

F/YR17/0203/O

**Applicant: Mr R Yates,  
Mark James Ltd**

**Agent : Mr Simon Lemmon  
Distinct Designs UK Ltd**

**Land South West Of The Orchards, Gull Road, Guyhirn, Cambridgeshire**

**Erection of up to 7no dwellings (Outline with all matters reserved)**

**Reason for Committee: This application is before committee due to the support from the Wisbech St Mary Parish Council**

The proposal is for up to 7 dwellings, (Outline with matters in respect of access, appearance, layout and scale) 1 of which would be affordable or alternatively a pro rata contribution, on paddocks and fields on the edge of Guyhirn considered a Small Village in policy LP3 of the Fenland Local Plan. LP3 considers development in Small Villages will be considered on its merits but will normally be limited in scale to residential infilling. This proposal for up to 7 dwellings in an area of green space overlooked by the surrounding houses is not considered to be infill development or that of limited scale. The principle of development of this site is therefore considered contrary to Policy LP3 the Council's Settlement Hierarchy and Spatial Strategy resulting in unsustainable development contrary to the golden thread that runs through the NPPF.

The site is predominantly within Flood Zone 1 and is considered to pass the sequential test capable of compliance with Policy LP14 regarding flooding. Additional supporting information has been submitted which suitably addresses highways and ecological concerns. Environmental and Archaeological matters could be dealt with by planning conditions.

However the site has some value as green space and is a transition between the built settlement and the open countryside. Development of 7 dwellings is likely to result in increased urbanising impact leading to visual harm to the character of this part of Guyhirn and therefore considered contrary to Policy LP12(h) and LP16(d).

## **1 SITE DESCRIPTION**

- 1.1.** This application relates to a 0.85 hectare site off Gull Road. It is land that was formerly ponds which was known to be tipped land post 1953. The site is within Flood Risk Zone 1 an area at the lowest risk of flooding, but with a small triangular section in zone 2 and 3 in the south-eastern corner. It is also within the 30mph speed restriction area. This part of Guyhirn is a linear form of settlement extending to the north-west into open countryside. The site is an open area of rough grass land with number of trees and hedges. There are houses on the far side of the road which face towards the open area. To the east is the Tall Trees Leisure Park.

## 2 PROPOSAL

- 2.1 The applicant preceded this application with a similar proposal. However this was withdrawn due to failure to undertake community involvement in order to comply with Policy LP12. Community Involvement was therefore undertaken along prior to submission. 4 letters of objection were received with two letters of support.
- 2.2 The application is in outline form seeking the principle of up to 7 dwellings 1 of which would be affordable, and indicating possible individual access positions. The applicant has submitted an amended indicative layout, which is not for determination now, however it seeks to demonstrate that 7 houses could be developed in a satisfactory manner and that a footpath could be accommodated within the site to improve pedestrian mobility.
- 2.3 The applicant included an Ecology Report (May 2017) and a Flood Risk Assessment in which the applicant confirms the proposed floor levels would be 300mm above the road levels and that surface water would drain into soakaways.
- 2.4 Full plans and associated documents for this application are available at:

<https://www.fenland.gov.uk/publicaccess/simpleSearchResults.do?action=firstPage>;

## 3 SITE PLANNING HISTORY

F/YR16/1157/O	Erection of 7no dwellings (Outline with all matters reserved)	Withdrawn	02/03/2017
F/95/0178/O	Erection of a dwelling	Refused	26/07/1995
F/0094/76/F	Use of land as refuse disposal site	Approved	22/04/1976

## 4 CONSULTATIONS

- 4.1 **FDC Environmental Health** has viewed the documents provided and does not object to the principle of this development but have the following comments:

- Contaminated Land: Our records have identified that the site has a history of pits and made land, therefore an investigation is required to ensure the land is not contaminated and suitable for residential development. The site is with 250 meters of a historic landfill site therefore the presence of landfill gases should be considered at the design stage of the development.
- Noise and Dust: It is recommended that prior to commencement of the works the Contractor shall submit a method statement, including risk assessments, detailing measures to be taken to minimise noise and dust nuisance. The method statement may take the form of a construction management plan. This may evolve as the project progresses. Each revision of the plan should be communicated to relevant persons.

- 4.2 **CCC Highways** has the following comments:

- A footway should be provided along the site frontage linking all the plot accesses together. Please provide amended details.
- The carriageway width should be dimensioned at changes in width. Provision for two way vehicle flow should be made around the site perimeter if the carriageway is only a suitable width for single file traffic. Mitigation can be in the form of passing bays.

