rural Communities Act 2006. These place additional legal duties on the decision-maker and must be read alongside the planning legislation.

4.3 The law is clear that failure to have regard to these legal requirements, or a failure to articulate robust and lawful planning reasons for departing from policy or technical advice, may render a decision unlawful and liable to legal challenge.

## **5 Application History**

5.1 On 25 June 2025, the Planning Committee considered planning application reference F/Y R25/0328/F for the erection of a dwelling to the rear of 108 High Street, a Grade II listed building. The Officer's Report, which set out the relevant planning policy context, detailed assessment, and recommendation, is attached at Appendix 1 to this report.

5.2 The planning application was recommended for refusal for the following reasons:

*“1. The application would result in development within the setting of a Grade II listed building, 108 High Street, and would result in less than substantial harm to this setting and the Conservation Area, by virtue of introducing built form into currently undeveloped open land forming the historic context to the listed building, separating the Listed Building from its historic curtilage, without adequate justification, and without any public benefits outweighing this harm. The linear curtilage of the site is an important historic feature and its loss would also introduce harm to the character and historic settlement of the Conservation Area. This harm is exacerbated by the modern design of the proposed dwelling, which does not seek to respect or reflect the design of the host Listed Building.*

*As such, if permitted, the development would be contrary to Policy H2 of the March Neighbourhood Plan 2017, Policy LP16 and LP18 of the Fenland Local Plan 2014 as well as Paragraphs 213 and 215 of the National Planning Policy Framework.*

*2. Policy LP15 of the Fenland Local Plan (2014) requires that developments provide "well designed, safe and convenient access for all". The access drive itself is of limited width, as little as 2.9 metres at the narrowest point. The increase in traffic proposed as a result of the application, combined with the narrowness of the access road would result in an access drive that fails to meet the above requirements of policy H2 of the March Neighbourhood Plan 2017 or Policy LP15 of the Fenland Local Plan (2014).”*

5.3 Despite the Officer’s recommendation, Members resolved to approve the proposal. While Members are of course entitled to depart from Officer advice, any such decision must be based on sound planning grounds, supported by evidence, and capable of clear articulation. This is particularly important where such a decision engages policies of recognised importance, such as those relating to heritage assets.

5.4 It is well established in case law that, in such circumstances, a general common law duty to give reasons will arise, particularly where permission is granted in the face of substantial public opposition, contrary to Officer recommendation, and involving a

significant departure from the development plan or other policies of national importance.

- 5.5 Following the Committee's resolution to grant planning permission, the Council received independent legal advice for a different application. This advice was sort in response to allegations that the Planning Committee had failed to lawfully assess and apply its statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The advice also addressed concerns that the Committee had not properly considered relevant national and local planning policies, including the National Planning Policy Framework and Policy LP18 of the Local Plan, when resolving to grant planning permission contrary to the Officer recommendation. The advice is appended at Appendix 2 to this report.
- 5.6 The independent legal advice concludes that there are concerns regarding the robustness of the Committee's debate and the reasoning that underpinned the resolution to grant planning permission. The proposal would result in harm to the setting of a Grade II listed building and therefore, the statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is engaged. This duty requires decision-makers to have special regard to the desirability of preserving the setting of listed buildings, and case law confirms that this creates a strong presumption against the grant of planning permission; this statutory duty must be given considerable importance and weight in the planning balance.
- 5.7 The advice goes on to state that the public benefits put forward in support of the development are limited. The provision of five additional dwellings carries only modest weight in circumstances where the Council can demonstrate a healthy and deliverable five-year housing land supply. No other compelling countervailing public benefits have been identified that would clearly and convincingly outweigh the harm to the designated heritage asset. In such circumstances, the legal opinion advises that the justification for approving the development is weak and legally vulnerable unless it is revisited and properly articulated.
- 5.8 The independent legal advice obtained by the Council concludes that the most appropriate and legally robust course of action would be for Officers to refer the application back to the Planning Committee for further consideration. This

recommendation does not imply that the Committee is incapable of reaching a lawful decision to approve the development; rather, it reflects the legal adviser's view that the reasons articulated during the debate were insufficiently clear or detailed to support the current resolution. The advice highlights that, as presently recorded in the transcript, the justification for granting permission lacks the necessary robustness and is therefore vulnerable to legal challenge.

- 5.9 Whilst the legal opinion obtained does not relate specifically to the application site, it addresses key legal principles that are directly relevant to the issues arising in this case. In particular, it reinforces the requirement under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that where harm to the setting of a listed building is identified, that harm must be given considerable importance and weight, and can only be outweighed by public benefits that are sufficient to justify the harm. The opinion notes that if the development of five dwellings on an adjacent site was found to cause harm to the setting of a listed building, and the benefits of those dwellings were not sufficient to outweigh that harm. Therefore, it would not be consistent to conclude that a single dwelling, located within the curtilage of the listed building itself, would give rise to a greater degree of harm but not be capable of being justified by comparatively fewer public benefits. The legal principles underpinning both applications are, in Officers' view, materially the same.
- 5.10 It is well established that Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires a planning authority, when dealing with a planning application, to have regard to all material considerations. This duty clearly extends to any new and relevant material considerations that arise between the Committee's resolution and the issuing of the Decision Notice. Such considerations must be fully weighed by the decision-maker prior to final determination.
- 5.11 This principle is reinforced by the judgment in *Kides v South Cambridgeshire District Council* [2003], which provides clarity on the interpretation of section 70(2). The Court held that the phrase 'dealing with' an application encompasses all actions undertaken by or on behalf of the planning authority that bear in any way on the application, whether directly or indirectly. In temporal terms, the authority begins dealing with an application upon its receipt and normally concludes upon issuing the decision notice.



- 5.12 The judgment further clarifies the definition of a 'material consideration' as any factor relevant to whether the application should be granted or refused. Material considerations must have some weight in the decision-making process one way or the other. In other words, it must be a factor which has some weight in the decision-making process, although plainly it may not be determinative. The test must, of course, be an objective one in the sense that the choice of material considerations must be a rational one, and the considerations chosen must be rationally related to land use issues.
- 5.13 The above decision provides clear guidelines in relation to where new material considerations arise before the decision notice is issued. Stating 'where the delegated officer who is about to sign the decision notice becomes aware (or ought reasonably to have become aware) of a new material consideration, section 70(2) requires that the authority have regard to that consideration before finally determining the application. In such a situation, therefore, the authority of the delegated officer must be such as to require him to refer the matter back to committee for reconsideration in the light of the new consideration. If he fails to do so, the authority will be in breach of its statutory duty'.
- 5.14 In developing his position, he further stated that 'an authority's duty to *"have regard to material considerations is not to be elevated into a formal requirement that in every case where a new material consideration arises after the passing of a resolution (in principle) to grant planning permission but before the issue of the decision notice there has to be a specific referral of the application back to committee."*
- 5.15 The effect of the judgment in *Kides* is that, where a new material consideration arises after a Committee has resolved to grant planning permission but before the decision notice has been issued, section 70(2) of the Town and Country Planning Act 1990 requires the Local Planning Authority to have regard to that consideration before finally determining the application. Where such a matter has not been considered by the Committee, the authority cannot lawfully proceed to issue the decision under delegated powers, and the implied delegation to Officers falls away. In such circumstances, the application must be returned to Committee for further consideration.

- 5.16 In light of the above, whilst the independent legal opinion obtained does not relate specifically to this application it is regarded as a material consideration of significant weight in the determination of this application. It must be carefully considered by the decision-maker *in the context of the application's merits and the planning balance*.

## **6 Considerations**

- 6.1 In light of the matters raised in this report, Members are required to reconsider whether, having regard to the statutory and policy framework, the resolution to grant planning permission remains appropriate and lawful. Specifically, Members must consider whether the development would give rise to harm to the setting of the Grade II listed building, and if so, whether such harm has been properly identified, weighed, and justified. This assessment must include consideration of whether the proposal would conflict with Policy LP18 of the Fenland Local Plan (2014), and, by extension, whether the application is in accordance with the development plan when read as a whole, as required by section 38(6) of the Planning and Compulsory Purchase Act 2004.
- 6.2 Reason for Refusal 2, which concerns the adequacy of the access arrangements, is not relevant to the independent legal advice and the associated planning balance where harm to heritage assets is identified. As there has been no change in circumstances or new material considerations relating to this issue, the report does not revisit or seek to alter the position in respect of Reason for Refusal 2.
- 6.3 To assist Members in undertaking this reassessment, this section sets out a summary of the relevant statutory duties and policy requirements, including the statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the provisions of Policy LP18 (including criteria (a) to (c)), and the relevant paragraphs of the National Planning Policy Framework (Chapter 16: paragraphs 212 to 221, and in particular paragraphs 213 and 215). These provisions collectively establish the legal and policy framework for assessing the impact of development on designated heritage assets and must be applied rigorously when determining applications where heritage considerations are engaged.

