
F/YR20/0234/O

**Applicant: Mr B Saxby
MJS Acquisitions (March) Ltd**

**Agent : Mr Ben Saxby
MJS Acquisitions (March) Ltd**

Land North Of 3A - 9, Bridge Lane, Wimblington, Cambridgeshire

Hybrid application: Outline application with matters committed in respect of access for the erection of up to 16 x dwellings. Full application for the formation of an access, internal road, open space and drainage involving the demolition of existing dwelling and commercial buildings and provision of passing bays and a footway link to March Road.

Officer recommendation: Grant

Reason for Committee: Number of representations contrary to Officer Recommendation

Government Planning Guarantee

Statutory Target Date For Determination: 15 June 2020

EOT in Place: Yes/No

EOT Expiry: 06 June 2025

Application Fee: £8322

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

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| <p>1.1. The application is a hybrid application comprising both full planning and outline planning application elements as part of one general submission for development.</p> <p>1.2. The full planning application element is for an access, internal road, open space, drainage, demolition of existing dwelling and commercial building, and provision of passing bays and a footway link.</p> <p>1.3. The outline planning application element of the scheme is for 16 dwellings with all matters reserved.</p> <p>1.4. The proposal is capable of compliance with policies regarding impact on neighbouring amenity, highway safety, character of the area and biodiversity.</p> <p>1.5. The previous reason for refusal, the Inspectors appeal decision and the subsequent outline approval for 7 dwellings has been revisited. It is considered</p> |
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that no or only minimal gaps and views of the site now exist. It is therefore not considered that the development will result in visual harm to the settlement form or the character of the area.

- 1.6. Due to the scale of the scheme, a S106 will be required to secure the delivery of a scheme of off-site highways works, along with a commuted sum in lieu of on-site affordable housing provision and for healthcare mitigation. The contributions agreed with the applicant are considered to be acceptable on balance.
- 1.7. Given that the proposal of development of brownfield land accords with the thrust of the NPPF, the application is recommended for approval subject to attached conditions, and the agreement of a suitable S106 agreement.

2 SITE DESCRIPTION

- 2.1. The application site is located on land North of Bridge Lane, Wimblington and measures approximately 1.5 hectares. The site is located to the rear of an existing road fronting residential development along Bridge Lane.
- 2.2. The site is largely undeveloped, generally covered in scrub vegetation. The development on site is limited to a single building located towards the northeastern corner of the site.
- 2.3. There are a number of trees located within the site, with substantial soft landscaping features offering boundary screening, particularly along the northern, western and southern boundaries of the site. There is a group TPO in place on the site.
- 2.4. The application site is located within Flood Zone 1.

3 PROPOSAL

- 3.1. The application is a hybrid application comprising of both full planning and outline planning application elements as part of one general submission for development.
- 3.2. The full planning application element is for an access, internal road, open space, drainage, demolition of existing dwelling and commercial building, and provision of passing bays and a footway link.
- 3.3. The outline planning application element of the scheme is for 16 dwellings with all matters reserved.
- 3.4. Full plans and associated documents for this application can be found at:

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

4 SITE PLANNING HISTORY

F/YR18/0385/O	Erection of up to 7 x dwellings involving the demolition of an existing commercial building (Outline application with all matters reserved)	GRANT	04.07.2018
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F/YR15/0798/O	Erection of 10 x dwellings (max) involving the demolition of 5 Bridge Lane and existing commercial buildings (Outline application with all matters reserved)	REFUSED APPEAL DISMISSED	16.11.2015 07.06.2016
F/YR15/0317/O	Erection of 20 x dwellings (max) involving the demolition of 5 Bridge Lane and existing commercial buildings	REFUSED	16.07.2015
F/YR03/0866/F	Variation of Condition 07 of Planning Permission F/0015/86/F (hardstanding for parking of trailers and lorries) to maximum of 24 tractor units and 30 trailers, tree & fence screening and highway improvements Land North Of 3-5 Bridge Lane Wimblington	REFUSED	14.10.2003
F/YR02/1302/F	Variation of Condition 07 of Planning Permission F/0015/86/F (hardstanding for parking of trailers and lorries) to maximum of 30 tractor units and 40 trailers to be kept on site at any time Land North Of 3-5 Bridge Lane Wimblington	REFUSED	05.02.2003
F/1458/89/F	Change of use from agricultural building to garage/workshop use, associated with existing haulage yard	APPEAL ALLOWED	19.04.1990
F/0015/86/F	Hardstanding for parking of trailers and lorries, including the siting of a Portakabin-type office and diesel fuel tanks 3 Bridge Lane Wimblington	GRANTED	03.09.1986

5 CONSULTATIONS

5.1. Wimblington Parish Council (11 October 2023)

Objections are summarised as follows:

- Previous refusals.
- Exceeds local commitment for housing.
- Need for affordable and not executive housing.

- Impact on the character and appearance of the area.
- Not sustainable.
- Bridge Lane cannot accommodate additional traffic.
- Biodiversity statement not evidenced.
- Noise, disturbance, pollution and asbestos.
- Flooding.
- Land ownership of part of footpath, passing bays and access point.

5.2. Anglian Water (26 September 2023 & 7 March 2023)

The development site is within 15 metres of a sewage pumping station. This asset requires access for maintenance and will have sewerage infrastructure leading to it. For practical reasons therefore it cannot be easily relocated.

