

AGENDA

PLANNING COMMITTEE

WEDNESDAY, 19 JUNE 2019

1.00 PM

**COUNCIL CHAMBER, FENLAND HALL,
COUNTY ROAD, MARCH, PE15 8NQ**

Committee Officer: Jo Goodrum
Tel: 01354 622285
e-mail: memberservices@fenland.gov.uk

- 1 To receive apologies for absence.
- 2 Previous Minutes (Pages 3 - 10)

To confirm and sign the minutes from the previous meeting of 29 May 2019.
- 3 To report additional items for consideration which the Chairman deems urgent by virtue of the special circumstances to be now specified
- 4 To receive Members declarations of any interests under the Local Code of Conduct or any interest under the Local Code of Conduct or any interest under the Code of Conduct on Planning Matters in respect of any item to be discussed at the meeting.
- 5 F/YR19/0294/O/
Land North of 3A-15 High Road, Gorefield

Erection of up to 5no dwellings (outline application with matters committed in respect of access) (Pages 11 - 24)

To determine the application
- 6 F/YR19/0357/O
Land South East of 182 Wype Road, Eastrea, PE7 2AZ

Erection of 2 x 4-bed single storey dwellings (outline application with matters committed in respect of access, layout and scale) (Pages 25 - 36)

To determine the application

7 F/YR19/0068/O

Land North of 17 Doddington Road, Benwick

Erection of up to 15no dwellings (outline application with matters committed in respect of access) involving demolition of buildings (Pages 37 - 50)

To determine the application

8 Items which the Chairman has under item 3 deemed urgent

Members: Councillor D Connor (Chairman), Councillor A Hay (Vice-Chairman), Councillor I Benney, Councillor Mrs S Bligh, Councillor Bristow, Councillor S Clark, Councillor Lynn, Councillor Marks, Councillor Meekins, Councillor P Murphy, Councillor Patrick and Councillor W Sutton,

PLANNING COMMITTEE



WEDNESDAY, 29 MAY 2019 - 1.00 PM

PRESENT: Councillor I Benney, Councillor Mrs S Bligh, Councillor Bristow, Councillor D Connor (Chairman), Councillor Lynn, Councillor Marks, Councillor Meekins, Councillor P Murphy, Councillor Patrick, Councillor Rackley and Councillor W Sutton,

APOLOGIES: Councillor S Clark and Councillor A Hay (Vice-Chairman),

Officers in attendance: Stephen Turnbull (Legal Officer), David Rowen (Development Manager), Sheila Black (Principal Planning Officer) and Linda Albon (Member Services & Governance Officer)

P1/19 APPOINTMENT OF CHAIRMAN FOR THE MUNICIPAL YEAR

Linda Albon requested a nomination for Chairman of the Planning Committee for the Municipal Year. It was proposed by Councillor Rackley, seconded by Councillor Benney and resolved that Councillor Connor be elected as Chairman of the Planning Committee for the Municipal Year.

P2/19 APPOINTMENT OF VICE CHAIRMAN FOR THE MUNICIPAL YEAR

It was proposed by Councillor Connor, seconded by Councillor Bristow and resolved that Councillor Hay be elected as Vice-Chairman of the Planning Committee for the Municipal Year.

P3/19 PREVIOUS MINUTES

The minutes of the meeting of 24 April 2019 were confirmed and signed.

P4/19 F/YR12/0569/O RESIDENTIAL DEVELOPMENT OF UP TO 149 DWELLINGS; RETAIL DEVELOPMENT ;OPEN SPACE; LANDSCAPING AND PEDESTRIAN, CYCLE AND VEHICULAR ACCESS OFF 46 LYNN ROAD

The Committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection Policy and Procedure (minute P19/04 refers)) during its deliberations.

David Rowen presented the report to members and drew their attention to the updated report which had been circulated.

David Rowen presented a further update to members and stated;

'Overall the principle of development is deemed to be acceptable with no outstanding objections from any technical consultees. However developments of this scale are required to provide satisfactory infrastructure provision or to demonstrate that to do so, would render the scheme unviable.

The infrastructure required to be generated by this development is set out on page 20 of the agenda pack. A delegated grant of planning permission was due to be given last year however at that point Cambridgeshire County Council as the Highways Authority required a further financial

contribution for off-site Highway works of £45,000.

Further to the lack of progress on securing that additional Section 106 (S106) contribution as outlined in the report, written confirmation has now been received from the applicant's agent this morning confirming the intention to complete the S106 agreement shortly.

Consequently the recommendation that is set out to members within the agenda is to be amended on the basis of that information being received. The amended recommendation is now;

Members resolve to grant outline planning permission with delegated authority to officers to complete the necessary S106 agreement as well as to formulate the appropriate planning conditions. If no satisfactory progress is made on completing the legal agreement within 28 days of this Committee Meeting, officers be delegated to refuse planning permission for reasons set out in the report.'

Members asked questions, made comments and received responses as follows;

1. Councillor Murphy asked for confirmation that this application is for outline planning permission and not full planning permission. David Rowen confirmed that the application is for outline planning permission.
2. Councillor Sutton said he was confused in relation to the initial recommendation to refuse the planning permission as in many instances, the Planning Committee grants planning permission subject to a S106 agreement being agreed at a later date. He is concerned that the amended recommendation to grant planning permission does not allow a reasonable timescale to arrange the legal agreement.
3. Councillor Patrick expressed that he would prefer to see this planning application deferred until this legal agreement is resolved.
4. Councillor Connor agreed but highlighted that the application meets planning requirements and the area will benefit from this development. Whilst the late timing of progress is not ideal, the applicant's agents have resolved the issue.
5. Councillor Benney agreed that the Planning Permission should be withdrawn and refused if the S106 agreement does not progress. This should encourage the developer to progress the legal agreement in a timely manner.
6. Councillor Murphy agreed but stated that a timescale for completion of the legal agreement needs to be stipulated to avoid further delays.
7. Councillor Connor agreed that if planning permission stipulates 28 days, this needs to be enforced if there are further delays.
8. Councillor Mrs Bligh stated that whilst Wisbech needs development, it is imperative that the Council secure S106 funds for the community.
9. David Rowen provided further explanation for the initial recommendation to refuse the planning permission. He explained that for the last 10 months, the Council have been trying to obtain agreement from the developers in relation to S106 funds, without success. As much as officers wanted to support the application, it was imperative that this funding was secured. As a result of the initial recommendation, the applicant has now agreed to this.
10. David Rowen explained that the 28 day deadline recommended is based on information obtained by the applicant's agent confirming that the legal agreement will be ready for completion in 10 days. Officers have taken this as assurance that the agreement is imminent whilst still allowing contingency for any further delays.

Councillor Sutton proposed that the application be approved as per officer's amended recommendation; however to further amend the recommendation to extend the timescale for the completion of the legal agreement to 3 months.

Councillor Benney seconded Councillor Sutton's amendment and Councillor Connor opened the amendment up for debate;

1. Councillor Patrick stated that given it has taken 10 months to get to this stage the original timescale of 28 days is ample.

Proposed by Councillor Patrick, seconded by Councillor Lynn that the application be approved as per officer's amended recommendation to allow 28 days for completion of the legal agreement.

A vote was taken on Councillor Sutton's amendment. This vote failed.

A vote was taken on Councillor Patrick's proposal.

Proposed by Councillor Patrick, seconded by Councillor Lynn and decided that the application be APPROVED as per officer's amended recommendation.

P5/19

F/YR18/0458/F

SITE OF FORMER KINGSWOOD PARK RESIDENTIAL HOME, KINGSWOOD ROAD, MARCH; ERECTION OF 24X 2 STOREY DWELLINGS COMPRISING OF 12 X 2 BED AND 12 X 3 BED, TOGETHER WITH AN EXTENSION TO KINGSWOOD ROAD TO PROVIDE NEW VEHICULAR AND PEDESTRIAN ACCESS

The Committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection Policy and Procedure (minute P19/04 refers)) during its deliberations.

David Rowen presented the report to members.

Members received a presentation in objection to the application, in accordance with the Public Participation Procedure, from Charles Redhead.

Charles Redhead stated that he was speaking on behalf of the residents of Kingswood Road Committee to raise their issues with the planning permission. The residents cannot see any requirement for two access points for the development, as one access point has been sufficient for the current site for over 40 years.

He highlighted that the widening of the new road will include the removal of existing trees and shrubs which has provided a habitat for wildlife in the surrounding area. He drew member's attention to point 10.22 of the report (page 33 of the agenda pack) where the development is deemed not viable on the basis of either a policy compliant affordable housing contribution or a zero provision. He asked if this means the development will include a 50% shared-ownership provision or is it deemed entirely unviable.

He stated that residents have concerns over the increased vehicular access and subsequent noise as a result of the development. He added that the plans included do not show the area at the bottom of Kingswood Road which provides access to several dwellings. The proposed development shows entry in to this area which will heavily increase vehicular access and footfall. The previous entry to the site had been in place for over 40 years and raised no concerns with the residents.

He thanked members for allowing the opportunity to speak.

Members had no questions for Charles Redhead.

Members asked questions, made comments and received responses as follows;

1. Councillor Murphy highlighted that the proposed application complies with National Planning Policy Framework. He added that if the planning permission complies with Policy LP15 of

the Fenland Local Plan, which ensures suitable vehicular and pedestrian access, there is no reason for the application to be approved.

2. Councillor Sutton asked for assurance from officers in relation to the viability of the scheme. David Rowen confirmed that the development has been assessed as unviable in its own right however there is grant funding proposed sourced by Sanctuary Housing which will enable the scheme to be 100% affordable housing.
3. Councillor Patrick agreed with Councillor Murphy that the proposal complies with planning policy and there is no reason for the application to be approved.

Proposed by Councillor Murphy, seconded by Councillor Patrick and decided that the application be APPROVED as per officer's recommendation.

**P6/19 F/YR18/1103/VOC
ANAEROBIC DIGESTER PLANT, IRETONS WAY, CHATTERIS; VARIATION OF
CONDITIONS OF PLANNING PERMISSION F/YR14/0163/F**

Sheila Black presented the report to members.

Members asked questions, made comments and received responses as follows;

1. Councillor Sutton said he fully supported the application.
2. Councillor Mrs Bligh stated that she supported the application and asked how often the odour from the site will be assessed. Sheila Black confirmed that the odour report will take into account all aspects and there will be no requirement to re-evaluate unless the Council receive any complaints of odour which then will be considered the Environmental Health team.
3. Councillor Benney stated that residents of Chatteris had raised concerns about the removal of the wheel-washing facility however this was a condition during the development stage of the scheme. Now that the roadways are sufficient, he can see no issues with this. He agreed that any further reported issues with odour should be reconsidered by the Council.
4. Councillor Connor stated that he supported the application.

Proposed by Councillor Connor, seconded by Councillor Meekins and decided that the application be APPROVED as per officer's recommendation.

(Councillor Benney declared an interest by virtue of the fact that he attends Chatteris Town Council planning meetings but takes no part in discussions)

(Councillor Murphy declared an interest by virtue of the fact that he is a member of Chatteris Town Council but takes no part in planning matters)

(Councillor Connor declared an interest by virtue of the fact that he has been lobbied on this agenda item)

**P7/19 F/YR19/0139/F
REAR OF 50 WOOD STREET, CHATTERIS.ERECTION OF 2NO SINGLE-STOREY
2 BED DWELLINGS AND ERECTION OF A SINGLE-STOREY DOUBLE GARAGE
FOR NO 50, INCLUDING REMOVAL OF EXISTING GARAGE AND
ALTERNATIONS TO ACCESS**

The Committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection Policy and Procedure (minute P19/04 refers)) during its deliberations.

Councillor Benney left the Council Chamber for this agenda item.

David Rowen presented the report to members.

Members asked questions, made comments and received responses as follows;

1. Councillor Murphy said it was refreshing to see a site proposing the development of 2 sought after bungalows. He said the proposed dwellings will have ample space and have been designed well. He stated that he fully supports the application.
2. Councillor Bristow asked if the existing tree on the site is subject to a Tree Preservation Order (TPO). David Rowen confirmed that there is no TPO attached to the existing tree.
3. Councillor Connor supported the application.
4. Councillor Mrs Bligh agreed and supported the application. Whilst this is seen as back-land development, there should be allowances for certain applications.
5. Councillor Patrick agreed and highlighted the ample amenity space proposed.

Proposed by Councillor Murphy, seconded by Councillor Connor and decided that the application be APPROVED as per the officer's recommendation.

(Councillor Benney declared an interest by virtue of the fact that he lives in close proximity of the proposed development and left the Council Chamber for the entirety of this agenda item)

(Councillor Murphy declared an interest by virtue of the fact that he is a member of Chatteris Town Council but takes no part in planning matters)

P8/19

F/YR19/0176/F

**LAND WEST OF THE THREE HORSESHOES PUBLIC HOUSE, TURVES;
ERECTION OF 2X2-STOREY 3 BED DWELLINGS INVOLVING DEMOLITION OF
SINGLE STOREY STOREROOM OF PUBLIC HOUSE**

The Committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection Policy and Procedure (minute P19/04 refers)) during its deliberations.

Councillor Benney returned to the Council Chamber for this agenda item.

David Rowen presented the report to members.

Members asked questions, made comments and received responses as follow;

1. Councillor Patrick agreed that the location is not suitable for development and he fully supported officer's recommendation to refused planning permission.

Proposed by Councillor Patrick, seconded by Councillor Lynn and decided that the application be REFUSED as per officer's recommendation.

