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**F/YR22/0764/F**

**Applicant: Mr J Punton  
Wisbech Construction Ltd**

**Agent : Mr Chris Walford  
Peter Humphrey Associates Ltd**

**Land North West Of Sunnyside, Coxs Lane, Wisbech, Cambridgeshire**

**Erect 4 x dwellings (2-storey 5-bed) with double garages**

**Officer recommendation: Refuse**

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

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## **1 EXECUTIVE SUMMARY**

- 1.1 This is an almost identical scheme to that considered by Planning Committee on 9<sup>th</sup> February 2022, where Members resolve to refuse planning permission solely on highway grounds.
- 1.2 The revised proposal comes forward seeking to address matters of visibility, pedestrian access and highway mitigation however these technical details have not been accepted as workable solutions by the Local Highway Authority.
- 1.3 As the scheme does not address the issues which manifested themselves as a comprehensive highway reason for refusal there can be no other recommendation, in the interests of consistency, but to refuse the current scheme.

## **2 SITE DESCRIPTION**

- 2.1 The application site is an open section of former orchard land in the countryside beyond the settlement of Wisbech. There is an existing drain running along the site frontage. At the time of the officers site visit the land to the rear remains an orchard. The established hedgerow along the site frontage having been removed and herras fencing erected.
- 2.2 The property to the south-east of the site has no windows overlooking the site, and its double garage is located most closely to the shared boundary.
- 2.3 To the north-west is another residential dwelling, with its double garage and driveway located adjacent to the application site boundary. Four windows ranging from ground floor through to first floor units overlook the site.
- 2.4 The application site is located within flood zone 1.

### 3 PROPOSAL

- 3.1 The proposal is for the construction of four dwellings on the site, each with five bedrooms and an attached double garage, with generous gardens located to the rear. The scheme components are essentially identical to the proposal listed in the history section below. Save for the inclusion of a 'green pedestrian footpath' shown around the perimeter of the orchard to the rear of the application site within the 'blue land' which exits onto Barton Road. This footpath is circa 240 metres long and runs to the rear of the individual plots proposed by this development, Barton Green (No. 6) and those fronting Barton Road (Nos. 139 - 143) and exits between Nos. 137 and 139 Barton Road.
- 3.2 Each of the plots would be provided with a private access driveway over the drain to the front of the site, with a 9m easement provided at the front of the site from the line of the drain.
- 3.3 The site would be surrounded by 1.8m high fencing, which would also separate the gardens of the dwellings from each other. This fencing would reduce to 1.2m high within the front gardens of the properties.

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

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

### 4 SITE PLANNING HISTORY

F/YR21/1218/F	Erect 4 x 2-storey 5-bed dwellings with double garages	Refused 10.02.2022
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### 5 CONSULTATIONS

#### 5.1 Wisbech Town Council

*'Object, on the basis that:*

- the proposal would constitute overdevelopment of the site*
- the nature of the proposed development (more suited to urban areas) is out of keeping with the existing properties in the vicinity of the application site*
- Cox's Lane is inadequate to serve residential development of the scale proposed by this application'*

#### 5.2 Cambridgeshire County Council Highways Authority

*'Highways recommend a refusal for this application. The proposal would lead to an intensification of use of an access onto Coxs Lane, which is a principal route and would cause interference with the safety and free flow of traffic on this highway.*

*The approach road, Coxs Lane, is considered to be inadequate to serve the development proposed, by reason of its restricted width and lack of passing places.*

*The proposed passing place, using the proposed shared accesses will not be*

*accepted. This proposal will add conflicts with the residents any time the access area is used as a passing lane. This will also obscure the forward visibility of the accesses. Suitable locations for passing places should be submitted.*

*Furthermore, a footway path is welcomed to the area because there are no suitable pedestrian routes. However, the route via the rear of the dwellings is questionable.*

*Will the proposed route be utilised? Should this be granted, the footway will remain private and will also require secure by design approval. The footpath will have to be lit and safety of pedestrians taken into consideration.'*