Anglian Water consider that dwellings located within 15 metres of the pumping station would place them at risk of nuisance in the form of noise, odour or the general disruption from maintenance work caused by the normal operation of the pumping station.

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

Recommends informatives.

5.3. Archaeology (16 February 2024)

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. Cambridgeshire Constabulary (3 October 2023)

Recommends that the principles of 'Secured by Design' are incorporated into the scheme and to this extent welcomes a discussion to design out crime and reduce the opportunities for crime.

5.5. Environmental Health (23 March 2020)

I note that the site has existing consent for residential development and concur with section 8 of the Design and Access Statement by MJS Construction (March) Ltd October 2019 whereby the issue of contamination can be with going forward due to the land use having not changed, by inclusion of the remainder of the full contaminated land condition which requires a Phase 2 intrusive investigation and any subsequent associated remedial strategy and validation/closure reports being submitted. Any such reports and certification such as that covering the importation of clean soil will need to be approved by this service prior to allowing full discharge of the relevant condition.

Given the scale of the proposed development and its close proximity to existing residential properties, I would recommend that a construction management plan is submitted prior to commencement of development, which outlines procedures to ensure that any potential disturbance will be kept to a minimum.

5.6. Highway Authority (3 October & 12 March 2023)

The application is considered to be acceptable and conditions relating to binder course, construction facilities, turning areas, management of estate roads, wheel wash facilities, and off-site works and informatives are recommended.

5.7. Housing Strategy Officer (3 April 2020& 16 February 2024)

The affordable housing requirement of this site is 4 dwellings with a split of 3 affordable homes and 1 shared ownership. On smaller sites (37 dwellings or less) there is provision for making a financial contribution in lieu of on-site provision for applications submitted between 1 April 2016 and 31 March 2020 (this application was submitted on 16 March 2020).

5.8. Lead Local Flood Authority (8 October 2023 & 22 February 2023)

Position remains supportive of the development subject to the imposition of conditions relating to surface water drainage and surface water run-off during construction, and informatives drawing attention to the need to obtain consent from the IDB, and mitigate against pollution during construction.

5.9. FDC Ecology (16 April 2025)

No objection subject to conditions relating to conditions relating to compensation scheme for Barn Owls, scheme for provision of bat and bird boxes, and avoiding vegetation clearance during bird nesting season.

5.10. Local Residents/Interested Parties

A total of 23 letters of objection have been received from residents of Bridge Lane, New Woods Drive, The Paddocks and Eastwood End, raising the following points:

- Site Notice has not been put up. Some residents not informed.
- Proposed alterations to the lane will affects all uses and residents.
- Out of character and appearance of the area.
- Adverse highway impact on Bridge Lane.
- Adverse impact on residential amenity through noise, loss of privacy and disturbance.
- Overdevelopment.
- Capacity of foul and surface water system to take further development.
- Covenant on the land sale restricts development of the site to no more than 10 dwellings.
- Overlooking.
- No provision for affordable housing.
- Inadequate access.
- Public open space will allow gatherings and anti-social behaviour.
- Property devaluation.
- Light pollution.
- Capacity of infrastructure/facilities to accommodate further development.
- Loss of wildlife including protected species.
- Set a precedent.
- A number of applications for dwellings on Bridge Lane have been refused.
- Lack of foul water capacity in the local sewers.
- The site boundary is incorrectly depicted.
- Contravenes policy.
- Inadequate separation distances to existing properties.
- Loss of agricultural land.

- Waste, litter.
- Flooding.
- Construction noise, disturbance and damage.
- Loss of views.
- The Council's assessment of viability will not be impartial.
- The village infrastructure has not been improved in line with the new developments allowed.
- Site is vulnerable to crime due to thick conifers enabling hiding.

Further to the letters of representation, a petition of 8 signatures has been received from residents of Bridge Lane, raising the following points:

- Ruin the country lane.
- Not suitable for the country lane.

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

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

Delivering and Protecting High Quality Environments in Fenland SPD 2014

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

Developer Contributions SPD 2015

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

LP18: Development in the Countryside

LP20: Accessibility and Transport

LP22: Parking Provision

LP24: Natural Environment

LP25: Biodiversity Net Gain

LP32: Flood and Water Management

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 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 extremely limited weight in decision making. Of relevance to this application are policies:

Policy RE1: Rural Character

Policy RE2: Rural Character: Public Rights of Way

Policy NE1: Protecting the Landscape

Policy NE2: Biodiversity

Policy SD1: Development and the Settlement Boundary

Policy SD3: High-Quality Design

Policy SD4: Provision of energy and water efficient buildings

Policy SD5: Flood Risk

Policy H1: Housing mix

Policy TT1: Car Parking

Policy TT2: Provision for pedestrians, cyclists and horse riders

8 KEY ISSUES

- **Principle of Development**
- **Residential Amenity**
- **Highway Safety**
- **Flood Risk and Drainage**
- **Contamination**
- **Trees**
- **Viability Appraisal**
- **Biodiversity Impact**
- **Biodiversity Net Gain (BNG)**