(Councillor Bristow declared an interest by virtue of the fact that he was a member of Whittlesey Town Council when this application was considered. He did not take part in any discussions or vote on this agenda item).

P9/19

F/YR19/0240/F

**THE BROAD, WILLOCK LANE, WISBECH ST MARY. ERECTION OF A 2
STOREY, 4 BED DWELLING AND A DETACHED 2 STOREY 4 BAY
GARAGE/STORAGE INVOLVING THE DEMOLITION OF EXISTING DWELLING
AND OUTBUILDINGS**

The Committee had regard to its inspection of the site (as agreed in accordance with the Site

Inspection Policy and Procedure (minute P19/04 refers)) during its deliberations.

David Rowen presented the report to members.

Members received a presentation in objection to the application, in accordance with the Public Participation Procedure, from Mr Goat (Applicant).

Mr Goat thanked members for the opportunity to speak. He explained that the existing dwelling on the site is small and not fit for requirement. He has 4 adults living in the property with 17 acres of livestock. Whilst the proposed dwelling is larger than the existing house, it will not be excessive in size.

Members asked Mr Goat the following questions;

1. Councillor Benney asked for confirmation that the proposed dwelling will be heated from an Air Source Heat Pump. Mr Goat confirmed this and added that the property will also benefit from passive-house insulation and rainwater collection.

Members asked questions, made comments and received responses as follows;

1. Councillor Mrs Bligh stated that this site forms part of her Ward and whilst she is aware that each area surrounding Wisbech St Mary is unique, she sees no issues with this development. The applicant wishes to improve their living accommodation and the proposed dwelling sits on a large plot.
2. Councillor Benney agreed and said whilst the proposed dwelling will be significantly larger than the existing house, this should not be considered. If the applicant was to build a property of equal size, this would not be fit for purpose. He welcomed the development as the property will be positioned on a large plot.
3. Councillor Bristow asked for confirmation of the square footage of the outbuildings. David Rowen confirmed that the proposed footprint of the garage is 169m² and the existing garage is approximately 45m².
4. Councillor Bristow asked if there are any dwellings of a similar size to the proposal situated in the locality. David Rowen said there are large dwellings located nearby however he is unaware of the planning history of these properties. He highlighted that the one situated nearby sits on a corner plot.
5. Councillor Lynn said when members visited the site during their site visits, it is clear that the existing property is in need of renovation. He believes the proposed application will enhance the area.
6. Councillor Rackley agreed and said the plot would suit a larger dwelling. He highlighted that there are no nearby neighbours and he supported the application.
7. Councillor Sutton referred to point 11.1 of the report (page 105 of the agenda pack). He supported the application and referenced other similar developments locally that have had planning permission approved.
8. David Rowen reminded members that whilst the principal of replacing the existing dwelling is not an issue, it is the scale of the proposal. He informed Councillor Sutton of the differences between this application and the similar developments he referenced. He explained that the recommendation to refuse planning permission is based on the scale of the proposal which will be excessive for the rural location it is situated in. He added that members must consider that by approving this application a precedent may be set for similar, isolated dwellings with land.
9. Councillor Lynn reiterated that the site is not subject to neighbours in a close proximity and cannot see any issues with the proposal.
10. David Rowen explained that in planning terms, development in the countryside is viewed differently to urban development. The National Planning Policy aims to restrict development in the countryside to sites only where development is required, essential and to a scale

appropriate to its rural surroundings. He explained that the issue officers have with this application is that the proposed dwelling is excessive in size compared to its surrounding countryside and has little justification as to why it is required.

11. Councillor Patrick agreed with officers that the development will have an exceptionally large footprint and by approving the application, the Council will set a precedent for similar schemes. He supported officer's recommendations to refuse the application.
12. Councillor Murphy agreed as the proposed dwelling is too large and should not be allowed in the countryside. He highlighted that if all large dwellings in the countryside were to apply for planning permission to increase their property by this size, there would be a big issue. He agreed with David Rowen and officers comments.

Proposed by Councillor Benney, seconded by Councillor Mrs Bligh and decided that the application be APPROVED against officer's recommendation.

Members asked questions, made comments and received responses as follow;

1. Councillor Mrs Bligh said the scheme is acceptable and the size of the proposed dwelling is subjective and will be in proportion with the surrounding plot.
2. Councillor Sutton said whilst officers believe the development will be detrimental to the surrounding area, members take the opposite view and try to be consistent with decisions made by the Planning Committee on previous planning applications.
3. Councillor Rackley agreed and said each application should be assessed on its own merit. He reiterated that the proposed dwelling will suit the plot.
4. Councillor Connor reminded members that there needs to be material grounds under planning policy to go against officer recommendation.
5. Councillor Sutton stated that members disagree with the reasons provided by officers to refuse the planning permission.
6. David Rowen said on this basis, officers can implement planning conditions based on this. He asked that members delegate appropriate authority to officers to formulate appropriate planning conditions to this planning permission. Members agreed.
7. Councillor Sutton said historically when members have gone against officers recommendations to refuse planning permission; officers have provided members with a proposed list of planning conditions. He asked in future this approach is taken. David Rowen stated that in his experience, a formal set of planning conditions have not been pre-prepared in cases where members have gone against officers recommendation. He said if members are not happy to give delegated authority to officers, members can propose planning conditions now. Otherwise, he is happy for officers to propose planning condition and seek final approval from the Chairman.
8. Councillor Connor agreed with David Rowen's approach.
9. Councillor Sutton said he was happy with this approach in this instance however in the future, he asked officers to prepare a draft of planning conditions for all applications prior to the meeting.

(Councillor Meekins declared an interest by virtue of the fact that he is an acquaintance of the applicant and abstained from voting)

(Councillor Lynn declared an interest by virtue of the fact that he is an acquaintance of the applicant and abstained from voting)

(Councillor Mrs Bligh declared an interest by virtue of the fact that she attends Wisbech St Mary Parish Council meetings but takes no part in discussions)

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F/YR19/0294/O

Applicant: Mr Fennelow

**Agent : Mr Gareth Edwards
Swann Edwards Architecture Limited**

Land North Of 3A-15, High Road, Gorefield, Cambridgeshire

Erection of up to 5no dwellings (outline application with matters committed in respect of access)

This application is a minor application.

Reason for Committee: The Officer's recommendation is contrary to the Parish Council's and the 9 letters of support received for the scheme

1 EXECUTIVE SUMMARY

The application seeks outline planning permission (with only access committed) for residential development of the site for up to 5 dwellings.

The site considered to fall outside the developed footprint of Gorefield – defined as a 'Small Village' under policy LP3 of the Fenland Local Plan. LP3 states that development in Small Villages will be considered on its merits but will normally be limited in scale to residential infilling. This proposal is for up to 5 dwellings in an area of open countryside (having regard to the definition of developed footprint under LP12) and 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.

Furthermore, the development would erode the rural, open character of the countryside, instead introducing a ribbon development resulting in an urbanising impact and failing to respect the core settlement form of Gorefield contrary to Policy LP12(c d and e) and LP16(d).

Finally, the site lies in Flood Zone 2 (medium risk). Whilst the applicant has submitted a sequential test it is considered that the scope of the test is too restricted and the application therefore fails to demonstrate that the development could not be secured on an alternative site at a lower risk of flooding contrary to Policy LP14 of the Fenland Local Plan and the Chapter 4 of the Cambridgeshire Flood and Water SPD and para 100 of the NPPF.

Whilst the site offers no technical issues e.g. in respect of highways, contamination or biodiversity, the significant harm resulting from the development is considered to substantially outweigh the modest benefits that the development could achieve.

The recommendation is to refuse the application.

2 SITE DESCRIPTION

- 2.1 The site comprises 0.48Ha of high grade agricultural land located to the east of Gorefield. The site fronts onto High Road and directly opposite a line of primarily single-storey dwellings which continue along the south of High Road into the

settlement of Gorefield. Open countryside extends beyond the site to the north and east and is currently being farmed for cereal crop. Immediately west is the garden land of 40 High Road. Further west are 3 more dwellings separated by garden land and agricultural accesses. A farm yard stretches across the rear of these properties and extends to the planned estate of Churchill Road to the east.

2.2 The site lies in Flood Zone 2 (medium probability of flooding).

3 PROPOSAL

3.1 The application seeks outline planning permission for the residential development of the site for up to 5 dwellings.

3.2 The application is in outline with only access committed. Matters of layout, scale, appearance and landscaping are reserved for future consideration. Notwithstanding this, the applicant has provided an illustrative layout and elevations plan to indicate how the dwellings could be arranged within the site and could appear on the street scene.

3.3 The indicative plan denotes a linear row of 5 dwellings extending along the frontage with individual accesses onto High Road. The elevational plans denote 2-storey dwellings comprising a mixture of chalet-style and traditional 2-storey units.

3.4 The application includes the following supporting documents:

- Flood Risk Assessment
- Existing site plan (Survey Drawing) ref: SE-1093 100
- Location plan, Indicative Site and Street view plan ref: SE-1093 1000 B
- Design and Access Statement
- Initial biodiversity checklist
- Flood Risk Sequential Test statement

3.5 Full plans and associated documents for this application can be found at:

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

4 SITE PLANNING HISTORY

Reference	Description	Decision
18/0143/PREAPP	Erection of 9 dwellings at Land North of 1 - 11 High Road, Gorefield.	Planning application not encouraged by Officers

5 CONSULTATIONS

Parish Council

5.1 Supports the proposal considering it will be an asset to the street scene at the entry to the village.

Environment Agency

- 5.2 Raises no objection and advises following the standing advice for development in flood Zone 2 in respect of;
- surface water management
 - access and evacuation
 - floor levels
 - flood resilience measures

FDC Scientific Officer (Land Contamination)

- 5.3 Raises no objection – considers it is unlikely to have a detrimental effect on local air quality and the noise climate, or be affected by ground contamination.

Cambridgeshire County Council Highways Authority

- 5.4 Following receipt of amended site plan denoting access (ref: SE-1093 1000 B) advises that they have no objection subject to conditions securing;

1. Standard outline condition securing reserve matters
2. Condition securing details of 1.8m footway along the site frontage (linking all proposed accesses). Delivered prior to occupation.
3. Access to be constructed including visibility splays prior to occupation.

PCC Wildlife Officer

- 5.5 Notes that the "Initial Biodiversity Report" has not been completed by a suitably qualified ecologist or produced to any recognised environmental standard, and therefore holds little or no weight. Notwithstanding this, given the lack of suitable habitats within the application site, considers that the proposal is unlikely to result in any adverse impacts to protected species or habitats. Advises that a number of bird nesting and/ or bat roosting features and details of any fencing to allow access for small mammals is secured via condition to enhance the development for biodiversity.

Local Residents/Interested Parties

5.6 **Objectors**

3 letters of objection received raising the following concerns;

- Devaluing of property
- Loss of view/ outlook
- Speeding traffic/ busy road/ parking of contractors vehicles
- Agricultural land
- Design/Appearance/ visual impact
- Does not comply with policy
- Environmental Concerns
- Light Pollution
- Out of character/not in keep with area
- Wildlife Concerns
- Would set a precedent
- covenant in the village restricting new builds - only to be granted if the property had space in the garden ,and said proposed property could be no larger than two thirds of the vacant garden
- No need for the housing given Wisbech growth
- Access concerns – opposite existing properties, parking on the road
- Flooding

- Noise
- Proximity to property
- Residential amenity
- Shadowing/loss of light
- Waste/Litter
- Covenants restricting development

5.7 Supporters

9 letters of support received raising the following points;

- Relies on the growth of the village to support local business and services
- A suitable area to build a property in the village
- Would balance the road given the presence of dwellings on the south side
- Would hopefully slow traffic down
- Is inside the 30mph limit
- Sympathetic, well planned development along an established residential area
- In keeping with the development opposite
- Nothing historical and no easement with the field
- The small amount of homes would not overwhelm the area
- Would improve the character of the area and complete that particular part of the village

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).

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

Paragraph 2 & 47: Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise;

Paragraph 8: The three dimensions to sustainable development.

Paragraph 11: Presumption in favour of sustainable development.

Paragraph 78: Promoting sustainable development in rural areas.

Paragraph 127: Seek to ensure a good standard of amenity for all existing and future occupants.

Paragraph 102: Promoting sustainable transport

Chapter 5: Housing land supply

Paragraphs 124-130: Requiring good design

Paragraphs 170, 175: Conserving and enhancing the natural environment

Paragraphs 54-56: Planning conditions and obligations.

7.2 National Planning Practice Guidance (PPG)

7.3 Fenland Local Plan 2014 (FLP)

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
LP14: Climate Change and Flood Risk
LP15: Facilitating the creation of a More Sustainable Transport Network in Fenland
LP16: Delivering and Protecting High Quality Environments across the District
LP19: The Natural Environment

Supplementary Planning Documents/ Guidance:

- Delivering & Protecting High Quality Environments in Fenland SPD (2014)
- Cambridgeshire Flood & water SPD (2016)
- The Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011) which includes the RECAP CCC Waste Management Design Guide SPD (2012)

8 KEY ISSUES

- **Principle of Development**
- **Impact on the character and appearance of the area**
- **Access & Highways**
- **Biodiversity & Ecology**
- **Resident Comments**

9 BACKGROUND

Pre-application

9.1 The applicant undertook pre-application advice prior to the submission of the application. The pre-application was for the erection of 9 dwellings and captured a wider extent of land than with this application, extending to the easternmost boundary adjacent to 2 High Road ('Homedale').

