# DEVELOPMENT MANAGEMENT COMMITTEE 18th JULY 2022

Case No: 19/01258/FUL (FULL PLANNING APPLICATION)

Proposal: ERECTION OF 4 DWELLINGS WITH GARAGING AND

PARKING FOLLOWING THE DEMOLITION OF THE

**EXISTING INDUSTRIAL BUILDINGS** 

Location: LAND NORTH EAST OF THE LAURELS FENTON

**ROAD FENTON** 

Applicant: MR AUGSTEIN

Grid Ref: 531775 279689

Date of Registration: 24.07.2019

Parish: PIDLEY-CUM-FENTON

## **RECOMMENDATION - APPROVE**

This application is referred to the Development Management Committee DMC as Fenton Parish Council's recommendation of refusal is contrary to the Officer's recommendation of approval.

## 1. DESCRIPTION OF SITE AND APPLICATION

- 1.1 The application site currently hosts a collection of industrial barns which are located to the north-east of a cluster of residential properties that front Fenton Road. The site is rectilinear in shape and measures approximately 0.5 hectares. The sites northern boundaries are defined by soft established landscaping with open countryside beyond.
- 1.2 The site is located in the countryside and not within an established built-up area, albeit the site sits within a small cluster of six existing dwellings. From the proposed point of access to Fenton Road, the built-up area of Warboys is located 225m to the north west. Pidley cum Fenton to the south west is approximately 1.7km away. The access point is as existing via Padgetts Lane, which is a public right of way which provides a link to Heath Road in Warboys to the north and Fen Road in Pidley to the south. The total floor space of the existing buildings proposed for demolition is 1313m2.
- 1.3 The site does not lie within or adjacent to a Conservation Area.

  The site is adjacent to the Grade II Listed Laurels Farmhouse which fronts Fenton Road. The site lies within Flood Zone 1 as

- identified by the Huntingdonshire Strategic Flood Risk Assessment and the Environment Agency Maps for Flooding.
- 1.4 This application seeks full planning permission for the demolition of existing industrial buildings and the construction of four detached dwellings with associated access improvements, landscaping, and parking areas.
- 1.5 The scheme has been amended over the course of the application to address concerns raised by Officers. The proposed amendments have reduced the quantum of development from 9 dwellings to 4. The proposed development would consist of the following mix of units:

Plot 1: 3 bed detached house (140m2)

Plot 2: 3 bed link detached house (144m2)

Plot 3: 4 bed link detached house (153m2)

Plot 4: 5 bed detached house (243m2)

1.6 The application site currently hosts a collection of industrial barns which are located to the north-east of a cluster of residential properties that front Fenton Road. The site is rectilinear in shape and measures approximately 0.5 hectares. The sites northern boundaries are defined by soft established landscaping with open countryside beyond. The site does not lie within or adjacent to a Conservation Area. The site is adjacent to the Grade II Listed Laurels Farmhouse which fronts Fenton Road. The site lies within Flood Zone 1 as identified by the Huntingdonshire Strategic Flood Risk Assessment and the Environment Agency Maps for Flooding. The site is located in the countryside and not within an established built-up area, albeit the site sits within a small cluster of six existing dwellings. From the proposed point of access to Fenton Road, the built-up area of Warboys is located 225m to the north west.

## 2. NATIONAL GUIDANCE

- 2.1 The National Planning Policy Framework (20th July 2021) (NPPF 2021) sets out the three objectives economic, social and environmental of the planning system to contribute to the achievement of sustainable development. The NPPF 2021 at paragraph 10 provides as follows: 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).'
- 2.2 The NPPF 2021 sets out the Government's planning policies for (amongst other things):
  - delivering a sufficient supply of homes;
  - building a strong, competitive economy;
  - achieving well-designed, beautiful and safe places;
  - conserving and enhancing the natural, built and historic environment

## 2.3 Planning Practice Guidance and the National Design Guide are also relevant and materials considerations

For full details visit the government website National Guidance

## 3. PLANNING POLICIES

- 3.1 Huntingdonshire's Local Plan to 2036 (Adopted 15th May 2019)
  - LP1 Amount of Development
  - LP2 Strategy for Development
  - LP4 Contributing to infrastructure delivery
  - LP5 Flood Risk
  - LP6 Wastewater Management
  - LP8 Key Service Centres
  - LP9 Small settlements
  - LP10 The Countryside
  - LP11 Design Context
  - LP12 Design implementation
  - LP13 Place making
  - LP14 Amenity
  - LP15 Surface water
  - LP16 Sustainable travel
  - LP17 Parking and vehicle movement
  - LP25 Housing Mix
  - LP30 Biodiversity and geodiversity
  - LP31 Trees, woodland, hedges and hedgerows
  - LP33 Rural Buildings
  - LP34 Heritage Assets and their Settings
  - LP37 Ground Contamination and Ground Water Pollution

## 3.2 Supplementary Planning Guidance

- Huntingdonshire Design Guide (2017) including:
  - 1 Introduction:
  - 1.6 Design principles
  - 2.1 Context and local distinctiveness
  - 2.5 Landscape character areas
  - 2.7 Architectural character
  - 3.5 Parking/ servicing
  - 3.6 Landscape and Public Realm
  - 3.7 Building Form
  - 3.8 Building Detailing
  - 4.1 Implementation
- Developer Contributions SPD (2011)
- Huntingdonshire Townscape and Landscape SPD (2022)
- Cambridgeshire Flood and Water SPD 2017
- Huntingdonshire Tree Guidance Note 3
- ECAP CCC Waste Management Design Guide (CCC SPD) 2012

Local For full details visit the government website Local policies

## 4. PLANNING HISTORY

- 4.1 18/02362/PLID -change of use from light industrial use (B1) light industrial to 3 dwellings (C3) Prior approval change of use approved
- 4.2 18/02361/PLID change of use from light industrial use (B1) light industrial to 2 dwellings (C3) Prior approval change of use approved
- 4.3 18/02360/PLID Change of use from Light Industrial Use (B1(c) to 3 dwellings (C3) Prior approval change of use approved
- 4.4 18/02359/P3PPA Change of use from Storage (Class B8) to dwellings (Class C3) Schedule 2, part 3, Class P Prior approval change of use refused

## 5. CONSULTATIONS

The application has been subject to five different periods of consultation following the receipt of amended proposals and revised plans. The comments received are summarised below.

5.1 Pidley cum Fenton Parish Council – Recommends refusal on the following grounds:

## 25<sup>th</sup> August 2019

- Concerns over traffic and highway safety Proper entrance and footpaths either side would be required.
   Would like to see Traffic calming, 40mph and would like this to be reduced to 30mph with footpaths, pedestrian crossings and additional lighting would all be required.
- It was felt that the width of the road through the houses was quite small for the number of cars with a few passing places to get by.
- Lorry bin collections also caused concerns as a lorry would not be able to get in. All bins would have to be walked through the houses and be on the main road on collection day and the night before.
- Other general concerns were pulling out on to the road, no shops in walking distance. No footpaths to be able to leave the development and walk anywhere safely. Sewerage also caused concern and building within the open countryside.

## 10<sup>th</sup> September 2021

- The development has the potential to cause issues for the house where the bins will accumulate the night before collection.
- They also felt that this would be overdevelopment of the site if approved.

- There is no net gain on the environmental impact as many trees are being removed.
- it is noted that there may be a loss of employment with the industrial units that are currently in use no longer being available.
- The sustainable safety of the development with the increase of families as there is no footpaths, street lights and the speed limit is over 30mph.

## 13<sup>th</sup> May 2022

 Concerns over the bin collection day, the lighting, speed limit and the lack of connectivity to Warboys. Therefore in relation to LP9 of the local plan this was rejected by all of the Parish councillors.

## 18<sup>th</sup> June 2022

- The Parish comments remain the same along with the decision to reject this application.
- It is of great concern to us with the lack of infrastructure, lighting, footpaths etc that this has been in the past for commercial use and not many people walking around the area as they would be in and out in vehicles. With this becoming residential the use changes and safety is of most importance.
- 5.2 Cambridgeshire County Council Highways No objection is raised. The information submitted confirms that there will be less vehicle movements associated with the proposal than with the existing use. it is also confirmed that the existing access is acceptable for the proposed development. Therefore, the proposal is unlikely to have any adverse impact on the public highway should planning permission be approved. It is suggested that the Local Planning authority consider the sustainability of the development given there is no footway connectivity to Warboys.
- 5.3 Cambridgeshire Fire and Rescue Should the Local Planning authority be minded to approve the application, it is requested that fire hydrants are secured by way of a Section 106 Agreement or planning condition. The location and number of fire hydrants will be determined following a risk assessment. Access and facilities for the Fire Service should also be provided in accordance with the Building Regulations Approved Document B5, section 16.
- 5.4 Cambridgeshire Public Rights of Way No objection is raised. Informatives are recommended.
- 5.5 Cambridgeshire Constabulary It is confirmed that the area experiences low crime rates. The proposed layout appears to be acceptable in relation to crime prevention and the fear of crime providing reasonable levels of natural surveillance. Suggestions

- are made in respect of bin collection, external lighting, landscaping and access to rear gardens.
- 5.6 HDC Environmental Health No comments or objections
- 5.7 HDC Landscape Following the receipt of amended plans, supports the application subject to a condition that requires the landscaping to be completed in accordance with the approved details.
- 5.8 HDC Trees Having reviewed the revised plans and Arboriculutral Impact Assessment, previous concerns have been addressed. The development should be carried out in accordance with the approved details in terms of the development and tree protection measures.
- 5.9 HDC Conservation it is confirmed that the scheme will not cause harm to the setting of the listed building. It is requested that a small outbuilding within the site to the rear of the farmhouse is retained. Conditions are recommended to secure details of the brick wall to be constructed between the site and the listed building.
- 5.10 HDC Urban Design Following amendments to reduce the number of units, the application is supported subject to conditions covering materials, architectural details, and boundary treatments.
- 5.11 Environment Agency No objection. However, it is believed that the receiving Water Recycling Centre has limited permitted capacity. Therefore, in order to prevent harm to the local water environment, please confirm with Anglian Water that they can receive the foul drainage without exceeding their permit limits and that any necessary infrastructure updates will be made ahead of occupation of the development".
- 5.12 Anglian Water No comment. Confirms that comments are only provided on developments of 10 dwellings or more.