### **Section 66 Duty**

6.4 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on local planning authorities when considering applications that affect listed buildings or their settings. It states:

*“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

6.5 This statutory duty is not merely procedural; it has substantive weight in the decision-making process. Its significance was underlined in *East Northamptonshire DC & Barnwell Manor Wind Energy Ltd v Secretary of State for Communities and Local Government* [2015] 1 WLR 45, where the Court of Appeal made clear that when the section 66 duty is engaged, decision-makers must give considerable importance and weight” to the desirability of preserving the setting of listed buildings. It is not a simple planning balance but a presumption in favour of preservation that must materially influence the outcome unless outweighed by sufficiently powerful countervailing considerations.

6.6 While the Courts have also clarified that some degree of harm to the setting of a listed building does not automatically render a decision unlawful, provided the statutory duty is properly applied and appropriately weighed (as in *Safe Rottingdean Ltd v Brighton and Hove City Council* [2019] EWHC 2632 (Admin)), the duty remains stringent.

6.7 The Planning Encyclopaedia (Commentary to L66.01) summarises the established position as follows:

*“It follows that it is clearly established that a decision which engages the duties in either s.66(1) or 72(1) will be legally flawed if it does not give effect to those duties, the strong presumption they create, and fails to accord them ‘considerable importance and weight’ when weighing up any harm against any benefits or countervailing factors”.*

6.8 Policy LP18 of the Fenland Local Plan (2014) sets out the Council's approach to conserving and enhancing the historic environment. The policy seeks to ensure that development proposals affecting designated or non-designated heritage assets are appropriately assessed, justified, and, where necessary, mitigated. Its overarching aim is to safeguard the historic environment as a key component of the district's character, distinctiveness, and cultural value, while allowing for sustainable development that respects heritage significance.

6.9 The policy is explicit in its requirements. It states that:

*"All development proposals that would affect any designated or undesignated heritage asset will be required to:*

*(a) describe and assess the significance of the asset and/or its setting to determine its architectural, historic or archaeological interest; and*

*(b) identify the impact of the proposed works on the special character of the asset; and*

*(c) provide a clear justification for the works, especially if these would harm the asset or its setting, so that the harm can be weighed against public benefits."*

The NPPF

6.10 Chapter 16 of the National Planning Policy Framework (NPPF) sets out the Government's national planning policies for conserving and enhancing the historic environment. Paragraphs 212 to 221 emphasise the importance of heritage assets as an irreplaceable resource and require that they be conserved in a manner appropriate to their significance. Local planning authorities must ensure that decisions reflect the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

6.11 Paragraph 213 is particularly relevant in this case. It states:

*"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is*

*irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

6.12 This paragraph reinforces the principle that any harm to the significance of a designated heritage asset, including harm to its setting, must be treated with great weight in the planning balance. It is not sufficient to simply acknowledge harm; the weight attached to that harm must be proportionate and substantial, even if the level of harm is categorised as *“less than substantial.”*

6.13 Paragraph 215 further sets out the balancing exercise required in such cases:

*“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*

6.14 This paragraph does allow for harm to be outweighed by public benefits, but it requires a demonstrably clear and convincing case to be made. The language of both paragraphs is consistent with the statutory duty under section 66(1) and national case law, reaffirming the need for decision-makers to apply considerable importance and weight to any harm and to ensure that any countervailing benefits are sufficiently compelling.

#### PPG

6.15 The Planning Practice Guidance (PPG) provides further detail on the application of national policy in relation to the historic environment. The guidance under the section *“Conserving and enhancing the historic environment”* supports and expands upon the policies set out in Chapter 16 of the NPPF.

6.16 The PPG advises that:

*“In determining applications, local planning authorities should take account of the significance of any heritage asset affected, including any contribution made by its setting.”*

6.17 It also notes that the setting of a heritage asset is not fixed and may change over time. While public access to the setting can influence significance, it is not a requirement for the setting to contribute meaningfully to how a heritage asset is experienced or understood.

6.18 The guidance emphasises that:

*“Great weight should be given to the conservation of heritage assets.”*

6.19 This applies regardless of the scale of harm. The PPG clarifies that this weight should be applied consistently and that decision-makers must give *“clear and convincing justification for any harm or loss.”* It goes on to state that the level of detail required in an application should be proportionate to the asset’s importance but sufficient to understand the potential impact.

6.20 In relation to ‘significance’ and its important in decision-making the PPG states:

*“Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals.”*

#### Heritage Assessments

6.21 As part of the planning submission, the applicant provided a Design & Access Statement and Heritage Statement which sought to identify and assess the significance of the affected heritage assets and the likely impact of the proposed development upon that significance. The Council consulted its Conservation Officer, who provided detailed comments on the proposals, identifying specific areas of concern in relation to the level of harm and the justification provided.

6.22 The Applicant’s Design & Access Statement and Heritage Statement is attached as Appendix 3. The report accepts that the development would have an effect of the Grade II Listed Building but suggest that it would be minimal.

6.23 The Council’s Conservation Officer was formally consulted on the application and provided detailed comments on 5 June 2025. These are attached as Appendix 4.



- 6.24 The Conservation Officer concluded that the proposed development would result in “*less than substantial harm*” to the significance of the designated heritage asset and its setting. The level of harm was categorised as “*medium*” within that spectrum. Furthermore, the Conservation Officer advised that the justification provided by the applicant was insufficient to demonstrate that there are no public benefits (only private benefits) as a result of the proposal, making the development contrary to both national and local planning policy. As such, the proposal was considered to be in conflict with Policy LP18 of the Fenland Local Plan (2014) and the relevant provisions of Chapter 16 of the National Planning Policy Framework.

## **7 Assessment and Application of the Statutory and Policy Tests**

- 7.1 Having regard to the legal, policy, and procedural framework set out above, and in light of the heritage advice received, Members should approach the decision-making process by sequentially addressing the following considerations:

### **Whether the development would result in harm to the setting of the listed building**

Members are invited to consider and reach a view, based on the submitted material and professional advice, as to what level of harm, if any, the proposed development would cause to the significance of the Grade II listed building at 108 High Street through changes to its setting. The Conservation Officer has advised that the scheme would result in *less than substantial harm (medium)*. It should be noted that at the time of the last application Members stated that “*very much at the lower end scale of harm and they also feel that there is consistency when taking into account the other applications in the vicinity, that will weigh more in favour than that of the public benefit*”.

### **Whether the statutory and policy duties are properly engaged and applied**

Where harm is identified, Members must apply the statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires *special regard* to be given to the desirability of preserving the setting of the listed building. This is not a neutral or procedural exercise, it establishes a strong presumption against granting planning permission where harm is found. That presumption must be given *considerable importance and weight* in the planning balance. Members must also assess the proposal against Policy LP18 of the Fenland

Local Plan and the relevant provisions of Chapter 16 of the NPPF, particularly paragraphs 213 and 215.

**Whether there is clear and convincing justification for the identified harm**

If Members accept that there would be *less than substantial harm*, the next step is to determine whether that harm is justified. Paragraph 200 of the NPPF confirms that any harm to a designated heritage asset must require *clear and convincing justification*. Paragraph 215 then requires that the harm be weighed against the public benefits of the proposal. In this case, due to the Council being able to demonstrably a healthy five-year housing land supply the delivery of a single dwelling is of very limited public benefit. No other public benefits of significance have been identified as part of the planning application process at this time. Members must determine whether the justification and benefits are sufficient to outweigh the identified harm and the significant hurdle placed by S.66.

**Whether the proposal complies with the development plan when read as a whole**

Finally, applying section 38(6) of the Planning and Compulsory Purchase Act 2004, Members must determine whether the proposal accords with the development plan taken as a whole and, if it does not, whether there are other material considerations that indicate that planning permission should nevertheless be granted. In this case, if Members conclude that the proposal conflicts with Policy LP18 and the harm to the designated heritage asset is not outweighed by public benefits, then the appropriate and lawful conclusion would be that planning permission should be refused.

**8 Effect on corporate objectives**

8.1 The granting of planning permission in conflict with guidance within the NPPF, and the potential for resultant legal challenge, would impact of the following corporate objective:

- a) Promote and enable housing growth, economic growth and regeneration across Fenland.

**9 Community impact**

- 9.1 Should the Council proceed to issue planning permission on the basis of a resolution that is open to legal challenge. The legal advice obtained for a different site indicates that the current reasoning, the benefits of a single dwelling, is insufficiently robust. This would mean that the Council are vulnerable to legal challenge.
- 9.2 The financial implications of a legal challenge would inevitably be borne by the local community, as the Council's activities are ultimately funded by residents through Council Tax. The potential diversion of resources to defend a legally vulnerable decision represents not only a financial risk but also a reputational one. It could erode public trust in the planning system and the Council's decision-making processes.