- Vehicle to vehicle and vehicle to pedestrian visibility splays should be added to the drawing in accordance with the posted speed limit or 85%ile speeds.
- The Local Highway Authority questioned why the original indicative layout omitted a footway along the frontage of the site. CCC Highways does however not object.

**4.3 Cambridgeshire Archaeology** has concerns regarding the potential of archaeological implications of the above planning application and recommend that the archaeological standard condition is attached.

**4.4 The Environment Agency** incorrectly identifies the site within Flood Zones 2&3. Nevertheless it does not object but makes the following comments:

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) for residential development at Gull Road, Guyhirn by Geoff Beel Consultancy ref: GCB/Distinct Designs dated December 2016 and the following mitigation measures detailed within the FRA:

- Finished floor levels will be set no lower than 300mm above existing road levels
- The dwelling will be two storeys.
- Flood Resilience and resistance measures will be incorporated into the proposed development as stated in the FRA.

The mitigation measures shall be fully implemented prior to occupation and Subsequently, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

The Agency also request a planning condition be attached requiring a contamination remediation strategy be required before development commenced.

The agency would request informatives be added regarding Surface Water and Foul Water drainage and Pollution Control

**4.5 The North Level IDB** has no objection.

**4.6 FDC Housing Officer**

Fenland seeks the provision of an element of affordable housing from all planning applications of 5 dwellings or more. The policy indicates that the affordable housing will be provided on site unless there are exceptional circumstances which necessitate provision on another site or the payment of a financial contribution. FDC is aware that some developers have struggled recently to secure Registered Providers to take on the affordable housing on smaller sites. Accordingly, in view of this exceptional circumstance it has been decided that the affordable housing planning requirement on sites submitted for planning between 1st April 2016 and 31st March 2018 can be discharged by way of a financial contribution rather than on site provision. This will apply to all applications which are for 37 dwellings or fewer. If the applicant chooses to provide a financial contribution rather than seek an RP partner to deliver the on-site affordable housing, the affordable housing

financial contribution will be calculated in accordance with the mechanism provided in the Local Plan policy and as follows:

- The applicant should submit the necessary open market values of homes which would otherwise have been affordable housing to FDC.
- FDC will assume that RPs would usually pay 55% of OMV for a rented dwelling and 65% of OMV for a shared ownership dwelling.
- FDC will assume that 70% of all affordable homes will be rented tenure and 30% will be shared ownership tenure.
- On this application which is for 7 dwellings, I would expect an affordable housing contribution equivalent to one dwelling and a further 0.4 of one dwelling in accordance with the Local Plan policy.

#### **4.7 PCC's Ecology Officer**

Has no objection and has the following observations:

- Protected Species: He is satisfied with the report's assessment of impacts on protected species. The mature willow trees along the site boundary contain features that may support roosting bats. It is therefore these trees should be retained. However should any tree works be required for health and safety reasons he requests that "soft felling" techniques are used (as detailed in section 7 of the ecology report). In addition he requests a minimum of four bat roosting features/ boxes are provided via a suitably worded condition.
- Nesting Birds: The proposal involves the removal of a number of trees and therefore recommend that a suitably worded condition be attached requiring the avoidance of such site clearance works during this period, or where this is not possible, that a suitably qualified ecologist carries out a survey to establish that nesting birds are not present or that works would not disturb any nesting birds.
- He also requests that a minimum of five bird nest boxes are installed that cater for a number of different species such as House Sparrow, Starling & Swift. Details regarding numbers, designs and locations should be provided by the applicant which would be acceptable via a suitably worded condition.
- Mammals: Whilst there is no evidence of badgers or hedgehogs within the application boundary, there is suitable habitat present which these species may occasionally use. He therefore recommend that as a precaution, all construction trenches are covered overnight or a means of escape provided for any mammals that may have become trapped. In addition it is recommended that impenetrable barriers are avoided by allowing adequate gaps to be retained under any new fencing. This may be secured via a condition.
- The mature boundary trees should be retained. With regard to any additional planting, he recommends the use of a range of native tree and shrub species, the detail of which may be provided via a suitably worded condition.

**4.8 Wisbech St Mary Parish Council** supports the proposal.

#### **4.9 Representations**

2 letters received from the occupiers of Brunlea and The Gulls, Gull Road objecting on the following grounds:

- This building activity will be detrimental and intrusive. It will be in very close proximity to the objector's property and the road in question is very narrow with no lighting or drainage.