### 6. REPRESENTATIONS

- 6.1 One letter of objection has been received raising the following concerns:
  - The application is for a significant number of dwellings in a rural location backing onto open countryside contrary to local plan policy.
  - The proposal does not fulfil the aims of sustainable development.
  - There are no local services or amenities.
  - There is no footpath or cycle way to facilities nearby.
  - There is no safe way to access the nearby bus stop.

- 40mph road with poor visibility and no street lighting represents a danger to highway safety
- There has been no consideration for any contamination remedial works that may be necessary,
- The ecological site visit was conducted over one day and appears to underestimate the rich variety of wildlife

## 7. ASSESSMENT

- 7.1 When determining planning applications, it is necessary to establish what weight should be given to each plan's policies in order to come to a decision. The following legislation, government policy and guidance outline how this should be done.
- 7.2 As set out within the Planning and Compulsory Purchase Act 2004 (Section 38(6)) and the Town and Country Planning Act 1990 (Section 70(2)) in dealing with planning applications the Local Planning Authority shall have regard to have provisions of the development plan, so far as material to the application, and to any other material considerations. This is reiterated within paragraph 47 of the NPPF (2021). The development plan is defined in Section 38(3)(b) of the 2004 Act as "the development plan documents (taken as a whole) that have been adopted or approved in that area".
- 7.3 In Huntingdonshire the Development Plan consists of:
  - Huntingdonshire's Local Plan to 2036 (2019)
  - Cambridgeshire & Peterborough Minerals and Waste Local Plan (2021)
  - St Neots Neighbourhood Plan 2014-2029
  - Godmanchester Neighbourhood Plan (2017)
  - Houghton and Wyton Neighbourhood Plan (2018)
  - Huntingdon Neighbourhood Plan (2019)
  - Buckden Neighbourhood Plan (2021)
  - Bury Neighbourhood Plan (2021)
- 7.4 The statutory term 'material considerations' has been broadly construed to include any consideration relevant in the circumstances which bears on the use or development of the land: Cala Homes (South) Ltd v Secretary of State for Communities and Local Government & Anor [2011] EWHC 97 (Admin); [2011] 1 P. & C.R. 22, per Lindblom J. Whilst accepting that the NPPF does not change the statutory status of the Development Plan, paragraph 2 confirms that it is a material consideration and significant weight is given to this in determining applications.
- 7.5 The main issues to consider in the determination of this reserved matters application are:
  - The Principle of Development

- Impact upon the Character of the Area
- Impact upon Residential Amenity
- Impact on Heritage Assets
- Highway Safety and Parking
- Biodiversity
- Trees
- Flooding and Drainage
- Infrastructure
- Other issues

## **Principle of Development**

When determining if the principle of development is acceptable. 7.6 the key policies of the Huntingdonshire Local Plan to 2036 (the Local Plan) to consider are as follows. LP2 which sets out the broad overarching strategy for the quantum and location of growth across the borough. Generally, the level of and access to services that meet day to day needs should be commensurate with the scale of the development. Policy LP10 defines the type of development that would be acceptable in the countryside. Policy LP16 seeks to ensure the provision of sustainable transport in order to reduce the reliance on the private car. Policy LP33 provides an opportunity for the conversion or replacement outbuildings in the countryside, providing certain criteria are met. Applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case, there are other material considerations to have regard for, and this is considered further below.

## Development Strategy

- 7.7 In terms of Policy LP2, the main objectives are:
  - Concentrate development in locations which provide, or have the potential to provide, the most comprehensive range of services and facilities:
  - Direct substantial new development to two strategic expansion locations of sufficient scale to form successful, functioning new communities:
  - Provide opportunities for communities to achieve local development aspirations for housing, employment, commercial or community related schemes;
  - Support a thriving rural economy;
  - Protect the character of existing settlements and recognise the intrinsic character and beauty of the surrounding countryside;
  - Conserve and enhance the historic environment: and
  - Provide complementary green infrastructure enhancement and provision to balance recreational and biodiversity needs and to support climate change adaptation.
- 7.8 Regarding the distribution of growth, Policy LP2 states that approximately a quarter of the objectively assessed need for housing, together with a limited amount of employment growth,

will be permitted on sites dispersed across the key service centres and small settlements to support the vitality of these communities and provide flexibility and diversity in the housing supply. In addition, rural exception, small and windfall sites will be permitted on sites which are in conformity with other policies of this plan providing further flexibility in the housing supply.

- 7.9 The site is detached from the built-up areas of the nearby Key Service Centre of Warboys which offers a moderate range of services and facilities. The site is also considered to be significantly detached from the smaller settlement of Pidley cum Fenton with no safe access on foot and with limited access via public transport.
- 7.10 It is considered that the site cannot be accessed safely from the local road network by all future occupiers via sustainable transport modes such as walking or cycling unless the routes provided by the public rights of way are utilised, which may deter some users due to the length of the route and the condition of the footpath. Representations have been made by the Parish Council and members of the public on this matter. There is however access via public transport due to the presence of a bus stop in close proximity to the site, although it should be acknowledged there is a lack of pedestrian infrastructure linking the site to the nearest bus stop. Whilst it is considered likely that many future users of the site would access nearby services via private car, it should be acknowledged that the number of vehicular movements generated would be less than is generated by the current use, which overall would reduce the amount of trips generated from this site. This has been confirmed by the Local Highways Authority Cambridgeshire County Council.
- 7.11 It should also be acknowledged that the short distance to Warboys (approximately 225m) is accessible for some users on foot or cycle, particularly in daytime hours. Therefore, whilst it is recognised that future occupiers of the site would be reliant on private vehicle use to access the nearest services and facilities, the number of trips generated, and the short distance to Warboys would represent a reduction in trip rates from and to the site. This should be given positive weight in the planning balance.

## Transport Sustainability

7.12 Notwithstanding this, the detachment to local services and restricted ability for future householders of these dwellings to access them via sustainable modes of transport leads to some conflict with the first objective of the Strategy for Development in Huntingdonshire under Policy LP2 of the Local Plan listed above as well as Policy LP16 which states, "New development will be expected to contribute to an enhanced transport network that supports an increasing proportion of journeys being undertaken by sustainable travel modes".

7.13 Balanced against this conflict is the significant material consideration provided by the fall-back position of the local planning authority previously having granted prior approval in 2019 for the conversion of the existing buildings to create 8 dwellings in total across the site under Schedule 2, Part 3, Class PA of The Town and Country Planning (General Permitted Development) (England) Order 2015. Whilst this change of use was deemed to be permitted but was never implemented, nevertheless it demonstrates that the conversion of the existing buildings to create a large-scale residential development is possible and could be applied for successfully again. When having regard to this as a genuine fall back position for the applicant, the proposal in terms of the quantum of development and the relative sustainability better complies with policies LP2 and LP16 of the Local Plan and should be considered more favourably in this regard and carries significant weight in the determination of the application.

## Development in the countryside

- 7.14 It is noted that other policies of the Local Plan provide opportunities for some development in rural areas to allow the organic growth of the rural economy and convert/replace redundant and disused buildings.
- 7.15 Because the site is located in the countryside, the proposal must be assessed against Policy LP10 of the Local Plan.
- 7.16 Policy LP10 states that development in the countryside will be restricted to the limited and specific opportunities as provided for in other policies of this plan and that all development in the countryside must:
  - a. seek to use land of lower agricultural value in preference to land of higher agricultural value:
  - i. avoiding the irreversible loss of the best and most versatile agricultural land (Grade 1 to 3a) where possible, and
  - ii. avoiding Grade 1 agricultural land unless there are exceptional circumstances where the benefits of the proposal significantly outweigh the loss of land;
  - b. recognise the intrinsic character and beauty of the countryside; and
  - c. not give rise to noise, odour, obtrusive light or other impacts that would adversely affect the use and enjoyment of the countryside by others.
- 7.17 With regard to part a. of Policy LP10, the site is previously developed land (also known as brownfield land) and would therefore not result in the loss of any of the districts best and most versatile agricultural land.