9.2 In summary, officers made the following comments;

- Policy LP3 identifies Gorefield as a small village whereby very limited development e.g. development normally limited to infill may be acceptable. Officers considered it was neither infill nor 'very limited' development.
- Officers considered development of this site would erode the character and appearance of the surrounding countryside and farmland and would result in ribbon development extending and reinforcing the linear feature of the settlement contrary to LP12.
- The site lies in Flood Zone 2 and therefore a sequential test would be required to be satisfied.
- Recommended Cambs County Council Highways are contacted for pre-application discussion should they wish to progress an application (contrary to officer recommendation).

Recent appeals

9.3 Whilst each application should be determined on its own merits, Officers have had regard to 2 recent appeal decisions which are considered to have notable similarities to this application site in terms of the interpretation of residential infilling, the effect on the character and appearance of the open countryside and flood risk.

9.4 The appeal decisions are;

Application ref: [F/YR17/1115/F](#) Gull Road, Guyhirn (4 dwellings)
Appeal ref: [APP/D0515/W/18/3209265](#):

Application ref: [F/YR17/1213/O](#) High Road, Guyhirn (4 dwellings)
Appeal ref: [APP/D0515/W/18/3204206](#):

9.5 Both cases were dismissed at appeal by the Planning Inspector within the past 3 months and are considered material to the consideration of this application.

10 ASSESSMENT

Principle of Development

Settlement hierarchy

10.1 Policy LP3 of the Fenland Local Plan, 2014 ('the FLP') identifies Gorefield as a 'small village' where a development will be considered on its merits but will normally be limited in scale to residential infilling or a small business opportunity. The FLP under its glossary defines residential infilling as "Development of a site between existing buildings". The [Planning Portal defines this](#) as "The development of a relatively small gap between existing buildings."

10.2 The development site abuts garden land to the east and extends to open countryside to the west. As such, the development is not considered to meet the definition of 'residential infilling' and is not very limited in scale, contrary to LP3.

10.3 However, regard is had to the latest NPPF whereby Paragraphs 78 and 79 of the NPPF seek to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities through supporting services and businesses, whilst avoiding new isolated homes in the countryside. In this regard it is noted that whilst the site is detached from the main settlement it benefits from links to core of Gorefield including a footpath immediately opposite. The proposed development would therefore not be in an isolated location in the context of paragraphs 78 and 79 of the NPPF.

10.4 In this regard therefore, whilst there is conflict with the aims of LP3 in terms of the detached location of the site, this policy is somewhat superseded by paragraph 78 of the NPPF and the principle of development can be supported subject to compliance with other relevant policies of the development plan.

Flood Risk

10.5 The site lies in Flood Zone 2 and therefore at medium risk of flooding. National and local planning policies set out strict tests to the approach to flood risk, aiming to locate development in the first instance to areas at lowest risk of flooding (Flood Zone 1). Policy LP14 requires applicants to demonstrate this through the application of the sequential test. In order to justify the development in Flood Zone 2, the sequential test would be expected to demonstrate that there are no reasonably available sites in Flood Zones 1 which could accommodate the development - be that one whole site or several sites cumulatively capable to accommodating the 5 units.

- 10.6 Section 4.4 of the adopted Cambridgeshire Flood and Water SPD sets out that the initial approach to carrying out a sequential test should be to agree the scope of the test with the LPA i.e. agree the geographical area for the search which should be justified in the sequential test report.
- 10.7 Given that the site does not lie within or adjacent to the village (having regard to the definition under LP12 Part A (a)) and relates more to the open countryside, the applicant was advised that the scope for the sequential test would need to be the whole of the rural area (villages and open countryside), which follows the approach concurred with by the Inspector in the aforementioned appeals at paragraph 9.4.
- 10.8 The applicant has instead restricted the scope of the sequential test to the settlement of Gorefield only as they consider that the application site lies within Gorefield. Whilst the sequential test confirms that there are no other reasonably available sites in lower areas of flood risk in Gorefield, Officers do not consider that the sequential test has been adequately met due to the scope being too restrictive.

As such, it is considered that the application has failed to satisfy the sequential test and therefore the proposal would be in conflict with policy LP14 of the FLP and the aims of the NPPF in steering development to lowest areas of flood risk to avoid placing people and property at an unjustified risk of flooding.

Impact on the character and appearance of the area

- 10.9 The site comprises agricultural land with views extending northwards across the countryside and farmland. Whilst it is noted that linear development exists along the south of High Road opposite the application site, the site itself has a completely different character comprising agricultural land with wide open views extending north through to east across the countryside and farmland.
- 10.10 Consequently, the development would result in a linear form of development extending away from the settlement of Gorefield and having regard to the linear development south of the site, the proposal would result in ribbon development.
- 10.11 Whilst policy LP12 (Part A)(c, d and e) applies to development in villages (which this site is not considered to fall within) , it nonetheless seeks to achieve development which respects the core shape and form of the settlement, does not adversely affect the character of an area and does not result in linear or ribbon development. Furthermore, LP16(c) requires development to retain natural features such as field patterns and criteria (d) amongst other things, to make a positive contribution to local distinctiveness and character of an area.
- 10.12 Whilst the streetscene elevations provided are only indicative, it is noted that the design, particularly of 2-storey dwellings would not relate to the single-storey, more modest dwellings opposite on the south side of High Road.
- 10.13 It is considered that development of this site would fail to respect the core shape and form of the settlement instead introducing ribbon development; extending and reinforcing the linear feature of the settlement. Consequently, the development would erode the rural character and appearance of the surrounding countryside and farmland resulting in a suburbanising effect through the loss of openness.

10.14 The development is therefore contrary to the aims of policy LP12- Part A (c, d and e) and fails to make a positive contribution to the settlement pattern contrary to policy LP16 and Policy DM3 of the Fenland District Council Supplementary Planning Document: Delivering and Protecting High Quality Environments in Fenland 2014.

Access & Highways

10.15 The applicant has provided an amended plan (SE-1093 1000 B) denoting each of the dwelling accesses following comments from the LHA in respect of demonstrating visibility. The LHA has concluded that they are satisfied that safe and effective access can be achieved with the development based on the access positions shown on the site plan in compliance with LP15.

10.16 The LHA has also requested that the LPA considers securing a footpath along the sites frontage with an uncontrolled pedestrian crossing point to link up with the existing footpath along the south side of High Road and has requested a condition to this effect.

10.17 The LHA has however advised that they would not be able to sustain an objection were this infrastructure not secured thereby inferring that it would not necessarily make the development unsafe if not provided. Furthermore, to secure the infrastructure would only seek to further urbanise the area, compounding the character harm already identified. Given that each dwelling is served by its own access, the adequate visibility achieved and the existence of a footpath opposite the site, it is concluded that this infrastructure would not be strictly required in order to make the development acceptable. Therefore having regard to the tests of planning conditions, to secure the infrastructure would not be reasonable.

10.18 One resident has raised concerns that the development may lead to people parking on the highway and causing traffic obstruction/ dangers. The LHA has raised no concerns on this basis and therefore the LPA could not reasonably sustain an objection on these grounds.

10.19 In summary, given that only the access is committed at this time, with matters of layout to be determined through reserved matters, the application satisfies Policy LP15 and LP16 in respect of access design and highways impacts.

Biodiversity & Ecology

10.20 The Council's Wildlife Officer has reviewed the application and raises no objection to the development on biodiversity grounds subject to biodiversity enhancement opportunities being incorporated into the scheme at design stage (reserved matters). It is considered that this could be controlled via suitably worded planning conditions secured under this outline application and could meet the aims of policies LP16(b) and LP19 in this regard.

Resident Comments

10.21 Whilst a number of residents' comments/ concerns have been addressed above, the following matters are considered;

Devaluing of property

10.22 The planning system does not exist to protect private interests such as value of land or property and as such no weight can be afforded to this concern.

Agricultural land

- 10.23 Development of the site would lead to a loss of high grade agricultural land. However given the overall size of the site, this is not considered to be a significant loss of productive land and therefore is not a matter that could be sustained if refused on this basis.

Light Pollution

- 10.24 The application commits only access at this point, with matters of design to be committed at reserved matters stage. It is at this latter point that matters of lighting would be considered. As this time therefore, there is no indication that the development would lead to issues of light interference.

Would set a precedent

- 10.25 All applications are to be considered against the development plan as required by law (unless material considerations dictate otherwise). As such, should any future development proposals come forward, these would be dealt with on a case by case basis in accordance with the development plan having regard to the overall sustainability of the proposal.

- 10.26 Notwithstanding this, consistency of decision making *is* a material consideration and as noted in paragraph 9.4 above, the 2 appeal decisions considered development in similar circumstances and both were dismissed based on flood risk, meeting the settlement hierarchy aims and character harm - the same issues identified with this proposal.

No need for the housing given Wisbech's growth

- 10.27 The district has an identified need to deliver housing through the plan period up to 2031 which is achieved through larger allocated sites and unallocated (windfall) sites and as set out through Spatial strategy policy of the Fenland Local Plan. This development would assist with meeting that need notwithstanding the harm identified.

Noise

- 10.28 The residential use of the site for 5 dwellings is unlikely to yield significant adverse impacts through noise. Notwithstanding this, the Council's Environmental Protection team have legislative powers to control statutory noise nuisance where this arises.

Proximity to property/ Residential amenity/ Shadowing/loss of light/ Light Pollution

- 10.29 The indicative layout plan, which includes committed access, indicates that up to 5 dwellings can be adequately accommodated on the site without adversely affecting the amenity of existing occupiers. Notwithstanding this, such matters would be considered at design stage under reserved matters.

Waste/Litter

- 10.30 Waste produced and removed off-site during the construction of the development would be controlled under license through the Environment Agency. Furthermore, the District Council has a statutory duty to collect household waste and already operates in the area. The future layout reserved matters detail would be expected to provide details of adequate household waste collection arrangements.

Covenants restricting development

10.31 Matters of covenants are not material to the consideration of planning applications as they are controlled through different legislation.

Would hopefully slow traffic down

10.32 No evidence has been provided to indicate that the development would have an effect on current traffic flows/ speeds. The LHA raises no specific objection or support to the development on this point.

The small amount of homes would not overwhelm the area

10.33 Whilst the development is not anticipated to place any strain on existing services, the development would have an unacceptable, adverse impact on the rural character of the area which is contrary to the Council's development plan policies.

11 CONCLUSIONS

11.1 It is acknowledged that the proposal would make a modest contribution towards economic growth, both during the construction phase and in the longer term through assisting the local economy e.g. local services/facilities, thereby helping to sustain the village of Gorefield and the wider district. This also has social benefits.

11.2 Weighing against the proposal however is the introduction of development in a flood risk area without adequate demonstration that placing people and property at an increased risk of flooding is necessary in this instance. Furthermore, the development would not be in-keeping with the pattern of the settlement, resulting in ribbon development and would have a significant, adverse impact on the spacious rural character of this area.

11.3 It is considered that the harm far outweighs the benefits of the development.

11.4 The Council can currently demonstrate a 5 year supply of housing and therefore the 'tilted balance' under paragraph 11 of the NPPF is not engaged. In this regard therefore, the policies within the development plan are considered up to date and robust enough to determine this proposal.

11.5 The proposal therefore fails to accord with the development plan policies and the NPPF and is considered unsustainable development. In law, the LPA is required to determine a planning application in accordance with the Development Plan unless material planning considerations indicate otherwise. Officers consider that there are no material considerations that have been presented to indicate that a departure from the development plan would be justified in this instance. Furthermore, the recent appeal decisions outlined at paragraph 9.4 indicates that the development plan policies are sufficiently robust to determine that proposals of this nature should not be supported. Therefore, Officers recommend that the application is refused for the reasons in section 12 below;

