

**Applicant: Mr R Hirson**

**Agent : Jordan Trundle**  
**Peter Humphrey Associates Ltd**

**Land West Of 78-88, Station Road, Manea, Cambridgeshire**

**Erect up to 4no dwellings (outline application with all matters reserved)**

**Officer recommendation: Refuse**

**Reason for Committee: Number of representations contrary to Officer recommendation.**

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## **1 EXECUTIVE SUMMARY**

- 1.1 The application seeks a determination of the principle of residential development for up to 4 dwellings (outline application) with all matters reserved for future consideration. The proposal site is located at the junction of Station and Wimblington Roads in Manea.
- 1.2 The application site is located within Flood Zone 3, an area at the highest risk of flooding but the applicant has not demonstrated conclusively that there are no other reasonably available sites appropriate for the proposed development in areas at a lower risk of flooding and not shown any wider community benefits of the development and therefore the development fails the Sequential and Exception Tests.
- 1.3 No ecology information has been submitted with the application to allow consideration of the impacts on protected species, despite the site being bordered by ditches on three sides and the indicated access to the development being across one of these.
- 1.4 The recommendation is therefore for refusal of planning permission.

## **2 SITE DESCRIPTION**

- 2.1 The proposal site consists of a 0.46ha parcel of land located at the corner of Station and Wimblington Roads in Manea. The site is currently agricultural land but has residential development to the North, East and to the South, with scattered agricultural buildings. The site is generally flat and has no trees. There are surface water drains located on the site
- 2.2 The site is located within Flood Zones 2 and 3 as defined by the Environment Agency maps.

## **3 PROPOSAL**

- 3.1 The application proposes the erection of up to 4no dwellings (outline application with all matters reserved)

Full plans and associated documents for this application can be found at:  
<https://www.publicaccess.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=R0EJTRHE0I900>

#### 4 SITE PLANNING HISTORY

No formal planning history.

#### 5 CONSULTATIONS

- 5.1 **Parish Council:** *No Objection. Please seek s106 benefits.*
- 5.2 **Natural England:** *Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.*
- 5.3 **CCC Highways:** *I have no objections subject to the developer being able to demonstrate that visibility splays of 2.4m x 120m are achievable. The 59m splay is not appropriate unless the developer has supporting speed survey results that 85% percentile speeds are 37mph.*
- 5.4 **Environment Agency:** *We have no objection to the proposed development but wish to make the following comments.*

*We have reviewed the submitted Flood Risk Assessment (FRA) with regard to tidal and main river flood risk sources only. The Internal Drainage Board should be consulted with regard to flood risk associated with their watercourses and surface water drainage proposals. We have no objection but strongly recommend that the development be carried out in accordance with the submitted flood risk assessment undertaken by Ellingham Consulting Ltd, (ref: ECL0561/Peter Humphrey Associates, dated September 2021) and the following mitigation measures it details:*

- Finished floor levels shall be set no lower than 800 mm above existing ground level.*
- Flood resistant measures will be incorporated up to 600 mm above finished floor levels.*
- There shall be no ground floor sleeping accommodation.*

##### *Advice for the LPA*

*In accordance with the National Planning Policy Framework (NPPF) paragraph 162, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk 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 as required by the Sequential Test in the NPPF. Our flood risk standing advice reminds you of this and provides advice on how to do this. With regard to the second part of the Exception Test, your Authority must be satisfied with regards to the safety of people (including those with restricted mobility), the ability of people to reach places of safety, including safe refuges within buildings, and theability of the*

*emergency services to access buildings to rescue and evacuate people. In all circumstances where flood warning and evacuation are significant measures in contributing to managing flood risk, we expect local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. We strongly recommend that you consult your Emergency Planner on the above issues.*

**5.5 Environmental Health:** *The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposal as it is unlikely to have a detrimental effect on local air quality or the noise climate.*

*Our records indicate there is unlikely to be a presence of contamination at the application site, but a condition is recommended.*

**5.6 Middle Level Commissioners:** No response received

**5.7 Local Residents/Interested Parties**

Three objections have been received from residents of Short Drive and Station Road contending:

- that the development would cause flooding
- result in a loss income,
- prejudice highways safety,
- would disrupt electricity and broadband,
- overwhelm drainage and
- affect wildlife.

