
F/YR24/0828/VOC

**Applicant: Mr Richard Barnes
RJB (East) Ltd**

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

32 Wimblington Road, Doddington, March, Cambridgeshire PE15 0TJ

Variation of condition 16 (list of approved plans), relating to planning approval F/YR23/0539/O (Erect up to 4 x dwellings (outline application with matters committed in respect of access and layout), involving the demolition of existing dwelling and storage buildings) relating to changes to layout of plots 2, 3 and 4, roadway and trees

Officer recommendation: Grant

Reason for Committee: Parish Council objection and six or more written opinions received which differ from the Officer recommendation

Government Planning Guarantee

Statutory Target Date For Determination: 6 December 2024

EOT in Place: Yes

EOT Expiry: 07 May 2025

Application Fee: £293

Risk Statement:

This application must be determined by 7th May 2025 otherwise it will be out of time and therefore negatively affect the performance figures.

1 EXECUTIVE SUMMARY

- 1.1 This application seeks a Variation of Condition 16 to the list of approved plans to enable a revised layout of plots 2, 3 and 4, roadway and trees.
- 1.2 The amendments proposed to the layout include an amended orientation of plot 4. Plots 2 and 3 remain in a similar position to that of the original outline application.
- 1.3 Objections have been raised by neighbouring properties and the Parish Council predominantly concerning potential overlooking impacts because of the amended layout of Plot 4. These comments are acknowledged, however only layout and access are committed at this stage. Fenestration details would be considered at the reserved matters stage and it is considered that an acceptable scheme could be achieved on site which would not adversely impact upon neighbouring properties.
- 1.4 As such, this recommendation is to grant this application.

2 SITE DESCRIPTION

- 2.1 The application site is located to the south of Wimblington Road within the settlement of Doddington.
- 2.2 The site is currently occupied by a bungalow, a series of outbuildings and grassland areas. A range of mature trees are currently situated within the site and to the sites boundary's.
- 2.3 Existing access off Wimblington Road is located at the northern boundary of the site. To the east of the site is overgrown vegetation with open fields beyond, south of the site there are 16 no. residential dwellings that were approved under planning application F/YR14/0217/F. To the west of the site is Crossway Wood, which is part of a Tree Preservation Order TPO01/2014 and has an existing pond. A newt corridor is maintained from Crossway Wood to a pond on the Larkfleet development to the south of the site approved under planning application F/YR14/0217/F.
- 2.4 The application site is situated within Flood Zone 1 and an Amber Great Crested Newts Protection Zone.

3 PROPOSAL

- 3.1 This application seeks a Variation of Condition 16 to the list of approved plans to enable a revised layout of plots 2, 3 and 4, roadway and trees.
- 3.2 Plots 2 and 3 will remain in a similar position to the approved layout. The amendment to plot 4 includes an amended orientation.
- 3.3 The amendments to the internal roadway include minor amendments to the parking and turning areas within the site.
- 3.4 A revised tree report has also been submitted detailing the trees to be removed and retained.
- 3.5 Full plans and associated documents for this application can be found at:
<https://www.publicaccess.fenland.gov.uk/publicaccess/>

4 SITE PLANNING HISTORY

Reference	Description	Decision
F/YR24/3104/COND	Details reserved by condition 4 (construction method statement) and 12 (construction environmental management plan) of Planning permission F/YR23/0539/O (Erect up to 4 x dwellings (outline application with matters committed in respect of access and layout), involving the demolition of existing dwelling and storage buildings)	Approved 22/10/2024
F/YR24/3132/COND	Details reserved by Condition 01 (Materials) of planning permission F/YR24/0114/RM (Reserved Matters application relating to detailed matters of appearance, landscaping and scale (for Plot 1 only) (1 x dwelling, 2-storey, 4-bed) pursuant to outline permission F/YR23/0539/O (Erect up to 4 x dwellings (outline application with matters committed in respect of access and layout), involving the demolition of existing dwelling and storage buildings))	Approved 13/11/2024
F/YR24/0114/RM	Reserved Matters application relating to detailed matters of appearance, landscaping and scale (for Plot 1 only) (1 x dwelling, 2-storey, 4-bed) pursuant to outline permission F/YR23/0539/O (Erect up to 4 x dwellings (outline application with matters committed in respect of access and layout), involving the demolition of existing dwelling and storage buildings)	Approved 01/05/2024