- 7.18 The appropriate re-use of previously developed land is promoted within the NPPF 2021 under paragraph 120 part c. which states "Planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land".
- 7.19 In terms of part b. of Policy LP10, the layout of the proposed scheme would result in a low gross site density of 12.2dph (based on a site area of 1.8Ha) which is considered appropriate in design terms and reflective of the rural context. The site layout comprises an inward facing development reinforcing the characteristics of a farmstead This arrangement is supported and generally is considered to respect the character and appearance of the countryside.
- In terms of the design and appearance of the proposed buildings, 7.20 the new build units take a simple traditional approach and seek to reflect barn style dwellings with some simple and traditional detailing to complement the rural setting and the existing farmstead complex. The general design, layout, scale, theme and character of the proposed development is supported as it would respond positively to the context of the surrounding area and result in a high quality appearance in replacement of predominately out of scale and character industrial buildings which lack significant architectural merit and currently provide a limited contribution to the rural character of the area. The footprint of the proposed development would result in a 52% reduction in floor area compared with the existing industrial buildings. It is considered that the proposed development accords with part b. of Policy LP10.
- 7.21 With regard to part c. of Policy LP10, it is not considered that the proposed development would give rise to noise, odour, obtrusive light or other impacts that would adversely affect the use and enjoyment of the countryside by others that could not be overcome with the use of conditions. The proposed residential use would be in keeping and more sympathetic to the cluster of six residential properties that surround the site. Given the nature of the current use of the site, the development provides the opportunity to remediate any possible contaminated land and would be unlikely to increase the noise levels from the site.
- 7.22 It is considered that the proposal accords with Policy LP10 when assessed on its own specific criteria. However, the policy clearly states that development in the countryside will be restricted to the limited and specific opportunities as provided for in other policies of this plan. The main other policy of relevance to this proposal is LP33 and this forms the main justification from the Planning Agent as to why the application should be acceptable.

## Rural Buildings

- 7.23 Policy LP33 of the Local Plan states that "A proposal for the conversion of a building in the countryside that would not be dealt with through 'Prior Approval/ Notification' will be supported where it can be demonstrated that:
  - a. the building is:
  - i. redundant or disused;
  - ii. of permanent and substantial construction;
  - iii. not in such a state of dereliction or disrepair that significant reconstruction would be required; and
  - iv. structurally capable of being converted for the proposed use; and
  - b. the proposal:
  - i. would lead to an enhancement of the immediate setting; and
  - ii. any extension or alteration would not adversely affect the form, scale, massing or proportion of the building."
- 7.24 A proposal for the replacement of a building in the countryside will be supported where criteria a, i to iii above are fulfilled and the proposal would lead to a clear and substantial enhancement of the immediate setting. A modest increase in floorspace will be supported. The position of the replacement buildings within the site should be considered comprehensively so that it is located where it would have the least possible adverse impact on the immediate surroundings, the wider landscape and the amenity of the users of existing buildings nearby."
- 7.25 This local plan policy is supported by Paragraph 80 part c of the NPPF 2021 which states that "Planning policies and decisions should avoid the development of isolated homes in the countryside unless the development would re-use redundant or disused buildings and enhance its immediate setting".
- 7.26 With regard to part a. i. of Policy LP33, it is acknowledged that the existing buildings are in use. The Applicant has sought to overcome this policy conflict with the submission of a viability report which confirms that significant investment in the buildings would be required in the short term to maintain the standards required for commercial letting.
- 7.27 In terms of the remaining criteria of part a. of Policy LP33, it is considered that the buildings are of permanent and substantial construction, not in a state of dereliction or disrepair that significant reconstruction would be required and are structurally capable of being converted for the proposed use. This view is supported by the Local Planning Authority having granted prior approval for their conversion and change of use previously and as recently as 2019. As discussed above, the general design of the proposed development is acceptable and would provide a clear and substantial enhancement of the site and immediate setting. There is no objection to the proposed footprint of the

dwellings in relation to the existing buildings as the development would see a significant reduction in footprint and volume which would enhance the site and the immediate and wider countryside setting.

7.28 Overall, it is considered that the proposal would not result in the loss of the district's best and most versatile land and the redevelopment would enhance the immediate setting and therefore accords with policies LP10 and LP33 which provide for redevelopment opportunities within the countryside. However, while the efficient re-use of land is supported within the NPPF 2021, the proposed development is not considered to be in a highly sustainable location with regard to access to nearby services and facilities and the reliance on future occupiers of the site to use private vehicles to travel. This proposal would conflict with the fundamental objectives of the strategy for development in Huntingdonshire and the overarching aims of the NPPF 2021 which seek to achieve sustainable development. This weighs against the development. However, as discussed, the fall-back position and the additional environmental, social and economic benefits are considered sufficient to outweigh any harm arising through conflict with Policies LP2 and LP16.

## Loss of employment land

7.29 Concerns have been raised by the Parish Council that the development would lead to the loss of an employment site that is in existing use. Whilst this is accepted, it must be acknowledged that the site is not specifically protected by policy LP18 of the Local Plan and there are strategic policies in the plan that seek to support the protection or creation of new or expanded employment sites at other locations. Policy LP19 seeks to support the creation of new or expanded small scale businesses within the countryside where there is a requirement for such businesses to be in the countryside. However, the policy does not seek to restrict the loss of small scale business uses and it has not been demonstrated why the existing occupants could not operate in other established employment areas. The application is also supported by a viability assessment which demonstrates that the existing buildings are of permanent and substantial construction, but significant investment would be required in the short-term future in order to remain in viable use. Furthermore, the creation of Permitted Development Rights for the change and use and conversion of buildings and sites such as this reemphasise the support for flexibility in uses, particularly where it would boost the supply of housing or meet other development needs.

## Summary and conclusion

7.30 Overall, it is acknowledged that the site is detached from the nearest settlement and future residents would be reliant on the private car to access local facilities and services. This leads to a degree of conflict with policies LP2 and LP16 and this weighs negatively in the planning balance. However, the proposal would accord with policies LP10 and LP33 in terms of redeveloping the existing site and enhancing the immediate locality. This weighs positively in the planning balance. Having regard for the fall-back position provided by permitted development rights, it is considered overall and on balance that the principle of development is acceptable.

## Impact on the Character and Appearance of the Area

- 7.31 Policy LP11 of the Local Plan states "A proposal will be supported where it is demonstrated that it responds positively to its context and has drawn inspiration from the key characteristics of its surroundings, including natural, historic and built environment, to help create distinctive, high quality and well-designed places. In order to achieve this a proposal will need to have applied the guidance contained in the Huntingdonshire Design Guide SPD (2017) and the Huntingdonshire Landscape and Townscape SPD (2017). A proposal should also have had regard to relevant advice or guidance that promotes high quality design, details the quality or character of the area or describes how the area should develop in the future."
- 7.32 Policy LP12 of the Local Plan states that "New development and advertisements will be expected to be well designed based upon a thorough understanding of constraints and appraisal of the site's context, delivering attractive, usable and long-lasting buildings and spaces."
- 7.33 As discussed in detail within the 'Principle of Development' section above, it is considered that the proposed development responds positively to its context and would be a low-density high-quality development suitable for this rural location in design terms and would represent a clear and substantial enhancement to the site and its setting. Notwithstanding the location of the site, the proposed layout of the development would be accessible and functional in and around the plots to meet the requirements of future occupiers.
- 7.34 Overall, it is considered that the proposal accords with policies LP11 and L12 having regard for the character and appearance of the area.

## Impact on Residential Amenity7.

- 7.35 Policy LP14 of the Local Plan to 2036 states a proposal will be supported where a high standard of amenity is provided for all users and occupiers of the proposed development and maintained for users and occupiers of neighbouring land and buildings.
- 7.36 The NPPF, at paragraph 127 states that decisions should ensure that developments should create places with a high standard of amenity for existing and future users.
- 7.37 The low density of the proposed site and the predominant back-to-back arrangement of the units has ensured that there would be no significant unneighbourly impacts resulting from the development and that adequate separation is achieved at first floor levels between the proposed dwellings and to the existing neighbouring properties in excess of the 21 metres recommended by the Huntingdonshire Design Guide SPD 2017.
- 7.38 It is considered that there are no concerns with regard to overbearing, overshadowing or overlooking as a result of the proposed development, for the reasons set out above.
- 7.39 The proposal would provide a high standard of amenity for future users and occupiers of the site and would retain and improve a high standard of amenity for users and occupiers of neighbouring land and buildings in accordance with Policy LP14 of the Local Plan and Paragraph 130 part f of the NPPF 2021.

## **Impact on Heritage Assets**

- 7.40 Policy LP34 seeks to protect heritage assets and their settings by giving great weight and importance to conservation and echoes the sentiments of the NPPF in that any harm should be outweighed by public benefits.
- 7.41 Paragraph 195 of the NPPF requires that local planning authorities should identify and assess the particular significance of a heritage asset (or its setting) that may be affected by a proposal. Paragraph 197 states that decisions should take account of the desirability of sustaining and enhancing the significance of a heritage asset and putting them to viable use consistent with their conservation.
- 7.42 Section 66 of the Town and Country Planning (listed buildings and conservation areas) act 1990 requires that special attention shall be had for preserving a listed building and its setting.
- 7.43 The site is not within a conservation area or the setting of any conservation area, but the site is within the setting of the grade II Listed Laurels Farmhouse.