- The very small road is unsuitable for building traffic and domestic volumes of traffic, and there are no pavements to accommodate pedestrians, including children walking to catch school buses, some times in the dark.
- The adjacent main Gull Road has a high volume of fast traffic, even though the speed limit is 40mph, most drivers do not adhere to this and speed, which is already very dangerous. An increase in traffic from the new builds will aggravate the situation greatly, also making pulling out on the main Gull road even more hazardous than it is already.
- The land was once a pit and has been filled totally with landfill, possibly including asbestos. If the land is disturbed this could cause health issues for residents nearby.
- If pile drivers are used this may damage the foundation of my property which is over 100 years old. Since the bio fuel plant was built in Cants drove the amount of lorries using Gull Road has increased, and my property is being shaken from this increase alone.
- The proposed plot frequently floods and neighbouring houses on lower land than the site will be under threat of flooding if the levels are changed. A Level test has already been done, which confirms possible flooding not only to my property but to all the property's in the Gull Road Horse shoe. The water will have nowhere to go and so will run down, causing substantial damage and distress.
- If the build goes ahead I would like in writing who will be paying if any damage is done to my property, caused by the build.
- The new houses and people will cause more noise and anxiety to all.
- Privacy will be compromised.
- The proposed building site could cause health issues if disturbed.
- There is a lot of wild life about here which will then have nowhere to live.
- The land should stay as grazing land as it is most unsuitable to be a building plot.

## **5 STATUTORY DUTY**

- 5.1** 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).

## **6 POLICY FRAMEWORK**

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

Paragraph 2: Applications must be determined in accordance with the development plan unless other material considerations indicate otherwise

Paragraph 14: Presumption in favour of sustainable development.

Paragraph 17: Seek to ensure high quality design and a good standard of amenity for all existing and future occupants.

Paragraph 47: Supply of housing

Paragraph 64: Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Paragraphs 100-104: Development and flood risk.

Paragraph 109: Minimising impacts on biodiversity

Paragraphs 203-206: Planning conditions and obligations.

### **6.2 National Planning Policy Guidance (NPPG)**

Determining a planning application

### **6.3 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

LP5 – Meeting Housing Need

LP12- Rural Areas Development

LP14 – Managing the risk of Flooding in Fenland

LP15 – Facilitating a more Sustainable Transport Network in Fenland

LP16 – Delivering and Protecting High Quality Environments across the District

LP19 – The Natural Environment

## **7 KEY ISSUES**

**Principle of Development**

**Character and Appearance**

**Residential Amenity**

**Risk of flooding and drainage**

**Housing Need**

**Highway Safety**

**Economic Growth**

**Ecology**

## **8 ASSESSMENT**

### **8.1 Principle of Development**

Paragraph 14 of the NPPF makes it clear that '*at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.*' The application site is on the edge of the village of Guyhirn classed as a Small Village within Policy LP3 of the Fenland Local Plan. LP3 states that development in small villages will be considered on its merits but shall normally be limited in scale to residential infilling. This proposal is for up to 7 dwellings in an area of green space which is overlooked by the surrounding houses on Gull Road. It is not considered to be infill development or that of a limited scale. The principle of development of this site is therefore considered contrary to the Councils Spatial Strategy, Policy LP3 and as such represents unsustainable development.

### **8.2 Character and appearance**

This site which has a 'D' shaped footprint, has fields divided for paddock/grazing uses and includes trees and rough grassland. Although not in public use it nonetheless is an area of green space providing visual amenity to nearby dwellings in the wider street scene. To the west and north-east is open countryside. It also functions as a site that provides a transition from the developed part of the settlement into open countryside. It is therefore considered an area of some importance to this small village. The development of up to 7 houses, albeit with a relatively spacious layout, is considered likely to lead to visual harm resulting in the loss of the green open area therefore harming the character of this part of Guyhirn.

**8.3** LP16 refers to development making a positive impact to local distinctiveness and the character of the area and amongst other things should not have an adverse impact on landscape character. It is also a core planning principle in the NPPF that recognises the intrinsic value of the countryside therefore consideration needs to

be given to any harm caused. LP12 includes criteria for development in villages and refers to Part A (h) requiring proposals to not result in the loss of important spaces within the village.

**8.4** Therefore the proposal is contrary to Policies LP12(h) and LP16(d) of the adopted Fenland Local Plan in that it results in the loss of an important village space, fails to contribute to local distinctiveness and the character of the area, and results in adverse impact to the street scene, settlement pattern and character of the surrounding area. It is considered that a development of this green space is likely to lead to some harm to the character of this part of Guyhirn and therefore is contrary to Policy LP16(d).