**Supporters**

Nine responses have been received in support of the application (three from residents of Horseway, two from Old Dairy Yard and one each from Cox Way, Westfield Road, high Street and Parkview Lane) on the following grounds:

- beneficial to the Village,
- increase the appeal of the village,
- would be in keeping with the residential character of the area,
- access to the train station,
- would bring more families to help sustain 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**

**National Planning Policy Framework (NPPF)**

**National Planning Practice Guidance (NPPG)**

**National Design Guide 2019**

- LP1 – A Presumption in Favour of Sustainable Development
- LP2 – Facilitating Health and Wellbeing of Fenland Residents
- LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
- LP4 - Housing
- LP5 – Meeting Housing Need
- LP12– Rural Area Development Policy
- LP13 – Supporting and Mitigating the Impact of a Growing District
- LP14 – Responding to Climate Change and Managing the risk of Flooding in Fenland
- LP15 – Facilitating the creation of a More Sustainable Transport Network in Fenland
- LP16 – Delivering and Protecting High Quality Environments across the District
- LP17 – Community Safety
- LP19 – The Natural Environment

Delivering and Protecting High Quality Environments in Fenland SPD (July 2014)

## **8 KEY ISSUES**

8.1 The key issues to be addressed are:

- Principle of Development
- Visual Impact
- Residential Amenities
- Highway Safety
- Flooding
- Ecology
- Other Considerations

These are considered in turn below.

## **9 BACKGROUND**

9.1 Pre-application advice was sought in relation to this development in 2019. Officers advised that the site was in Flood Zone 3 and that a sequential test would be required to be undertaken; access via an additional culvert of the drain was perhaps not appropriate; and that the site was at a prominent entrance to the village and that consideration would need to be given to appropriate and sympathetic design.

## **10 ASSESSMENT**

### **Principle of Development**

10.1 Local Plan Policy LP3 defines Manea as a Growth Village where more limited development and service provision than that which is appropriate to the Market Towns would be suitable, however this would be acceptable in the form of small village extensions. Policy LP12 Part A sets out where such development may be acceptable such as it being in or adjacent to the developed footprint of the settlement, not adversely impacting the character of the countryside and being in keeping with the core shape of the settlement. In addition, Local Plan Policy LP12 also seeks to involve the community in planning decisions by requiring clear evidence of community support for development exceeding the specified threshold. Part A of LP12 of the Local Plan, clearly states that if a proposal within or on the edge of the village would, in combination with other development, built or committed to be built since April 2011 increase the number of dwellings in a growth

village by 15% or more, the proposal should demonstrate evidence of clear local community support for the scheme generated through a proportionate pre-application consultation exercise. This 15% threshold has clearly been exceeded for Manea owing to the number of consented dwellings since April 2011.

- 10.2 The application site forms part of an agricultural field at the entrance to the settlement, bounded to the north by the workplace home development of Charlemont Drive. To the south on the opposite side of Wimblington Road is a group of commercial buildings with further linear residential development to the south. On the opposite side of Station Road is loose knit linear residential development. Consequently, it is considered that while the site forms an attractive entrance to the village it would be difficult to argue that the principle of residential development was unacceptable, given these surroundings.
- 10.3 Policy LP12 further provides that if additional number of dwellings built since 2011 within or on the edge of a growth village is 15% or more, then the proposal should have demonstrable evidence of clear local community support for the scheme. Manea has already exceeded its 15% but no deliberate community support exercise has been submitted which would be contrary to LP12. However, an appeal decision received in respect of an application that was refused purely on this basis (F/YR14/0838/O) indicates that the threshold considerations and requirement for community support should not result in an otherwise acceptable scheme being refused. Against this backdrop the absence of a deliberate community support does not render the scheme unacceptable in planning terms.
- 10.4 As such the principle of this development is considered to be supported by Policies LP3 and LP12 of the Fenland Local Plan (2014).

### **Visual Impact**

- 10.4 Paragraph 126 of the National Planning Policy Framework 2021 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. This is further reflected in Local Plan Policy LP16 which seeks to deliver and protect a high-quality environment for those living and working within the district.
- 10.5 It is considered that the development of the site would visually read as part of the existing village and not appear incongruous or as an encroachment into the countryside. As described above the site is considered to form an attractive entrance to the village and a such a well-designed scheme incorporating sympathetic landscaping would be required to ensure the quality of this gateway is maintained.
- 10.6 Therefore, subject to appropriate design, layout, and landscaping which would be addressed at the Reserved Matters stage, the visual impact could be acceptable in accordance with Policy LP16 and the NPPF (2021).