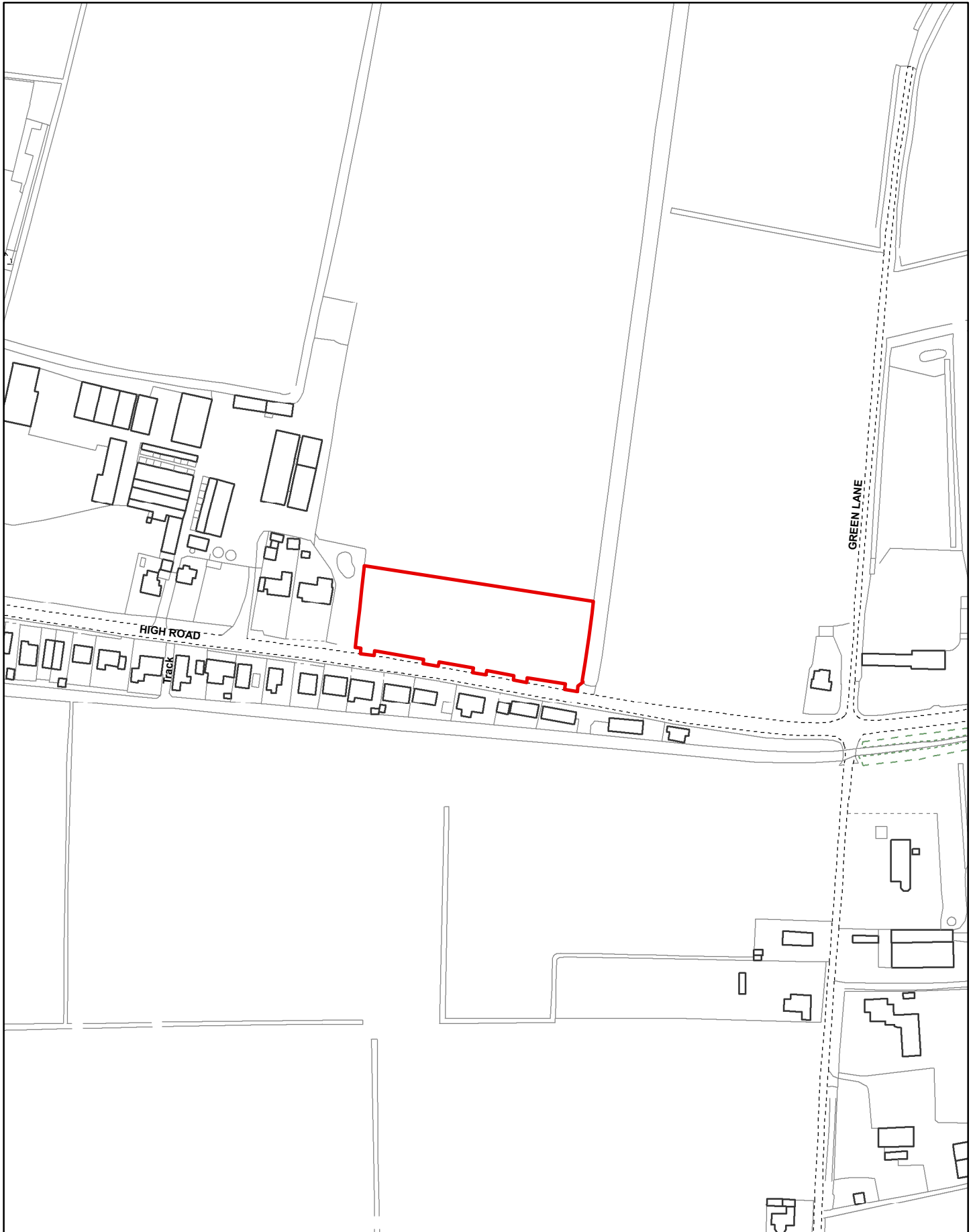
12 RECOMMENDATION

Refuse for the following reasons;

- 1 The site is located within Flood Zone 2 where there is a medium probability of flooding. The Sequential test has not been adequately applied. Consequently, the application fails to demonstrate that there are no

alternative sites in the area reasonably available with a lower probability of flooding. The proposal would therefore place people and property at an increased risk of flooding without justification contrary to Policy LP14 of the Fenland Local Plan (2014), Section 4 of the Cambridgeshire Flood & Water Supplementary Planning Document (2016) and Chapter 10 of the NPPF.

- 2 The application site constitutes an area of open countryside located outside the developed footprint of the settlement. The development proposal would result in an incursion into the open countryside rather than small scale infilling and would result in the loss of the open character of the site and the urbanisation of the area. Therefore, the proposal is considered to be contrary to Policies LP3, LP12 Part A (c, d and e) and LP16(c and d) of the adopted Fenland Local Plan (2014), Policy DM3 of the Fenland District Council Supplementary Planning Document: Delivering and Protecting High Quality Environments in Fenland (2014) and paragraph 127 of the NPPF.



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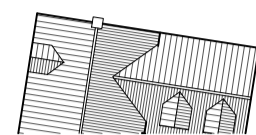
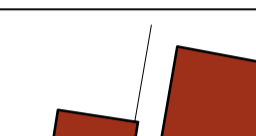
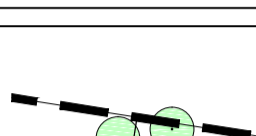
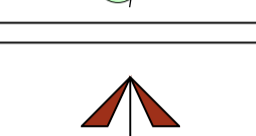
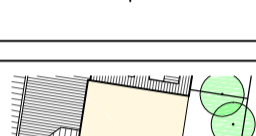
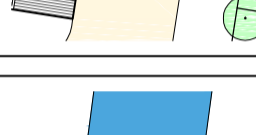


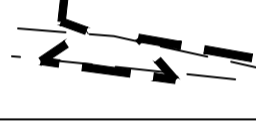
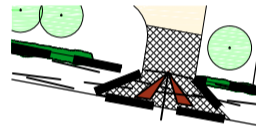
F/YR19/0294/O

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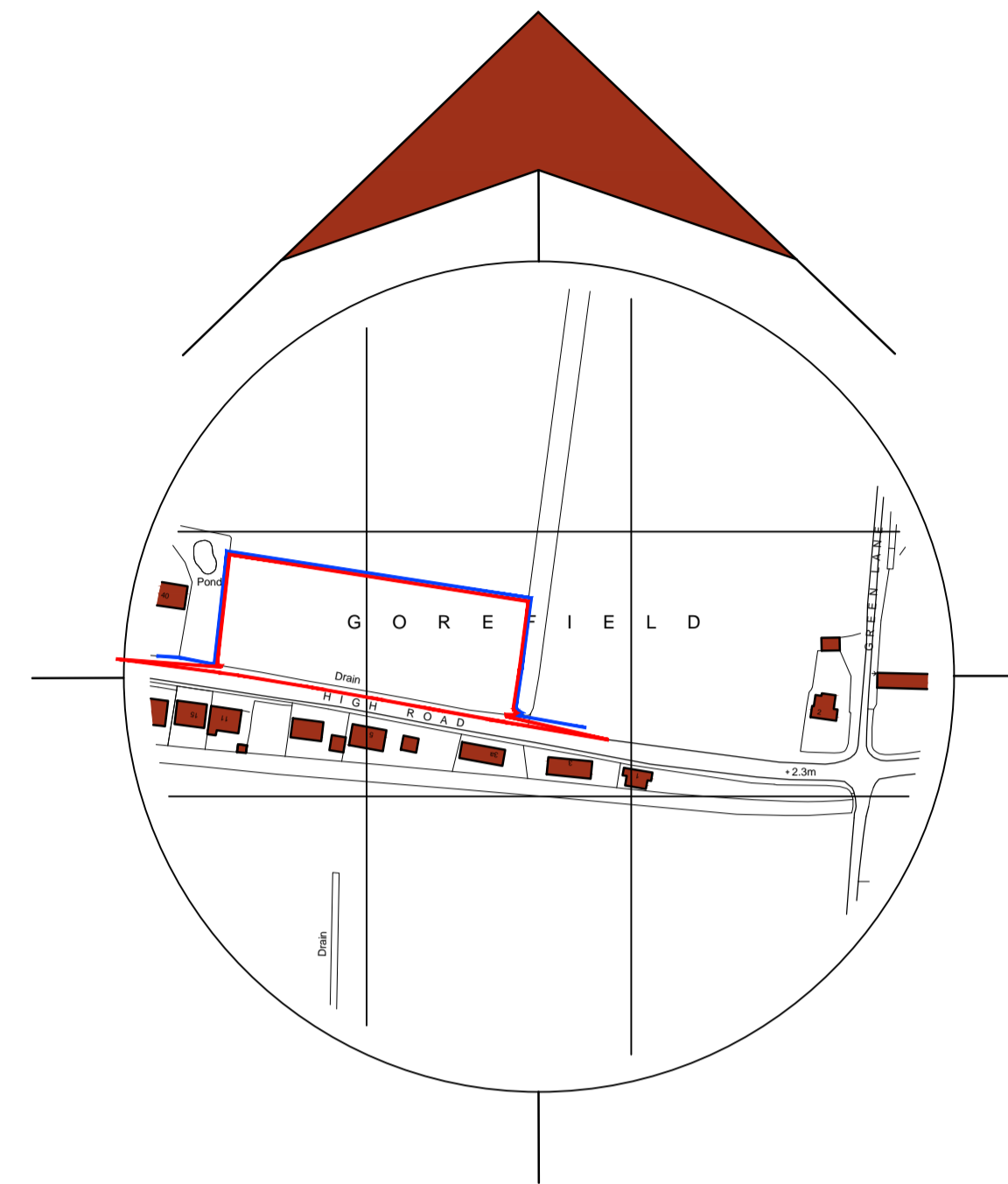
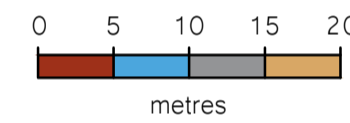
General Notes
 1. All dimensions are shown in 'mm' unless otherwise stated.
 2. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
 3. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and specifications.
 4. Any discrepancies are to be brought to the designers attention.

SITE PLAN KEY

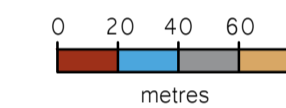
-  Indicates proposed buildings
-  Indicates neighbouring buildings taken from OS map
-  Indicates proposed trees
-  Indicates site access point
-  Indicates parking spaces
-  Indicates existing open drain
-  Indicates proposed native hedging planted inside of post and rail fence
-  Indicates proposed site boundary
-  Indicates proposed sealed for 5.0m and drained access, drainage to go into site to Cambs CC Highways specification
-  Indicates proposed 2.0x43.0m vision splays



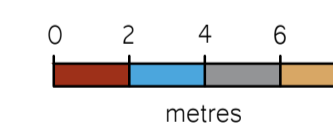
Site Plan
 Scale: 1:500



Location Plan
 Scale: 1:2500



Indicative Street View
 Scale: 1:200



Revisions		
B	May 2019	Highways Revisions

Status
FOR APPROVAL

SWANN EDWARDS ARCHITECTURE
 Swann Edwards Architecture Limited, Swann Edwards Architecture,
 Fen Road, Guyhirn, Wisbech, Cambs. PE13 4AA
 t 01945 450694 e info@swannedwards.co.uk w www.swannedwards.co.uk

Job Title Proposed 5No. Plots High Road, Gorefield Wisbech, Cambs For: Mr Fennelou	Date February 2019	Scale As Shown Sheet Size A1
Drawing Title Informal Planning Drawing Site Plan, Location Plan & Street View	Job No. SE-1093	Drawn by G.E.
	Dwg No. 1000	Revision B

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F/YR19/0357/O

Applicant: Mr B Aldridge

**Agent : Mr Lee Bevens
L Bevens Associates Ltd**

Land South East Of 182, Wype Road, Eastrea, Cambridgeshire

Erection of 2 x 4-bed single storey dwellings (outline application with matters committed in respect of access, layout & scale)

Reason for Committee: 6 or more letters of support received contrary to Officer's recommendation. Furthermore, the applicant is a relation of Cllr Laws.

1 EXECUTIVE SUMMARY

The application seeks outline planning permission (with matters committed in respect of access, layout & scale) for residential development of the site for up to 2 dwellings.

The site considered to fall outside the developed footprint of Eastrea – defined as a 'Small Village' under policy LP3 of the Fenland Local Plan. LP3 states that development in Small Villages will be considered on its merits but will normally be limited in scale to residential infilling. This proposal is for up to 2 dwellings in an area of open countryside (having regard to the definition of developed footprint under LP12) and is not considered to be infill development. The principle of development of this site is therefore considered contrary to Policy LP3.

Furthermore, the development would erode the rural, open character of the countryside, instead introducing a ribbon development resulting in an urbanising impact and failing to respect the core settlement form of Eastrea contrary to Policy LP12(c d and e) and LP16(d).

Finally, the site lies immediately adjacent to a working farm and the noise impacts arising from daily operations of the farm are not fully understood or how this may impact upon future occupiers of the development. As such the introduction of the development may place unreasonable constraint(s) or threaten the operation and viability of the adjacent business contrary to Policy LP16(o).

Whilst the site offers no technical issues e.g. in respect of highways, contamination or biodiversity, the significant harm resulting from the visual impact and potential noise conflicts of the development is considered to substantially outweigh the modest benefits that the development could achieve.

The recommendation is to refuse the application.

2 SITE DESCRIPTION

- 2.1 The site comprises 0.49Ha of high grade agricultural land located to the south of Eastrea and immediately adjacent to No. 182 Wype Road – known as 'Eastrea Hill Farm'. Residential properties are found opposite heading north back towards the core of Eastrea. Open countryside extends adjacent south and east. A low hedgerow runs across the frontage of the site and belt of semi-mature trees line the northern site boundary.

2.2 The site and location is considered to be rural in character.

2.3 The site lies in Flood Zone 1 (low risk)

3 PROPOSAL

3.1 The application seeks outline planning permission for the erection of 2 single-storey dwellings. Matters of access, layout & scale are committed meaning that the final appearance and landscaping are reserved for future submission under reserved matters.

Access

3.2 The development proposes a single point of access to be shared between the 2 properties. A small section of hedge is required to be removed to accommodate the access which is 5.5m wide and surfaced in a bound material and drained away from the highway.

Layout and scale

3.3 The development proposes to sit the 2 dwellings back from the highway by c.25m and orientates them to face the highway. Private driveways leading to single detached garages serve each property with Plot 1 garage forward of the principal elevation and Plot garage set between the properties. Each property is served by a large front and rear garden.

3.4 Both properties are proposed to be up to 6m in height with garages 5m in height.

3.5 The application includes the following supporting documents:

- Location plan, Block plan and indicative Street view plan ref: CH19/LBA/500/OP-1-100 B
- Design and Access Statement
- Initial biodiversity checklist

3.6 Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/>

4 SITE PLANNING HISTORY

Reference	Description	Decision	Date
F/YR19/0112/O	Erection of a 2no 4-bed single storey dwellings (outline application with matters committed in respect of access layout & scale) Land South East Of 182 Wype Road Eastrea Cambridgeshire	Withdrawn	12/03/2019
F/YR13/0710/F	Formation of a vehicular access Land South East Of 182 Wype Road Eastrea Whittlesey Camb	Granted	11/12/2013
F/0546/87/O	Residential development on front land Wype Road Eastrea PT O.S.5859	Refused	13/08/1987
WU/72/75/O	Residential development Wype Road Eastrea	Refused	30/06/1972

5 CONSULTATIONS

5.1 Whittlesey Town Council

Recommends refusal and advises;

“The Town Council raised concerns about CCC Highways footpath crossing point; members discussed village boundary and recommend refusal related to problems highlighted by CCC Highways.”