### **5.3 Environment & Health Services (FDC)**

*'The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed development.*

*While there is no information to show the application site has previous development use, in the interests of human health and the environment, it would be prudent to have the 'Unsuspected Contaminated Land' condition in the event that planning permission is granted.*

*As the proposal seeks to construct 4 dwellings it would also be prudent to have a condition that covers construction hours so as to protect existing sensitive uses during the various phases of development.*

*'No construction or demolition work shall be carried out and no plant or power operated machinery operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.*

*Reason - To protect the amenity of the adjoining properties'.*

### **5.4 Local Residents/Interested Parties**

**Six letters of objection** have been received these all originate from residents of Cox's Lane and may be summarised as follows:

#### Character, design and residential amenity

- Backfill, Density/over development, design/appearance, loss of view/outlook, out of character/not in keep with area, visual impact
- *'This a beautiful lane with sporadic houses dotted along, this development would turn the lane into a housing estate'.*
- *'This is a farming area and building these houses is just not suitable on our Country Lane'*
- Overlooking/loss of privacy, proximity to property
- *'The proposed spacing of the 4 properties is far too close, creating a hideous terrace appearance - most definitely an inappropriate sight to be seen in the countryside! The proposed most NW house is so close to our property it will overshadow our house and reduce PRIVACY. However, should approval be given for 2 or 3 houses, we request the house adjacent to our home, Raftsund, have ALL windows on it's NW elevation be fixed and obscure glazed to prevent overlooking our home and SE boundary'.*

#### Access and highways

- Traffic or Highways and parking arrangements

- Lane is not built to take more traffic and there are no passing places
- No footways or street lighting
- Blind corner to negotiate before Barton Road
- Not just residents that use land there are also cars from our junction with Magazine Lane.
- No maintenance on the lane and rarely is it gritted in winter
- How will you segregate construction traffic from the public.
- Children use the road and during development there would be conflict
- *'Regardless of the school and nursing home being build on Barton Road - Barton Road is exactly that - a road, a very busy one. When diversions are in for any reason, or just due to heavy traffic, Coxs Lane cannot and does not have capacity to cope'.*
- *'The only thing this development would bring is noise, construction traffic, +8 long term cars to a lane that does not the infrastructure to cope with all this'.*
- Adverse impact on highway safety
- *'The access to Cox's Lane from Barton Road is extremely narrow. There is a dangerous blind sharp-bend approaching the proposed development which is unsuitable for the volume of works traffic and vehicles needed to construct the development and thereafter. The lane is not designed for passing of heavy vehicles. There is also a restricted view when turning right out of Cox's Lane onto Barton Road making it dangerous for higher volumes of traffic and larger vehicles to use'.*
- Earlier application was resisted on highway grounds and nothing has changed
- *'With the number of proposed bedrooms it is a fair assumption that there will be at least three cars, possibly more cars per household, thus increasing chances of an accident'.*
- *'The impact of the proposed development would make this even worse along with large lorries delivering building materials, making it a hazard for children playing and riding bikes. Most traffic does not even know Magazine Lane exists and do no slow down to a reasonable speed. I had to contact Highways myself to raise this concern'.*

#### Other matters

- Agricultural land
- Does not comply with policy, outside DAB
- Anti Social behaviour, noise, smell, waste and litter
- Devaluing property
- Drainage and Flooding
  - In consultation with the North Level Internal Drainage Board, the proposed development falls directly on a flood plain. The handling of drainage by the developers is in question
  - *'If allowing such development and the dyke is filled in, and a large inundation of water has to go somewhere, which also, due to the increased density of population, raises questions concerning sewerage of the area and of the relevant conservation of animal life in the vicinity. May we also point out this is a lane not a road!'*
- Environmental Concerns; *'The environmental impact would be harmful with further disturbance and destruction of wildlife habitats.*
- Local services/schools - unable to cope
- Wildlife Concerns. *'There is a lot of wildlife to appreciate down the lane, noisy construction and heavy traffic would push them away from their natural habitat'.*
- Likely disruption during construction
- Would set a precedent