### **Residential Amenity**

- 10.7 Local Plan Policy LP16 seeks to provide and protect comforts that the general environment provides and to this end ensures that development does not adversely impact on the amenity of neighbouring users owing to noise, light pollution, loss of privacy and loss of light.
- 10.8 The proposed development is in outline form with all matters reserved but from the submitted indicative plan, it would appear that the development, subject detailed design and layout, would relate appropriately with the dwellings around it. The

scale and external appearance of the scheme is subject to subsequent approval, but it is considered that there is sufficient distance from the neighbouring gardens to be able to accommodate this level of development in this location without compromising residential amenity.

- 10.9 The proposal allows for the provision of adequately sized garden areas to serve each dwelling unit together with some communal greenspaces at the front of the development to provide soft landscaping.
- 10.10 Therefore, subject to detailed design and layout, the scheme would provide adequate residential amenities for future occupiers and protect those enjoyed by existing neighbouring occupiers in accordance with Policy LP16 and

### **Highway Safety**

- 10.11 Fenland Local Plan Policy LP16 states that new development will only be permitted if it can be demonstrated that safe and convenient pedestrian and vehicle access to and from the public highway as well as adequate space for vehicle parking, turning and servicing would be achieved.
- 10.12 The Highway Authority have no objection to the proposed scheme subject to the provision of appropriate visibility splays. There is also adequate space on the site to accommodate a 5m wide access and sufficient space within the site to provide adequate parking and turning facilities.
- 10.13 The scheme therefore is considered acceptable and complies with Policy LP15 in this regard.

### **Flooding**

- 10.14 Paragraph 159 of the NPPF (2021) states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. In the same vein, Local Plan Policy LP14 recommends the adoption of sequential approach to flood risk from all forms of flooding and this is reinforced by the Cambridgeshire Flood and water SPD.
- 10.15 The applicant submitted a flood risk assessment undertaken by Ellingham Consulting Ltd in support of the development which was considered by the Environment Agency (EA). The EA recommends that the development be carried out in strict accordance with the submitted flood risk assessment undertaken by Ellingham Consulting Ltd, (ref: ECL0561/Peter Humphrey Associates, dated September 2021) and that the Middle Level Commissioners (MLC) be consulted. The MLC were consulted but no response has been received. The EA also set out that it is for the Local Planning Authority to be satisfied by the Sequential and Exception Tests.
- 10.16 The submitted Flood Risk Assessment does not provide any sequential test instead referring to the site being “protected by the Middle Level Barrier Bank which was not considered during the preparation of the Environment Agency Flood Maps”. When the Middle Level Barrier Bank is considered, the applicant contends that the development would pass the sequential test. Clearly this is not sufficient to comply with the Cambridgeshire Flood and Water SPD which is explicit in setting out that flood defences should not be taken into consideration when undertaking the Sequential Test. The application is therefore considered to have failed the Sequential Test on this basis.

- 10.17 As the application does not pass the Sequential Test the Exception Test is not applicable. However, for the sake of completeness, it is considered that an assessment of the submitted information in this regard should be undertaken. The applicant has merely quoted the number of housing units that are required over the Local Plan period and concluded that the proposed dwellings would contribute towards achieving that target. The applicant claims that this is the wider benefit of this development. Again, the Cambridgeshire Flood and Water SPD is clear, that the general provision of housing by itself would not be considered a wider sustainability benefit. Therefore, as well as failing the Sequential Test this application would also not pass the Exception Test.
- 10.18 Based on the above assessment, the applicant has been unable to show that there are no other reasonably available sites appropriate for the proposed development in areas at a lower risk of flooding and has not demonstrated any wider community benefits of the development and therefore the development fails the Sequential and Exception Tests and allowing the development would be contrary to Local Plan Policy LP14, the adopted SPD and paragraphs 159 and 162 of the NPPF(2021)

## **Ecology**

- 10.19 Policy LP16 (b) requires proposals for new development to protect and enhance biodiversity on and surrounding the proposal site, taking into account locally designated sites and the special protection given to internationally and nationally designated sites in accordance with policy LP19. Criteria (c) requires the retention and incorporation of natural and historic features of the site such as trees, hedgerows, field patterns, drains and water bodies.
- 10.20 The application site comprises an agricultural field bounded by a hedgerow to the north and ditches to three sides and the access to the development is indicated as being across one of these ditches.
- 10.21 Ecological surveys and if necessary, species surveys, are required to be carried out pre-determination. Section 40 of the Natural Environment and Rural Communities Act 2006 places a public sector duty upon local planning authorities to conserve biodiversity. Section 180 of the NPPF states that when determining planning applications local planning authorities should refuse planning permission if significant harm to biodiversity resulting from development cannot be avoided (through locating on an alternative site with less impact), adequately mitigated or as a last resort, compensated for. Such consideration requires sufficient ecological investigation to assess if there are any particular protected species present so that they can be taken into account in the consideration of the proposals.
- 10.22 Policy LP19 of the local plan states that planning permission should be refused for development that would cause a demonstrable harm to a protected species or habitat unless the need for and public benefits of the development clearly outweigh the harm and mitigation, or compensation measures can be secured to offset the harm.
- 10.23 No ecological surveys have been undertaken and submitted with the application, and the bio-diversity checklist submitted with the application has answered 'no' to the questions regarding the proposal affecting a ditch, which the development clearly would. It is therefore not possible, for the local planning authority to