5.2 FDC Environmental Protection

Raises no objection in respect of contaminated land.

Following a site visit; notes that working activities on the adjacent farm were taking place at the time, with the workshop doors open, and that agricultural vehicles including sprayers were present.

Raises serious concerns the current agricultural associated operations are likely to have an adverse impact on future residents of the proposed development should planning consent be granted.

Notes the issue of the access/egress route for vehicles abuts the proposed development site without any screening from existing structures, and considers that no amount of attenuation from a typical close boarded fence on the proposed development site perimeter will be effective, especially as there would still be a degree of direct line of sight over the top given the type of agricultural associated vehicles in use.

In conclusion, considers that the existing agricultural business is likely to have a detrimental effect on the use and enjoyment of any future residential properties if planning consent for the proposed development is granted. Therefore, cannot support the application from an environmental health standpoint.

5.3 CCC Local Highways Authority (LHA)

Following receipt of amended site layout plan ref: CH19/LBA/500/OP-1-100 revision B raises no highway objections subject to conditions securing;

- Access provided prior to first occupation
- Turning and parking to be retained
- Footpath extension as shown to be delivered prior to first occupation

Local Residents/Interested Parties

5.4 Objectors

4 letters of objection received from 4 occupants of the adjacent farm raising concerns over the impact of future farm operations on the residential properties. The concerns centre around the potential for the residential development to impose restrictions on future farm operations e.g. through noise disturbance which may lead to loss of employment from the site. The farm currently operates 7 days a week.

5.5 Supporters

10 letters of support received raising the following points;

- Would make the village look inviting
- Would support local business
- Would assist in meeting a local need for bungalows
- Does not cause visual harm

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).

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

Paragraph 2 & 47: Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise;

Paragraph 8: The three dimensions to sustainable development.

Paragraph 11: Presumption in favour of sustainable development.

Paragraph 78: Promoting sustainable development in rural areas.

Paragraph 127: Seek to ensure high quality design and a good standard of amenity for all existing and future occupants.

Paragraph 102: Promoting sustainable transport

Chapter 5: Housing land supply

Paragraphs 124-130: Requiring good design

Paragraphs 170, 175: Conserving and enhancing the natural environment

Paragraphs 54-56: Planning conditions and obligations.

7.2 National Planning Practice Guidance (PPG)

7.3 Fenland Local Plan 2014 (FLP)

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

LP15: Facilitating the creation of a More Sustainable Transport Network in Fenland

LP16: Delivering and Protecting High Quality Environments across the District

LP19: The Natural Environment

7.4 Supplementary Planning Documents/ Guidance:

- Delivering & Protecting High Quality Environments in Fenland SPD (2014)
- Cambridgeshire Flood & Water SPD (2016)
- The Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011) which includes the RECAP CCC Waste Management Design Guide SPD (2012)

8 KEY ISSUES

- **Principle of Development**
- **Impact on the character and appearance of the area**
- **Access & Highways**
- **Layout, & Scale**
- **Biodiversity & Ecology**
- **Residential amenity & existing businesses**
- **Resident Comments**

9 BACKGROUND

Recent appeals

9.1 Whilst each application should be determined on its own merits, Officers have had regard to 2 recent appeal decisions which are considered to have significant similarities to this application site in terms of the interpretation of residential infilling and the effect on the character and appearance of the open countryside.

9.2 The appeal decisions are;

Application ref: [F/YR17/1115/F](#) Gull Road, Guyhirn (4 dwellings)

Appeal ref: [APP/D0515/W/18/3209265](#):

Application ref: [F/YR17/1213/O](#) High Road, Guyhirn (4 dwellings)

Appeal ref: [APP/D0515/W/18/3204206](#):

9.3 Both cases were dismissed at appeal by the Planning Inspector within the past 3 months and are considered material to the consideration of this application.

10 ASSESSMENT

Principle of development

10.1 Policy LP3 of the Fenland Local Plan, 2014 ('the FLP') identifies Eastrea as a 'small village' where a development will be considered on its merits but will normally be limited in scale to residential infilling or a small business opportunity. The FLP under its glossary defines residential infilling as "Development of a site between existing buildings". The [Planning Portal defines this](#) as "The development of a relatively small gap between existing buildings."

10.2 The development site abuts an agricultural access and yard to the north and extends to open countryside to the south. As such, the development is not considered to meet the definition of 'residential infilling' and in fact relates more to the open countryside than to the settlement contrary to LP3.

10.3 However, regard is had to the latest NPPF whereby Paragraphs 78 and 79 of the NPPF seek to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities through supporting services and businesses, whilst avoiding new isolated homes in the countryside. In this regard it is noted that whilst the site is detached from the main settlement and relates more to the open countryside, it could be linked fairly simply to the settlement by the proposed extension to the existing footpath opposite. The proposed development would therefore not be in an isolated location in the context of paragraphs 78 and 79 of the NPPF.

10.4 In this regard therefore, whilst there is conflict with the aims of LP3 in terms of the detached location of the site, this policy is somewhat superseded by paragraph 78 of the NPPF and the principle of development can be supported subject to compliance with other relevant policies of the development plan.

Impact on the character and appearance of the area

10.5 The site comprises agricultural land. Whilst it is noted that linear development exists along the north eastern side of Wype Road leading northwards, the site itself has a completely different character comprising agricultural land with wide open views extending west through to east across the countryside and farmland.

- 10.6 Consequently, the development would result in a linear form of development extending away from the settlement of Eastrea. Chapter 15 of the NPPF sets out that planning decisions should contribute to and enhance the natural and local environment, for example; through protecting valued landscapes and recognising the intrinsic character and beauty of the countryside.
- 10.7 Whilst policy LP12-Part A (c, d and e) applies to development in villages (which this site is not considered to fall within), it nonetheless seeks to achieve development which respects the core shape and form of the settlement, does not adversely affect the character of an area and does not result in linear or ribbon development. Furthermore, LP16(c) requires development to retain natural features such as field patterns and criteria (d) amongst other things, to make a positive contribution to local distinctiveness and character of an area.
- 10.8 It is considered that development of this site would fail to respect the core shape and form of the settlement instead would reinforce a linear feature of the settlement. Consequently, the development would erode the rural character and appearance of the surrounding countryside and farmland resulting in a suburbanising effect through the loss of openness. A similar conclusion was drawn on the 2 appeal sites noted under paragraph 9.2 above.
- 10.9 The development is therefore contrary to the aims of policy LP12-Part A (c, d and e) and fails to make a positive contribution to the settlement pattern and character of the area contrary to policy LP16 and Policy DM3 of the Fenland District Council Supplementary Planning Document: Delivering and Protecting High Quality Environments in Fenland 2014.

Access & Highways

- 10.10 The applicant has amended the site layout plan to accommodate the requirements of the Local Highways Authority (LHA), including the location of the footpath extension opposite.
- 10.11 The LHA has concluded that they are satisfied that safe and effective access can be achieved with the development based on the access positions shown on the site plan and including the footpath extension in compliance with LP15.
- 10.12 Whilst the Town Council's concerns are noted, these are unclear and in any case, the LHA has confirmed that they are satisfied with the arrangement and therefore it would be unreasonable for the LPA to object to the proposal on highways grounds in the absence of any technical reason.
- 10.13 In conclusion therefore, the application satisfies Policy LP15 and LP16 in respect of access design and highways impacts.

Layout & Scale

- 10.14 The proposed layout within the site would achieve satisfactory private amenity space for each property and ample room to enter, park and exit and the forward facing dwellings would accord with the alignment of properties found to the north within the settlement.
- 10.15 The properties being a maximum of 6m (5m for the garages) would also accord with built form within the vicinity.

10.16 As such, the scale and layout would generally accord with the character of the built form within the settlement notwithstanding the issues noted with their open countryside location.

Biodiversity & Ecology

10.17 The site is currently open countryside and actively used for arable agriculture. Whilst the development would result in the removal of a small section of front hedgerow to accommodate the shared access, the general site is unlikely to yield any suitable habitats for protected species. Furthermore, the future landscaping and appearance details secured under reserved matters could incorporate biodiversity enhancement features e.g. bird and bat boxes, native planting and boundary treatments suitable for small mammals to cross under.

10.18 In this regard, the proposal raises no concerns in respect of biodiversity impacts, and enhancement opportunities exist which could enable the development to accord with LP16(b) and LP19 of the FLP.

Residential amenity & existing businesses

10.19 The development is notably separated from existing residential properties with the exception of the adjacent farm (north). In this regard, due to the single storey scale of the dwellings it is considered that the development would be unlikely to give rise to overshadowing or overbearing impacts. Notwithstanding this, matters of appearance which would commit location and orientations of windows and rooms would be determined at reserved matters stage. At this time however, there is nothing to suggest that the design of the dwellings could give rise to unacceptable residential amenity impacts on neighbouring occupiers.

10.20 The site lies adjacent to an active farm whose access extends along and beyond the northern boundary of the northernmost plot. The northernmost proposed dwelling is located within 10-15m of the farmyard boundary.

10.21 The owner of the farm has raised concerns over allowing residential development in close proximity to the farm – noting that they operate 7 days a week. The owner is concerned that their operations could interfere with the amenity of future occupiers resulting in restrictions being placed on their future operations to mitigate this. A review of the planning history for the farm does not indicate that any operational restrictions are placed upon it at present.

10.22 The Council's Environmental Protection team has raised serious concerns over the relationship and proximity of the application site to the working farm and considers that the existing agricultural business is likely to have a detrimental effect on the use and enjoyment of any future residential properties on the site and considers that conventional boundary treatments would not likely mitigate this harm.

10.23 Policy LP16(o) is relevant to this matter and states (summarised);

“Proposals for all new development...will only be permitted if it can be demonstrated that the proposal...does not result in any unreasonable constraint(s) or threaten the operation and viability of existing nearby or adjoining businesses or employment sites by introducing “sensitive” developments.”

10.23 This accords with paragraph 180 of the NPPF and the latest planning practice guidance which states;

“Noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment.”(001 Reference ID: 30-001-20140306)

- 10.24 The application is not accompanied by any assessment of noise arising from the adjacent farm or any indication of likely hours of operation. As such it is not possible to fully understand what impacts the existing agricultural operations may have on the future occupiers of the proposed development. What is known is that the acoustic character of the site and surrounding area, given its rural location, is likely to observe little in the way of regular or constant noise meaning its background noise levels are generally low. In this regard, the operations of the farm, particularly during off-peak hours may be more noticeable and may have a subsequent observable adverse effect on future occupiers of the development.
- 10.25 It is possible that this impact could be mitigated. However, in the absence of any demonstration or evidence of the likely observable effect of noise resulting from the agricultural operations, it is not possible to determine what mitigation may be effective or how appropriate this may be, particularly given the rural character of the area. For example a large acoustic fence may cause additional visual harm to the rural character of the area and may therefore not be appropriate from an aesthetic point.
- 10.26 Therefore, in the absence of any evidence or proposals that the site could be suitably mitigated against the noise impacts arising from the adjacent farm operations, the application fails to accord with Policy LP16(o) of the FLP, Policy DM9 of the Fenland District Council Supplementary Planning Document: Delivering and Protecting High Quality Environments in Fenland (2014) and paragraph 180 of the NPPF.