F/YR23/0539/O	Erect up to 4 x dwellings (outline application with matters committed in respect of access and layout), involving the demolition of existing dwelling and storage buildings	Granted 17/11/2023
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5 CONSULTATIONS

5.1 Doddington Parish Council

Doddington Parish Council has considered the amended plans submitted under the above reference and has no further comment to make.

Previous comments received from the Parish Council supported the objections raised by residents of Witchford Close and Woodford Close with regard to overlooking impacts associated with Plot 4. The Parish Council noted that residents would be adversely impacted (policy LP2).

5.2 FDC Arboricultural Officer

Having reviewed the current method statement and tree protection plan I consider this acceptable. The method statement includes details on site supervision, but states this is to be formalised at a pre-commencement meeting. This will need to be done and details of when arboricultural site monitoring is to be undertaken.

Previous comments received from the FDC Arboricultural Officer noted that the submitted method statement and protection plan was insufficient in detail. The agent has provided amendments to overcome these initial concerns.

5.3 CCC Highways

Recommendation

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

Comments

Following a review of the documents provided to the Highway Authority as part of the above planning application, the revised drawings do not alter the original comments raised in the consultation response dated 22nd November 2024.

In the event that the LPA are mindful to approve the application, please append the Conditions outlined within the consultation response for the outline planning consent (planning ref. F/YR23/0539/O), dated 16th August 2023.

Informatives

Works in the Public Highway

This development may involve work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way,

without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

5.4 Local Residents/Interested Parties

7 letters of objection have been received with regard to this application. 4 of these letters are from properties at Woodside Close; 2 from Witchford Close and 1 from Eastwood, Chatteris. The reasons for objection are summarised as follows:

- Privacy
- Overlooking
- Impact on property value
- Trees
- Loss of view
- Parking
- Newt corridor not retained
- Land ownership

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

7.1 National Planning Policy Framework (NPPF) 2024

Chapter 2 - Achieving sustainable development
Chapter 4 – Decision-making
Chapter 9 – Promoting sustainable transport
Chapter 11 – Making effective use of land
Chapter 12 – Achieving well-designed places
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

7.4 Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development
LP2 – Facilitating Health and Wellbeing of Fenland Residents
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 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
LP24: Natural Environment
LP25: Biodiversity Net Gain
LP32: Flood and Water Management

8 KEY ISSUES

- **Principle of Development**
- **The acceptability of the changes proposed**
- **The conditions subject to which planning permission was granted**
- **Biodiversity Net Gain (BNG)**

9 BACKGROUND

- 9.1 The Planning Practice Guidance (PPG) notes that there are instances where new issues may arise after planning permission has been granted, which require modification of the approved proposals.
- 9.2 The PPG advises that where modifications are fundamental or substantial a new planning application will be required. Where less substantial changes are proposed a minor material amendment application under S73 of the Town and Country Planning Act 1990 can be submitted where there is a relevant condition that can be varied – for example and in this case, the conditions controlling the approved plans.
- 9.3 The effect of granting S73 permission is to effectively re-issue a planning permission and therefore any conditions and obligations that are relevant to the new permission having regard to the previous permission should be re-imposed and any new conditions or obligations imposed where appropriate to do so.
- 9.4 The High Court ruling in the case of *Armstrong v Secretary of State for Levelling-Up, Housing and Communities* [2023] EWHC 176 reiterated the principle of S73 applications. This Case Law states that:
- 9.5 *Section 73 is clearly intended to be a provision which enables a developer to make a section 73 application to remove or vary a condition, provided of course that the application does not conflict with the operative part of the planning permission.*
- 9.6 The operative part of a planning permission is considered to be the description of development granted.