undertake its duty to conserve biodiversity due to a lack of information. The application should be refused for this reason.

### **Other Matters**

- 10.24 The Parish Council have made reference to seeking Section 106 benefits. However the number of dwellings proposed falls below the number of dwellings (10) required to trigger the consideration of such an agreement.

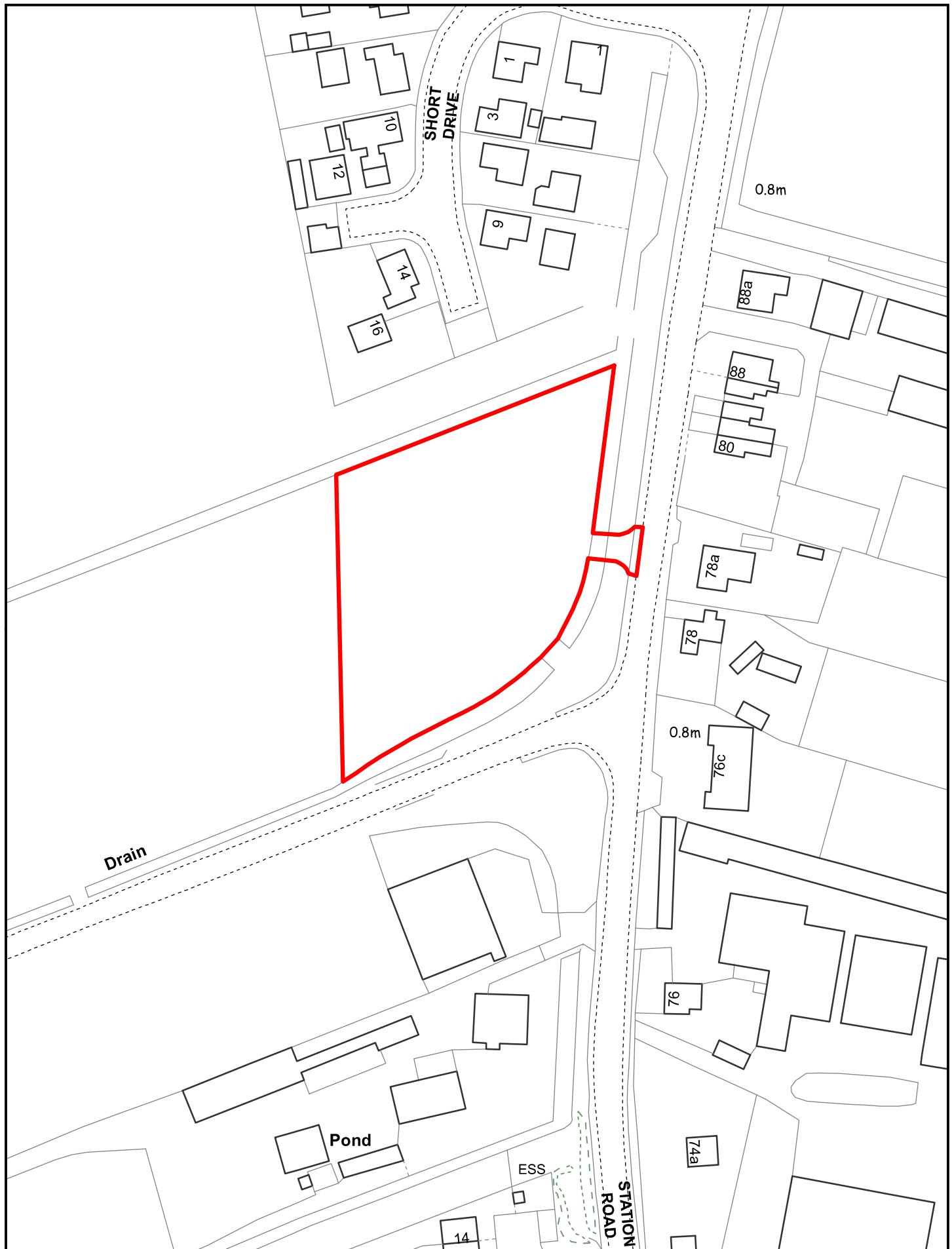
## **11 CONCLUSIONS**

- 11.1 The proposed development would be of a scale that is in keeping with the area and, subject to layout, design and finishes, would not detract from the character of the site and the area. However, the site is located within Flood Zone 3 and the applicant has not shown that the development is Sequentially acceptable or of wider community benefit.
- 11.2 In addition, no ecological information has been submitted to allow an informed decision to be made as to whether protected species would be impacted by the development or any mitigation that may be required as a result.
- 11.3 As such the application is considered to conflict with the NPPF, policies of the Local Plan and the Flood and Water SPD

## **12 RECOMMENDATION**

**Refuse;** for the following reasons:

1	The site is located within Flood Zone 3 where there is a high probability of flooding. The Sequential test for flood risk has not been adequately applied or met and consequently, the application