9 BACKGROUND

- 9.1. Planning permission was refused for 20 dwellings (F/YR15/0317/O) on this site in July 2015. Subsequently a further application was refused for 10 dwellings (Ref F/YR15/0798/O) in November 2015. Both applications were essentially refused on the grounds that the proposed development was sited outside the developed footprint of the village. The latter application was subject to an appeal (APP/F0515/W/16/314008), which was dismissed. The inspector concluded that the proposal would not result in a sustainable pattern of development and harm would be caused to the character and appearance of the area.
- 9.2. Planning permission was also refused twice on land to the south of Bridge Lane (F/YR15/0281/F and F/YR17/1021/F) and opposite to the site access on the grounds that the proposal was located in the open countryside and beyond the footprint of the village. The earlier decision was supported on appeal (APP/D0515/W/31329).
- 9.3. Outline planning permission was subsequently granted (F/YR18/0385/O) for 7 dwellings on the application site in July 2018. The approval was justified on the basis that the previous refusals and appeal decision had discounted the brownfield nature of the site. This approval has now expired. The site was last used as a haulage depot, two buildings and hardstanding associated with this use remain on site, a use which could potentially recommence without requiring planning permission being required.

10 ASSESSMENT

Principle of Development

- 10.1. The application site is located in the settlement of Wimblington, which is identified as a 'Growth Village' in Policy LP3 of the Fenland Local Plan. Development in these settlements will be considered where they are within the existing urban area or as small village extensions.
- 10.2. It is noted that, historically, planning permission has been granted for the erection of 7 no. dwellings on this site under application F/YR18/0385/O. Whilst this permission has now lapsed, it is still considered the assessment and decision made on this application should be given substantial weight, particularly as the application is assessed against the same Local Plan as before. Subsequently, it is considered that the principle of residential development on this site has previously been established and accepted.

- 10.3. Changes to the NPPF since 2018 have placed greater emphasis on the acceptability of re-developing brownfield sites. Paragraph 125 of the NPPF states that “planning policies and decision should... give substantial weight to the value of using suitable brownfield land within settlements for homes... proposals for which should be approved unless substantial harm would be caused.”
- 10.4. The previous refusals and appeal decision were decided on the grounds that the site lay outside the core settlement of the village and in open countryside. These assessments had omitted to consider the brownfield nature of the site where potentially a non-conforming use as a haulage yard adjacent to residential uses could resume. The test that should have been applied was the removal of a non-conforming use where the development of a brownfield site could not be considered an agricultural rural space. On this basis permission was granted for 7 no. dwellings, as referenced in paragraph 10.2 of this report.
- 10.5. Further, there have been material changes in circumstances with permissions granted in the vicinity of the site in recent years, most notably:
- F/YR19/0945/O – Erect up to 30 dwellings (outline application with matters committed in respect of access) – Land North of Stoneleigh, 22a Eaton Estate
 - F/YR20/1235/O – Erect up to 88 dwellings (outline application with matters committed in respect of access) – Land South of Bridge Lane, Wimblington
 - F/YR21/0328/F – Erect 21 single-storey dwellings comprising of 18 x 3-bed and 3 x 2-bed with garages including footpath link to public right of way and 1.8 metre high (approx) close boarded fencing and walls – Land North of Willow Gardens, Wimblington
- 10.6. It is considered that the approval of these decisions has significantly altered the character of the surrounding area, the shape of the settlement and now offers a greater physical connection between the application site and the settlement, particularly in respect of the footway/ cycleway upgrades at the end of Bridge Lane where it meets March Road and the development currently ongoing under F/YR20/1235/O, both of which have immediate impacts on the character and connectivity of the application site relative to the built settlement.
- 10.7. Accordingly, it is considered that the proposal is acceptable in principle having regard to Policy LP3 of the Fenland Local Plan, and when giving consideration to the historic approval on site, and subsequent approvals in the surrounding area.

Residential Amenity

- 10.8. The existing dwellings surrounding the site are set in sizeable plots. The indicative site and location plan shows substantial separation distances between proposed and existing dwellings. This suggests that 16 dwellings could reasonably be accommodated without impacting detrimentally on neighbours.
- 10.9. The existing bungalow near the site frontage is to be demolished and replaced by a dwelling. The proposed access road will run along the side elevation of the proposed dwelling. The detailed design stage must carefully consider the impact of the road on future occupants of this dwelling.
- 10.10. More generally, given the proximity of the site to residential properties, the Environmental Health Officer recommends that a Construction Management Plan is submitted to ensure that any potential disturbance is kept to a minimum.

Provided this is undertaken the proposal would therefore be considered to accord with Policy LP167(e).

- 10.11. Due regard has also been given to the RECAP waste management design guide. It is noted that the illustrative layout, and indeed the constraints of the site appear to indicate that the scheme will be unable to meet the general standards in terms of bin collection distances etc. Whilst this will impact on the residential amenities of householders in terms of convenience, this inconvenience in itself is not considered so significant as to warrant refusal of the scheme. That said, it will be necessary for the development to be supported by appropriate household waste collection arrangements, and in this regard the need to submit a Refuse Management Strategy may be conditioned on any subsequent consent.