10 ASSESSMENT

Principle of Development

- 10.1 The principle of development has been clearly established by virtue of the original grant of permission. It is merely the revised details and any implications of the amendments proposed that require consideration under Section 73; along with an evaluation as to whether the amendments proposed are individually and cumulatively minor in the context of the approved scheme.

The acceptability of the changes proposed

- 10.2 This application seeks to vary condition 16 which relates to the list of approved plans. The amendments proposed relate to an amended layout of Plots 2, 3 and 4, amendment to the roadway and to the trees on site.

Amended layout

- 10.3 As aforementioned, plots 2 and 3 remain in a similar position to the original approved layout of the scheme. The amendment to plot 4 includes an amended orientation. The amended layout of plot 4 would not introduce any issues with regard to visual amenity, parking or provision of private amenity space.
- 10.4 The letters of objection received, and the comments provided by the Parish Council are acknowledged. However, it should be highlighted that this application is a Variation of Condition application relating to a previous Outline permission which only committed access and layout. As such, matters relating to appearance, landscaping and scale would be considered at subsequent reserved matters stage.
- 10.5 The elevation and floor plan drawings provided are indicative only and would not be approved as part of this application. Fenestration details would be approved at reserved matters stage. Irrespective of this, it is considered that a scheme could be accommodated under the amended layout which would not introduce adverse impacts upon the privacy of surrounding properties. As such, the amended layout could not be refused on issues relating to the detailed design of the dwellings as this has not been committed at this stage.
- 10.6 The letters of objection received also raised concerns regarding potential impacts on property value and loss of view. These are not material planning considerations and therefore cannot be used as a reason to justify refusal.
- 10.7 One of the letters received raised concerns regarding land ownership. Similarly to the above, land ownership is a civil matter and not a material planning consideration.
- 10.8 Concerns were raised regarding the existing newt corridor not being retained. The agent has since amended the submitted site plan to ensure that the newt corridor remains in situ.
- 10.9 Concerns raised regarding parking and trees will be discussed below.
- 10.10 The amended layout is therefore considered to be acceptable and compliant with Policy LP16 of the Fenland Local Plan. Window arrangements would be reviewed at reserved matters stage.

Roadway

- 10.11 The proposed internal roadway is to be slightly amended to accommodate the revised layout. The amended roadway layout retains provision for parking for 3 vehicles for each plot in the form of driveways and associated garages. Communal turning areas are also retained within the site.
- 10.12 The CCC Highways team were consulted as part of this application and have raised no objection to the amended internal roadway as the site retains access and turning for refuse vehicles. As such, the amendments to the roadway are considered acceptable and there are no issues to address with regard to Policy LP15.

Trees

- 10.13 The proposed amended layout and alterations to the internal roadway as resulted in amendments to the trees on site to be retained and removed. Upon consultation with the FDC Arboricultural Officer, no objections were raised to the amendments proposed and the method statement and protection plan submitted are considered to be acceptable. As such, there are no issues to address with regards to Policy LP19.

The conditions subject to which planning permission was granted

No.	Condition summary	Amendments required?
1	Approval of reserved matters	Condition to be retained.
2	Application for approval of reserved matters shall be made before the expiration of 3 years	Condition to be amended to reference the date of the original outline consent.
3	Development shall begin before expiration of 2 years from the date of approval of the last reserved matters	Condition to be retained.
4	No development to take place prior to the submission of a Construction Method Statement	Details approved under F/YR24/3104/COND. Condition to be amended to be in accordance with these details.
5	Prior to commencement of use condition relating to construction of access.	Condition to be retained.
6	Landscaping details to be submitted in accordance with Condition 01	Condition to be retained.
7	Access and hardstanding to be constructed with adequate drainage	Condition to be retained.
8	Permitted development rights removed for the provision of gates and means of enclosure across vehicular access	Condition to be retained.
9	Prior to occupation condition requiring on-site parking/turning areas to be laid out in a bound material and	Condition to be retained.