11 CONCLUSIONS

- 11.1 It is acknowledged that the proposal would make a modest contribution towards economic growth, both during the construction phase and in the longer term through assisting the local economy e.g. local services/facilities, thereby helping to sustain the village of Eastrea and the wider district. This also has social benefits. Furthermore the development would introduce 2 more bungalows to the village which some residents have indicated are much needed.
- 11.2 Weighing against the proposal however is the introduction of a development which would not be in-keeping with the pattern of the settlement, resulting in linear development and open countryside encroachment resulting in a significant, adverse impact on the spacious rural character of this area.
- 11.3 In addition, the application fails to demonstrate that locating 2 dwellings in close proximity to an established agricultural enterprise would not place burdens upon the farms necessary operations and its future viability due to noise impacts on future occupiers of the development.
- 11.4 It is considered that the significant harm identified far outweighs the modest benefits of the development.
- 11.5 The Council can currently demonstrate a 5 year supply of housing and therefore the ‘tilted balance’ under paragraph 11 of the NPPF is not engaged. In this regard

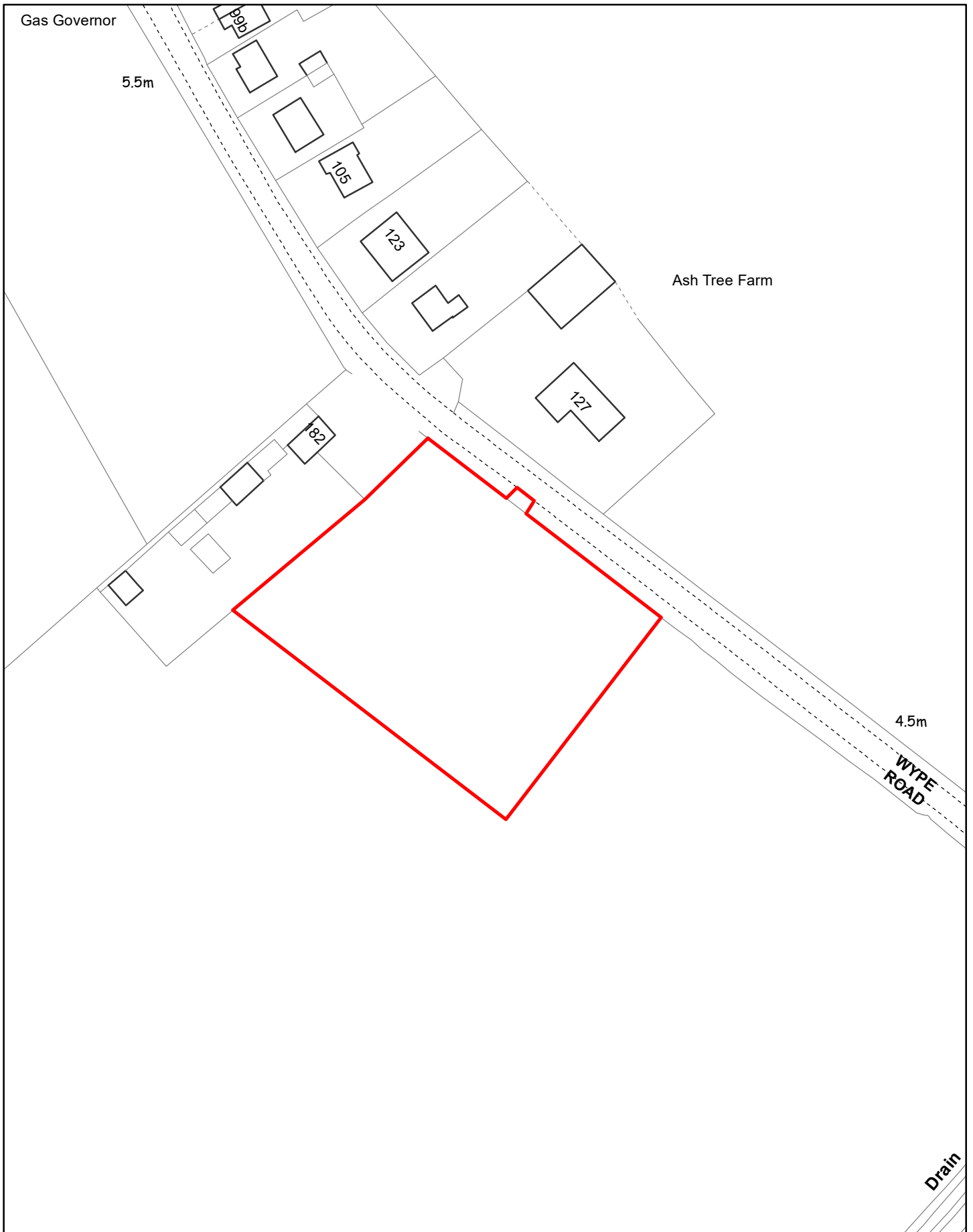
therefore, the policies within the development plan are considered up to date and robust enough to determine this proposal.

- 11.6 The proposal therefore fails to accord with the development plan policies and the NPPF and is considered unsustainable development. In law, the LPA is required to determine a planning application in accordance with the Development Plan unless material planning considerations indicate otherwise. Officers consider that there are no material considerations that have been presented to indicate that a departure from the development plan would be justified in this instance. Furthermore, the recent appeal decisions outlined at paragraph 9.2 indicates that the development plan policies are sufficiently robust to determine that proposals of this nature should not be supported. Therefore, Officers recommend that the application is refused for the reasons in section 12 below;

12 RECOMMENDATION

Refuse for the following reasons;

- 1 The application site constitutes an area of open countryside located outside the developed footprint of the settlement. The proposal would result in an incursion into the open countryside rather than small scale infilling and would result in the loss of the open character of the site and the urbanisation of the area thereby harming its rural character. Therefore, the proposal is considered to be contrary to Policies LP3, LP12 Part A (c, d and e), LP16 (c and d) of the adopted Fenland Local Plan (2014), Policy DM3 of the Fenland District Council Supplementary Planning Document: Delivering and Protecting High Quality Environments in Fenland (2014) and paragraph 127 of the NPPF.
- 2 The site lies directly adjacent to an established farm. The application fails to demonstrate that the introduction of a sensitive, residential use would not result in any unreasonable constraint(s) or threaten the operation and viability of the adjacent business due to adverse noise impacts contrary to Policy LP16(o) of the Fenland Local Plan (2014), Policy DM9 of the Fenland District Council Supplementary Planning Document: Delivering and Protecting High Quality Environments in Fenland (2014) and paragraph 180 of the NPPF.



Created on: 08/05/2019

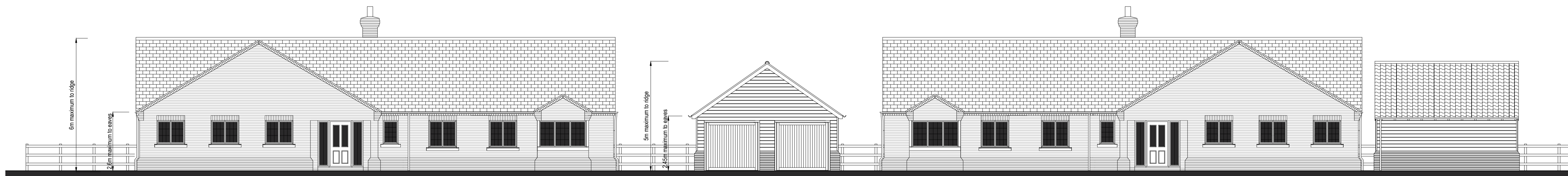
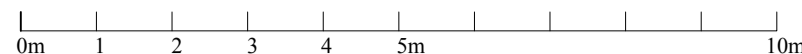
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F/YR19/0357/O

Scale = 1:1,250



Scale: 1:100



Illustrative Street Elevation to Wype Road
(To cover scale parameters)

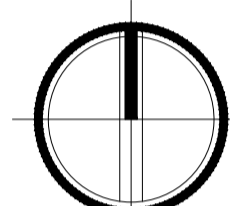
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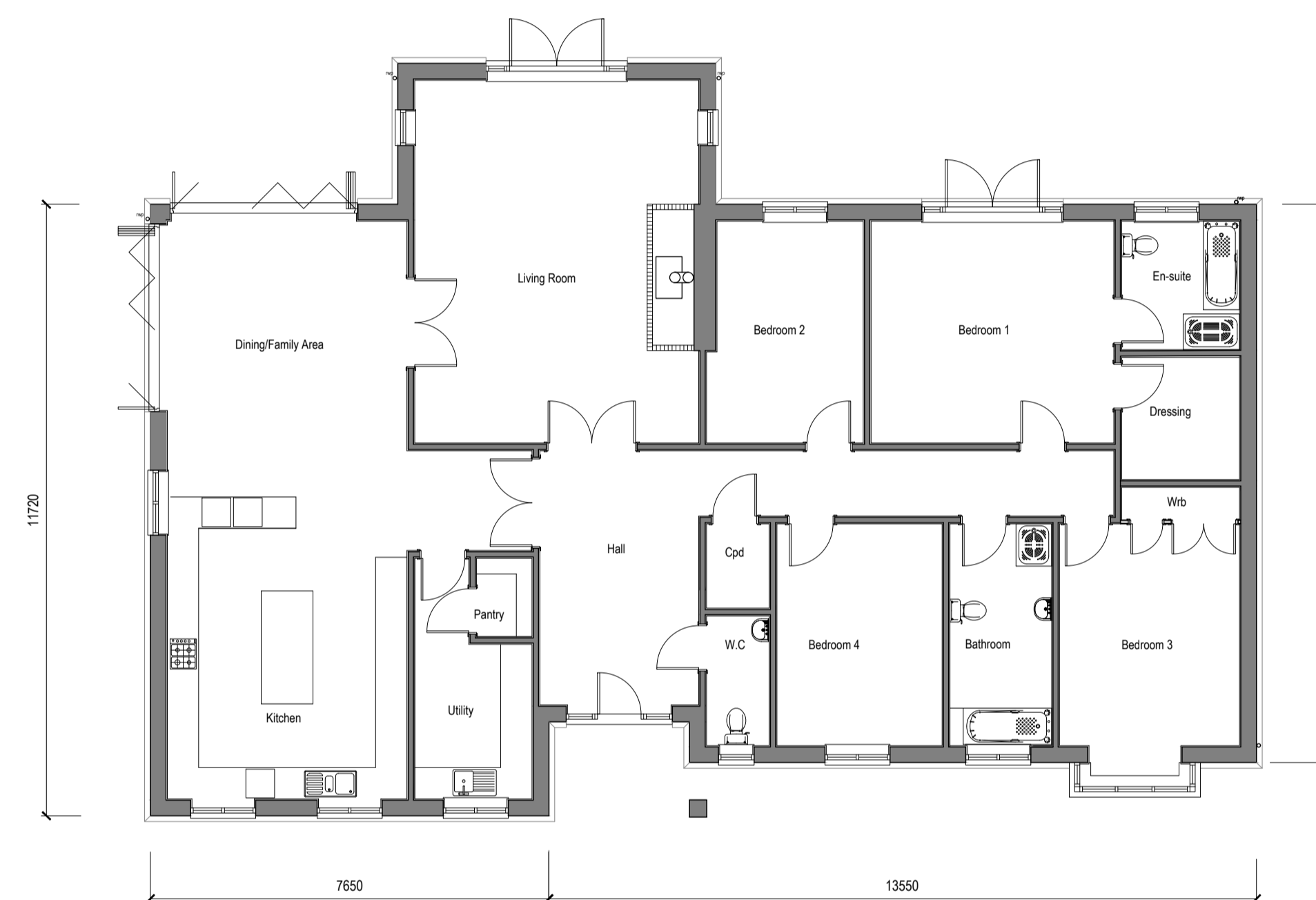
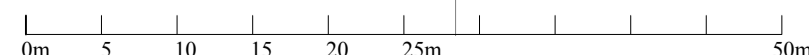


North

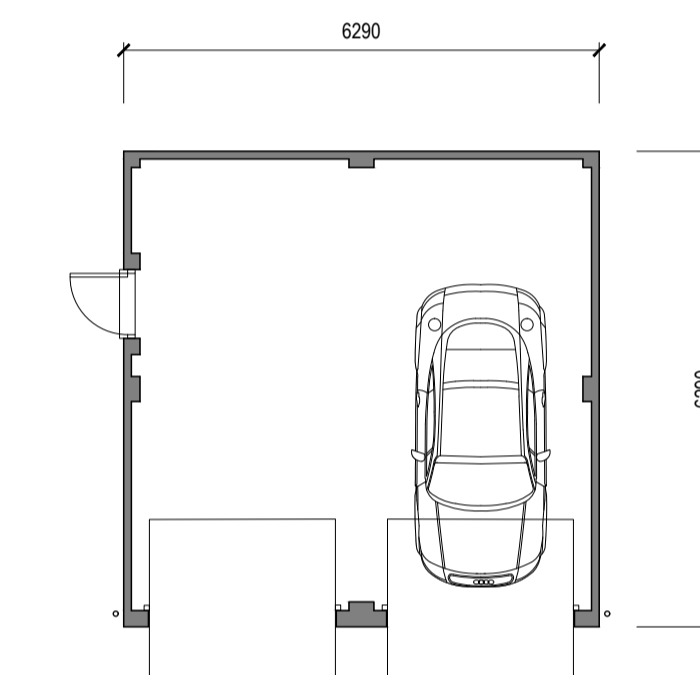


Proposed Block Plan 1:500

Scale: 1:500



Illustrative Ground Floor plan = 227 sq.m
(To cover scale parameters)



Illustrative Garage Floor Plan
(To cover scale parameters)

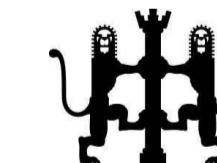


Location Plan 1:1250

Scale: 1:1250

Rev B May 2019 Access amended to suit comments raised by Highway Officer and new footpath position amended.

Rev A March 2019 1.8m wide footway added across the site frontage as recommended by C.C.C Highways Officer.



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DRAWING STATUS: PRELIMINARY PLANNING CONSTRUCTION
FILE COPY

CLIENT: Mr B Aldridge

PROJECT: Land south of 182 Wype Road, Eastrea, Cambridgeshire

DRAWING TITLE: Proposed Block Plan, Location Plan, Illustrative Elevations for scale purposes, Illustrative Floor Plans for scale purposes

SCALE: 1:100 & 1:1250 @ A1 January 2019 LB

DRAWING NUMBER: CH19/LBA/500/OP-1-100 REVISION: B

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F/YR19/0068/O

Applicant: Mrs J Montgomery And Mrs F Perry **Agent :** Mr Lee Bevens
L Bevens Associates Ltd

Land North Of 17, Doddington Road, Benwick, Cambridgeshire

Erection of up to 15no dwellings (outline application with matters committed in respect of access) involving demolition of buildings

Reason for Committee: The number of letters of support received, which is contrary to the Officer's recommendation

1 EXECUTIVE SUMMARY

A very similar proposal was refused under delegated powers in May 2018. This application has received seven letters of support and the scheme of delegation now requires the application to come before Members for determination.

The reasons for refusal remain the same as before because of the similarity between the two applications. However, this is with the exception of the third reason for refusal. The ecology issues have been resolved through the submission of additional information.

For the reasons set out in the report, it is not considered that the proposal accords with the requirements of Policy LP3 (Settlement Hierarchy) which identifies the settlement of Benwick to be a Small Village where development will normally be of a very limited nature and normally be limited in scale to residential infilling. This proposal is for up to 15 dwellings and is considered to constitute neither infill nor limited scale development and is therefore contrary to LP3.