- 7.44 The listing description of Laurels Farm House is as follows: "4/10 II 2. Mid C19 house. Gault brick. Slate roof of low pitch. End stack. Two-storeys. Flat arches to range of three hung sashes with glazing bars. Central doorway. Doorcase of pilasters and plain entablature with shaped cornice. Late C19 two-storey extension to left hand."
- In terms of the proposals submitted as part of the application, it is accepted that they represent an opportunity to improve the existing negligible adverse setting of the principal listed building which has occurred in association with the previous use. The removal of the modern additions to the former farm complex and the construction of new build on the footprint of the former range will partly help to restore the historic layout of the site and the understanding of the farm complex in association with the house and therefore partly restore its setting thus better reveal its heritage significance. Removal of the large modern barns and its replacement with smaller scale buildings that reinforce the traditional agricultural appearance of the group will be beneficial to the sites overall setting. Overall and when considering all elements of the proposals, it is concluded that the development would result in impacts ranging negligible beneficial to medium beneficial and therefore the proposals would not result in harm to the setting or significance of the listed buildings, their settings or that of the non-designated heritage assets. The Council's Conservation Officer raises no objection to the proposal following clarification that was received which confirms that an existing outbuilding outside of the application and adjacent to the Listed Farmhouse is to be retained. It is however suggested that details of the brick wall to be constructed to the rear of the listed farmhouse be secured by way of a planning condition.
- 7.46 Overall, it is considered that the proposal represents an opportunity to enhance the setting of the listed building and therefore better reveal its significance in accordance with paragraph 197 of the NPPF. The proposals are also considered to have regard for the desirability of preserving the special intertest of the listed buildings and their settings in accordance with Section 16 and 66 of the Planning (Listed Building and Conservation Areas) act 1990.
- 7.47 The enhancement to the setting of the heritage assets described above as a benefit of the scheme is considered within the planning balance below.

## **Highway Safety and Parking**

7.48 There are no specific parking policy standards within local policy. Local Plan policy LP17 requires appropriate space within the site for vehicular movements, facilitates accessibility for service and emergency vehicles and incorporates adequate parking for vehicles and cycles. The policy also requires clear justification for

the level of vehicle and cycle parking proposed having regard to the following factors:

Highway safety to and from the site

Servicing requirements

Accessibility of the development to a wide range of services and facilities by public transport, walking and cycling

Needs of potential occupiers

Amenity of existing and future residents

Opportunities for shared provision

- 7.49 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.50 Given the scale and use of the proposed development and the favourable consultation comments received by the County Council Highways Team, Officers are satisfied the proposal is acceptable with regards to highway safety and parking provision. The application therefore complies with Policy LP17 of the Huntingdonshire Local Plan to 2036 as the access roads would provide appropriate space for vehicular movements within the site, provide for sufficient parking and would take into account highway safety when entering or leaving the site and within the site. The Highways Officer has not recommended the use of any conditions within their formal consultation response. It is however considered reasonable and appropriate to impose a condition that requires the provision of parking prior to occupation and its retention thereafter.

## **Biodiversity**

- 7.51 Policy LP30 of the Huntingdonshire Local Plan to 2036 requires proposals to demonstrate that all potential adverse impacts on biodiversity and geodiversity have been investigated and ensure no net loss in biodiversity and provide a net gain where possible, through the planned retention, enhancement and creation of habitats and wildlife features, appropriate to the scale, type, and location of development.
- 7.52 Paragraph 174 part D of the NPPF (2021) states that planning policies and decisions should contribute to and enhance the natural and local environment by: minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 7.53 This application is accompanied by a Preliminary Ecological Appraisal (PEA) which confirms that the site is not protected in statutory terms and the nearest statutorily designated site is Warboys Clay Pits Site of Special Scientific Interest (SSSI) located 2km north west of the site. Priority habitats are located

130m south and 350m east of the site. The PEA considers the presence of and potential for species and habitats in respect of Bats, birds, reptiles, amphibians, Badgers and other mammals. The PEA concludes that the site supports common and widespread habitats low in ecological value. The boundary trees are considered to be the highest value foraging habitat. There were no signs of or evidence of protected, priority or rare species and the risk to significant impact on such or to local ecological value was considered to be very low.

- 7.54 It is considered that the scheme provides an opportunity to enhance the ecological value of the site through the creation of domestic gardens which are likely to be more diverse than the existing industrial use of the site and the associated areas of buildings and hardstanding. The PEA makes various recommendations to secure enhancements such as bird and bat boxes which can be fixed to buildings or trees, provision of a hedgehog dome and soft landscaping to be of native species, prioritising fruit producing varieties of trees and hedgerows. It is recommended that a condition is imposed on any permission that requires an ecological mitigation strategy to be submitted that accords with the recommendations within the PEA.
- 7.55 Subject to such condition, it is considered that the proposal would accord with Policy LP30 of the Huntingdonshire Local Plan and would avoid a net loss in biodiversity.

## Impact on Trees

- 7.56 This application is accompanied by an Arboricultural Impact Assessment which has been amended in response to revised proposals.
- 7.57 The scheme has been amended significantly in response to Officer concerns by reducing the number of dwellings from nine to four. The amended scheme has subsequently reduced the extent of development and therefore the pressure on existing site features such as trees which otherwise would have been removed.
- 7.58 Subject to conditions that require the landscaping scheme to be carried out and implementation of the approved Arboricultural Method statement, it is considered that the arboriculture constraints of the development have been assessed and a combination of protective measures, sensitive construction work, and compensatory planting can be secured to ensure that the development can be made acceptable in arboricultural terms, in accordance with Policy LP31 of the Local Plan.

## Flood Risk and Drainage

- 7.59 Policy LP5 states that proposals will only be supported where all forms of flood risk have been addressed. The application is for minor development (less than 10 units) and is not therefore required to be accompanied by a Flood Risk Assessment (FRA). The site is located in Flood Zone 1, no fluvial flood mitigation is required.
- 7.60 In terms of surface water drainage, paragraph 6.3.17 of the Cambridgeshire Flood and Water SPD 2017 states that it is a Building Regulations and PPG requirement that the discharge hierarchy for surface water drainage is followed.
- 7.61 The hierarchy requires that rainwater shall discharge to the following, listed in order of priority:
  - To ground in an adequate soakaway or some other adequate infiltration system
  - A watercourse
  - A surface water sewer, highway drain or other drainage system
  - A combined sewer
- 7.62 The submitted application form states that surface water will be discharged of by main sewer. Whilst it should be acknowledged that this is not the preferred method having regard for the above guidance, it is beyond the scope of this application and would be subject to building regulations and a separate consenting process with Anglian Water. Anglian Water have been consulted as part of the application and have confirmed that they have no comments to make as the development proposal is for less than 10 dwellings. In the unlikely event that Anglian Water refuse to allow a connection to the main sewer, an alternative means to discharge surface water will need to be considered and it is recommended that this is considered, approved and secured by way of a planning condition.
- 7.63 In terms of foul water drainage, the application form states that it is unknown how foul water will be disposed of. Connection to the foul sewer in the locality would also be subject to building regulations approval and approval by Anglian Water. It is not considered that a foul water strategy is required, and the specific details of foul water drainage can be agreed through the use of planning conditions without contravening Policy LP6 of the Local Plan.
- 7.64 Overall, it is considered that the risk of flooding has been appropriately assessed and whilst no detailed mitigation measures have been proposed, these can be secured by imposing reasonable and appropriate planning conditions. Subject to a condition, in terms of flood risk and drainage the proposal accords with Policies LP5, LP6 and LP15 of the Local Plan and Section 14 of the NPPF 2021.

## Infrastructure Requirements and Planning Obligations

- 7.65 The Infrastructure Business Plan 2013/2014 was developed by the Growth and Infrastructure Group of the Huntingdonshire Local Strategic Partnership. It helps to identify the infrastructure needs arising from development proposed to 2036 through the Core Strategy.
- 7.66 Statutory tests set out in the Community Infrastructure Regulations 2010 (Regulation 122) require 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.
- 7.67 S.106 obligations are intended to make development acceptable which would otherwise be unacceptable in planning terms.
- 7.68 In accordance with the Developer Contributions Supplementary Planning Document 2011, the following planning obligations are required to make the development acceptable.

## Residential Wheeled Bins:

7.69 Each dwelling would require the provision of one black, blue and green wheeled bin. The current cost of such provision to the developer is £150 per dwelling and would be secured through a Unilateral Undertaking prior to any permission being granted.

## Community Infrastructure Levy (CIL):

7.70 The development would be CIL liable in accordance with the Council's adopted charging schedule; CIL payments will cover footpaths and access, health, community facilities, libraries and lifelong learning and education.

## Other issues

## Accessible and Adaptable Homes

7.71 The requirements within Policy LP25 of Huntingdonshire's Local Plan relating to accessible and adaptable homes are applicable to all new dwellings. This states that all dwellings should meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings' and that for all affordable housing an appropriate proportion should meet Building Regulation requirement M4(3) 'wheelchair adaptable dwellings'. These include design features that enable mainstream housing to be flexible enough to meet the current and future needs of most households, including in particular older people and those with some disabilities, and also families with young children. It is

considered that a suitably worded planning condition could secure compliance with Policy LP25.

## Water Efficiency

7.72 Policy LP12 of the Local Plan to 2036 requires proposals that include housing to comply with the optional building regulation for water efficiency, as set out in Approved Document G. The agent has confirmed that the proposed development is designed in accordance with the standards and will be built in accordance with these. A condition will be imposed upon any consent to ensure that the development is built in accordance with these standards and that they are maintained for the life of the development.

## Bin Storage and Presentation

7.73 The Parish Council have raised concerns that the proposal does not adequately provide for bin storage or bin collection. Each dwelling has sufficient space within its curtilage for the storage of the required bins. In terms of bin presentation, plot 1 would be served by a secondary and unique pedestrian access directly reaching Fenton Road for the purposes of bin presentation. Plots 2, 3 and 4 would also be served by a bin presentation that currently exists for the adjacent properties on the northern side of the existing cluster of dwellings. Subject to exact details being submitted of bin presentation to ensure it is safe and of satisfactory appearance, it is not considered that there are any concerns in respect of bin storage or bin presentation.