## **10 Conclusions**

- 10.1 In making planning decisions, it is essential that Local Planning Authorities adhere not only to the policies of the development plan and the National Planning Policy Framework, but also to the statutory duties imposed by legislation such as the Planning (Listed Buildings and Conservation Areas) Act 1990. Where heritage assets are affected, the legal framework requires decision-makers to give considerable importance and weight to any harm, and to ensure that any such harm is clearly and convincingly justified.
- 10.2 In this case, the proposal engages section 66(1) of the 1990 Act, and both the case officer and the Council's Conservation Officer have identified less than substantial harm to the setting of a Grade II listed building. The Council must therefore, when determining the planning application undertake a lawful balancing exercise, having full regard to the requirements of Policy LP18 of the Fenland Local Plan and paragraphs 213 and 215 of the NPPF. The Council must be able to demonstrate that it has properly assessed the level of harm, considered whether there is adequate justification, and reached a reasoned conclusion consistent with statute and policy.
- 10.3 The independent legal advice obtained in response to a different site confirms that the heavily indicates that reasoning given by Committee in support of their resolution to grant permission is not currently sufficiently robust to be lawfully relied upon. This does not prevent the Committee from ultimately approving the application, but in order to do so lawfully, it would need to articulate a clear and defensible planning rationale, with proper regard to the statutory heritage duties.

- 10.4 Given the new material consideration the correct course of action is to return the application to Committee for further consideration. This will enable Members to revisit the planning balance in light of all relevant legal and policy duties, and to reach a decision that can be lawfully issued and robustly defended.

## **11 Recommendation**

- 11.1 It is recommended that Planning Committee REFUSE the application for the following reason:

1. The application would result in development within the setting of a Grade II listed building, 108 High Street, and would result in less than substantial harm to this setting and the Conservation Area, by virtue of introducing built form into currently undeveloped open land forming the historic context to the listed building, separating the Listed Building from its historic curtilage, without adequate justification, and without any public benefits outweighing this harm. The linear curtilage of the site is an important historic feature and its loss would also introduce harm to the character and historic settlement of the Conservation Area. This harm is exacerbated by the modern design of the proposed dwelling, which does not seek to respect or reflect the design of the host Listed Building.

As such, if permitted, the development would be contrary to Policy H2 of the March Neighbourhood Plan 2017, Policy LP16 and LP18 of the Fenland Local Plan 2014 as well as Paragraphs 213 and 215 of the National Planning Policy Framework.

This page is intentionally left blank

**F/YR25/0328/F**

**Applicant: Mr John Clark**

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

**108 High Street, March, Cambridgeshire, PE15 9LP**

**Erect 1 x self-build/custom build dwelling involving demolition of shed within a Conservation Area**

**Officer recommendation: Refuse**

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

---

## **1 EXECUTIVE SUMMARY**

- 1.1 The application seeks full permission for the erection of one self-build/custom build dwelling involving demolition of shed within a Conservation Area.
- 1.2 The proposed development would result in the subdivision of the existing curtilage of No. 108, which forms the setting of the Grade II Listed Building. The carving up of the plot would introduce harm to this setting and to the Conservation Area, exacerbated by the unsympathetic appearance of the proposed dwelling. The application does not include clear or convincing justification to justify the harm introduced, nor does the development provide any public benefit. The development is therefore considered contrary to Policy H2 of the March Neighbourhood Plan 2017, Policies LP16 and LP18 of the Fenland Local Plan and Paragraphs 213 and 215 of the NPPF.
- 1.3 The proposed development would also utilise the existing access associated with No. 108. The access drive itself is of limited width, as little as 2.9 metres at the narrowest point. The increase in traffic proposed as a result of the application, combined with the narrowness of the access road would result in an access drive that fails to meet the requirements of Policy H2 of the March Neighbourhood Plan 2017 and Policy LP15 of the Fenland Local Plan 2014.
- 1.4 The Council can demonstrate that the number of permissions for self/custom builds currently exceeds identified demand. The Council can also demonstrate an excess of a five-year supply of available housing land. Very limited weight should therefore be given to these factors when considering the planning balance.
- 1.5 As such, the application is recommended for refusal.

## **2 SITE DESCRIPTION**

- 2.1 The application site is situated on the eastern side of High Street, within the market town of March. The site is also situated within March Conservation Area.

The dwelling to the front of the site is a Grade II Listed Building and adjacent Grade II and Grade II\* Listed Buildings are situated to south of the application site.

- 2.2 The Maze (108 High Street) was listed on 16<sup>th</sup> December 1974. The dwelling on site is a mid C18 and C19 2-storey, L shaped dwelling constructed of a narrow gault brick.
- 2.3 To the rear of the dwelling is a long linear rear garden, with an existing summer house situated adjacent to the northern boundary of the site. An existing shed is situated adjacent to the southern boundary of the site. The rear garden of the site is enclosed by a mixture of brick built walls and close boarded fencing. There is an existing 14 metre high (approx) tree within the rear garden.
- 2.4 The application site is situated within Flood Zone 1.

### 3 PROPOSAL

- 3.1 This application seeks to erect one dwelling, including the demolition of the existing shed.
- 3.2 The proposed dwelling would be a 3 bedroom, U-shaped dwelling. The dwelling would have a width of 14.9 metres and a maximum depth of 16 metres. The roof proposed would be dual-pitched with an eaves height of 2.6 metres and a ridge height of 5 metres.
- 3.3 The materials proposed to the dwelling include a Traditional Brick and Stone Cambourne Buff Brick, Photovoltaic Tiles/Slate Tiles, Cream uPVC joinery and Black Cast Aluminium Gutters and Downpipes.
- 3.4 Access to the site would be via the existing access serving No. 108, with parking and turning detailed on the proposed site plan. 2 parking spaces are also detailed to the front of the proposed dwelling. Private amenity space would be situated to the rear of the proposed dwelling.
- 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
24/0050/PREAPP	Erect 1x dwelling	Unfavourable

### 5 CONSULTATIONS

#### 5.1 March Town Council

*Recommendation: Approval.*

#### 5.2 CCC Highways

*The highways authority objects to this application and would recommend refusal for the following reasons:*



- *The existing vehicle access with the highway is not sufficiently wide enough to allow two vehicles to pass simultaneously. The current accepted standard access width by the highway authority is 5m for a min of 6m in to the curtilage of the property. If approved vehicles will have to stop and manoeuvre on the highway to allow others vehicles entering/leaving the property. This would likely therefore lead to the detriment of safety for users of the highway and highways safety.*

### 5.3 **CCC Archaeology**

*No comment or requirement for the scheme.*

### 5.4 **FDC Conservation Officer**

Raised an objection to the scheme and recommended that the application be refused. The Conservation Officer highlighted that the proposed development would erode the long linear curtilage, which forms the setting of the Grade II Listed Building, thus resulting in harm to the setting of the Listed Building and setting a precedent for further development.

The Conservation Officer also raised concerns regarding the substantial reduction in curtilage and the awkward development layout and noted that the design of the development does not respect or reflect the setting of the host Listed Building.

Within their comments, the Conservation Officer acknowledges that whilst most of the application site is shielded from public view, the impact upon setting of private areas is also a factor for consideration when assessing the impact of a development upon the Conservation Area. The linear curtilage of the application site and neighbouring sites is an important historic feature. The development is also considered to therefore cause harm to the character and historic settlement form of the Conservation Area.

### 5.5 **FDC Environmental Health**

No objections to the scheme, however, have recommended a working times condition due to close proximity of existing noise sensitive receptors.

### 5.6 **FDC Ecology**

No objections to the application. Suggested informatives regarding vegetation clearance and bats.

### 5.7 **FDC Tree Consultant**

Raised no objections to the scheme, however acknowledged that no arboricultural assessment had been submitted. Recommended a pre-commencement condition be secured requiring an Arboricultural Impact Assessment and Tree Protection Plan to be submitted.

### 5.8 **Historic England**

No advice provided. Suggest seeking views of specialist conservation and archaeological advisors.

## 5.9 Environment Agency

*No objection to the proposed development on flood risk grounds.*

## 5.10 Local Residents/Interested Parties

14 letters of support were received with regard to this application (three from Jobs Lane and High Street, two from Station Road and one each from The Causeway, Binnimoor Road, The Avenue, Elwyndene Road, Stonecross Way and St Peters Road, March). The reasons for support are summarised as follows:

- Ideal site for development
- Would not introduce overlooking
- Character
- Flooding
- Private amenity space
- Proximity to Town Centre

## 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 March Neighbourhood Plan (2017).
- 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) 2024**  
Chapter 2 - Achieving sustainable development  
Chapter 4 – Decision-making  
Chapter 12 – Achieving well-designed 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
- 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
- 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
- LP19 – The Natural Environment

## 7.5 **March Neighbourhood Plan 2017**

- H2 – Windfall 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 49 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
- LP22: Parking Provision
- LP23: Historic Environment
- LP24: Natural Environment
- LP25: Biodiversity Net Gain
- LP32: Flood and Water Management

## 8 **KEY ISSUES**

- **Principle of Development**
- **Self-build and Five-Year Land Supply**
- **Design, Appearance and Impact on Historic Environment**
- **Residential Amenity**
- **Access and Parking**
- **Flood Risk**
- **Ecology and Trees**
- **Biodiversity Net Gain (BNG)**

## 9 **BACKGROUND**

- 9.1 Pre-application advice was sought in August 2024, for the erection of a dwelling within the rear garden of 104 High Street. The design and layout of the proposed development under this application differ from that submitted under the pre-app.
- 9.2 Notwithstanding this, the advice provided within this pre-application noted that the subdivision of the site would result in harm to the setting of the Listed Building due to the substantial erosion of historic linear curtilage, as well as setting a precedent for further development within the gardens of the adjacent Listed Buildings.