Highway Matters

- 10.12. Access is committed at this stage and detailed drawings for the access off Bridge Lane and footway from March Road to the site have been provided. Under application F/YR18/0385/O a footway between the site and March Road was secured on the northern side of Bridge Lane. Under the current application the footway has been repositioned on highway land on the southern side of Bridge Lane to overcome land ownership issues.
- 10.13. The Highway Authority considers the proposal to be acceptable and has confirmed that the works can be delivered within the highway. The offsite highway works and site access are considered to provide safe access to the site for motorised vehicles and pedestrians. The site layout is considered to be acceptable in highways terms. Conditions relating to binder course, construction facilities, turning areas, management of estate roads and off-site highway works; and informative notes concerning works to the public highway and watercourse management are recommended.
- 10.14. The Parish Council has raised land ownership concerns in relation to the provision of the footway in the proposed position (the southern side of Bridge Lane). The applicant and the Highway Authority have both confirmed that the footway can be delivered within the highway. The provision of the footway can be secured by condition.
- 10.15. It should be noted that previous applications were not refused on highway safety grounds. Subject to conditions proposed, the application is considered to accord with Policy LP15.

Flood Risk and Drainage

- 10.16. The site lies within Flood Zone 1, an area considered to be at lowest risk of flooding. It is therefore considered that there are no issues to be addressed in respect of flood risk in relation to Policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF.
- 10.17. Anglian Water has commented that the site is within 15m of the sewage pumping station. Dwellings sited within 15m of the pumping station would place them at risk of nuisance through noise, odour or disruption.
- 10.18. Anglian Water has not identified the position of the sewage pumping station, but it is believed to be located about 14.6m west of the front of a dwelling (No 4) at The Paddocks. If this is the case, the distance between the pumping station and No 1 and 11 The Paddocks is 14.6m and 11m respectively. This is significantly closer

than the nearest dwelling shown on the indicative layout at 26.6m. Residential amenities should therefore not be detrimentally affected.

- 10.19. Nevertheless, it is recommended that an informative note is appended to the decision notice, drawing attention to the presence of the pumping station, the need to maintain an adequate separation distance and to submit a noise assessment at Reserved Matters stage.
- 10.20. In terms of surface water drainage, the application is supported by a Sustainable Drainage Strategy prepared by MTC Engineering which provides an indicative strategy for managing surface water on the site and would be followed up with a detailed strategy at Reserved Matters stage.
- 10.21. The strategy document outlines that discharge from the site will continue to be made to the existing drain along the eastern boundary of the site, as it does currently via runoff and percolation.
- 10.22. It is further proposed that an attenuation basin is created on site – currently shown indicatively to be located on the central area of open space within the site – which will be landscaped to allow drainage and pollution treatment. This will be further supported by the provision of an attenuation tank to be provided adjacent to the site access in the southern section of the site, with a Hydrobrake to limit the maximum discharge rate.
- 10.23. The LLFA have considered the scheme and have raised no objection to this in principle, subject to the imposition of conditions requiring the submission of a detailed scheme for surface water drainage. It is therefore considered that the scheme for surface water drainage is acceptable in principle in this instance.
- 10.24. It is overall considered that the proposal accords with Policy LP14 of the Fenland Local Plan in respect of Flood Risk and Drainage.

Contamination

- 10.25. The site has historically been used as a haulage yard, and as such there is a risk of ground contamination on the site. The submitted Design & Access statement states that a Phase 1 Contamination Report was considered and accepted within the previous application on site (F/YR18/0385/O). The applicant considered that the imposition of the same condition requiring Phase 2 investigative surveys, and any identified remediation would be acceptable given that the land use has not changed since the 2018 approval.
- 10.26. This justification and reasoning is accepted by the Council's Environmental Health Officers, and a condition requiring these intrusive surveys is requested. It is therefore considered that the proposal accords with Policy LP16 in terms of land contamination.

Trees

- 10.27. There are a number of trees within and abutting the site. There was a historic TPO on the site, however, this is no longer considered to represent the trees at present. As regards an earlier application (F/YR15/0798/O) and subsequent appeal, neither the Planning Inspector nor the Council's Tree Officer raised any concerns, and the application was not refused on the basis of the impact on trees.
- 10.28. The conifer trees are not considered worthy of protection. However, on the eastern boundary a condition is recommended requiring replacement by a native

hedgerow. Trees on the western boundary are outside the site and therefore will not be impacted by the development.

10.29. The proposal is therefore considered to accord with Policy LP19 in this regard.

Section 106 Contributions

10.30. The scheme attracts financial contributions towards mitigation of healthcare impacts, with the NHS advising that based on a quantum of 16 dwellings the contribution required would be £13,755.54 which would be used toward expansion of existing healthcare facilities in the locality.

10.31. The proposed off-site highway works, necessary to meet the highway impacts of the development are also recommended to be captured a Section 106 agreement.

10.32. Policy LP5 sets out that for sites of 10 or more dwellings, there is a requirement to provide 25% affordable housing, rounded to the nearest whole dwelling. In this case, that would equate to the provision of 3no. dwellings. The Council's own HDH district-wide viability appraisal suggests that 20% affordable plus a financial contribution of £2000 per dwelling (£32,000 total) is generally a realistic sum, unless a bespoke site viability assessment indicates otherwise. Note that the HDH appraisal is considered to be somewhat out of date, given it is now over 5 years old.

10.33. The applicant however submitted a viability appraisal (ELG Planning – September 2023) in support of the application. The appraisal concluded that the scheme was not viable and it should therefore not be made to contribute towards provision of affordable housing or any other S106 requirements beyond off-site highway works and electric charging points. Electric vehicle charging points are now a mandatory requirement under approved Part S of the Building Regulations and therefore would not be required to be secured through any legal agreement.