## CONCLUSION

- 7.74 This application must be considered against the test in S38 (6) of the Planning and Compulsory Purchase Act 2004, namely, in accordance with the development plan unless material considerations indicate otherwise. The NPPF has at its heart the presumption in favour of sustainable development (para 11) and requires the approval of development proposals that accord with an up-to-date development plan without delay. The presumption in favour of sustainable development requires proposals to achieve economic, social and environmental gains; as such a balancing exercise has to be undertaken to weigh the benefits of the scheme against its disadvantages. When considered in the round, a development proposal would contribute to the economic, environmental and social dimensions of sustainability.
- 7.75 In terms of the economic dimension of sustainable development, the proposal would contribute towards economic growth both in the short term through job creation during the construction phase and in the longer term through the additional population assisting the local economy through spending on local services and facilities. There would also be Council Tax, Section 106 and

Community Infrastructure Levy contributions arising from the development.

- 7.76 In terms of the environmental dimension of sustainable development, the proposal would re-use a previously developed site and would enhance the site and its setting and the setting of heritage assets. The access is considered to be safe and suitable to serve existing and proposed uses.
- 7.77 In terms of the social dimension of sustainable development, the scheme would make a contribution to local housing requirements and would deliver four residential dwellings seeking to support the aspirations of present and future generations. Purely in terms of the application site itself, the proposal is well laid out and would provide safe, accessible and functional residential units with ample private amenity spaces which would not have a significant impact on neighbour amenity. The site is in a countryside location but is not isolated and there are reasonable but limited means of accessing the services and facilities within the nearby settlements without relying on the private car. The proposal represents a significant positive opportunity to secure the comprehensive redevelopment of the site for a fewer number of dwellings that could otherwise be achieved through the less than desirable conversion of the existing building without the need for planning permission.
- 7.78 Having regard to all relevant material considerations, it is recommended that approval be granted subject to the imposition of appropriate conditions and the receipt of a satisfactory legal agreement to secure payment of bin provision for each dwelling

## 8. RECOMMENDATION - APPROVAL subject to conditions to include the following

- Standard 3 year time limit
- Approved plans
- Provision and retention of parking spaces
- Details of, provision of and retention of cycle storage
- Details of, provision of and retention of waste storage and presentation
- Architectural and external material details
- Provision and details of Boundary Treatments
- Finished floor levels to be agreed.
- Provision/details of fire hydrants prior to occupation
- Unexpected contamination to be remediated and verified prior to occupation.
- Ecological mitigation strategy
- Tree mitigation
- Details of surface water and foul drainage

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388388 and we will try to accommodate your needs

## **CONTACT OFFICER:**

Enquiries about this report to **Lewis Marshall Senior Development**Management Officer – <a href="mailto:lewismarshall@huntingdonshire.gov.uk">lewismarshall@huntingdonshire.gov.uk</a>

From: DMAdmin

Sent:25 August 2019 10:57To:DevelopmentControlSubject:FW: ref:19/01258/FUL

From: Pidley cum Fenton <pidleycumfenton@gmail.com>

**Sent:** 23 August 2019 21:07

To: DMAdmin < <u>Development.ManagementAdmin@huntingdonshire.gov.uk</u>>

**Subject:** ref:19/01258/FUL

Hi,

Apologies, i seem to have lost the email in relation to the planning application for Land North East of New Laurels Fenton Road, Fenton hence my delay in replying.

Unfortunately this was rejected by all of our councillors in our August meetings for a number of reasons which i document below:

There are concerns over the traffic and highway safety - Proper entrance and footpaths either side would be required. We would like to see Traffic calming, 40mph and would like this to be reduced to 30mph with footpaths, pedestrian crossings and additional lighting would all be required.

It was felt that the width of the road through the houses was quite small for the number of cars with a few passing places to get by.

Lorry bin collections also caused concerns as a lorry would not be able to get in. All bins would have to be walked through the houses and be on the main road on collection day and the night before.

Other general concerns were pulling out on to the road, no shops in walking distance. No footpaths a this moment to be able to leave the development and walk anywhere safely. Sewerage also caused concern and building within the open countryside.

Many thanks and kind regards

Louise Clowery Parish Clerk - Pidley cum Fenton 07368 271251 or 01487 500 115

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You may request access to the information we hold on you pidleycumfenton@gmail.com

From: Louise Clowery <clerk@pidleycumfenton-pc.gov.uk>

**Sent:** 10 September 2021 12:50

To: DMAdmin

**Subject:** Re: Planning Permission Consultation - Land North East Of The Laurels Fenton

Road Fenton (ref 19/01258/FUL)

Hi,

Our councillors felt that the alleyway was too narrow and has the potential to cause issues for the house where the bins will accumulate the night before collection.

They also felt that this would be overdevelopment of the site if approved.

There is no net gain on the environmental impact as from the plans many trees are being removed.

it was noted that their may be a loss of employment with the industrial units that are currently in use no longer being available.

Lastly the sustainable safety of the development with the increase of families as there is no footpaths, street lights and the speed limit is over 30mph. If this application is approved, could these factors be considered?

This application was rejected by all of our councillors.

Kind regards

Louise

---

Louise Clowery Clerk to Pidley cum Fenton Parish Council 07907 339 077 or 01487 500 115

On 2021-08-19 09:07, <a href="mailto:Dmadmin@huntingdonshire.gov.uk">Dmadmin@huntingdonshire.gov.uk</a> wrote:

Dear Parish Clerk,

Please find correspondence from Development Management at Huntingdonshire District Council attached to this email in relation to the following application for planning permission.

Proposal: Erection of 5 dwellings with garaging and parking following the demolition of the existing industrial buildings

Site Address: Land North East Of The Laurels Fenton Road Fenton

Reference: 19/01258/FUL

Opting out of email correspondence

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If you have any doubts or concerns relating to this email please contact us directly, our contact details are provided below.

Development Management Huntingdonshire District Council

T: 01480 388388

E: dmadmin@huntingdonshire.gov.uk

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From: Louise Clowery <clerk@pidleycumfenton-pc.gov.uk>

**Sent:** 13 May 2022 13:38

To: DMAdmin

**Subject:** Re: Planning Permission Consultation - Land North East Of The Laurels Fenton

Road Fenton (ref 19/01258/FUL)

Categories: Jason

Hi,

This application was met by our councillors with similar views to the last time it was submitted for approval. There were concerns over the bin collection day, the lighting, speed limit and the lack of connectivity to Warboys. Therefore in relation to LP9 of the local plan this was rejected by all of our councillors.

## Kind regards

#### Louise

---

Louise Clowery Clerk to Pidley cum Fenton Parish Council 07907 339 077 or 01487 500 115

On 2022-05-05 09:32, Dmadmin@huntingdonshire.gov.uk wrote:

Dear Parish Clerk,

Please find correspondence from Development Management at Huntingdonshire District Council attached to this email in relation to the following application for planning permission.

Proposal: Erection of 4 dwellings with garaging and parking following the demolition of the existing industrial buildings

Site Address: Land North East Of The Laurels Fenton Road Fenton

Reference: 19/01258/FUL

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Development Management Huntingdonshire District Council

T: 01480 388388

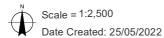
E: dmadmin@huntingdonshire.gov.uk

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## **Development Management Committee**