- The developer has cleared the site prior to the planning application, notes 'issues' with how this was undertaken, concerned how 'considerate' they would be during construction
- *'The previous application for this development consisted of 5 houses, the drop to 4 houses does not actually change the infrastructure or access requirements for Coxs Lane'.*
- *'Those who support application are not residents of Cox's Lane and therefore will not be affected'*
- *Approving this development would set a precedent, we are aware there are others who live on the lane would welcome a favourable outcome ahead of submitting their own application to develop the area further'.*

**Six letters of support** have been received 2 originating from the same address in Barton Road (with one of these writers sharing a surname with the applicant); the remaining letters originate as follows - 2 x Barton Road, 1 x Magazine Lane, 1 x Elm Low Road and 1 x Leverington Common.

These letters may be summarised as follows:

**Design and character:**

- Backfill, Design/Appearance, Residential Amenity, Visual Impact
- The site has been overgrown for years, the developer, has cleared the overgrown site and improved visibility
- Development would be in keeping with surrounding area
- Delightful location for family homes
- Site is infill next to a new development of homes
- Would not harm residents
- A more viable plot than some of the infill plots in the town
- *'I personally support this application, it is in a lovely area, will look nice and fit in well next to the houses either side. More homes are certainly needed locally and with the location being within walking distance to town, schools, supermarkets etc I think it makes complete sense'*

**Highways and access:**

Access, Traffic or Highways (items selected but no details given)

**Other matters:**

- Agricultural land
- Would set a precedent
- Land not used for agriculture
- Doesn't cause loss of wildlife
- Would like to purchase one if they get planning
- Demand for properties in this area is extremely high, lack of new builds in the area. It will provide essential homes for families
- School is being built just up the road

*It is noted that the original application was accompanied by 6 letters of support which were discounted as these were not generated through the consultation exercise. Of these 6 households 4 of those who originally offered their support wrote again in response to the consultation.*

## 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)**

Para 2: NPPF is a material consideration in planning decisions.

Para 7: Purpose of the planning system is to contribute to the achievement of sustainable development

Para 11: Presumption in favour of sustainable development

Para 79: Housing should be located where it will enhance or maintain the vitality of rural communities.

Para 119: Promote effective use of land

Para 120: Opportunities and benefits of the reuse of land

Para 121: Be proactive about bringing forward redevelopment sites

Para 123: Take a positive approach to alternative land uses

Para 124: Making efficient use of land (density - need & character)

Para 125: Where land is limited, avoid building at low densities

Para 126: Creation of high-quality, beautiful and sustainable buildings and places

Para 130: Well-designed development

Para 131: Incorporation of trees into development proposals

Para 134: Development that is not well-designed should be refused, especially where it fails to reflect local design policies.

### **7.2 National Planning Practice Guidance (NPPG)**

Determining a Planning Application

### **7.3 National Design Guide 2021**

**Context** C1 - Relationship with local and wider context

**Identity** I1 - Respond to existing local character and identity; I2 Well-designed, high quality and attractive

**Built form** B1 - Compact form of development; B2 Appropriate building types and forms

**Movement** M3 - well-considered parking, servicing and utilities infrastructure for all users

**Homes and Buildings** H1 - Healthy, comfortable and safe internal and external environment, H3 - Attention to detail; storage, waste, servicing and utilities

**Resources** R3 - maximise resilience

**Lifespan** L3 - A sense of ownership

### **7.4 Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP5 – Meeting Housing Need

LP8 – Wisbech

LP12 – Rural Areas Development Policy

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

## 7.5 **Emerging Local Plan**

The Draft Fenland Local Plan (2022) was published for consultation on 25th August 2022, the first stage of the statutory process leading towards the adoption of the Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 48 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