- 9.3 Additionally, in the interests of transparency it should be noted that the applicant is an elected Member of Fenland District Council.

## **10 ASSESSMENT**

### **Principle of Development**

- 10.1 The application site is located within the settlement of March which is identified within the Settlement Hierarchy as a Market Town. Market Towns are identified within Policy LP3 as the focus for housing growth, therefore, the principle of residential development is considered acceptable, in view of planning policy. Policy H2 of the March Neighbourhood Plan 2017 supports the provision of residential development.
- 10.2 It should be noted that this point of general principle is subject to broader planning policy and other material considerations which are discussed in more detail in the following sections.

### **Self-build and Five-Year Land Supply**

- 10.3 Policy LP5, Part C of the Fenland Local Plan seeks to provide, in appropriate circumstances, housing solutions that meet market expectations including self build homes, which is supported by para 62 of the NPPF. Under Section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand. Weight would therefore be given to this, the amount dependant on identified demand. The proposal is for a self/custom build dwelling, however the Council can currently demonstrate that the number of permissions given for self/custom builds exceeds identified demand, and as such very limited weight can be afforded to this.
- 10.4 Additionally, at present the Council can demonstrate in excess of a five-year supply of available housing land and therefore very limited weight can be afforded to the delivery of housing when considering the planning balance.

### **Design, Appearance and Impact on Historic Environment**

- 10.5 Policy LP16 and LP18 of the Fenland Local Plan support the principle of development subject to development respecting and enhancing the character and identity of the surrounding area and that the development does not have any adverse impacts on the surrounding Conservation Area or introduce harm to the setting of Listed Buildings.
- 10.6 Policy H2(f) of the March Neighbourhood Plan 2017 requires developments to be of a high standard of design.
- 10.7 Paragraph 213 of the NPPF states that '*Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification*'.

- 10.8 Paragraph 215 of the NPPF states that *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*
- 10.9 Setting of a heritage asset is defined within the NPPF as *'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.'*
- 10.10 The setting of a Listed Building encompasses the surrounding environment in which the building is experienced and appreciated, including both its visual and physical context. The application site is situated within existing garden land, associated with a Grade II Listed Building, 108 High Street. The proposed development would therefore be situated within the setting of this Listed Building.
- 10.11 The proposed development within the garden land of No. 108, including the erection of fencing and creation of a driveway would carve up the existing plot, removing a substantial amount of private amenity space and eroding the long linear curtilage, which forms part of the setting of the Grade II Listed Building.
- 10.12 Whilst it is acknowledged that the original setting of the listed building has been truncated during the mid to late C20, with the construction of the modern housing estate to the rear of the site, in comparison to the adjacent Listed Buildings at No 110 and 112, the proposed development would be the furthest incursion into the curtilage of these Listed Buildings. The loss of the long linear curtilage associated with the dwelling is therefore considered to introduce harm to the setting of the Listed Building.
- 10.13 The proposed development would be somewhat obscured from view from the wider public realm, when considering the impact upon the Conservation Area, both public views and the impact on the setting of private areas are factors to be considered. Consideration should be given to the morphology of the built form of the Conservation Area. In this case, the linear curtilage of the application site and neighbouring sites is an important historic feature. It is therefore also considered that the development would introduce harm to the character and historic settlement form of the March Conservation Area.
- 10.14 In terms of the design of the dwelling, the proposed development would be a modern bungalow, with cladded gables which does not respect or reflect the design of the host Listed Building. As such, the unsympathetic design of the proposal is considered to introduce further harm to the setting of the Listed Building.
- 10.15 Where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, as set out within Paragraph 215 of the NPPF. The application is for a self-build/custom dwelling for the applicants to live in, this is not considered to be clear or convincing justification to justify the harm introduced to the significance of the Listed Building. The private occupation of the development does also not provide any public benefit which would justify the harm introduced.

10.16 As such, the proposed backland development, which would introduce a modern style dwelling, is considered to significantly erode what is left of the historic linear curtilage of the Listed Building to the detriment to historic layout and setting, introducing harm to the setting of the Listed Building and the character of the March Conservation Area. The development is therefore considered to be contrary to Policy H2(f) of the March Neighbourhood Plan 2017, Policies LP16 and LP18 of the Fenland Local Plan and Paragraphs 213 and 215 of the NPPF.

### **Residential Amenity**

10.17 Policy H2(a) of the March Neighbourhood Plan 2017 requires developments to consider levels of light, privacy and private amenity space for the occupants of the proposed dwellings.

10.18 Policies LP2 and LP16 of the Fenland Local Plan seek to ensure that development does not detrimentally impact upon the residential amenity of neighbouring or future occupiers.

10.19 Neighbouring buildings are situated to the north, east, south-east, south and west of the application site. To the north of the site is the Three Lions Sports Bar & Restaurant. The proposed dwelling would not adversely impact upon this neighbouring property.

10.20 To the east of the site is private amenity space, which appears to be associated with No. 46 Elwyndene Road. The proposed development would retain a clearance of approximately 10 metres between the rear elevation of the dwelling, and the eastern boundary of the site. Due to the single-storey nature of the dwelling, the retained clearance and the presence of a 1.8 metre high close boarded fence, it is unlikely that the proposed development would introduce any adverse overbearing, overshadowing or overlooking impacts upon this neighbouring amenity space.

10.21 The dwelling to the south-east of the site, 38 Stonecross Way, would be situated approximately 7.6 metres from the proposed dwelling. Whilst the proposed development would be somewhat visible to this neighbouring property, it is unlikely to introduce any adverse overbearing, overshadowing or overlooking impacts due to the single-storey nature of development and existing boundary treatments.

10.22 With regard to the dwelling to the south of the development, the proposed dwelling would be situated adjacent to private amenity space associated with this dwelling. Similarly, given the existing 2.7m high brick wall separating the sites and the single-storey nature of development, it is unlikely that any adverse overbearing, overshadowing or overlooking impacts would be introduced.

10.23 The host dwelling to the west of the site, 108 High Street, would be situated approximately 61 metres from the proposed dwelling and therefore it is unlikely that this dwelling would be adversely affected.

10.24 With regard to bin collection, it is acknowledged that bin storage will be in excess of the recommended 30m drag distance between storage and collection areas. However, given that this arrangement has been accepted for other dwellings along High Street, it would in part, be inconsistent to raise issue with this aspect. It does however have to be acknowledged that this element carries negative weight to be applied in the planning balance.

10.25 The scheme is therefore considered to be compliant with Policy H2 of the March Neighbourhood Plan 2017 and Policies LP2 and LP16 of the Fenland Local Plan 2014 in this regard.

### **Access and Parking**

10.26 Policy H2(d) of the March Neighbourhood Plan 2017 requires development to include a safe and vehicular access that would not result in severe impacts on the road network.

10.27 Policy LP15 of the Fenland Local Plan 2014 requires development to provide well designed, safe and convenient access for all and well-designed car parking in accordance with Appendix A.

10.28 The submitted site plan indicates the provision of 2 parking spaces and turning space for both the proposed dwelling and the host dwelling on site. This is considered to be acceptable.

10.29 The proposed development would utilise the existing access to No. 108, including the provision of a driveway to the new dwelling. The existing access at its narrowest point measures approximately 2.9 metres.

10.30 CCC Highways have been consulted on this application and have raised an objection to the scheme on the basis that the access is not wide enough to allow two vehicles to pass simultaneously. If approved the Highway Authority have concerns that “vehicles will have to stop and manoeuvre on the highway to allow others vehicles entering/leaving the property. This would likely therefore lead to the detriment of safety for users of the highway and highways safety”.

10.31 The applicant has submitted a statement in response to these comments, essentially highlighting the number of similar constrained accesses in the vicinity as well as planning permission which have been granted. These permissions appear to be based on somewhat historic decisions, pre-dating the current local plan. Notwithstanding this, each application should be considered on its own merits, it is considered that allowing further potentially unsafe accesses to proliferate in this location is not acceptable, especially given the highway authority's concerns regarding this proposal.

10.32 As such, the intensification of the narrow access through the provision of an additional dwelling would exacerbate the potential for conflict between vehicles using the access. As such, the application has failed to demonstrate that it is able to provide convenient and safe access for the proposed dwelling and is therefore considered contrary to Policy H2(d) of the March Neighbourhood Plan 2017 and Policy LP15 of the Fenland Local Plan 2014.