	drained within the site	
10	Prior to commencement condition of use condition requiring provision of visibility splays	Condition to be retained.
11	Contamination condition during development	Condition to be retained.
12	No development to take place until a construction environmental-management plan has been submitted	Details approved under F/YR24/3104/COND. Condition to be amended to be in accordance with these details.
13	Working hours condition	Condition to be retained.
14	Condition requiring development to be undertaken in accordance with the submitted tree survey	Condition to be amended to reference new tree surveys.
15	Condition requiring development to be undertaken in accordance with Preliminary Ecological Appraisal	Condition to be retained.
16	Approved plans condition	Condition to be amended to reference amended plans.

Biodiversity Net Gain (BNG)

10.14 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.

10.15 There are statutory exemptions, transitional arrangements and requirements relating to irreplaceable habitat which mean that the biodiversity gain condition does not always apply. In this instance, one or more of the exemptions / transitional arrangements are considered to apply and a Biodiversity Gain Condition is not required to be approved before development is begun because the application is a Section 73 application which are currently exempt from the Biodiversity Gain Condition.

11 CONCLUSIONS

11.1 The amendments proposed are considered acceptable and the scheme is considered to remain compliant with the Fenland Local Plan 2014. The comments received from neighbouring properties and the Parish Council are acknowledged however window arrangements would be considered at reserved matters stage. The drawings provided are only indicative and are not approved details at this stage. As such, the application is recommended for approval.