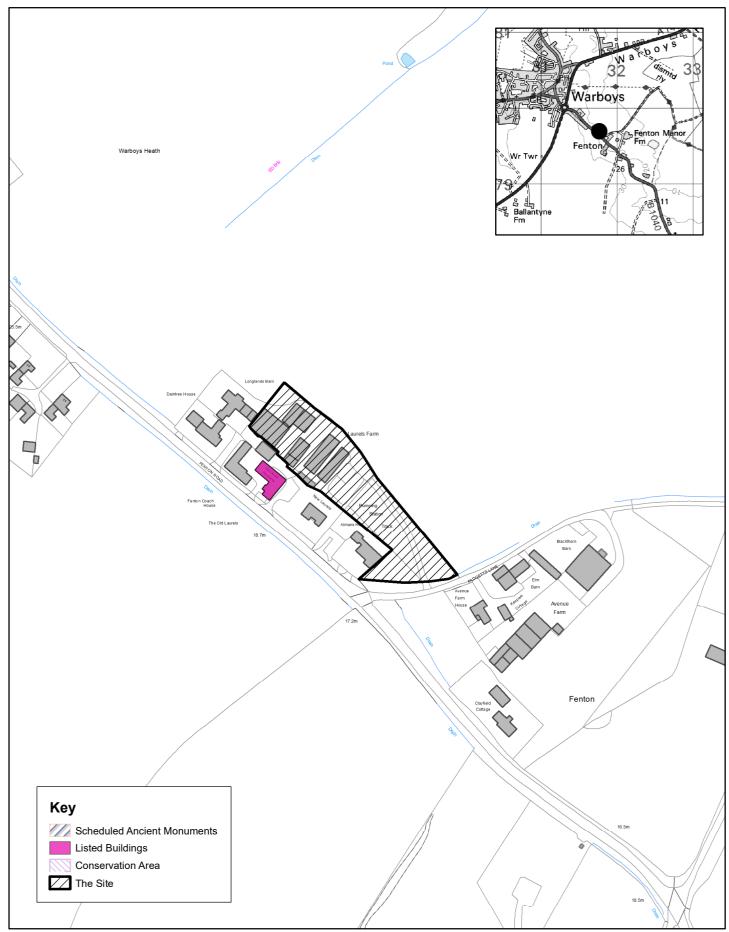


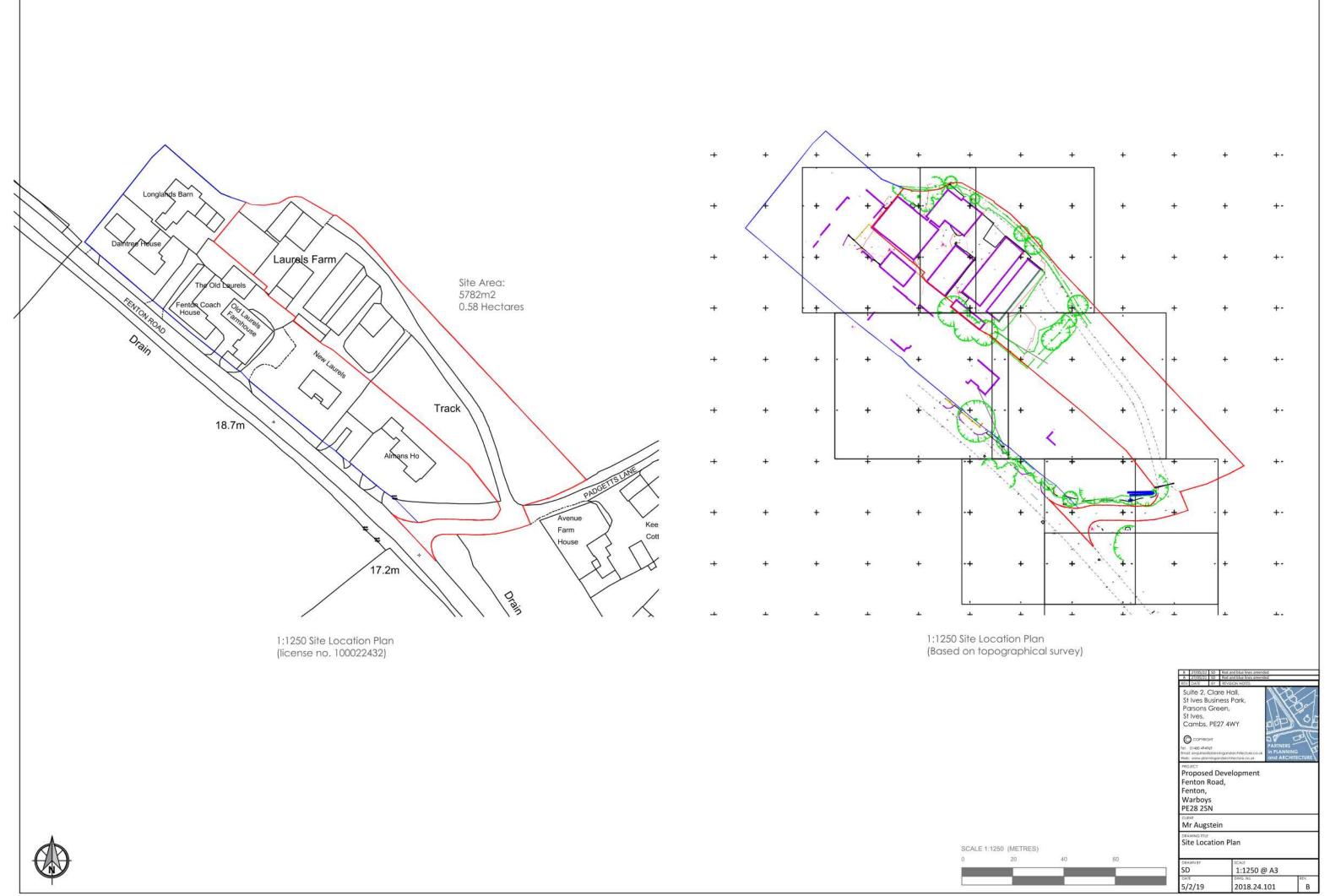
Application Ref:19/01258/FUL

Location: Pidley-cum-Fenton



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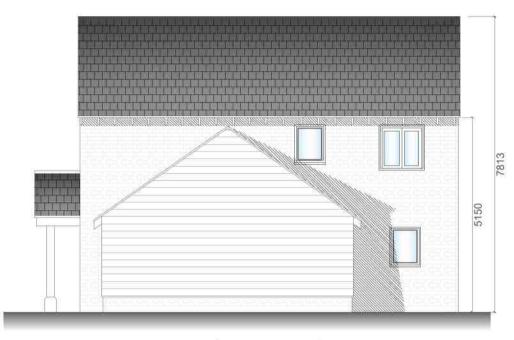


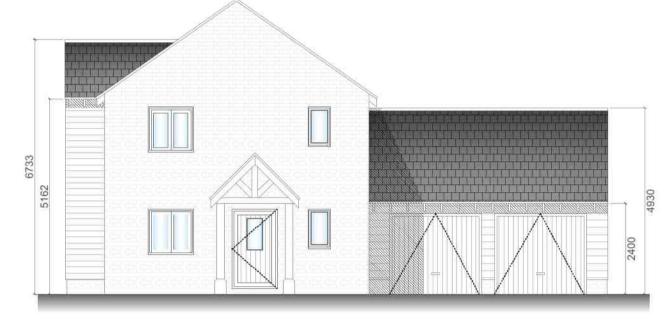




Materials Legend:
Doors &Windows: Engineered timber or aluminium, colour, style tbc. stone sills where shown on elevations
Walls: Brickwork- mix of red multi and classic buff across the site Horizontal Boarding- colour/style tbc.
Roof: Mix of grey slate tiles and clay pan tiles across site, exact plots tbc.







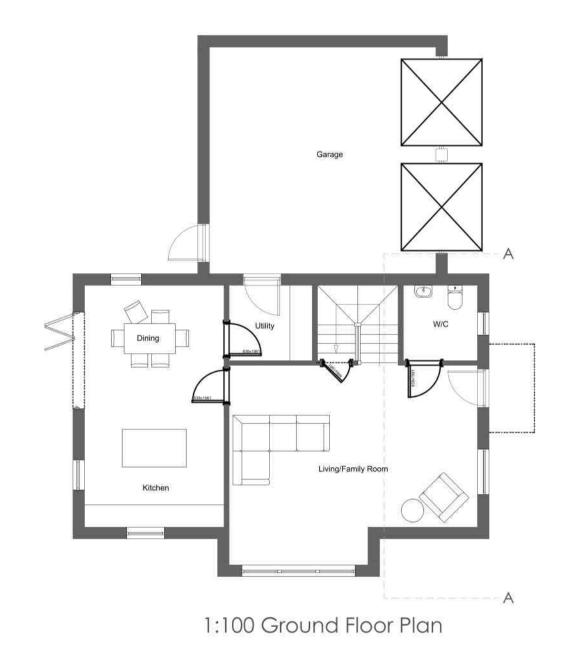


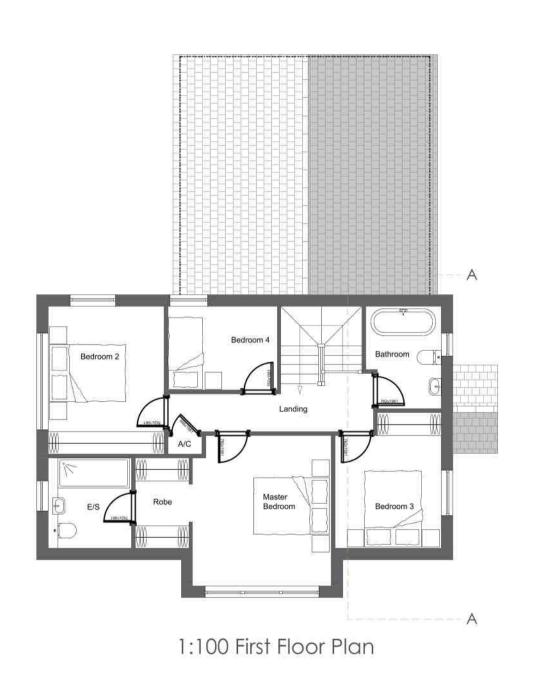
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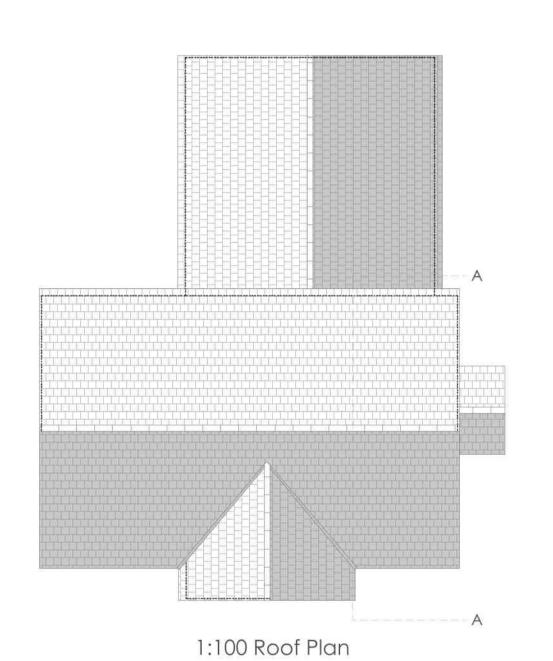
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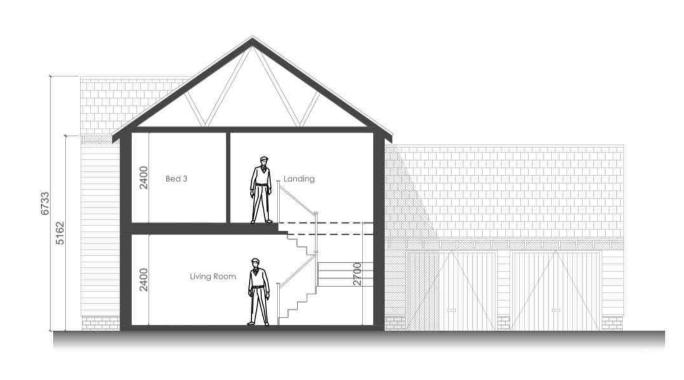
1:100 Front Elevation