10.34. The applicant's position on viability has been assessed by the Council's appointed viability assessor (CPV) and a number of discussions and appraisals have been undertaken, considering matters of differences in market values, plot costs, garage costs, profit and debt interest.

10.35. Through ongoing discussion and testing, the Council's assessor has concluded that a total cash contribution of £300,000 would represent a reasonable outcome for the Council, a figure now agreed by the applicant.

10.36. As such, the position agreed with the applicant is that a S106 will be agreed to include a sum of £300,000 to be put towards healthcare mitigation and a commuted sum for affordable housing, along with the aforementioned off-site highways works. In respect of affordable housing, due to the low quantum secured through the scheme and in the Council's experience, it is highly unlikely that a registered provider would take on stock on this site. It is therefore deemed appropriate in this instance to secure an off-site contribution.

10.37. The commuted sum is recommended to be split as follows:

- NHS Contribution: £13,755.54 as per the NHS Consultation
- Off-Site Affordable Housing: £286,244.46

10.38. When considering that the policy compliant position for affordable housing equates to around 3 units, the commuted sum figure stated above equates to circa £95,000

per unit. It is considered that this amount is sufficient to allow an appropriate figure towards affordable housing delivery, off-site.

- 10.39. It is considered that is acceptable on balance, would meet the tests as set out by current CIL regulations and is sufficient to meet the requirements of Local Plan policies LP5 and LP13.

Biodiversity Impact

- 10.40. Policy LP16 of the Fenland Local Plan seeks to deliver and protect high quality environments. Its principles are reiterated by the SPD on Delivering and Protecting High Quality Environments (2014).
- 10.41. The application is supported by a Preliminary Ecological Appraisal prepared by Ecology Link (April 2025). The report concludes that there is potential for impacts on protected species throughout the construction phase of the development, but that these impacts can be mitigated through a precautionary approach to development.
- 10.42. The report has been considered by the Council's Ecologist with no objections raised subject to conditions ensuring that the precautionary approach is adopted, and that suitable mitigation and enhancement measures are incorporated throughout the scheme.
- 10.43. The proposal is therefore considered to have appropriate regard to Policy LP19 of the Fenland Local Plan (2014) in terms of the biodiversity impacts of the scheme.

Biodiversity Net Gain (BNG)

- 10.44. 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.
- 10.45. There are statutory exemptions, transitional arrangements and requirements relating to irreplaceable habitat which mean that the biodiversity gain condition does not always apply. In this instance, one or more of the exemptions / transitional arrangements are considered to apply and a Biodiversity Gain Condition is not required to be approved before development is begun because the application was submitted prior to the requirement for statutory net gain coming into force.

Other matters

- 10.46. In respect of further representations received that are now addressed above, any covenants on the land restricting the amount of development that can take place on the site fall outside the remit of the planning process and therefore do not form a material consideration within the application.
- 10.47. Concerns relating to risk of crime and anti-social behaviour arising from the development of the site would be addressed through a consultation with the 'Designing out Crime' Officer at Reserved Matters stage.
- 10.48. Concerns have been raised that the site boundary has been incorrectly depicted. Land Ownership Certificate A has been completed in the application form to state

that the applicant owns all land falling within the application site. In the event that this is incorrect and land within the application site is owned by a third party, the granting of planning permission would not give the right to carry out works on land outside the control of the applicant.

11 CONCLUSIONS

- 11.1 The application is a hybrid application comprising both full planning and outline planning application elements as part of one general submission for development.
- 11.2 The full planning application element is for an access, internal road, open space, drainage, demolition of existing dwelling and commercial building, and provision of passing bays and a footway link.
- 11.3 The outline planning application element of the scheme is for up to 16 dwellings with all matters reserved.
- 11.4 The proposal is capable of compliance with policies regarding impact on neighbouring amenity, highway safety, character of the area and biodiversity.
- 11.5 The previous reason for refusal and the Inspectors appeal decision has been revisited, along with the subsequent outline approval for 7 dwellings. It is considered that no or only minimal gaps and views of the site now exist. It is therefore not considered that the development will result in visual harm to the settlement form or the character of the area.
- 11.6 Due to the scale of the scheme, a S106 will be required to secure the delivery of a scheme of off-site highways works, along with a commuted sum in lieu of on-site affordable housing provision plus financial contribution toward healthcare mitigation. The contributions agreed with the applicant are considered to be acceptable on balance.
- 11.7 Given that the proposal of development of brownfield land accords with the thrust of the NPPF, the application is recommended for approval subject to attached conditions, and the agreement of a suitable S106 agreement.

12 RECOMMENDATION

- 12.1. Members are recommended to APPROVE the application in accordance with the following terms;
 - 1. The Committee delegates authority to finalise the terms and completion of the S.106 legal agreement and planning conditions to the Head of Planning; and,
 - 2. Following the completion of the S.106, application F/YR20/0234/O be approved subject to planning conditions set out in draft at Appendix 1; or,
 - 3. The Committee delegates authority to refuse the application in the event that the Applicant does not agree any necessary extensions to the determination period to enable the completion of the S106 legal agreement, or on the grounds that the applicant is unwilling to complete the obligation necessary to make the development acceptable.