### **Flood Risk**

10.33 The proposal is located within Flood Zone 1 and issues of surface water disposal will be considered under Building Regulations

### **Ecology and Trees**

10.34 The application is accompanied by a Preliminary Ecological Appraisal Report. The report concludes that the habitats on site are of low conservation value and that no further surveys are required. Mitigation measures are suggested which could



be conditioned should permission be granted. Consultation was undertaken with the FDC Ecology Officer who raised no objections to the application, subject to suggested informatives and a condition requiring biodiversity enhancement.

10.35 Consultation was also undertaken with the FDC Tree Officer who confirmed that the proposed development could be implemented without detriment to the retained trees, however this would be subject to pre commencement conditions should permission be granted to ensure an Arboricultural Impact Assessment and Tree Protection Plan are submitted and approved by the LPA.

10.36 As such, there are no issues to address with regard to Policy LP19 in this regard.

### **Biodiversity Net Gain (BNG)**

10.37 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.

10.38 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 nature of the development being self / custom build is exempt from statutory net gain.

## **11 CONCLUSIONS**

11.1 The application seeks full permission for the erection of one self-build/custom build dwelling involving demolition of shed within a Conservation Area.

11.2 The Council can demonstrate that the number of permissions for self/custom builds currently exceeds identified demand. The Council can also demonstrate an excess of a five-year supply of available housing land. Very limited weight should therefore be given to these factors when considering the planning balance.

11.3 Whilst the proposed development accords with the settlement hierarchy of Policy LP3 of the Local Plan, both the unsympathetic design and the subdivision of the existing curtilage of No. 108, would introduce harm to the setting of the Grade II Listed Building and the character of the March Conservation Area. The application does not include clear or convincing justification to justify the harm introduced, nor does the development provide any public benefit to outweigh that harm and is therefore considered to be contrary to Policy H2 of the March Neighbourhood Plan 2017, Policies LP16 and LP18 of the Fenland Local Plan and Paragraphs 213 and 215 of the NPPF.

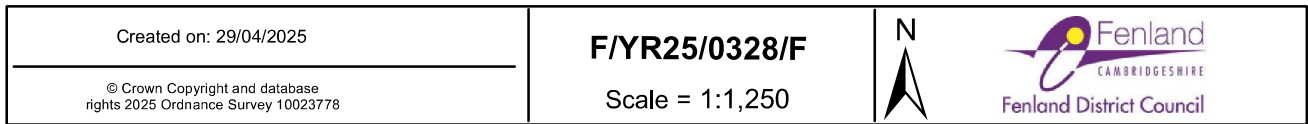
11.4 In addition to the above, the proposed utilisation of the existing access is considered unacceptable due to the increase of traffic proposed and the narrowness of the existing access road which would result in unacceptable highway safety impacts. While the development would provide some economic and social benefits through the delivery of a single dwelling in a largely sustainable location these would inherently be limited given the scale of

development and would not outweigh the harm identified to heritage and highway safety. The application is therefore considered to be contrary to Policy H2 of the March Neighbourhood Plan 2017 and Policy LP15 of the Fenland Local Plan 2014.

## 12 RECOMMENDATION

12. **Refuse;** for the following reasons:

1	<p>The application would result in development within the setting of a Grade II listed building, 108 High Street, and would result in less than substantial harm to this setting and the Conservation Area, by virtue of introducing built form into currently undeveloped open land forming the historic context to the listed building, separating the Listed Building from its historic curtilage, without adequate justification, and without any public benefits outweighing this harm. The linear curtilage of the site is an important historic feature and its loss would also introduce harm to the character and historic settlement of the Conservation Area. This harm is exacerbated by the modern design of the proposed dwelling, which does not seek to respect or reflect the design of the host Listed Building</p> <p>As such, if permitted, the development would be contrary to Policy H2 of the March Neighbourhood Plan 2017, Policy LP16 and LP18 of the Fenland Local Plan 2014 as well as Paragraphs 213 and 215 of the National Planning Policy Framework.</p>
2	<p>Policy LP15 of the Fenland Local Plan (2014) requires that developments provide "well designed, safe and convenient access for all". The access drive itself is of limited width, as little as 2.9 metres at the narrowest point. The increase in traffic proposed as a result of the application, combined with the narrowness of the access road would result in an access drive that fails to meet the above requirements of policy H2 of the March Neighbourhood Plan 2017 or Policy LP15 of the Fenland Local Plan (2014).</p>







Created on: 29/04/2025

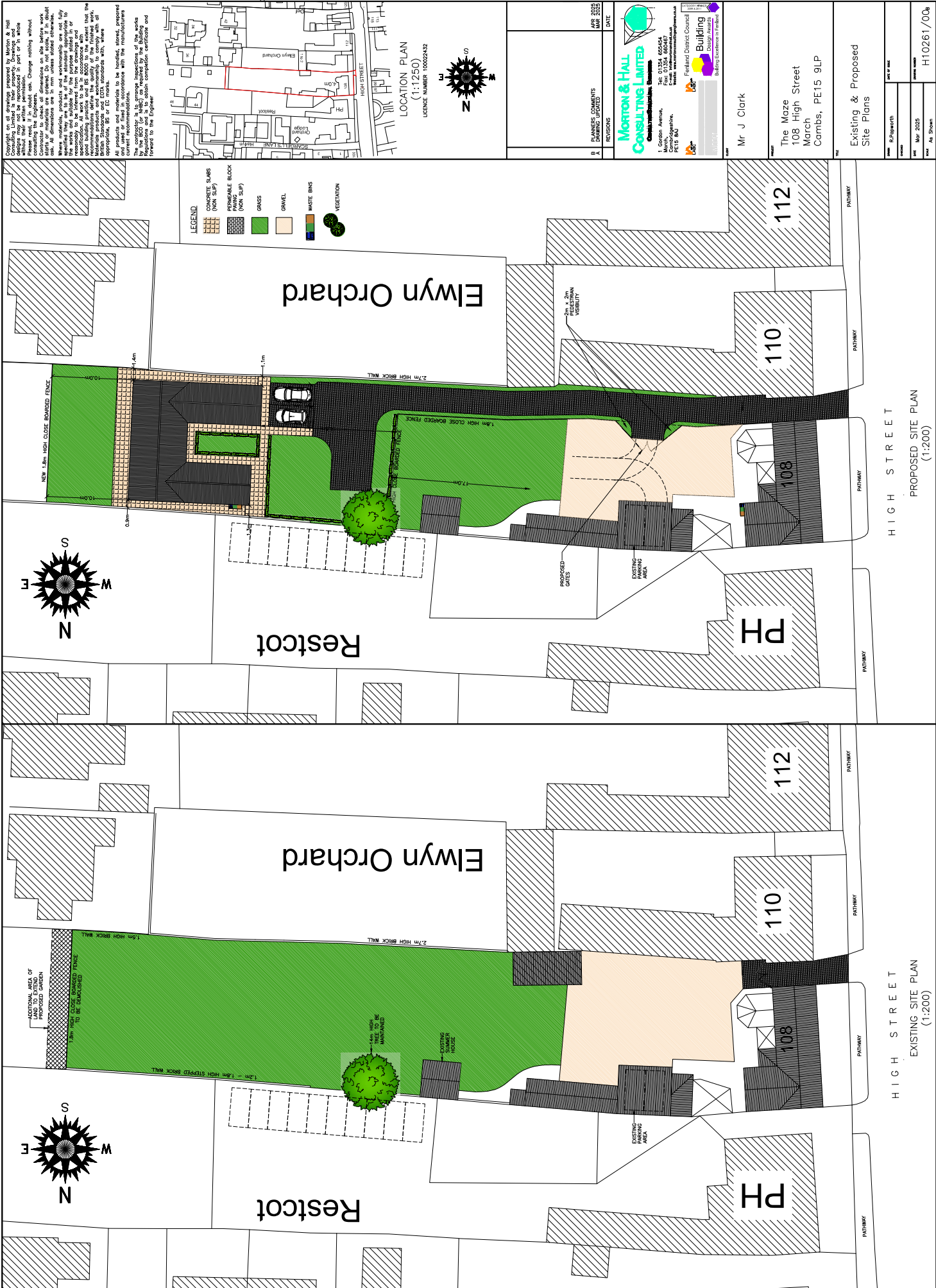
© Crown Copyright and database  
rights 2025 Ordnance Survey 10023778

**F/YR25/0328/F**

Scale = 1:1,250

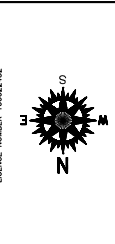






Copyright © All drawings prepared by Morton & Hall Consulting Limited in their capacity. Drawing and design are the property of Morton & Hall Consulting Limited. No part of this drawing may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage or retrieval system, without prior written permission from Morton & Hall Consulting Limited. The design is for the use of the client only. The client is responsible for ensuring that the design is suitable for the intended use. The client is responsible for ensuring that the design is suitable for the intended use. The client is responsible for ensuring that the design is suitable for the intended use.