1:100 Rear Elevation



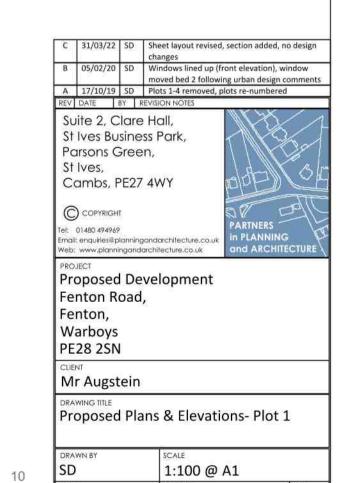






1:100 Section A-A

SCALE 1:100 (METRES)



DWG. No. 2018.24.103

5/2/19



Materials Legend:
Doors &Windows: Engineered timber or aluminium, colour, style tbc. stone sills where shown on elevations
Walls: Brickwork- mix of red multi and classic buff across the site Horizontal Boarding- colour/style tbc.
Roof: Mix of grey slate tiles and clay pan tiles across site, exact plots tbc.









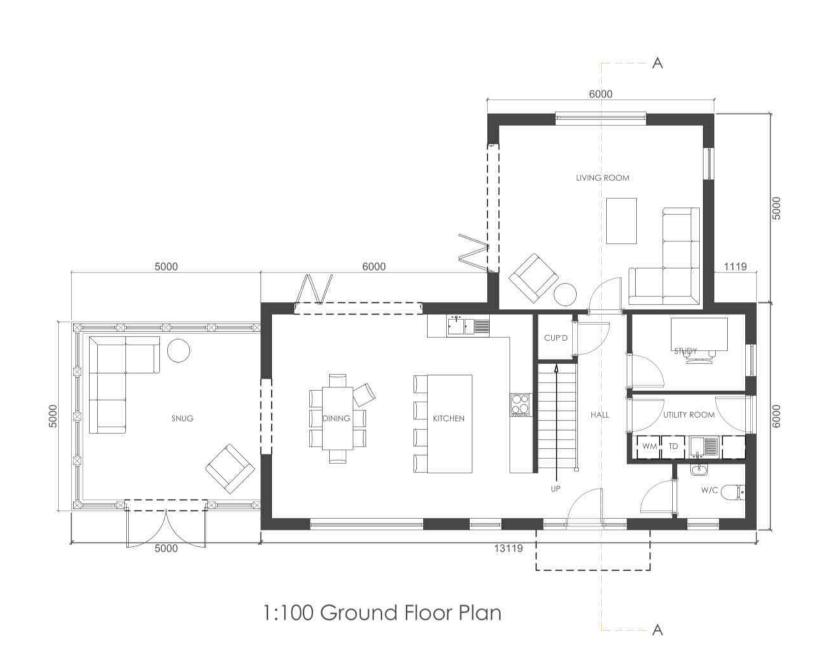
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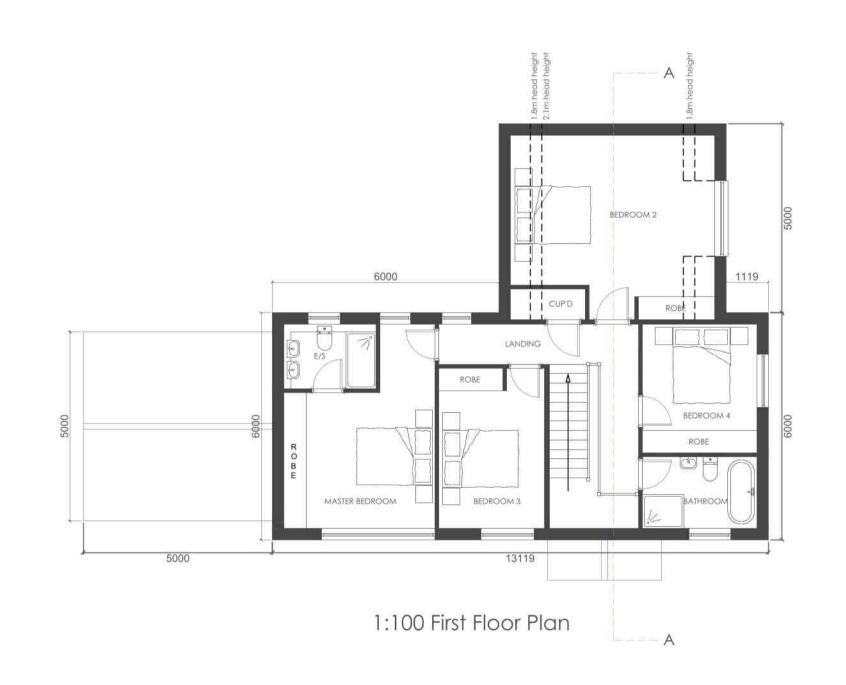
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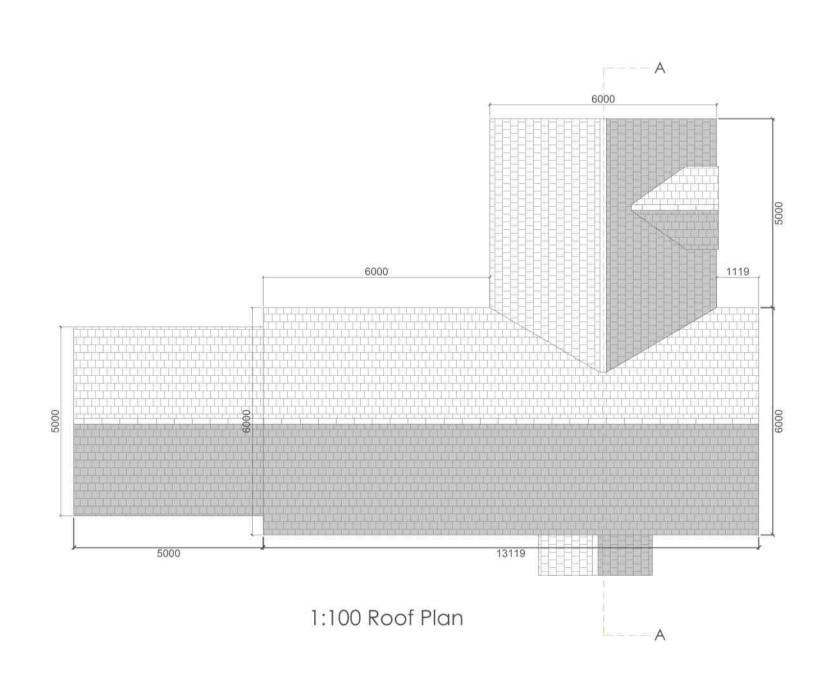
1:100 Side (North-east) Elevation

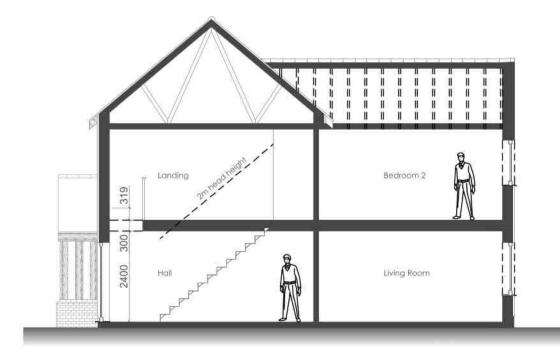
1:100 Rear (North-west )Elevation

1:100 Side (South-west) Elevation









1:100 Simple Section A-A



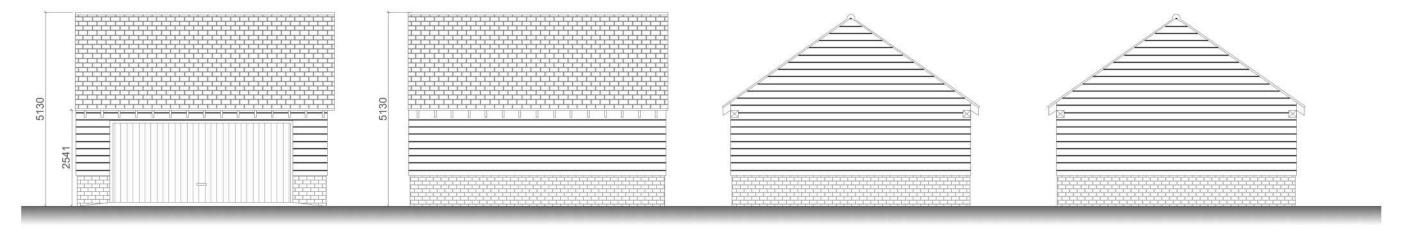
Proposed Development Fenton Road, Fenton, Warboys PE28 2SN