LP1: Settlement Hierarchy

LP2: Spatial Strategy for the Location of Residential Development

LP5: Health and Wellbeing

LP7: Design (aligns with the 10 characteristics of the National Design Guide)

LP8: Amenity Provision

LP12: Meeting Housing Needs

LP20: Accessibility and Transport

LP22: Parking Provision

LP32: Flood and Water Management

## 8 **KEY ISSUES**

- **Principle of Development**
- **Highway safety, access and mitigation**
- **Other considerations**

## 9 **BACKGROUND**

9.1 It is noted that an almost identical scheme was considered by Planning Committee on 9<sup>th</sup> February 2022. Whilst the Officer recommendation was one of refusal on a number of grounds, i.e.

- Unjustified development in an 'elsewhere' location
- Character harm due to a pattern of development more suited to a central urban area
- Failure to consider biodiversity impacts, lack of relevant survey
- Intensification of use of single track road which lacks footway and has a substandard junction with Barton Road would result in harm to highway and pedestrian safety;

the majority of these reasons fell away following member debate; with the Planning Committee resolving to refuse the application solely on highway grounds.

9.2 In their deliberation of the previous scheme member discussion indicated that they considered that the site was adjacent to the built form and could be considered as infill as there were dwellings either side.

9.3 In terms of highway considerations members also noted that a greater level of visibility may be achievable than that shown. They further considered that the road was lightly trafficked but were concerned regarding lack of passing bays, noting a lack of accident data to support highway safety argument. It was indicated that without measures to mitigate highway safety aspects they felt the scheme should be resisted but their recommendation for refusal focused on highway considerations.

9.4 The following refusal reason was appended to the decision as issued:

*Policy LP15 of the Fenland Local Plan (2014) requires development to provide a well-designed, safe, and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport. The proposal would result in the provision of four new dwellings access off a single-track road with no formal passing provision for vehicles. The main junction with Barton Road to the north providing access to the wider highway network is sub-standard and the proposed increased levels of traffic using this junction would result in harm to highway safety in the area. The narrowness of Cox's Lane serving the development site combined with the lack of pedestrian footpath alongside the road would bring pedestrian and vehicular traffic into conflict and would result in a harmful impact to pedestrian safety. All these impacts would be contrary to policy LP15 of the Fenland Local Plan (2014).*

## 10 ASSESSMENT

### Principle of Development

- 10.1 As summarised in the 'Background' section above the Committee did not consider that the site was an 'elsewhere' location and did not support the Officer recommendation to resist the scheme in respect of character and biodiversity matters. However, they did consider that the scheme presented did not allay concerns relating to highway safety noting that mitigation was not proposed as a component of the proposals.
- 10.2 Mindful of the above the consideration of this scheme, which in terms of form, character, layout and design is identical to the earlier application, must **solely** focus on highway matters.

### Highway safety, access and mitigation

- 10.3 The submitted Design and Access statement which accompanies the current application highlights that:
- 'This application is a resubmission of refusal F/YR21/1218/F, which is now accompanied by a speed survey and pre-app discussions with the local highways authority to overcome the visibility concerns. A pedestrian link from each plot to the existing footway network on Barton Road has also been provided to address all concerns raised by the previous submission'.*
- 10.4 Although the submission appears to imply that the highway matters had been addressed this is at variance to the comments generated by the formal consultation with the Local Highway Authority in respect of the application with CCC Highways maintaining their objection to the proposal.
- 10.5 It remains the case that the proposal would lead to an intensification of use of an access onto Barton Road which is a principal route and would cause interference with the safety and free flow of traffic on this highway. The Highways Officer explicitly indicates that Cox's Lane is *'considered to be inadequate to serve the development proposed, by reason of its restricted width and lack of passing places'*.
- 10.6 It is further identified that *'the submitted site layout appears to indicate that the proposed shared accesses could function as passing places however this is not*



*acceptable as it would add conflicts with the residents any time the accesses area is used as such. It would also obscure the forward visibility of the accesses.'*