fails to demonstrate that there are no other reasonably available sites with a lower probability of flooding that could accommodate the development. In addition, the Exception Test has also not been passed. Allowing the proposed development could therefore place people and property at an increased risk, with no justification, of flooding contrary to Policy LP14 of the Fenland Local Plan (2014), NPPF(2021) and Section 4 of the Cambridgeshire Flood & Water Supplementary Planning Document (2016).
2	The application site is bordered on three sides by ditches which are identified as having the potential to be habitat for protected species and indicates access to the development over one of these. No ecological surveys or evaluation have been undertaken to accompany the application. As such the local planning authority is unable to undertake its duty to conserve biodiversity due to this lack of information. The application is therefore contrary to policies LP16 (b) and LP19 of the Fenland Local Plan which seek to ensure that new development protects and enhances biodiversity including protected species and their habitats.



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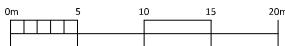
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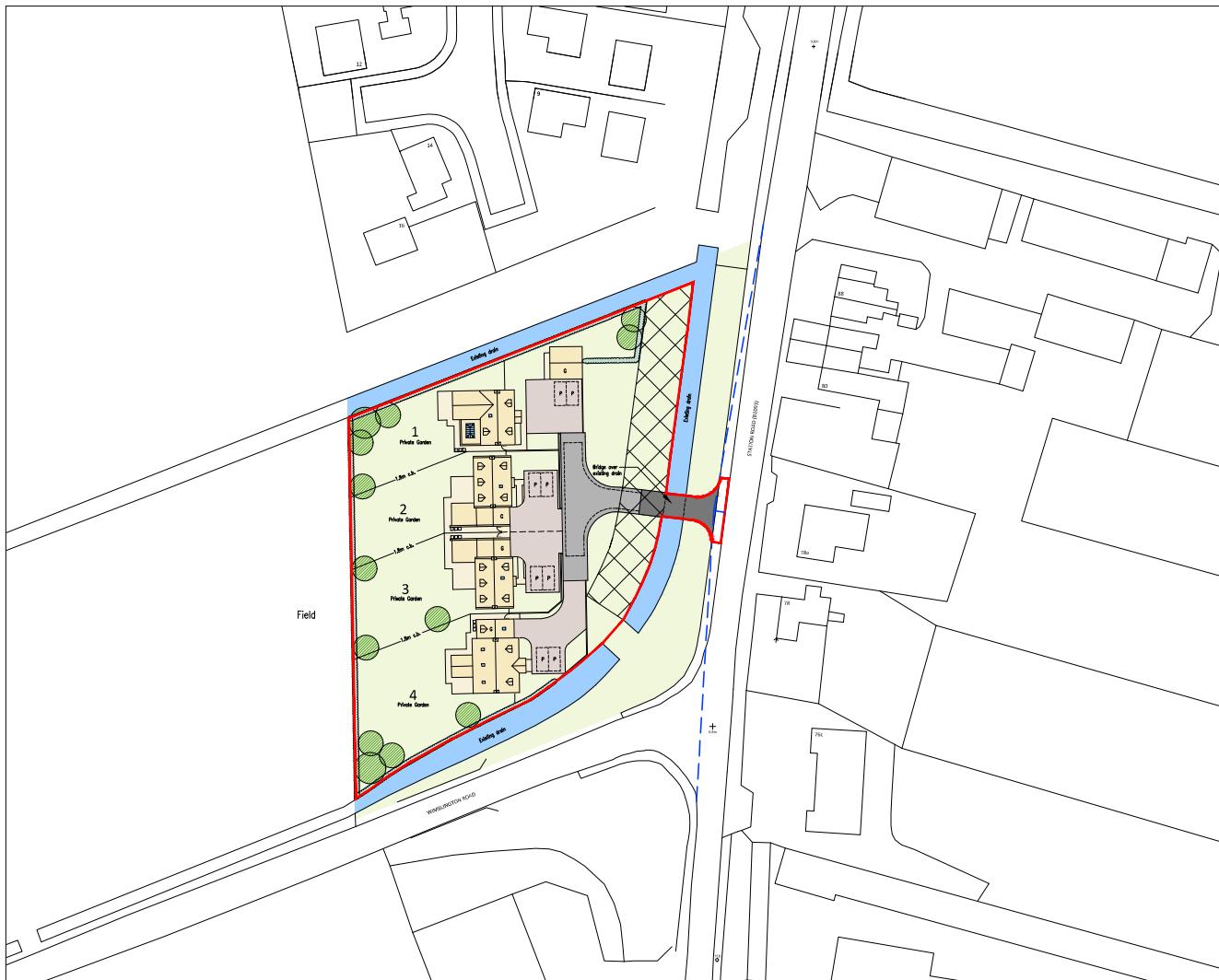
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STREET SCENE 1:200