**8.5 Residential Amenity.**

LP2 and LP16(e) seek to avoid adverse impacts on residential amenity. This application is in outline form only and therefore if permitted consideration would need to be given at the reserved matters stage. However as the site would not adjoin other housing it is considered likely that an acceptable layout could be achieved in the respect of neighbour. It is therefore considered capable of according with Policy LP2 and LP16(e).

**8.6 Risk of flooding and drainage**

The majority of the site is within Flood Zone 1 the area at lowest risk of flooding. The small section in Flood Zone 2 and 3 cuts across the south-eastern corner of the site. It is considered that the applicant's indicative layout demonstrates that 7 houses could be accommodated without requiring any development within the Flood Area's 2 and 3, for example the corner could be a landscaped area. As the development has the capability to result in no increase in vulnerable uses within Zones 2 and 3 the proposal is considered to pass the sequential test and considered to accord with policy LP14 of the Fenland Local Plan.

**8.7 Housing Need**

The application proposes affordable provision in compliance with Local Plan Policy LP5. Alternatively an off-site provision would be considered acceptable due to the current difficulties of securing Registered Social Landlords for smaller affordable schemes. These alternative methods of meeting the housing need can be included within a Section 106 agreement and will accord with Policy LP5 of the Fenland Local Plan.

**8.8 Highway Safety**

At the time of writing the LHA has not commented on the amended plans, any further comments will be reported in the update. At present there are no objections from the Local Highway Authority and as such the development is considered capable of implementation in accordance with adopted Policy LP15 of the Fenland Local Plan. The detailed design of the access will be for a further reserved matters application. However the proposal indicates individual access points for each house. The amended drawing includes provision of a publicly accessible footway entirely within the applicant's site and widens the highway carriageway at narrow points which therefore enhances the surrounding highway. As such the proposal improves the highway network and is therefore considered capable of compliance with Policy LP15.

## **8.9 Health and wellbeing**

In accordance with Policy LP2 of the Local Plan development proposals should positively contribute to creating a healthy, safe and equitable living environment. In doing so development proposals should create sufficient and the right mix of homes to meet people's needs, and in the right location. This proposal appears capable of providing a good mix. However being located in a small village the proposal may not represent the right location within the Council's Spatial Strategy.

As regards the development of the tipped land the Council's Environmental Health Officer has no objection subject to an investigation to ensure the land is not contaminated and suitable for residential development. The site is with 250 meters of a historic landfill site therefore the presence of landfill gases should also be considered at the design stage of the development. Therefore if the application were to be granted conditions would be required for ground contamination and landfill gas surveys prior to commencement of the development.

## **8.10 Economic Growth**

The development would be likely to provide a degree of local employment during construction which would support the continued sustainability and economic growth of Fenland

**8.11 Ecology** The applicant submitted an ecology report which is considered acceptable by the Ecology Officer subject to conditions. The proposal is therefore considered capable of compliance with Policy LP19.