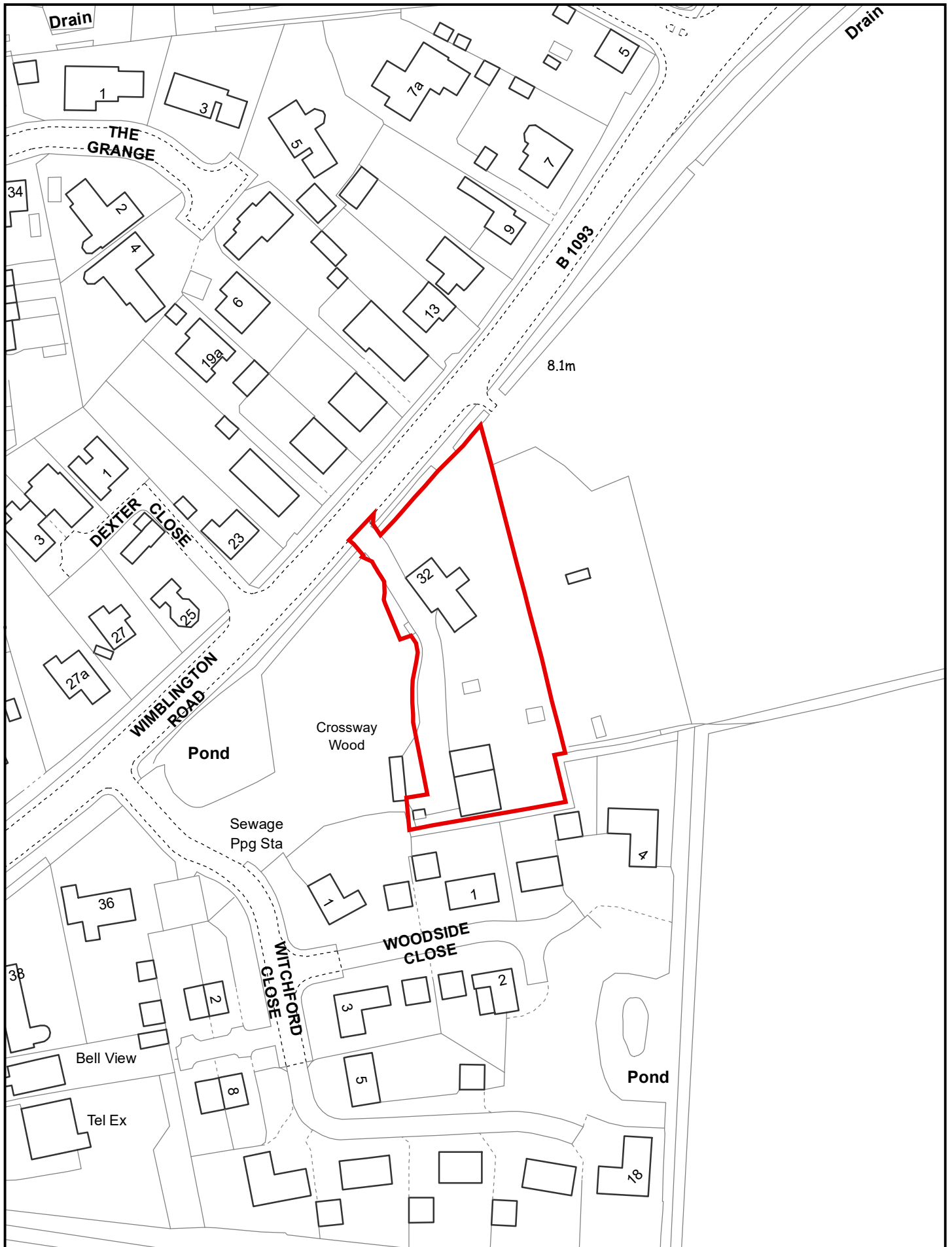
12 RECOMMENDATION

12.1 **Grant;** with the following conditions:

1	Approval of the details of:
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	<p>i. the scale of the building(s); ii. the external appearance of the building(s); iii. the landscaping</p> <p>(hereinafter called "the Reserved Matters" shall be obtained from the Local Planning Authority prior to the commencement of development).</p>
2	Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the 17 th November 2026.
3	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.
4	The development hereby approved shall be carried out in accordance with the Morton & Hall Consulting Ltd Preliminary Construction Management Plan – October 2024 revision (submitted with F/YR24/3104/COND).
5	Prior to the commencement of the use hereby approved the access road shall be constructed to a minimum width of 5 metres for a minimum distance of 10 metres measured from the near edge of the highway carriageway and thereafter maintained in perpetuity.
6	<p>The landscaping details to be submitted in accordance with Condition 01 of this permission shall include:</p> <p>a) existing and proposed site levels including those on adjacent land. b) means of enclosure ensuring that adequate gaps are provided under any new fencing to allow for the passage of hedgehogs. c) car parking, vehicle and pedestrian access and circulation areas (which shall be of a bound material) d) hard surfacing, other hard landscape features and materials e) planting plans, including specifications of species, sizes, planting centres number and percentage mix, a range of native tree and shrub species should be included. f) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife g) existing trees, hedges or other soft features to be retained, including those on adjoining land and a tree survey is required to ensure the proposal will not have an adverse impact on the trees h) timing of landscaping works</p> <p>All works shall then be carried out in accordance with the approved details.</p>
7	The approved access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.
8	Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking, amending or re-enacting that order) no gates or other means of enclosure shall be erected across the vehicular access hereby approved;
9	Prior to the first occupation of the development the proposed on-site parking/turning area shall be laid out in accordance with the approved plans, surfaced in a bound material and drained within the site. The parking/turning area, surfacing and drainage shall thereafter be retained as such in perpetuity (notwithstanding the provisions of Schedule 2, Part 1, Class F of The Town and Country Planning (General Permitted Development) (England) Order 2015, or any instrument revoking or re-enacting that Order).
10	Prior to commencement of the use/or first occupation of the development hereby approved, visibility splays shall be provided on both sides of the new vehicular access and shall be maintained free from any obstruction over a

	height of 600 mm within an area of 2 metres x 2m metres measured along respectively the back of the footway
11	If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, a Method Statement detailing how this unsuspected contamination shall be dealt with.
12	The development hereby approved shall be carried out in accordance with the Denny Ecology Construction Environment Management Plan (submitted with F/YR24/3104/COND).
13	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.
14	The proposed development must be undertaken in accordance with the recommendations outlined within the submitted Arboricultural Method Statement including the tree protection plan prepared by OMC Arboriculture dated 16 th March 2025.
15	The proposed development must be undertaken in accordance with the mitigation and enhancements outlined within the Preliminary Ecological Assessment prepared by Applied Ecology Ltd in May 2023.
16	<p>Approved plans;</p> <p>Preliminary Ecological Appraisal H9658/01D Location plan, existing and proposed tree plan H9658/02G Proposed site plan Arboricultural Method Statement – OMC Arboriculture dated 16th March 2025</p>