- 10.7 In addition the LHA question the suitability of the footway shown noting its location and format. Officers would concur with the observations made in this regard noting that the footway route is not a direct one and would not benefit from natural surveillance, nor are any measures shown to ensure that it represents a safe option for its users. As such is unlikely to be a realistic option for householders as a viable footpath link as it would be more akin to a 'leisure' route. In addition, the proposed footpath does not address the key purpose of a footway alongside the highway which is to prevent conflict between vehicles and all pedestrian users of the road.
- 10.8 It remains the case that the scheme fails to address earlier concerns regarding highway safety and mitigation and accordingly the earlier reason for refusal remains relevant and appropriate as the scheme does not align with Policy LP15 of the FLP (2014).

### **Other Considerations**

- 10.9 Whilst not wishing to downplay or disregard the many valid observations made by local residents who seek to resist the further development of this site these matters have been previously considered by the Planning Committee and may not therefore reasonably be revisited, noting that the earlier decision of the Planning Committee was to resist the scheme on highway grounds alone.

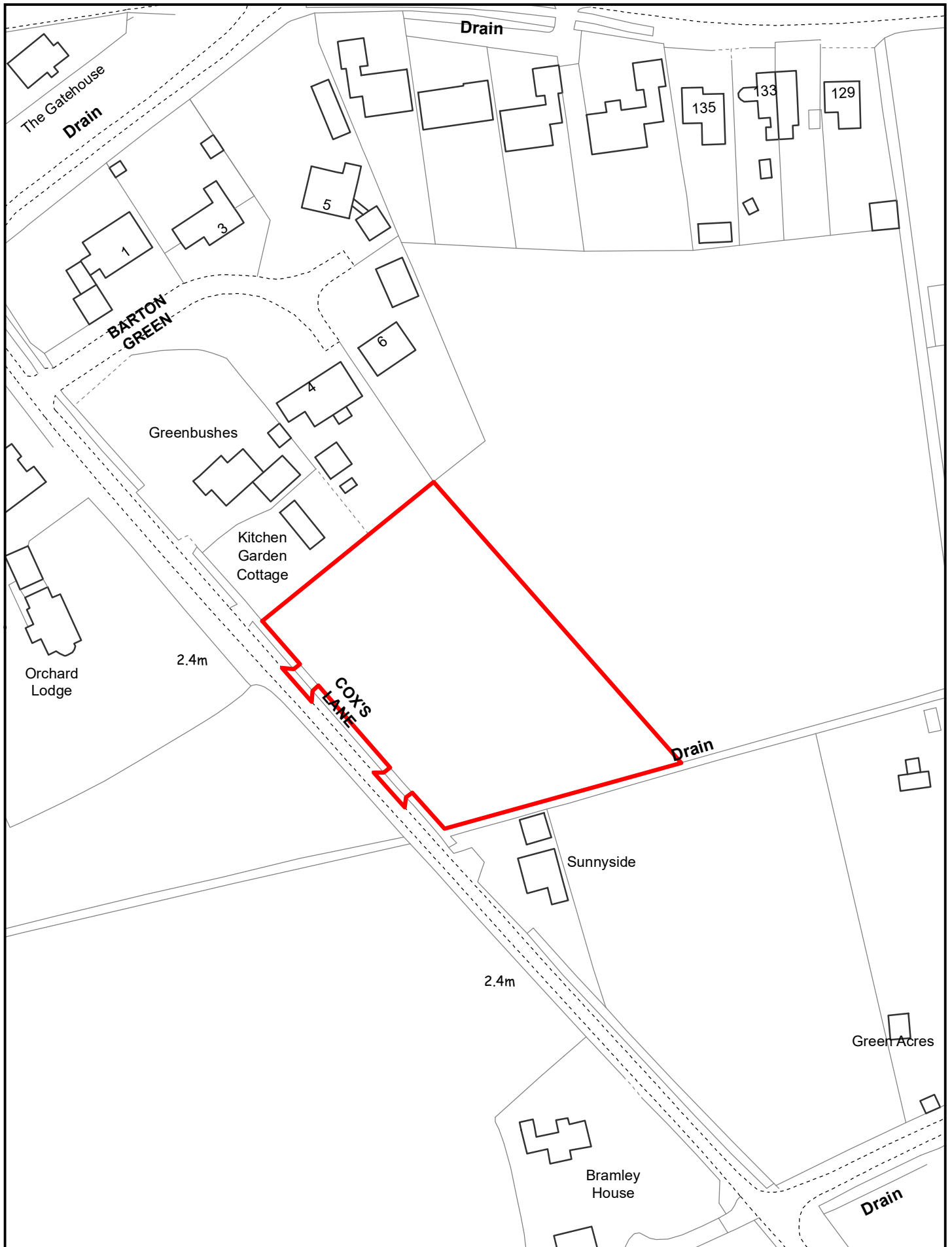
## **11 CONCLUSIONS**

- 11.1 Whilst the revised scheme has sought to address the highway issues highlighted in the earlier refusal they have failed to garner the support of the Local Highway Authority and as such there is no alternative but to maintain a refusal recommendation as per the earlier decision.
- 11.2 This is against the backdrop of the earlier Planning Committee decision in respect of F/YR21/1218/F