Policy LP14 and the NPPF seeks to steer developments to areas of lowest risk of flooding and requires developments, such as this proposal, to pass the Sequential Test and then the Exception Test, should the Sequential Test be passed. The application is considered to fail the Sequential Test and Exception Test as it fails to demonstrate that no other sites are available within the district at a lower risk of flooding, or that the development provides wider sustainability benefits to the community that outweigh flood risk. The proposal is therefore contrary to the Cambridgeshire Flood and Water SPD 2016, Policy LP14 of the Fenland Local Plan 2014 and Paragraphs 155-165 of the NPPF.

In summary, the scale of the proposal is considered too great to that which the development plan intend under LP3 which results in a large number of properties being unjustifiably exposed to flood risk.

The recommendation is for refusal.

2 SITE DESCRIPTION

- 2.1 The application site consists of a plot of land measuring 0.68 hectares situated to the north east of Heron Way, which is a development of approximately 64 houses and flats. The site extends north from Doddington Road terminating approximately

30m south of the River Nene (old course), and extending east behind the frontage properties 15-17b Doddington Road.

- 2.2 There is an existing access onto Doddington Road which served a large garage (now in a state of disrepair). Further buildings are located within the site which is mostly overgrown and appears unused.
- 2.3 The site is located within Flood Zone 3.

3 PROPOSAL

- 3.1 The proposal is in outline for the erection of up to 15 dwellings with only the access from Doddington Road committed at this time. A very similar application was refused in May 2018 (F/YR18/0198/O). The applicant has attempted to address only one of the three reasons for the previous refusal.
- 3.2 With regard to refusal reason 3, the applicant has submitted an Ecological Appraisal and Survey. The Wildlife Officer now has no objection to the proposal, subject to certain planning conditions.
- 3.3 Although no details have been committed at this time other than the access off Doddington Road, the applicant has submitted an illustrative layout showing the siting of 15 plots off a central spine road. This is the same as the previous refusal. On 28th May the agent submitted a revised layout (Revision D) to address the highways officer's comments involving minor changes to the access only.
- 3.4 Additional drainage information was submitted on 1st May in response to the Lead Local Flood Authority's objection.
- 3.5 In addition a Community Engagement exercise took place, with an advert placed in the Fenland Citizen on 29th November 2017, together with letters and questionnaires being put through neighbour's doors. A public exhibition took place at Benwick Village Hall from 4pm to 8pm on 13th December 2017 and was visited by approximately 18 individuals (evidenced by those who signed in to the exhibition). This can be found within the Design and Access Statement.
- 3.6 Full plans and associated documents for this application can be found at:
<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=PLU4A1HE01U00>

4 SITE PLANNING HISTORY

F/YR18/0198/O - Erection of up to 15no dwellings (outline application with matters committed in respect of access) involving demolition of buildings- refused 24/05/2018 at Land North of 17 Doddington Road Benwick

F/YR07/0063/F – Erection of 2 x 3-bedroom detached houses with associated parking involving demolition of existing garage – granted April 2007 at Land West of 15 Doddington Road Benwick

F/90/0062/F – Erection of a 7-bed residential house for the elderly – granted November 1990 at Land West of 15 Doddington Road Benwick

5 CONSULTATIONS

5.1 Benwick Parish Council

The planning application is not supported on the grounds that it is over development in the village, sewage may be an issue, and it is in an unsustainable location due to lack of infrastructure.

5.2 FDC Environmental Services

The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed development, as it is unlikely to have a detrimental effect on local air quality or the noise climate. However as the proposal involves the demolition of an existing building the following condition should be imposed.

UNSUSPECTED CONTAMINATION

CONDITION: If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, a Method Statement detailing how this unsuspected contamination shall be dealt with.

REASON: To ensure that the development complies with approved details in the interests of the protection of human health and the environment.

5.3 NHS England

Due to the low number of dwellings we do not wish to raise an objection to this development or request mitigation.

5.4 FDC Housing Strategy Officer

We would expect a contribution of 25% on this site of 15 dwellings. The total number of dwellings we require would be 4.

The current tenure split we would expect to see delivered for affordable housing in Fenland is 70% affordable rented tenure and 30% intermediate tenure. This would equate to the delivery of 3 affordable rented homes and 1 intermediate tenure in this instance.

5.5 Police Designing Out Crime Officer

I have noted that it is in outline only with all matters reserved. I have viewed all relevant documents and drawings submitted with regard to community safety and vulnerability to the risk of crime. If planning approval is given I would ask that this office be further consulted in order to consider design and layout especially in regard to car parking arrangements and external lighting. I have noted that the access road to the planned development is marked as an adopted road, this would indicate that the lighting proposed would be to the required standard.

I am supportive of the design and layout currently shown and ask that the applicant consider the principles of Secured by Design. This proposed development could, with support from this office achieve Gold Secured by Design accreditation and I am happy to work with them in this regard.

I have no further comments at this stage.

5.6 CCC Lead Local Flood Authority

08.02.2019 - object to the grant of planning permission for the following reasons:

1. No surface water strategy
2. Infiltration Issues
3. Approval to drain into Anglian Water sewerage system or riparian drain required

13.05.2019 - maintain their objection to the grant of planning permission for the following reason:

Approval to drain into riparian drain and IDB system required

If infiltration is proven not to be viable following on-site infiltration testing, it has been proposed to discharge into the riparian drain which runs in a north-east direction along the southern side of Doddington Road, which ultimately discharges into Benwick Internal Drainage Board (IDB). As stated in our previous objection letter, the riparian owner and Benwick IDB must be consulted and a principle agreement must be obtained to discharge into their drain/ system.

5.7 CCC Highways

The principle of the development isn't unacceptable from a highways perspective. Should the LPA be minded to grant this application, I would like to see auto track plans that detail an 11.5m long dennis eagle refuse vehicle entering and leaving the development with a standard saloon vehicle manoeuvring in the opposite direction. This detail will stipulate what kerb radii is required. The access should also come forward with a drainage detail at the access. Defer for amended plans.

29.05.2019 - *Further to receiving the amended plan (Rev D), I can confirm I have no highways objections subject to the following condition recommendations;*

A condition will be imposed at reserve matters stage requiring the applicant to either enter into a Section 38 Agreement with the LHA or enter into a Private Management Agreement (PMA).

- 1. Standard outline condition securing reserved matters*
- 2. Prior to first occupation, the access shall be sealed, levelled and drained in accordance with detailed plans to be submitted and approved in writing by the Local Planning Authority*

Reason: in the interests of satisfactory access

- 3. Prior to the commencement of the development, the vehicular) crossing of the ditch along the frontage of the site shall be constructed in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority, in consultation with the Drainage Authority and the Highway Authority.*

Reason: To ensure construction of a satisfactory access.

5.8 PCC Wildlife Officer

Bats- *The mitigation measures set out in section 7 of the Bat Report appear acceptable. I would therefore now advise that the LPA does hold sufficient information to be confident that a licence from NE could be issued.*

I would therefore request that bat mitigation measures set out in section 7.1 and 7.2 of the Bat Survey Report are secured by condition.

Nesting Birds- *The proposal involves the removal of vegetation as well as buildings which have evidence of nesting birds. I would therefore recommend that a standard bird nesting Informative be attached should the scheme be approved.*

To mitigate for the loss of nesting habitat, I would request that a range of nesting boxes are installed that cater for a number of different species such as House Sparrow, Starling & House Martin. Details regarding numbers, designs and locations should be provided by the applicant which may be secured by condition.

Barn Owls: Evidence of roosting barn owls was found in building 2 (three-bay garage), however I am satisfied that this likely to be a temporary roost, rather than a nest site due to the lack of nesting features in the building. However, as set out in the ecology report, I would advise that a pre-demolition survey for presence of barn owl is made by a suitably qualified ecologist, and that a replacement barn owl box is installed at a suitable location (such as on a pole along the northern boundary hedgerow). The above survey and full details of the box and its location should be provided prior to commencement of development/ demolition, to be secured by condition.

Hedgehogs: Suitable habitat is present within the application site to support hedgehogs which are a UK Biodiversity Action Plan priority species and listed as a Species of Principle Importance under s41 of the NERC Act 2006. I would therefore recommend that as a precaution, the following measures are secured in relation to hedgehogs:

- a) All construction trenches are covered overnight or a means of escape provided for any hedgehogs (or other mammals or reptiles) that may have become trapped;
- b) Impenetrable barriers are avoided by allowing adequate gaps to be retained under any new fencing.

The above may be secured via a suitably worded condition.

Site design & landscaping:

It is important that the mature northern and eastern boundary hedgerows are retained (as well as being protected during construction) as indicated on the Proposed Block Plan drawing. With regard to any additional planting I would recommend the use of a range of native tree and shrub species, the detail of which may be secured by condition.

Recommendation:

I have no objection to the proposal subject to the use of appropriate conditions as set out above. I can advise that subject to my recommendations being fully incorporated into the approved scheme the development will in my opinion result in no net loss in biodiversity.

5.9 Environment Agency

We consider that the main source of flood risk at this site is associated with watercourses under the jurisdiction of the relevant Internal Drainage Board (IDB). As such, we have no objection to the proposed development on flood risk grounds.

National Planning Policy Framework Flood Risk Sequential Test

In accordance with paragraph 158 of the National Planning Policy Framework, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk. Our national flood risk standing advice reminds you of this and provides advice on how to do this.

Internal Drainage Board

The IDB should be consulted with regard to flood risk associated with watercourses under their jurisdiction and surface water drainage proposals.

5.10 FDC Tree Officer

The indicative site plan (drawing CH17/LBA/433/OP-1-101) submitted with the outline application suggests retention of the hedges/trees to the north and east boundaries are to be retained. I have no objections to the scheme providing the above is confirmed in the final layout. The indicative scheme also has significant open space for a high quality tree planting/soft landscape scheme that would 'soften' the development. I have no objection to the scheme and landscaping can be dealt with under Conditions.

5.11 CCC Archaeology

Our records indicate that the site lies in an area of high archaeological potential on the east side of the historic village of Benwick (Beymwich), known to date to at least the early thirteenth century. The site lies on the old course of the River Nene, which follows an ancient drainage system that has affected settlement patterns across the fenland landscape for centuries. The past landscape of the area was dominated by changing sea levels and numerous interconnecting waterways and the proposed development area is situated directly upon a principal roddon (extinct riverbeds that have been left high due to differential erosion of alluvial deposits) which are a feature of the local landscape and often attracted settlement along their length, and were particularly known for exploitation in the Roman and medieval periods for salt production. Similar examples elsewhere in the county have produced extensive archaeological sites based around this industry. It is anticipated that important archaeological remains could survive on the site and that these would be severely damaged or destroyed by the proposed development.

We do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition, such as the example condition approved by DCLG:

Condition

No demolition/development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which 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:

- 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 the analysis, publication & dissemination, and deposition of resulting material. Part (c) of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.*

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.

5.12 Middle Level Commissioners

No response received

5.13 Local Residents/Interested Parties

15 objections have been received from residents of Heron Way, Doddington Road and Whittlesey Road, Benwick, raising the following issues:

- Access
- Anti Social behaviour
- Backfill
- Density/Over development
- Design/Appearance
- Devaluing property
- Drainage
- Environmental Concerns
- Flooding (has not passed the Sequential Test)
- Light Pollution
- Local services/schools - unable to cope
- Loss of view/Outlook
- Noise
- Overlooking/loss of privacy
- Proximity to property
- Residential Amenity
- Smell
- Traffic or Highways
- Visual Impact
- Wildlife Concerns
- Would set a precedent
- No different to the previous refusal
- People are trying to turn Benwick into a town, keep it a rural village
- Objection to connection to Riparian Drain

7 letters of support have been received from residents of Heron Way and High Street Benwick, mostly welcoming the development of the site which is considered to be an eyesore. Some of this support is dependent on; the detailed scheme not including tree planting which would cause overshadowing; and no impact on privacy.

6 STATUTORY DUTY

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).

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Para 2. -Applications should be determined in accordance with the development plan, unless material considerations indicate otherwise

Para 10. - Presumption in favour of sustainable development

Para. 47 – All applications for development shall be determined in accordance with the development plan, unless material considerations indicate otherwise

Chapter 14 – Meeting the challenge of climate change, flooding and coastal challenge

7.2 Fenland Local Plan 2014

LP1: Presumption in Favour of Sustainable Development

- LP2: Facilitating the Health and Wellbeing of Fenland Residents
- LP3: Spatial Strategy, Settlement Hierarchy and the Countryside
- LP4: Housing
- LP5: Meeting Housing Need
- LP12: Rural Area Development Policy
- LP13: Managing the Impact of Growth
- LP14: Climate Change and Flooding Risk
- LP15: Sustainable Transport
- LP16: High Quality Environments
- LP19: The Natural Environment

7.3 **Supplementary Planning Documents/Guidance:**

- Delivering & Protecting High Quality Environments in Fenland SPD (2014)
- Cambridgeshire Flood & Water SPD (2016)

8 **KEY ISSUES**

- **Principle of Development**
- **Flood Risk and Drainage**
- **Highway Safety**
- **Ecology**
- **Other issues**
- **S106**

9 **ASSESSMENT**

Principle of Development

- 9.1 Policy LP3 identifies the village of Benwick to be a Small Village where development will be considered on its merits but will normally be limited in scale to residential infilling. The development of up to 15 dwellings is not considered to accord with this limitation as it is neither limited in scale nor infill development.
- 9.2 The applicant has argued in this revised submission that Benwick is in a sustainable location, close to amenities, including a new village shop and public transport and that there should be a presumption in favour of this sustainable development.
- 9.3 Also, it is argued, that the scheme has been designed to comply with LP16 by being respectful to the character of the area and making best use of the site. Similar principles have been followed to that of the existing residential development in Heron Way, and traditional and modern materials would be used to ensure that the proposal respects the local character.
- 9.4 The applicant also refers to the Community Consultation exercise undertaken in November 2017, although it is noted that there was a limited response/ turnout and limited support for the proposal. For reference, the Village Growth Threshold for Benwick was assessed to be 42 new dwellings during the plan period. At the time of writing this report 24 dwellings had been committed or built in Benwick since April 2011. A recent appeal decision indicates that the threshold considerations and requirement for community support should not result in an otherwise acceptable scheme being refused and against this backdrop the absence of overwhelming community support does not render the scheme unacceptable in planning terms.
- 9.5 Notwithstanding the above comments, it is considered that the proposal would be contrary to Policy LP3 as it would not represent a small scale or infill development,

This is consistent with the previous refusal. The principle of a development of this size in this location is therefore not considered to be acceptable as it would result in a larger scale of development than the development plan allows for Benwick - which has consequences in respect of placing a large number of properties at a higher risk of flooding.