Draft Planning Conditions

1.	The formation of the access, internal road, open space and drainage involving the demolition of existing dwelling and commercial buildings
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	<p>and provision of passing bays and a footway link to March Road as indicated on Site Plan 001 revision 004 shall be begun before the expiration of 3 years from the date of this permission.</p> <p>Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2.	<p>Approval of the details of:</p> <ul style="list-style-type: none"> i. the layout of the site ii. the scale of the building(s); iii. the external appearance of the building(s); iv. the landscaping <p>(hereinafter called "the Reserved Matters" shall be obtained from the Local Planning Authority prior to the commencement of development, with the exception of those matters listed in condition 1).</p> <p>Reason - To enable the Local Planning Authority to control the details of the development hereby permitted.</p>
3.	<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>
4.	<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>
5.	<p>The development hereby permitted shall comprise a maximum of 16 dwellings (Use Class C3).</p> <p>Reason: For the avoidance of doubt and to ensure a satisfactory standard of development.</p>
6.	<p>Prior to development above slab level, a refuse collection strategy shall be submitted to and approved in writing by the Local Planning Authority. The refuse collection shall accord with the agreed details and thereafter be retained in perpetuity unless otherwise agreed in writing.</p> <p>Reason - To ensure a satisfactory form of refuse collection in accordance with Policy LP16 of the Fenland Local Plan.</p>
7.	<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 writing with the Local Authority in consultation with the drainage authorities. The scheme shall subsequently be implemented in accordance with the approved</p>

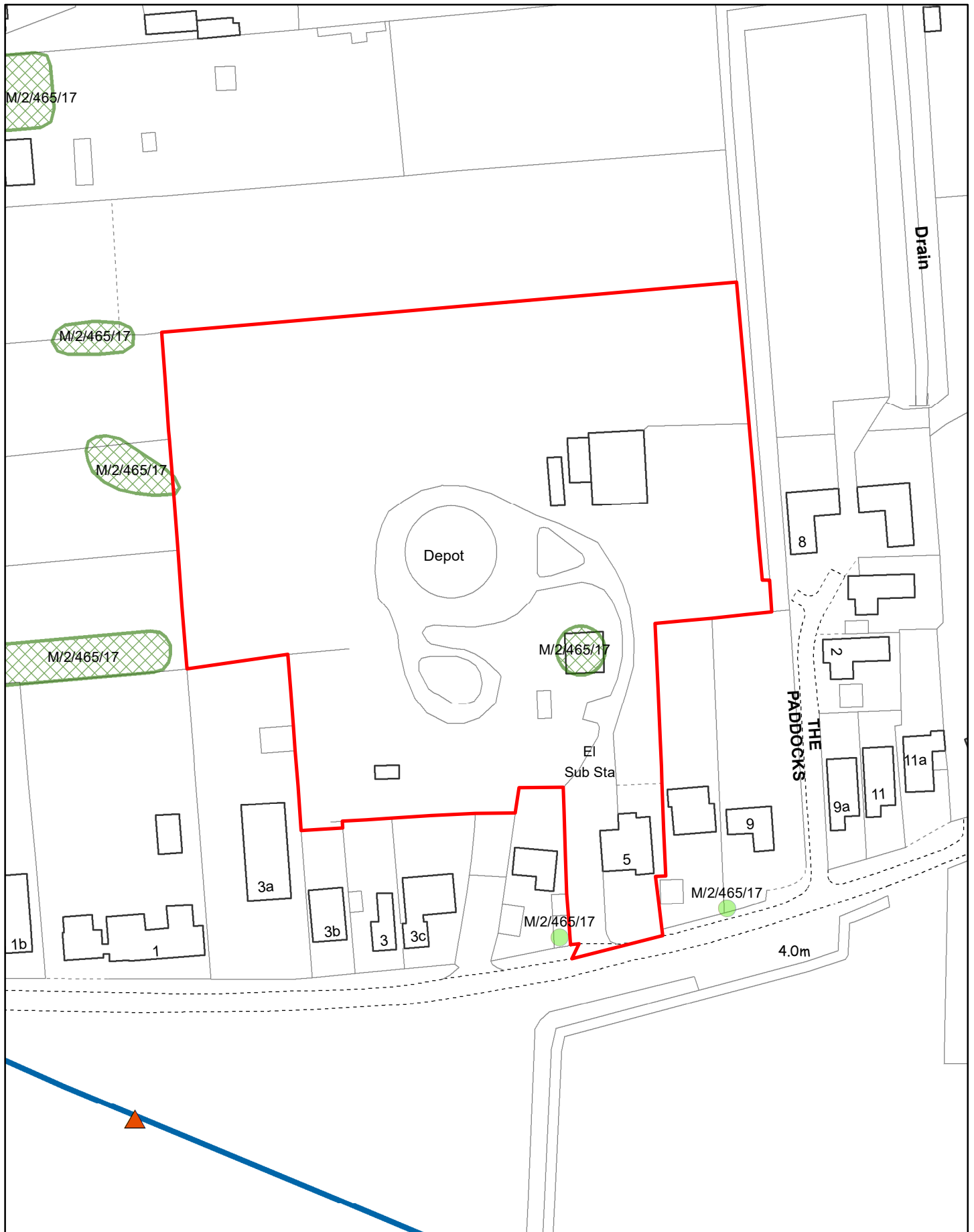
	<p>details before the relevant parts of the development are first brought into use and thereafter retained in perpetuity.</p> <p>Reason - To ensure a satisfactory method of foul water drainage and to prevent the increased risk of pollution to controlled waters in accordance with Policy LP14 of the Fenland Local Plan 2014.</p>
8.	<p>Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage shall be submitted and agreed in writing with the Local Authority in consultation with the drainage authorities. 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>
9.	<p>Prior to commencement of the development hereby approved an updated Ecological Report shall be submitted to and approved in writing by the Local Planning Authority; this report shall propose appropriate mitigation along with an implementation strategy which addresses/includes the following:</p> <ul style="list-style-type: none"> - Provision of replacement Barn Owl roost features along with confirmation of the outcome of the pre-demolition checks are provided prior to commencement of development - External lighting which is low powered and short-timed Passive Infrared sensitive to large objects only. Lighting should also be designed to be baffled downwards away from the boundary hedges - A number of bat tubes and/ or boxes should be incorporated into the development to provide suitable bat roosting habitat - Site clearance/ demolition works should be avoided during the bird nesting period; where this is not possible a suitably qualified ecologist should first carry out a survey to establish that nesting birds are not present or that works would not disturb any nesting birds. - A range of bird nest boxes should be installed on site, Confirmation of details regarding numbers, designs, locations and timing for installation should be provided. - A hedgehog mitigation strategy, to include details of penetrable barriers allowing adequate gaps to be retained under any new fencing. <p>The approved scheme shall be implemented in accordance with the approved details and shall be retained for a minimum of 5 years thereafter.</p>