Mr Augstein

Proposed Plans & Elevations- Plot 4

1:100 @ A1
DWG. No.
2018.24.105 5/2/19

## Garage Plans

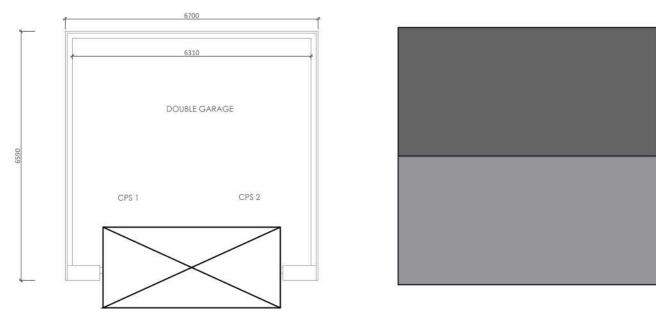


1:100 South East Elevation

1:100 North West Elevation

1:100 North East Elevation

1:100 South West Elevation



1:100 Floor Plan

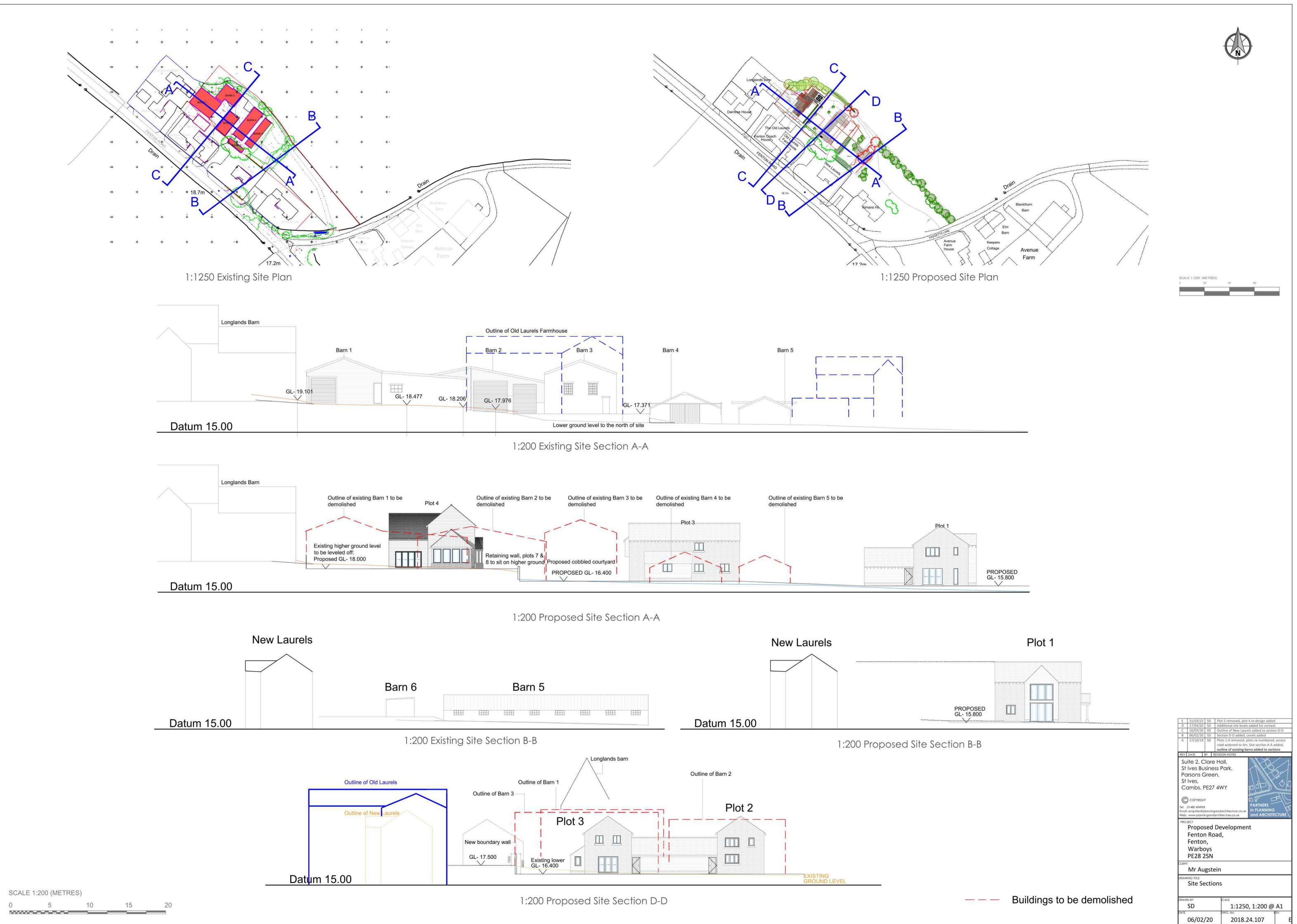
1:100 Roof Plan



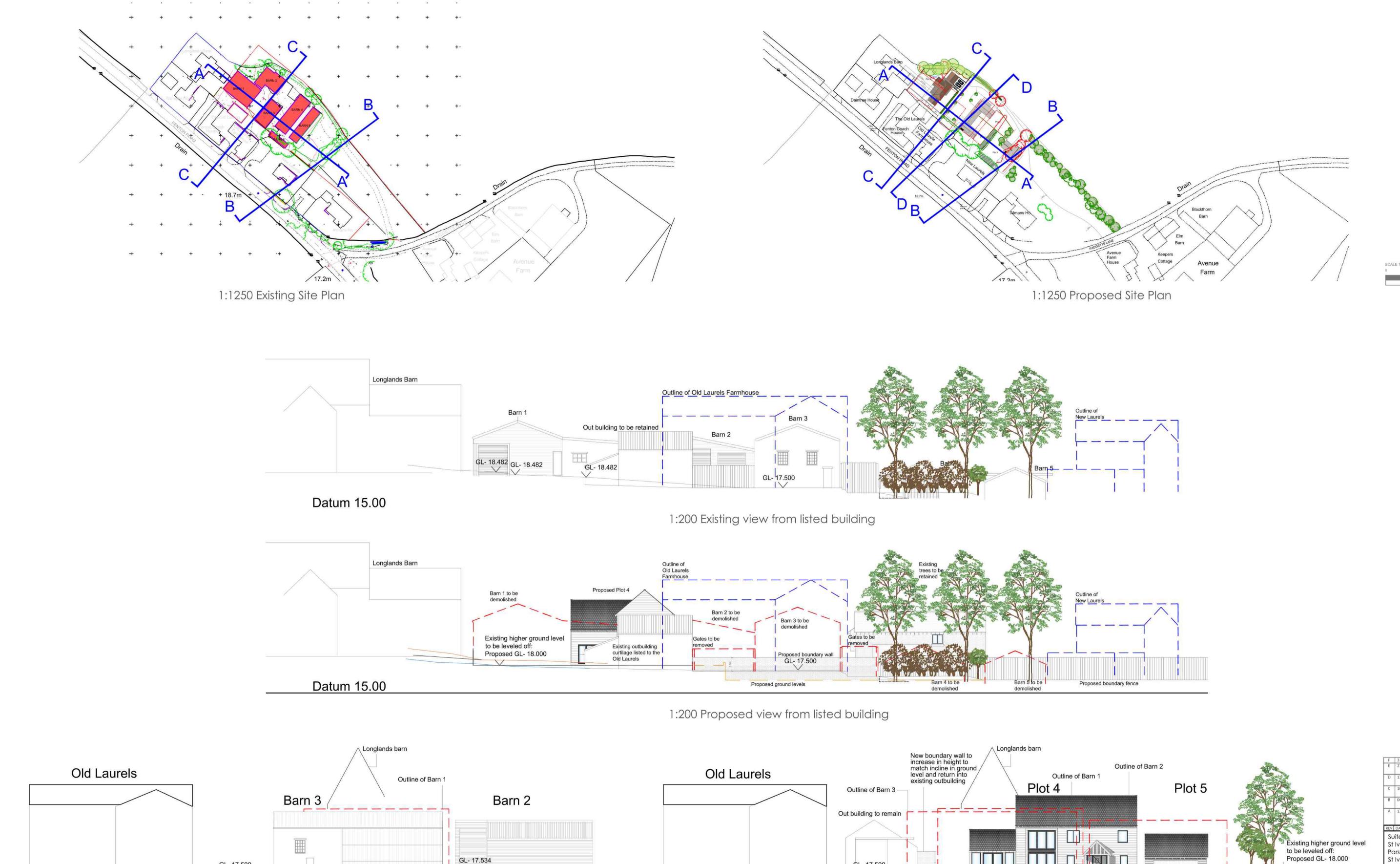
Mr Augstein

DRAWING TITLE
Garage Plans- Plot 4

DRAWN BY	SCALE	
SD	1:100 @ A3	
DATE	DWG. No.	REV
5/2/19	2018.24.109	







Datum 15.00

GL- 17.534

Existing fall of land between barn 2 and 3

1:200 Existing Site Section C-C

GL- 16.514

1:200 Proposed Site Section C-C

GL- 17.500

New boundary wall-

Buildings to be demolished

Existing lower GL- 16.400

Suite 2, Clare Hall, St Ives Business Park, Parsons Green, St Ives, Cambs, PE27 4WY Proposed Development Fenton Road, Fenton, Warboys PE28 2SN Mr Augstein Site Sections 1:1250, 1:200 @ A1 06/02/20 2018.24.108

SCALE 1:200 (METRES) \*\*\*\*\*\*

Datum 15.00

GL- 17.500