## **12 RECOMMENDATION**

**Refuse;** for the following reason:

1	Policy LP15 of the Fenland Local Plan (2014) requires development to provide a well-designed, safe, and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport. The proposal would result in the provision of four new dwellings access off a single-track road with no formal passing provision for vehicles. The main junction with Barton Road to the north providing access to the wider highway network is sub-standard and the proposed increased levels of traffic using this junction would result in harm to highway safety in the area. The narrowness of Cox's Lane serving the development site combined with the lack of pedestrian footpath alongside the road would bring pedestrian and vehicular traffic into conflict and would result in a harmful impact to pedestrian safety. All these impacts would be contrary to policy LP15 of the Fenland Local Plan (2014).
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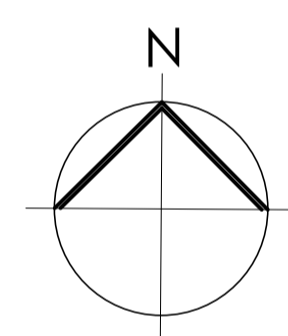
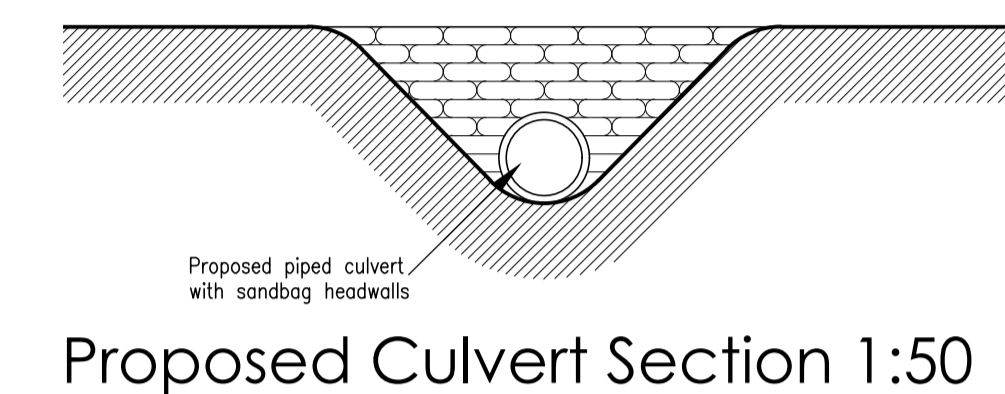
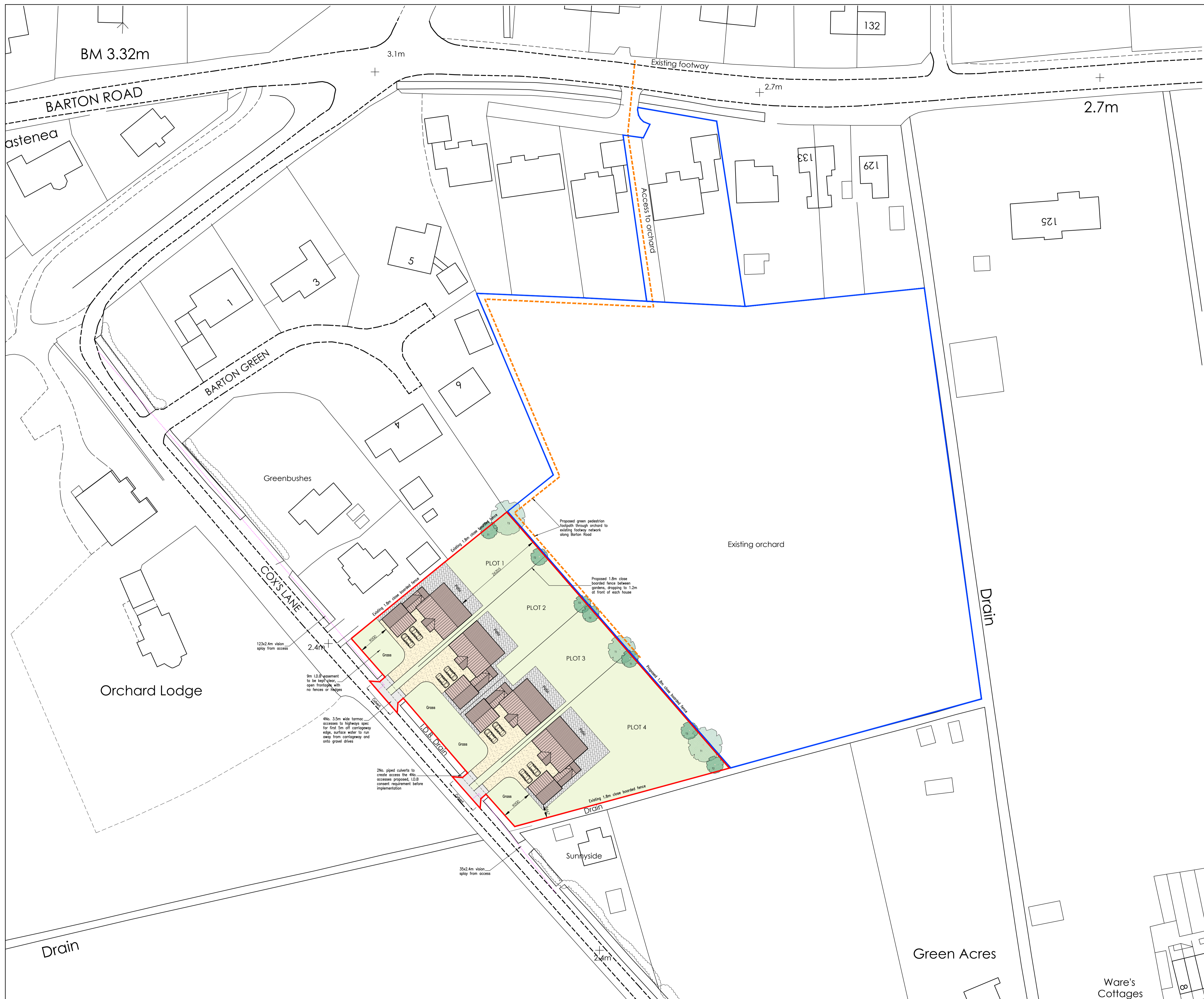
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CLIENT  
**WISBECH CONSTRUCTION LTD**