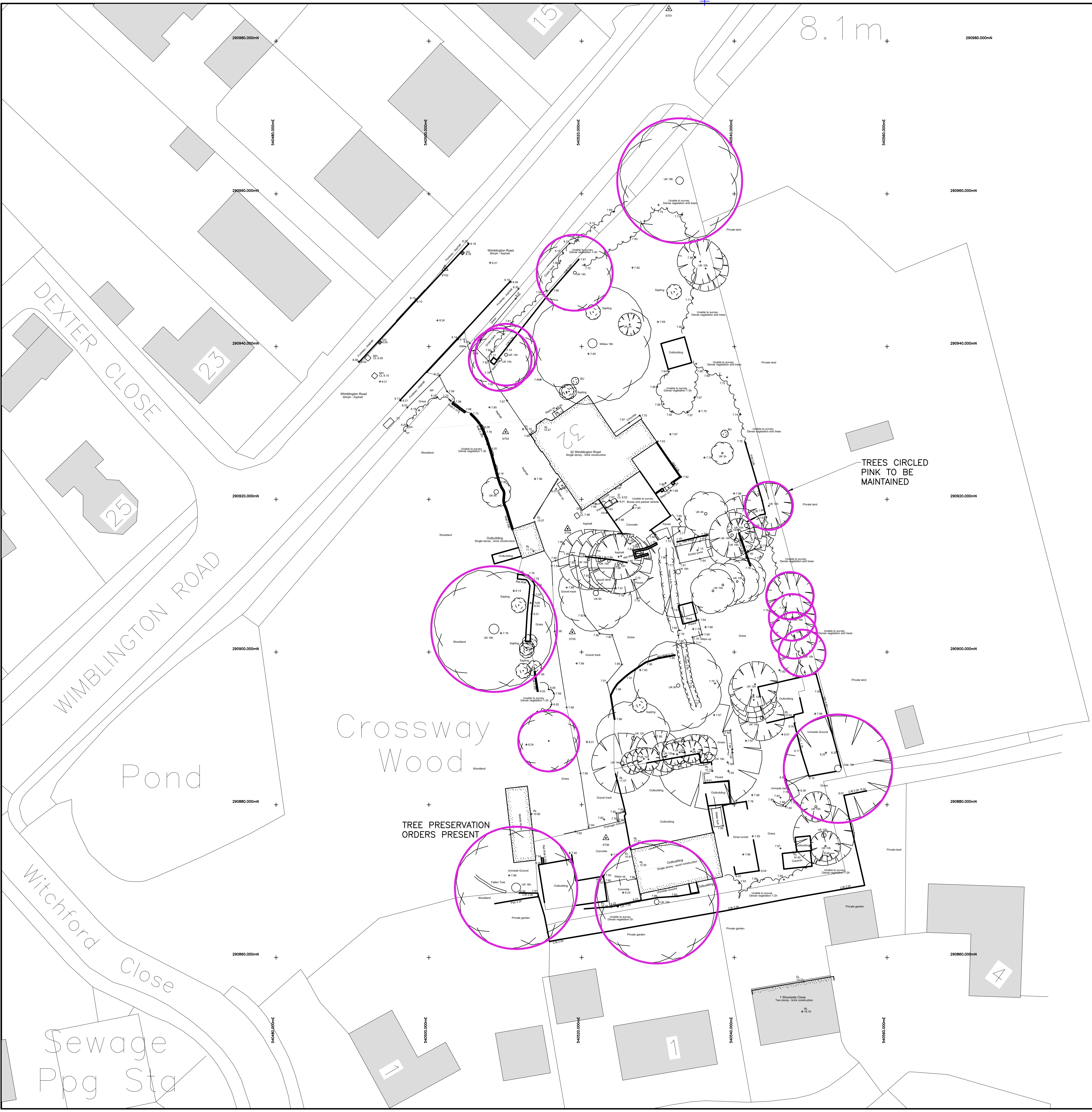
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F/YR24/0828/VOC