	Reason: In the interests of Biodiversity and in accordance with Policy LP19 of the Fenland Local Plan.
10.	<p>No development approved by this permission shall commence 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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>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).</p> <p>(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 guidance.</p> <p>(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.</p> <p>(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</p>

	<p>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.</p> <p>Reason - To control pollution of land or water in the interests of the environment and public safety in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
11.	<p>No demolition/development shall take place until a written scheme of investigation (WSI) for a programme of archaeological works 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 in accordance with the agreed WSI which shall include:</p> <ul style="list-style-type: none"> a) the statement of significance and research objectives; b) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works c) The programme for post-excavation assessment and subsequent analysis, publication & dissemination, and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI. <p>Developers will wish to ensure that in drawing up their development programme, the timetable for the investigation is included within the details of the agreed scheme.</p> <p>Reason: - To secure the provision of the investigation and recording of archaeological remains threatened by the development and the reporting and dissemination of the results in accordance with Policy LP18 of the Fenland Local Plan.</p>
12.	<p>Prior to the commencement of the development hereby approved details showing an adequate temporary facilities area to be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction shall be submitted to and agreed in writing by the Local Planning Authority. The temporary facilities area shall thereafter be provided and retained during the period of construction of the development.</p> <p>Reason: To minimise interference with the free flow and safety of traffic on the adjoining public highway in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
13.	<p>Development shall not commence until fully operational wheel cleaning equipment has been installed within the site. All vehicles leaving the site shall pass through the wheel cleaning equipment</p>

	<p>which shall be sited to ensure that vehicles are able to leave the site and enter the public highway in a clean condition and free of debris which could fall onto the public highway. The wheel cleaning equipment shall be retained on site in full working order for the duration of the development.</p> <p>Reason: In the interest of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
14.	<p>No development shall take place until details of works to Bridge Lane as shown in principle on 2585-03 Rev B have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied/brought into use until all of the works have been completed in accordance with the approved details.</p> <p>Reason: In the interests of highway safety and to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan (2014)</p>
15.	<p>Prior to the occupation of the development, a landscape management and maintenance plan, including details of measures to protect and enhance existing flora, fauna and habitats within the development site shall be submitted to and approved by the Local Planning Authority in writing. The landscape management and maintenance plan shall be carried out as approved in accordance with the specified schedule contained therein.</p> <p>Reason - To protect the visual amenity value of the landscaping, and the biodiversity value of the habitat within the site in accordance with Policy LP16 of the Fenland Local Plan, 2014.</p>
16.	<p>Prior to the occupation of the first dwelling/use hereby approved, full details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into unto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.</p> <p>Reason: To ensure a satisfactory means of access in accordance with policies LP15 and LP16 of the Fenland Local Plan.</p>
17.	<p>Prior to the first occupation of any building/dwelling the road(s), footway(s) and cycleway(s) required to access that building/dwelling shall be constructed to at least binder course surfacing level from the building/ dwelling to the adjoining adopted road in accordance with the details approved on Dwg No 001 REV 004 and in conjunction with the Local Highway Authority.</p> <p>Reason: In the interests of highway safety and to ensure compliance</p>
18.	<p>The detailed layout required by Condition No 1 shall include a minimum of 0.075 hectares of public amenity space which shall also include details of its long-term management and maintenance and</p>

	<p>timescales for implementation.</p> <p>Reason: In the interests of provision of a satisfactory development and in accordance of Policy LP16 of the Fenland Local Plan.</p>
19.	<p>The landscaping scheme submitted in accordance with Condition No 1 of this decision shall include a range of native tree and shrub species and the provision of a replacement native hedgerow on the western boundary of the site which shall subsequently be retained, maintained and managed at a minimum height of 3 metres.</p> <p>Reason: In the interest of biodiversity and visual amenity in accordance with Policies LP16 and LP19 of the Fenland Local Plan 2014.</p>
20.	Approved Plans