## **9 CONCLUSIONS**

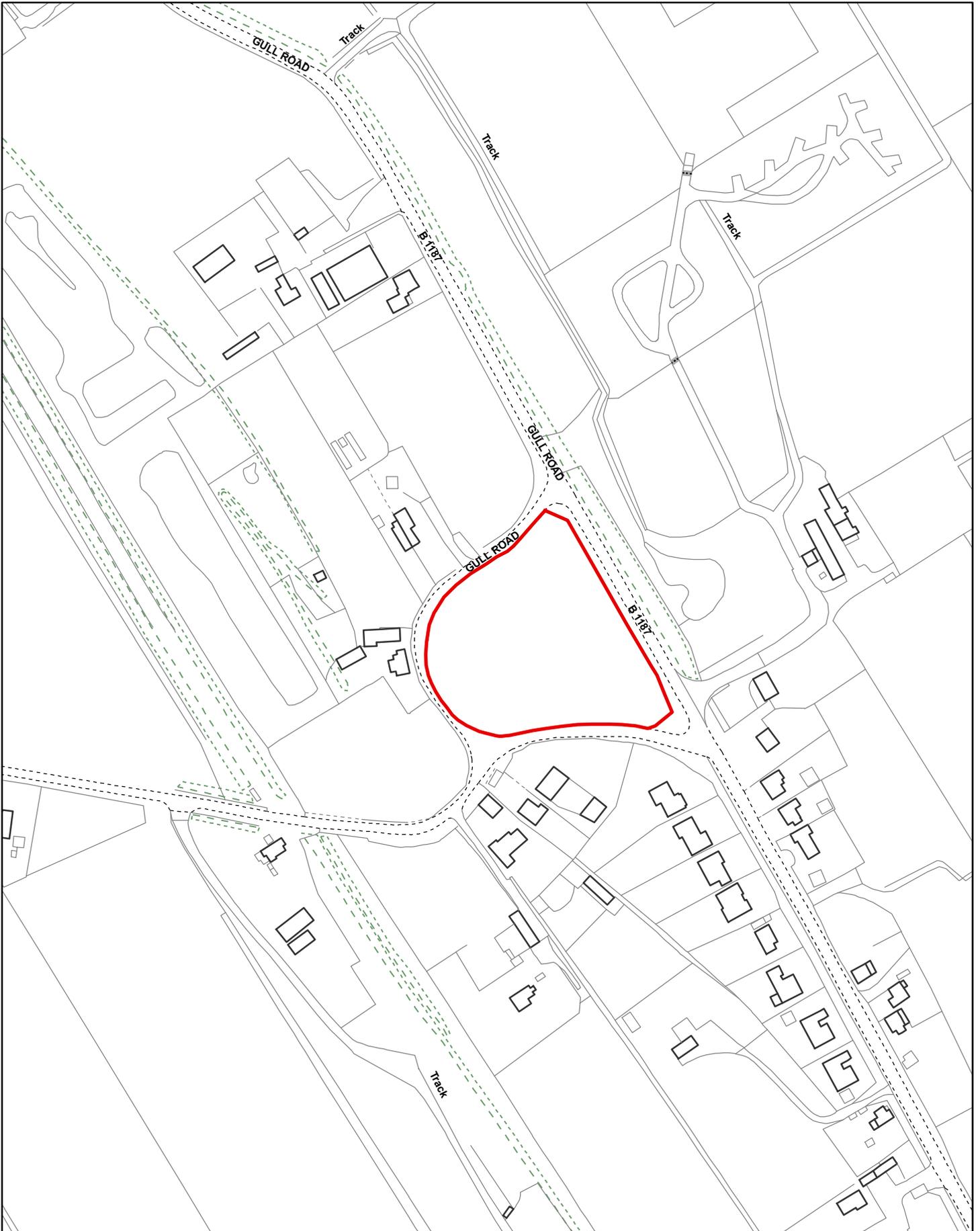
**9.1** Additional supporting information has been submitted which suitably addresses highways and ecological concerns. Environmental and Archaeological matters could be dealt with by planning conditions. However the proposal is considered to be contrary to the Council's Spatial Strategy failing to be a small or infill site, and it also results in the development of an area of green space resulting in harm to the character of the village.

## **10 RECOMMENDATION**

**Refuse for the following reasons:**

- 1** The proposed development would result in a 7 dwellings located in a Small Village as defined in the Fenland Local Plan where developments of only a very limited scale or residential infilling will be allowed. The development proposed is not infilling and given the numbers of dwellings and the size of site and the small village in question, it is not of a small scale. Therefore the proposal is considered to be contrary to Policy LP3 the spatial Strategy and Settlement Hierarchy of the Fenland Local Plan (Adopted May 2014) and as such represents unsustainable development contrary to the aims and objectives of the NPPF.
- 2** Policies LP12(h) of the Fenland Local Plan seeks to protect important spaces in villages. Policy LP16(d) requires development to contribute to local distinctiveness and the character of the area, and would not allow development that adversely impacts on the street scene, settlement pattern or the landscape character of the surrounding area. The application site forms an important green space providing visual amenity and effecting the

**transition between the village and the open countryside. The development proposal would result in the loss of this green space and the increased urbanisation of this part of Guyhirn to the detriment of visual amenity and the character of the area. Therefore the proposal is contrary to Policies LP12(h) and LP16(d) of the adopted Fenland Local Plan and as such would conflict with the aims and objectives of the NPPF.**



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# PROPOSED RESIDENTIAL DEVELOPMENT

## GULL ROAD, GUYHIRN, WISBECH, CAMBRIDGESHIRE. PE13 4ER



REV	DATE	DESCRIPTION
C	16/06/24	ISSUED FOR PERMITTED DEVELOPMENT

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CLIENT: **MARK JAMES LTD.**  
**PROPOSED NEW RESIDENTIAL DEVELOPMENT OF SEVEN DWELLINGS**

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