Flood Risk and Drainage

- 9.6 The site is located in Flood Zone 3, an area at highest risk of flooding. The applicant has submitted a Flood Risk Assessment (FRA) and at the request of CCC Lead Local Flood Authority additional drainage information was provided.
- 9.7 The NPPF advises that development should be steered to areas of lowest flood risk and development in Flood Zone 3 should pass the sequential test and then the exception test. Policy LP14 of the Fenland Local Plan 2014 and the Cambridgeshire Flood & Water Supplementary Planning Document (SPD) provide practical advice and guidance on managing flood risk and surface water to aid the submission and determination of development proposals.
- 9.8 In this instance as the scale of the proposal is not appropriate for a small village (as set out above) and due to this, the appropriate area of search for the sequential test is considered to be the whole of the rural district (countryside and villages).
- 9.9 The applicant accepts that there will be sites within the district in more preferable locations (at lower risk of flooding within Flood Zone 1) and has declined to undertake a district wide search. Therefore, the development is considered to fail the sequential test.
- 9.10 The development would also be required to pass the Exceptions Test if the Sequential Test is met whereby it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk. The general provision of housing by itself would not normally be considered as a wider sustainability benefit to the community which would outweigh flood risk.
- 9.11 Examples of wider sustainability benefit include the regeneration of an area, or the provision of new community facilities such as green infrastructure, woodland community centres, cycle ways/footways or other infrastructure which allow the community to function in a sustainable way. With smaller schemes the LPA has previously considered the inclusion of climate change mitigation and/or renewable energy themes as acceptable solutions to passing the Exceptions Test. However, no such details have been provided by the applicant.
- 9.12 As such, and similar to the last application, the proposal is contrary to the adopted Flood and Water SPD and conflicts with Policy LP14 of the Fenland Local Plan and Paragraphs 100-104 in the NPPF as it would unjustifiably place people and property at a high risk of flooding.
- 9.13 The objectors' comments are noted. The Lead Flood Authority has sought additional information with regard to sustainable drainage on the site and now appears to be content with the submitted information. Although they have requested that Benwick Internal Drainage Board are consulted and a principle agreement be obtained at this time to discharge into the riparian drain/ system should infiltration be proven not to be viable following on-site infiltration testing.

9.14 The riparian drain which runs in a north-east direction along the southern side of Doddington Road. Given that this is an outline planning application and that there are several options for discharge, a suitably worded condition would be appropriate if the proposal was acceptable in all other respects, and that final details of all drainage matters would be the subject of the Reserved Matters applications.

Highway Safety

9.15 The objectors' concerns are noted. However, the Highways Officer does not have any concerns with regard to traffic generation or highway safety. The amended plan has annotated more detail to the access road and subject to appropriate planning conditions the proposal is considered to comply with LP15 of the Fenland Local Plan 2014.

Ecology

9.16 One area which has been addressed since the previous application is the Wildlife Officer's objection due to the lack of information previously submitted. This has now been successfully addressed and this reason for refusal has been removed.

9.17 The Wildlife Officer is content that subject to the use of appropriate conditions and his recommendations being fully incorporated into the final details of the scheme the development will result in no net loss in biodiversity, and would comply with Policy LP16(b) and LP19 of the Fenland Local Plan 2019.

Other issues

9.18 Other concerns have been raised from neighbouring properties regarding:

- Design/Appearance
- Devaluing property
- Loss of view/Outlook
- Noise
- Overlooking/loss of privacy
- Proximity to property
- Residential Amenity
- Smell

9.19 As this is an outline application with all matters reserved, it is not possible to consider in detail: design/ appearance; loss of view/ outlook; overlooking/ loss of privacy; proximity; noise and residential amenity. Having said that, the indicative site layout plan shows one possible layout which demonstrates that it is possible to accommodate 15 dwellings on the site (density 22 dwellings per hectare) without detrimentally impacting on the neighbouring residents' amenity. However, this would be confirmed through the submission of the reserved matters applications.

9.20 The devaluation of property is not a planning consideration. The issue of "smell" has been raised but not clarified albeit odour nuisance is not generally an issue in the longer term with residential development. Notwithstanding, such issues are normally addressed through separate environmental legislation.

S106

9.21 Whilst there are fundamental issues with regard to the principle of the development and related Flood Risk, the applicant has agreed to the following contributions should the application be considered to be acceptable:

An off-site contribution to affordable housing provision (equivalent to 4 dwellings) in accordance with Policy LP5; and with regard to Open Space the amount would be

£14,960 (based on a land value of £100,000 per ha) towards open space provision in accordance with FDC Developer Contributions SPD (2015) equivalent to 22% of the development site area.

- 9.22 These figures are based on the indicative layout submitted with the proposal and as such comply with policies LP13 and LP5 and could be reasonably secured through a S106 planning obligation.

10 CONCLUSIONS

- 10.1 The proposal is considered to be contrary to Policy LP3 in that it is not “limited in scale” or an infill development. This consequently results in large scale development unjustifiably placing people and properties at a high risk of flooding. In this regard, the proposal also fails the Sequential Test (and Exception Test) and is contrary to the adopted Flood and Water SPD, Policy LP12 A(j) and LP14 of the Fenland Local Plan and Paragraphs 155-161 of the NPPF.
- 10.2 The Council can currently demonstrate a 5 year supply of housing and therefore the ‘tilted balance’ under paragraph 11 of the NPPF is not engaged – notwithstanding that flood risk is an exception to this in any case. In this regard therefore, the policies within the development plan are considered up to date and robust enough to determine this proposal.
- 10.3 In law, the LPA is required to determine a planning application in accordance with the development plan unless material planning considerations indicate otherwise. Officers consider that there are no material considerations that have been presented to indicate that a departure from the development plan would be justified in this instance. Therefore, Officers recommend that the application is refused for the reasons in section 11 below;

11 RECOMMENDATION

Refuse for the following reasons:

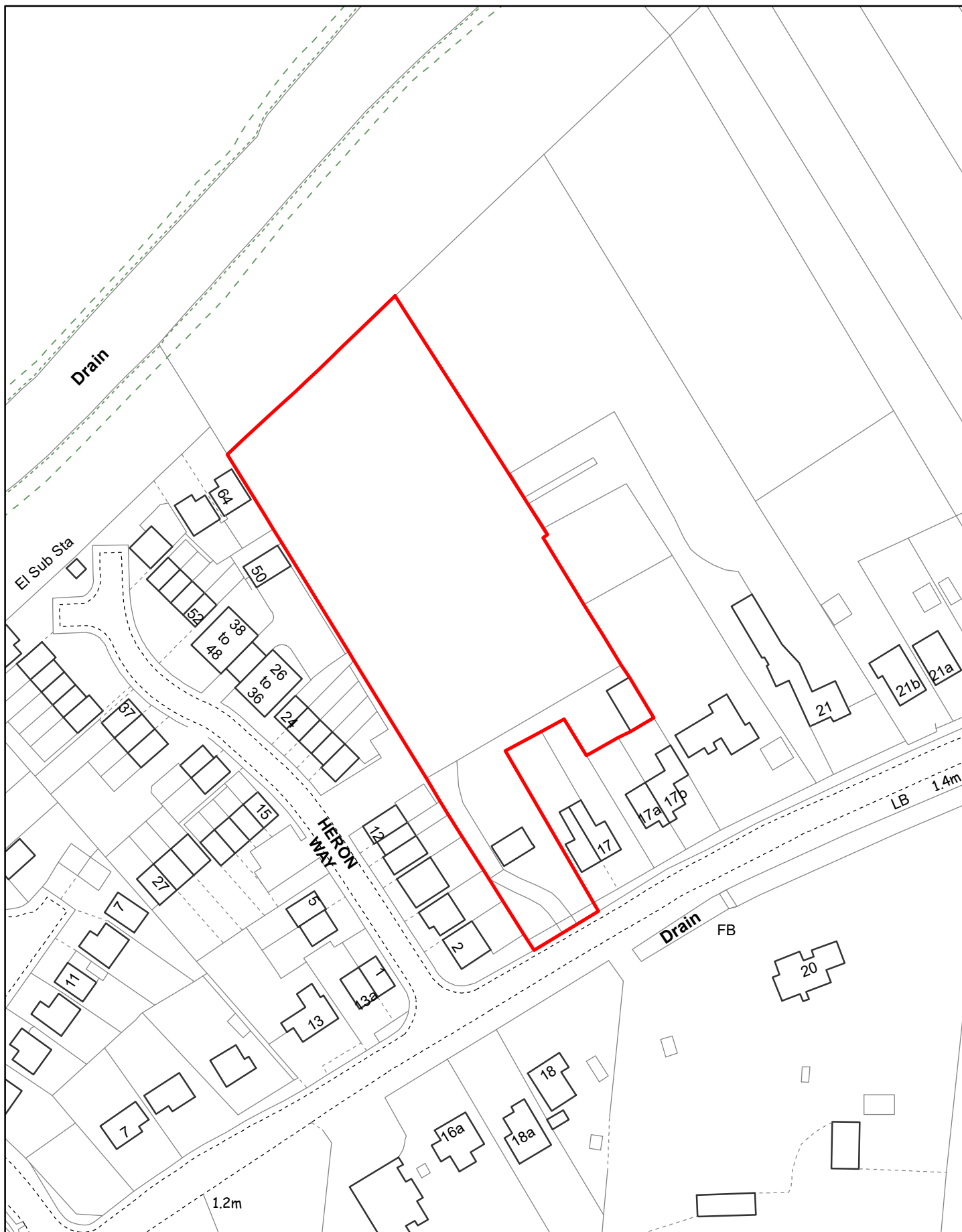
1. Policy LP3 considers the settlement of Benwick to be a “Small Village” where development will normally be of a very limited nature limited in scale to residential infilling. It is considered that the development is not limited in scale and does not constitute residential infilling, consequently locating a major residential development at a high risk of flooding, and is therefore considered to be contrary to the sustainability aims of Policy LP3.
2. Policy LP14 of the Fenland Local Plan and The NPPF seeks to steer developments to areas of lowest risk of flooding and requires developments such as this application to pass the Sequential Test and the Exception Test, should the Sequential Test be passed. It is considered that application does not pass the Sequential Test as it fails to demonstrate that no other sites are available within the district at a lower risk of flooding. Furthermore, the application also fails the Exception Test as it fails to demonstrate that the development provides wider sustainability benefits to the community that outweigh flood risk. The proposal is therefore contrary to the Cambridgeshire Flood and Water SPD 2016, Policies LP12A(j), LP14 of the Fenland Local Plan 2014 and Paragraphs 155-161 of the NPPF.

Case Officer:

Date:

Team Leader:

Date:



Created on: 28/01/2019

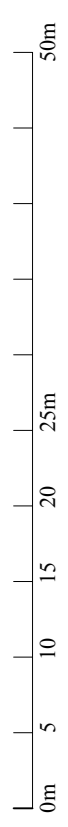
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F/YR19/0068/O

Scale = 1:1,250



Scale: 1:500



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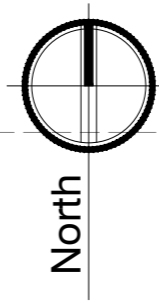
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ACCOMMODATION SCHEDULE

Private Housing	
2 Bedroom house	6 No.
3 Bedroom house	7 No.
4 Bedroom house	2 No.
Total	15 No.



Site Layout for illustrative purposes only

- Rev D May 2019 Pram crossing across bell mouth entrance added to suit highway comments.
- Rev C Dec. 2018 Amendments to indicative housing mix and minor amendments.
- Rev B Nov. 2017 Amendments to highway arrangement.
- Rev A Nov. 2017 Indicative position of foul sewer added to scheme.



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DRAWING STATUS: PRELIMINARY CONSTRUCTION
 PLANNING FILE COPY

CLIENT: Mrs J Montgomery and Mrs F Perry

PROJECT: Land North of 15-17 Doddington Road, Benwick, Cambridgeshire.

DRAWING TITLE: Proposed Block Plan

SCALE	DATE	DRAWN	CHECKED
1:500 @ A2	May 2017	LB	
DRAWING NUMBER	REVISION		
CH17/LBA/433/OP-1-101	D		