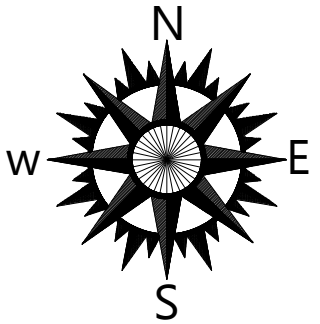
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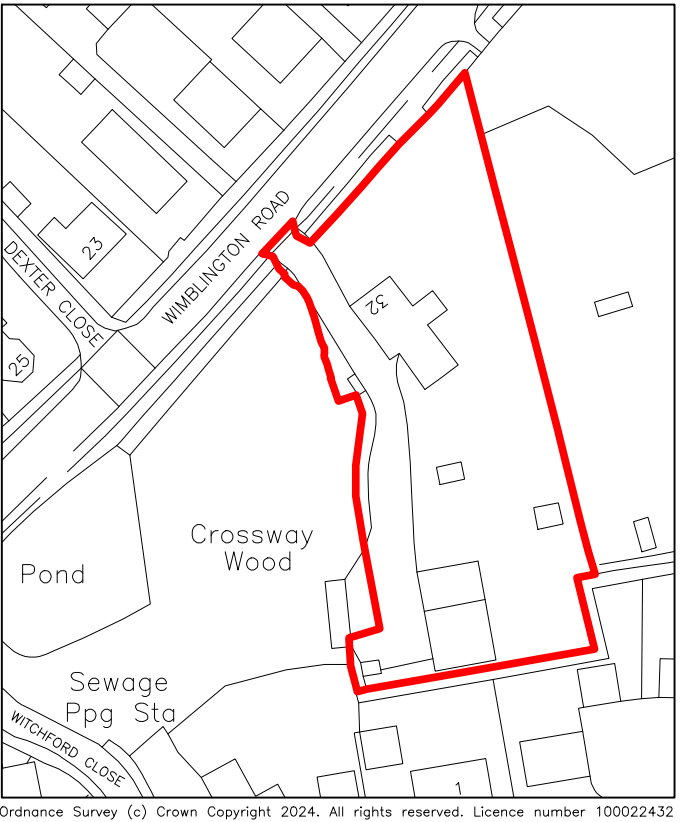


LEGEND:

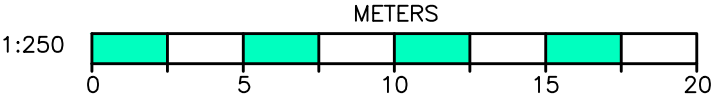
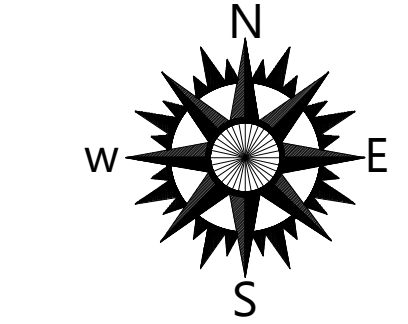
- EXISTING DWELLINGS
- PAVEMENT
- GRASS
- PERMEABLE BLOCK PAVING (NON SLIP)
- TARMAC
- GRAVEL
- SLAB PAVING
- WHEELIE BINS
- HEDGING
- VEGETATION



EXISTING SITE PLAN
(1:250)



LOCATION PLAN
(1:1250)