**LOCATION PLAN (1:1250)**  
LICENCE NUMBER 100022432



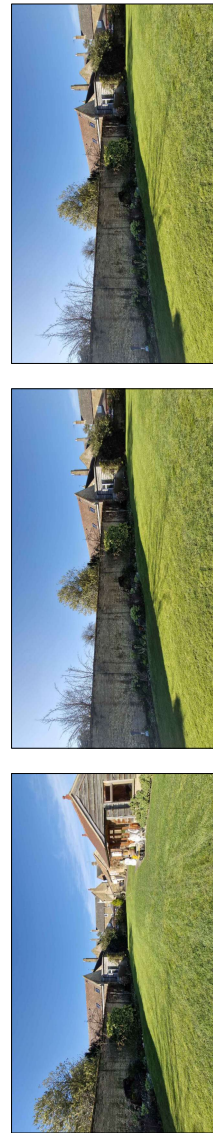
DATE		10/03/2025
REVISIONS		
MORTON & HALL CONSULTING LIMITED		
1, Gordon Avenue, Barnsley, Yorkshire, S70 2JH		
Tel: 01354 655454 Fax: 01354 655455 Email: info@mortonandhall.co.uk Website: www.mortonandhall.co.uk		
Building Design Services		
Mr J Clark		
The Maze 108 High Street March Cambs, PE15 9LP		
Existing & Proposed Site Plans		
Scale		As Shown
Sheet		H10261/00a

DATE OF BIRTH	H10261/03 <sub>A</sub>	
DATE	Mar 2025	
NAME	As Shown	
OWNER		
OWNER	R. Papworth	

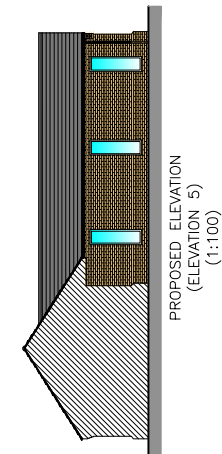
EXISTING LHS ELEVATION  
(SHED TO BE DEMOLISHED)  
(1:100)

NEW GATES TO No.108  
(1:20)

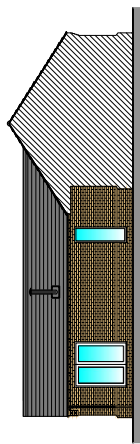
PROPOSED ROOF PLAN  
(1:100)

[illegible]



[illegible][illegible]

PROPOSED ELEVATION  
(ELEVATION 5)  
(1:100)



PROPOSED ELEVATION  
(ELEVATION 6)  
(1:100)

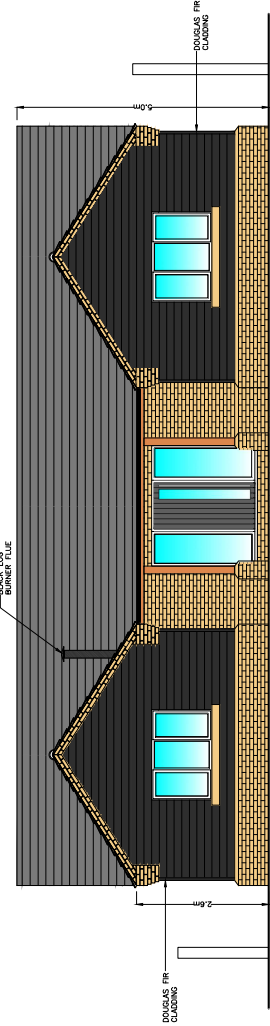
**MATERIALS**

WALLS : TRADITIONAL BRICK AND STONE CAMBOURNE BUFF

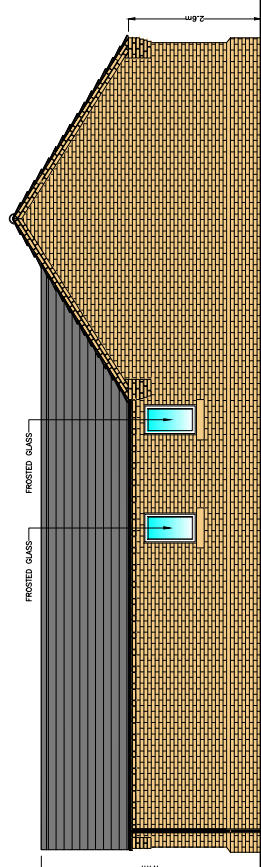
ROOF : PHOTOVOLTAIC TILES/SLATE TILES

JOINERY : CREAM UPVC

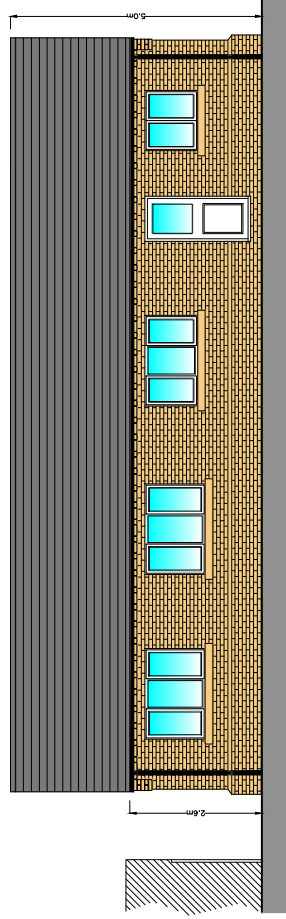
GUTTERS AND DOWNPIPES : BLACK CAST ALUMINUM



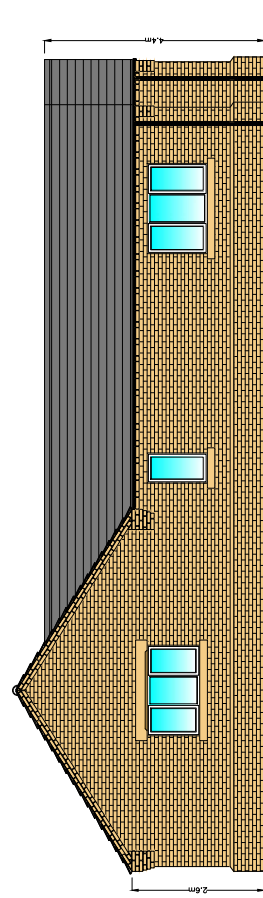
PROPOSED FRONT ELEVATION  
(ELEVATION 1)  
(1:50)



PROPOSED RHS ELEVATION  
(ELEVATION 2)  
(1:50)



PROPOSED REAR ELEVATION  
(ELEVATION 3)  
(1:50)



PROPOSED LHS ELEVATION  
(ELEVATION 4)  
(1.50)

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Your ref:

Our ref: H10261/MH/mh

Date: 27 March 2025

1 Gordon Avenue  
March  
Cambridgeshire  
PE15 8AJ

Tel: 01354 655454

### **DESIGN & ACCESS STATEMENT and HERITAGE STATEMENT**

#### **FOR PROPOSED RESIDENTIAL DWELLING**

#### **WITHIN THE GROUNDS OF A GRADE II LISTED BUILDING**

#### **THE MAZE, 108 HIGH STREET, MARCH**

#### **CAMBS, PE15 9LP**

#### **1.0 INTRODUCTION**

It is proposed to submit a Full Planning Application to Fenland District Council for the erection of a single storey dwelling within the grounds of 108 High Street, March.

Documents with the application include a Heritage Statement, Biodiversity Checklist, Design & Access Statement, Ecology Survey, Self Build Exemption, Flood Map and existing and proposed planning drawings.

#### **2.0 FLOOD RISK**

This site is located within Flood Zone 1, on the Environment Agency current flood map.

#### **3.0 CONSERVATION AREA/LISTED BUILDING**

This site is within the March Conservation Area and within the grounds of a Grade II Listed Building this being The Maze, 108 High Street, March, Cambs, PE15 9LP.

#### **4.0 VEGETATION**

Within the grounds of 108 High Street, there is a Sycamore tree which does have permission ref F/YR18/0809/TRCA for the crown be reduced by 30%.

This tree is in excess of 10m from the proposed dwelling and therefore an Arboricultural Report is not required.

There is no other vegetation over the site.

#### **5.0 DRAINS/RIVERS**

There are no open water courses within the site or open ditches immediately adjacent the site.

#### **6.0 BOUNDARY TREATMENTS**

Existing boundary treatments generally comprises of masonry walls particularly to the south and a fence to the eastern boundary which is to be

removed and relocated. To the northern boundary a fence/brick wall.

#### 7.0 DRAINAGE

The current Environment Agency flood map does not indicate any annual likelihood of surface water flooding at this site.

Within the High Street there is an Anglian Water Foul Sewer together with all associated infrastructure.

Ground conditions at the site are generally March Sands & Gravels which would give good drainage to rain water soakaways.