Created on: 20/03/2020

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F/YR20/0234/O

Scale = 1:1,250





Location Plan
Scale 1:2500

004	Footpath updated	Oct 2023	N. Azizi
Revision	Description	Date	Revised By

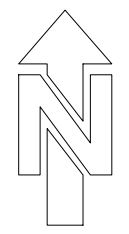
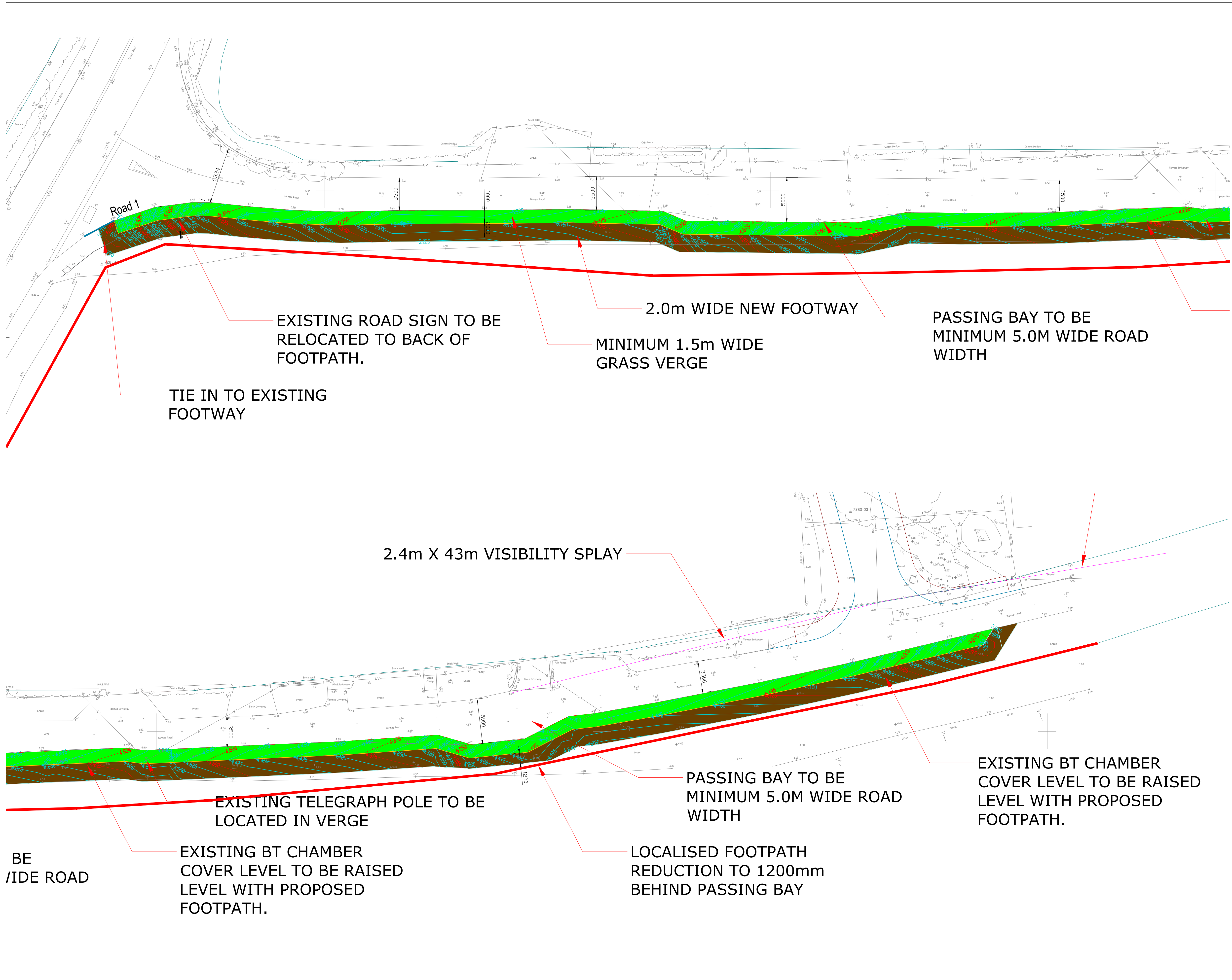
MJS

CONSTRUCTION

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Project Residential Development		Drawing Issue	Planning Reference
Drawing Title Site and Location Plan			
Address North of 3 - 9 Bridge Lane Wimblington			
Drawn By N. Azizi	Paper Size A1	Date Oct 2023	
Project Name 007 - Bridge Lane	Drawing Number 001	Revision 004	

Dwelling and Curtilage design are
indicative only.



- 2.0m WIDE NEW FOOTWAY
- 1.0m WIDE GRASS VERGE
- HIGHWAY BOUNDARY

PRELIMINARY DESIGN
NOT FOR CONSTRUCTION

B	31.08.23	VERGE INCREASED	JTC
A	17.08.23	FOOTWAY REVISED	JTC
REV	DATE	DESCRIPTION/REASON FOR ISSUE	APPR



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PROJECT
Bridge Lane, Wimblington

TITLE
Off-Site Highway Works

ORIG
JTC

DATE
January 2021

CHKD
SCALE
1/200 @ A1

APPR
DRAWING NO
2585-03

REV B

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