D	BOUNDARY UPDATED	MAR 2025
C	BOUNDARY UPDATED	MAR 2025
B	PLANNERS COMMENTS	OCT 2024
A	PLANNERS COMMENTS	OCT 2024

REVISIONS	DATE
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Fenland District Council
LABC
Building
Design Awards
winner
Building Excellence in Fenland

CLIENT

RJB (East) Ltd

PROJECT

32 Wimblington Road,
Doddington,
Cambridgeshire,
PE15 0TJ

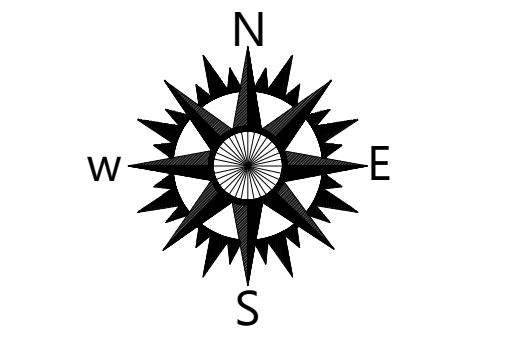
TITLE

Existing Site Plan, Location
Plan & Existing & Proposed
Tree Plan

DRAWN G.Boreham	DATE OF ISSUE
CHECKED	
DATE Jun 2024	DRAWING NUMBER H9658/01b
SCALE As Shown	



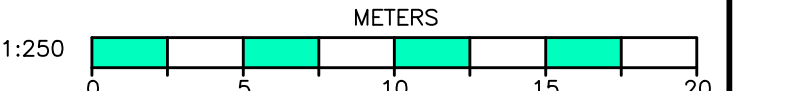
- LEGEND:
- EXISTING DWELLINGS
 - PAVEMENT
 - GRASS
 - PERMEABLE BLOCK PAVING (NON SLIP)
 - TARMAC
 - GRAVEL
 - SLAB PAVING
 - WHEELIE BINS
 - HEDGING
 - VEGETATION
 - ROOT PROTECTION ZONES (REFER TO TREE REPORT)
 - ASHP = AIR SOURCE HEAT PUMP
- SB = 2m SILVER BIRCH (BETULA PENDULA)
CH = 2m CHERRY TREE (PRUNUS REGINA)



PROPOSED SITE PLAN
(1:250)

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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
PROPOSED LANDSCAPING WORKS
Landscaping to be set on completion of each of the plots ensuring that no further building operations are required in the areas concerned and that the build process has moved on. All existing trees as shown to be maintained. Any tree planting to be implemented during the first season following the completion of the area concerned giving it time to establish during the build process within other areas of the Development.
MAINTENANCE
Maintenance to commence from the completion of the works and shall cease 12 months following the date of practical completion. The Developer and then each home Owner shall be responsible for the timing of the visits to ensure that the site has a well maintained appearance.
GRASSED AREAS
The grass/lawn mixes are to be maintained in accordance with the Establishment and Maintenance documents on www.wildseed.co.uk.
Lawns to be cut as necessary.

PROPOSED REPLACEMENTS
Any shrubs/plants which do not grow in the first 12 months, should be replaced with the same species and size as the original plant. This includes plants vandalised or stolen through no fault of the Developer. Plants should be checked at the end of the growing season from September onward but before leaf fall for deciduous species.



G D P C B A	PLANNERS COMMENTS	APR 2025
	BOUNDARY UPDATED	MAR 2025
	PLANNERS COMMENTS	NOV 2024
	SCHEME REVISED	NOV 2024
	DIMENSION ADDED	OCT 2024
	PLANNERS COMMENTS	OCT 2024
	DRAWING AMENDED	JUL 2024
REVISIONS		DATE

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CLIENT		RJB (East) Ltd
PROJECT		32 Wimblington Road, Doddington, Cambridgeshire, PE15 0TJ
TITLE		Proposed Site Plan
DRAWN	DATE OF ISSUE	
G.Boreham		
CHECKED		
DATE	DRAWING NUMBER	
Jun 2024		
SCALE		
As Shown		H9658/026