A foul water connection would be made towards the eastern side of the site.

#### 8.0 ACCESS

Access to this site is via High Street.

There is an existing access which serves this property and reference should be made to the design drawing for the geometry of the access.

The site at present allows for numbers of vehicles to enter and exit the site in a forward gear with adequate parking and turning within the site.

This proposal is for a single further dwelling on a site where there could be no further development and therefore the proposal is to only introduce a single dwelling off this access.

Parking and turning is shown for the existing property for a minimum of 3 cars.

The proposed property would require 2 car parking spaces with associated turning, which is shown on the design drawing.

High Street to the front of the site is a 30mph zone.

Where there are existing gates set back from the main road, as a result of this proposal these will be removed.

Generally, along this section of High Street the ground, pavement and road are generally level allowing good visibility in both directions.

Boundary treatments comprise of the adjacent property Norland House, which is also a Grade II Listed building of a brick wall no greater than 0.6m in height. This wall would need to be maintained as this is a Grade II Listed building and could not simply be increased in height which would hamper visibility.

Therefore, the visibility splay to the south would be satisfactory.

The visibility to the north back into March Town Centre, is within the applicants ownership and is open rail and these can be amended as necessary if required by the Highway Department.

Along this section of High Street, there is also a continuous white line indicating the established access.

It should also be noted that on this side of High Street, this is a relatively wide footpath.

9.0 ECOLOGY

An Ecology Report has been undertaken for this site and is attached with the application.

The site would be Biodiversity Net Gain exempt as this would be a self-build proposal.

10.0 DEMOLITION

There is an existing outbuilding within the site, which is not original and is to be demolished as part of the proposal.

A plan and elevations are shown on the existing drawings in this regard.

This is not an original building built with the main Grade II Listed house and has no historic or architectural merit.

11.0 EXISTING SITE

The existing site is set within the built up form of March within March Conservation Area.

Access to the site is via High Street, which is an established access.

This site to the east, south and west is surrounded by residential development.

To the north there is a Public House car park.

This site has long been established as residential usage with the principal property being Grade II Listed.

The site already has infrastructure from High Street.

There is a Sycamore tree at the site. However, this would not be affected by the works and permission is ready been given by Fenland District Council.

The site itself is generally level.

12.0 STREET SCENE

This proposal is extremely unlikely to be seen from High Street.

The dwelling is set well back from the High Street, which abuts development at Elwyndene beyond the east of the site.

This proposal therefore would not affect the character of the Conservation Area when viewed from High Street.

13.0 BIN COLLECTION

At present Fenland District Councils Bin Lorry does not enter the site.



This proposal would also mean that the bin lorry would not enter the site.

The proposal would still also the existing and new property to have 3 bins each, with these wheeled to the entrance on selection bin collection days. There is adequate room for these to be collected to ensure the bin lorry does not need to enter the site.

This is in line with the current situation at the site.

14.0 SITE HISTORY

The following site history was noted on Fenland District Councils Public Access.

F/YR18/0809/TRCA ~ Works to 1 No Sycamore tree within a Conservation Area.  
Approval was given for the crown to be reduced by 30%.

F/0401/82/LB ~ Demolition of one chimney and re slating of roof at 106 High Street, March.  
This is a 40 year old permission for various works to the Listed Building.

No other planning history was found on the public access/

15.0 AMOUNT OF DEVELOPMENT

This proposal is for a single storey residential dwelling.

No further development of residential dwellings can be made within the site.

16.0 FENLANDS CURRENT LOCAL PLAN 2014

Fenlands Current Local Plan was approved in 2014 and is 11 years old.

Within Fenlands Local Plan the following policies would apply.

Policy LP3

Under this policy March is listed as one of the main four market towns where Fenland District Council wishes for growth.

The proposal would therefore comply with this policy as it is situated within the built up form of March.

Policy LP16

This policy deals with delivering and protecting high quality environments across the district.

The proposal in our opinion would not have a detrimental effect on the heritage asset which is a Grade II Listed building.

There is considerable distance between the single storey proposal dwelling which is less than 5m in height and the Grade II Listed building.

Although the proposal would be Biodiversity Net Gain exempt due to this being a self-build, the proposal would allow for bat boxes, bird boxes and owl boxes to enhance Ecology at the site.

The proposal also has a greater than a third garden area and also leaves a substantial garden area to the listed building.

There is a single tree on site which is to remain and is in excess of 10m from the proposed dwelling.

There are no open water bodies immediately adjacent or within the site.

The proposal would not impact the amenity of neighbouring users as to the north of the site there is a public car park for the Public House, to the east there is a further residential garden. To the south this is also a garden/property which is Grade II Listed and to the west there is the existing Grade II Listed building.

This proposal does have a large amount of plot area to garden as well as leaving a substantial garden to the existing property.

The proposal if approved would be constructed in accordance with Building Regulations in terms of security measures to assist in deterring crime.

The proposal would also be constructed in accordance with Part M of the Building Regulations.

About this site there are no landfill or adverse noise from industrial sites.

The proposal is for residential usage which would not have an adverse impact on adjacent properties.

The proposal is not a riverside setting. However, the proposal will be incorporating Ecology features.

The proposal would not threaten the operational viability of existing near by or adjoining businesses, or employment by introducing sensitive residential development into an industrial area.

The site is already set within the built up form of March surrounded by residential development.

## 17.0 LAYOUT

The layout of the site is shown on the design drawings.

This proposal is for a single dwelling as no further dwellings could be set within the site.

The proposal then allows for a substantial garden area for the Grade II Listed building to remain.

18.0 SUSTAINABILITY

The aim of the site will be to utilise recycled materials as well as renewable resources which are likely.

All materials will be sourced locally.

This would include for timber from sustainable forest, utilising locally available demolition and material to be used for patios, hardstandings, temporary access road and bases.

The proposal is for a high quality residential development.

19.0 ENERGY PERFORMANCE

The dwelling is hoping to achieve an A rating on Energy Performance, giving the high insulation values for the property which would be in accordance with Building Regulations and likely to be 10% higher than required.

20.0 CHARACTER OF THE AREA

The character of the area is generally built up residential dwellings set within March Conservation Area.

It should be noted that immediately north of this site there is a Public House with a car park about the rear of the site and a beer garden beyond the northern boundary.

This has long been established as a Public House.

To the south of this site there is a Grade II Listed Building, Norland House, which does have further wings situated on the southern boundary and a further one and a half storey detached outbuilding that were given permission to be converted to residential usage, towards the central section of the neighbouring site.

Beyond this there is a further Grade II Listed Building which is a Fish and Chip Shop, which was given permission by Fenland District Council as a Grade II Listed Building to be further extended about the rear for residential properties which have been built out.

It should be noted that beyond the rear of these line of Grade II Listed Buildings, residential developments of Elwyndene and Stonecross Way have been allowed, which are a mixture of single, one and a half and two storey dwellings, which over the years have slowly been built out towards the line of these listed buildings.

Further to the north of this site, there are also further Grade II Listed buildings where development has been allowed to the east of these including Former Minstrels Nightclub, which is a Grade II Listed Building at 30-40 High Street, March, where residential two storey properties were allowed abutting the Grade II Listed building and a further block of two and a half storey flats was allowed in the grounds of the Grade II Listed building.

Immediately to the north of this a further Grade II Listed Building did have a large garden extending to the east, however a line of residential dwellings has been approved and built out all in the former grounds of this Grade II Listed building.

21.0 NATIONAL PLANNING POLICY FRAMEWORK DECEMBER 2024

The National Planning Policy Framework is in favour of sustainable development.

Paragraph 12 of the NPPF states:

*'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'*

Fenland's Local Plan is dated 2014 and is ten years old. The emerging plan is not approved by the inspectorate.

Paragraph 115 of the NPPF states:

*'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

- a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users;*
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code <sup>48</sup>; and*
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.'*

Paragraph 127 of the NPPF states:

*'Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated or development plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan,*

- a) It should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or if appropriate, deallocate a site which is undeveloped)*
- b) In the interim, prior to updating the plan, application for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.'*

Paragraph 187 of the NPPF advises:

*'Planning policies and decisions should contribute to and enhance the natural and local environment by:*

- a) protecting and enhancing valued landscapes*
- b) recognising the intrinsic character and beauty of the countryside*

- c) *maintaining the character of the undeveloped coast*
- d) *minimising impacts on and providing net gains for biodiversity*
- e) *preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability*
- f) *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.'*

## 22.0 HISTORIC ENGLAND LISTING

The Grade II Listed Building was first listed on the 16<sup>th</sup> of December 1974.

List entry number is 1287723.

The grid reference for this property is TL41664 96222.