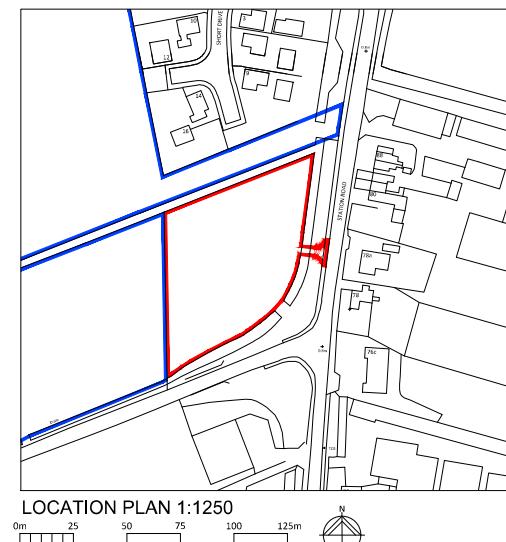
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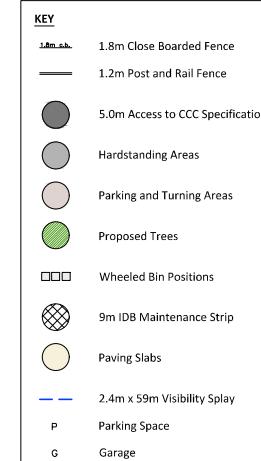
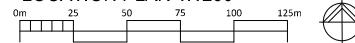
SITE PLAN 1:500



INDICATIVE LAYOUT ONLY



LOCATION PLAN 1:1250



D-2011/21+ Site plan amended.  
D-2011/21+ Minor site amendments following planning application comments.  
A-17/06/21+ Plan updated and amended for outline planning application.  
Re:app



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CLERK: MR R HIRSON

PROJECT: RESIDENTIAL DEVELOPMENT

DATE: LAND WEST OF 78-88  
STATION ROAD  
MANEA  
CAMBS

DRAWING: PLANNING DRAWING 1

REF NO: 6017/PL01D | PAPER SIZE: A1 | DATE: MAY 2021

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The Design (and Management) Regulations 2015: The responsible person must ensure that any person carrying out work on the site is aware whether the agent is appointed as Designer or as Principal Designer under these regulations, nevertheless, the design phase has been carried out after consultation with the principal designer and the principal designer is aware of the finished project. No extraordinary hazards or risks were identified outside of the design phase and no changes have been agreed with the principal designer.

SCHEDULE OF SITE					
Plot	Unit Type	Bedrooms	Floor Area	Rear Amenity	Notes
1	Market	5	260m <sup>2</sup>	336m <sup>2</sup>	Double Garage
2	Market	5	242m <sup>2</sup>	347m <sup>2</sup>	Single Garage
3	Market	5	242m <sup>2</sup>	427m <sup>2</sup>	Single Garage
4	Market	5	283m <sup>2</sup>	500m <sup>2</sup>	Single Garage

Floor areas exclude garages.