

PLANNING COMMITTEE DATE: 30 October 2024

APPLICATION NO: F/YR24/0562/F

SITE LOCATION: 2 Doddington Road, Chatteris, Cambridgeshire, PE16 6UA

UPDATE

1. Further comments received since preparation of the Committee Report.

Resident Comment

- 1.1 One additional public comment has been received from the occupier of 11 Ellingham Gardens, further to their comments as summarised in paragraph 5.12 of the Committee Report. The resident challenges the validity of the Biodiversity Net Gain (BNG) assessment accompanying the application, specifically challenging the recorded baseline on-site habitat value.
- 1.2 The applicant's Ecologist has reviewed the above and has responded as follows in summary;
- The person reviewing the biodiversity net gain is not qualified to do so. The metric is a tool to be used by and reviewed by a competent person. The Ecologist has carried out BNG training. The person reviewing the metric for planning should be of equal or greater competency as the person completing the metric.
 - Paragraph 2 of page 57 of the Statutory Metric user guidelines states:- The condition of individual trees can be assessed as blocks or groups if found within and around the perimeter of urban land. The site is a vegetated garden, within the urban categorisation of the UK hubs. The trees are around the perimeter of an urban land parcel and therefore, in accordance with the user guide, the condition assessment is treated as a block. For a tree to be of good condition it has to pass 5 or 6 of the criteria. If the objector were to review the condition assessment worksheet, which was also supplied with the metric and the report, they would see that tab 9A contains the condition assessment. This has shown that 4 of the 6 criteria have been passed. These trees were grouped together in lines and not mature. The canopy spread in the AIA shows that the canopies were fairly tight and small. They would not have > 20% over sailing the grass below. The photos show that they are not 20% oversailing as well.
 - Has been an environmental consultant for 20 years and is qualified to do a condition assessment.
 - The LPA has no basis to require the condition to be upgraded to good as the highest condition value is moderate. However, even if it was to be incorrectly upgraded to good, all this would do would raise the deficit and cost more to offset.
 - The site has outline planning. The applicant could just implement that permission and build nine homes with no requirement for BNG.

1.3 *Officer Response:*

CCC Ecology were originally consulted on the application on 16th July 2024, however they have not provided a consultation response. In addition, the Local Planning Authority have made CCC Ecology aware of the additional public comment and asked whether they wish to provide a response to it. No response has been received to date. The BNG assessment accompanying the planning application has been carried out by a qualified Ecologist and the Local Planning Authority have no evidence from any other qualified Ecologists to discredit the validity of the BNG assessment, including the recorded baseline on-site habitat value.

1.4 Chatteris Town Council comments

'All the trees which were felled must be replaced and the new trees should be planted on the site and those that are not planted on the site should be planted elsewhere in Chatteris, not outside the town.'

1.5 *Officer Response:*

There is no planning policy requirement for all trees previously felled within the site to be replaced with new trees on site or within Chatteris. However, in any event of planning permission being granted, a condition would be appended requiring a BNG plan to be approved by the Local Planning Authority.

2 Update on Drainage matters

2.1 Paragraph 10.16 of the Committee Report states that there was insufficient time to obtain Lead Local Flood Authority advice on the latest Flood Risk Assessment & Sustainable Drainage Strategy (Rev A) in advance of publishing the Committee Report. Officers have since worked proactively with the applicant / agent to accept the revised strategy at a late stage in the application process and seek a further consultation response from the Lead Local Flood Authority (LLFA) and Local Highway Authority (LHA) in respect of the revised strategy.

2.2 Further correspondence has been received from the LHA on 29th October 2024, stating that they believe the watercourse into which the applicant proposes to discharge surface water, is a highway-controlled watercourse, whereas the applicant believes it be an IDB controlled one. The LHA has also set out that they do not allow connection to watercourses under their control.

2.3 The Lead Local Flood Authority has recently reviewed the latest FRA and drainage strategy (including detailed evidence of infiltration testing) received 29th October and has advised that they would be content to deal with the final drainage strategy via pre-commencement condition if the discussions regarding a surface water outfall for the site are positive.

2.4 *Officer Response:*

In respect of surface water management, there remains uncertainty over who is the responsible body for the proposed outfall drain and therefore it is not certain that the proposed means of drainage is achievable and/ or that consents would be forthcoming in this instance. With Anglian Water advising in their comments that connection to sewer is the last resort and would be agreed in principle only after evidencing that all other means have been ruled out, it must be concluded that, at this time, the application fails to demonstrate that surface water can be satisfactorily managed and disposed of. The proposal therefore conflicts with

Local Plan policy LP14. As such, whilst the applicant has indicated their agreement to a pre-commencement condition to finalise the drainage strategy, this would not be reasonable given the lack of information and uncertainty over how achievable the current surface water design and strategy is.

2.5 Therefore, with consideration given to the latest responses received from the Local Highway Authority and the Lead Local Flood Authority, officers now consider it necessary to recommend the following reason for refusal in addition to those set out in the officer report:

Refusal reason 3

The application seeks to manage surface water via an existing watercourse. However, there is uncertainty over who is responsible for this watercourse, its current capacity and therefore whether it is a suitable or realistic means of surface water disposal. The application therefore fails to demonstrate that the layout and drainage of the proposed development takes account of the ground conditions and would have acceptable surface water impacts, contrary to policies LP14 and LP16 of the Fenland Local Plan 2014 and guidance contained within the Cambridgeshire Flood and Water SPD.

3 Corrections

3.1 In the interests of clarity, Refusal reason 2 is proposed to be re-worded to read as follows:

The proximity of dwellings serving plots 13 and 14 results in significant overlooking impacts and loss of privacy to the private outdoor amenity space serving No.4B Doddington Road; the private outdoor amenity spaces of plots 2 and 9 will be significantly overlooked by other dwellings within the proposed development; and the siting of the proposed parking spaces for Plot 3 results in a poor standard of outlook and amenity for occupiers of Plot 4. Therefore, the proposed development would result in significant harm to the residential amenity of one existing neighbouring property and would provide a poor standard of residential amenity to future occupiers of three of the proposed dwellings, contrary to policies LP2 and LP16 of the Fenland Local Plan 2014 and paragraph 135 of the National Planning Policy Framework.

Recommendation: Refuse as per section 12 of the officer report and including refusal reason 3 as set out at 2.5 above and amendment to refusal reason 2 as set out at 3.1 above.