The listing describes the property as a

*“House, mid C18 and C19. Narrow gault brick with red brick to quoins, partly obscured by later render to front wall. Side walls have English bond brickwork. Steeply pitched roof of Welsh slate and end stacks (rebuilt). L-plan. Two storeys. Raised and moulded surrounds to three sixteen pane hung sashes. Three similar windows at ground floor and two doorways. The doorway to right hand has late C18 panelled door. Left hand doorway has later door but early C19 rectangular fanlight with glazing bars. Kitchen wing at rear. Inside: Plan of hall and stairbay flanked by two rooms with further room to left hand. Staircase, c1750, open string of four flights with enriched tapering columns as balusters and square newels with sunken panels and moulded rail. Three doorways at ground floor in round headed arches with raised surrounds and scrolled keyblocks with bead enrichment. Raised and fielded panelled doors. Original fireplaces also of narrow red and yellow gault brick.”*

## 23.0 WHAT IMPACT WILL THE PROPOSAL ON THE SIGNIFICANCE OF THE HERITAGE ASSETS AND SETTING EFFECTING BE

The proposal would have minimal effect of the Grade II Listed Building which is set to the west of the proposal.

This is a substantial listed building which would be unaffected and no works are required to the building as part of this application.

This proposal is single storey which would not detract from the substantial listed building.

## 24.0 HAS THE PROPOSAL TAKING INTO ACCOUNT THE NATURE OF THE HERITAGE ASSETS.

The proposal has taken into account the heritage assets by minimising there proposal to single storey which is clearly significantly different from the Grade II Listed Buildings to the west of this site, which are two and two and a half storey substantial buildings.

Good quality materials will be utilised as part of this proposal which would be agreed via a condition.

25.0 EXISTING HERITAGE ASSETS

The existing heritage assets are in a line of Grade II Listed Buildings to the west of this site.

This site and the listed buildings are within March Conservation Area.

Beyond the east of this site there are all newer developments of approximately 20 years in age and 60 years in age.

The proposal would not impact the line of Grade II substantial Listed Buildings as it is set a considerable distance from the buildings allowing for a substantial garden and parking area, similar to existing with the existing parking area to the listed building being maintained as existing, together with the existing gravel areas being maintained as existing.

The dwelling could even appear subservient to the Grade II Listed Building, although set a considerable distance away and could be more in keeping with the adjacent Elwyndene development of the 1960's/70s.

26.0 ADJACENT HERITAGE ASSETS

To the west of this site there are a line of Grade II Listed Buildings which would be 106 High Street which is a Public House, 108 High Street which is part of this proposed site, 110 High Street and 112 High Street with these being Grade II Listed Buildings.

It should be noted that 112 High Street, has been allowed to extend about the rear of the Grade II Listed Building even attach to the listed building by Fenland District Council.

27.0 CONCLUSION

This site is within the built up form of March.

The site complies with Policy LP3 of Fenlands Local Plan as it is set within the growth town of March.

The site is located all within flood zone 1.

There is no vegetation within 10m of the proposed dwelling.

The property does have greater than a third plot area to garden.

The proposal as well as the existing building would still have adequate parking and turning for 2 spaces for the proposed dwelling and greater than 3 spaces for the existing building.

The site benefits from an existing access on to High Street which is a 30mph road.

The proposal is single storey with no overlooking and maintains the character of the listed building as this is set within a considerable distance from the Grade II Listed Building.

There will be no overshadowing onto neighbouring properties from the proposal, this being single storey and set well away from adjacent residential properties.

The majority of the principal openings are set on the front and rear elevations with limited openings on each side elevation.

External materials can be agreed via a Condition with the Planning Officer.

A landscaping scheme can also be conditioned if required.

It should be noted that the existing rear grounds of the Grade II Listed Building are majorly gravel areas and not lawn. Therefore, the proposal is not using garden area.

The proposal is therefore policy compliant.

This proposal does not require any work to the Grade II Listed building or the access to the Grade II Listed building from High Street.

The proposal leaves a substantial garden area to the Grade II Listed Building and parking area.

The proposal would not be detrimental to the Conservation Area and cannot be seen from the street scene.

A Heritage Statement is required with this proposal as part of National Planning Policy Framework, which has been incorporated into this Design & Access Statement.



## CONSERVATION REFERRAL COMMENTS

**Application Ref:** F/YR25/0328/F

**Address:** 108 High Street March Cambridgeshire

**DC Case Officer:** K Crow

**Conservation Officer:** S Falco

**Date:** 03/06/2025

**Proposal:**

Erect 1x dwelling involving demolition of shed within a Conservation Area

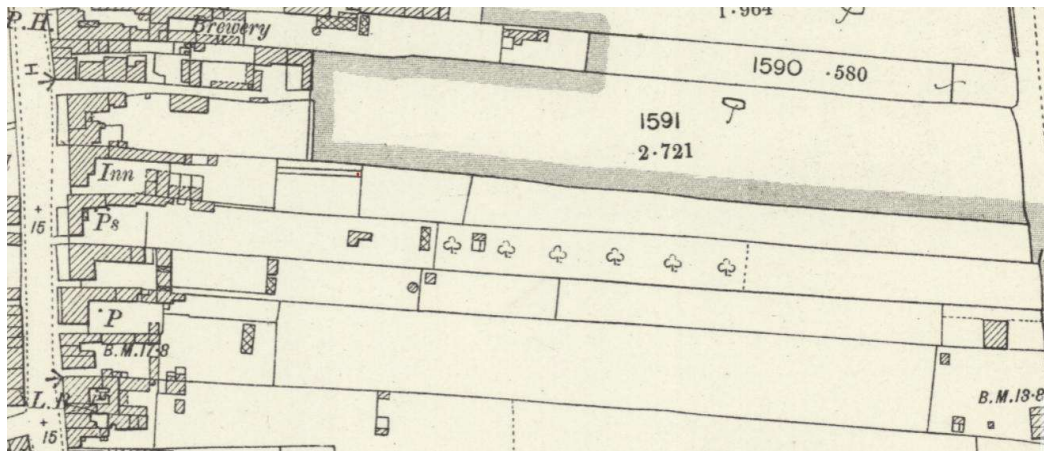
**Considerations:**

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 March 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. Comments are made with due regard to Section 16 of the National Planning Policy Framework, 2023, specifically, paragraphs 201, 203, 205, 206, and 208
5. A heritage statement has been submitted with the application that just about meets the requirements of 207 of the NPPF.
6. Due regard is given to relevant planning history.

## Comments:

The land proposed to be developed is garden backland within the curtilage of a GII listed building. As previously mentioned under in comments pertaining to a pre-application enquiry for residential development proposals under 24/0050/PREAPP, that such backland development and hiving off from listed building curtilages should only take place in **exceptional circumstances** where harm can be robustly justified or outweighed by **strong public benefits**.

As can be seen from the early C20 OS map below, the land has formed a long linear curtilage, likely since the construction of the building. The curtilage has already been substantially truncated during the mid to late C20 with the construction of modern estate housing to the rear, as have a number of neighbouring listed buildings.



The neighbouring listed buildings no's 110 and 112 have estate development encroaching slightly further up the garden than the host property. However, this proposal would bring this proposed development the furthest incursion in to the curtilage of all when considered against the adjacent listed buildings.

There is a particular concern that this proposal will result harm to the setting of the Listed Building, as well as resulting in a precedent for further development within the gardens of these listed buildings.



Putting aside the negative impact on the setting of the listed building and its characteristically long linear plot that has been truncated substantially already. The host listed building is large and is considered to require a suitably proportionate curtilage. When taking into consideration the amount of garden proposed to be taken for the new dwelling, as well as a substantial amount taken for the purposes of for an access driveway, this results in substantial reduction in curtilage and an awkward development layout.

Whilst the proposal will take up less space the previous pre-app proposal, the impacts on the remaining historic linear curtilage and setting of this listed building remain particularly unacceptable.

### **Design:**

The design of the structure considered on its own, is a basic modern bungalow form with the gables awkwardly dressed in cladding, as a contrived nod to an agricultural building, but fails to do so. As such, the building design does not seek to respect or reflect the setting of the host listed building.

### **Conclusion:**

There is strong concern that the proposal substantially erodes what is left of the historic linear curtilage to the rear of this listed building.

There is also strong concern that carving up the plot with modern fencing to create a driveway significantly impacts the historic setting of the rear of this listed building and gives rise to a precedent for similar harmful development proposals for the adjacent listed buildings.

There is considered to be a medium level of less than substantial harm as a result of the proposals. Taking para 205 of the NPPF into account – *‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the*

*asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance', the presumption should be for refusal.*

Taking para 206 into consideration - *Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.* There is no clear and convincing justification submitted to outweigh the harm as part of this proposal.

Para 207 is not relevant as it related to substantial harm - i.e. entire loss of the designated heritage asset.

Taking para 208 into account - *Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

There are deemed to be no public benefits (only private) to arise as a result of approving this proposal, making the development contrary to both national and local planning policy.

There is a strong heritage objection to the principle of any backland residential development by way of splitting the historic curtilage of this listed building and the resultant detriment to historic layout and setting.

**RECCOMENDATION: Object – Refuse**

Document is Restricted

This page is intentionally left blank