PROJECT  
**PROPOSED 4No. DWELLINGS**

SITE  
**LAND NORTH-WEST OF SUNNYSIDE  
 COXS LANE  
 WISBECH  
 CAMBS  
 PE13 4TD**

DRAWING  
**PROPOSED SITE PLAN**

JOB NO.	PAPER SIZE	DATE
6412/01F	A1	SEPT 2021

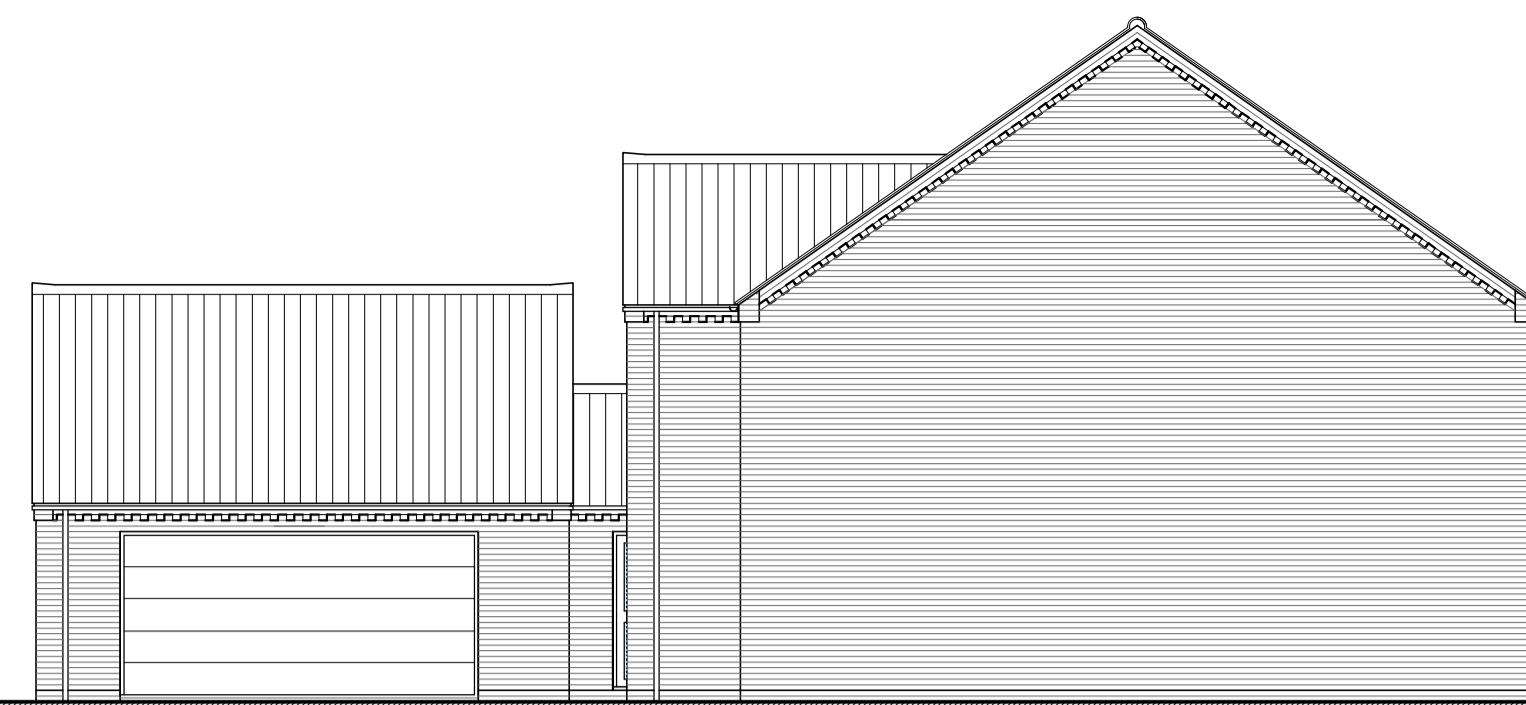
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Proposed Site Plan 1:500 @ A1



Front Elevation 1:100

Plot 1 & 3 = As shown  
Plot 2 & 4 = Handed



Side Elevation 1:100



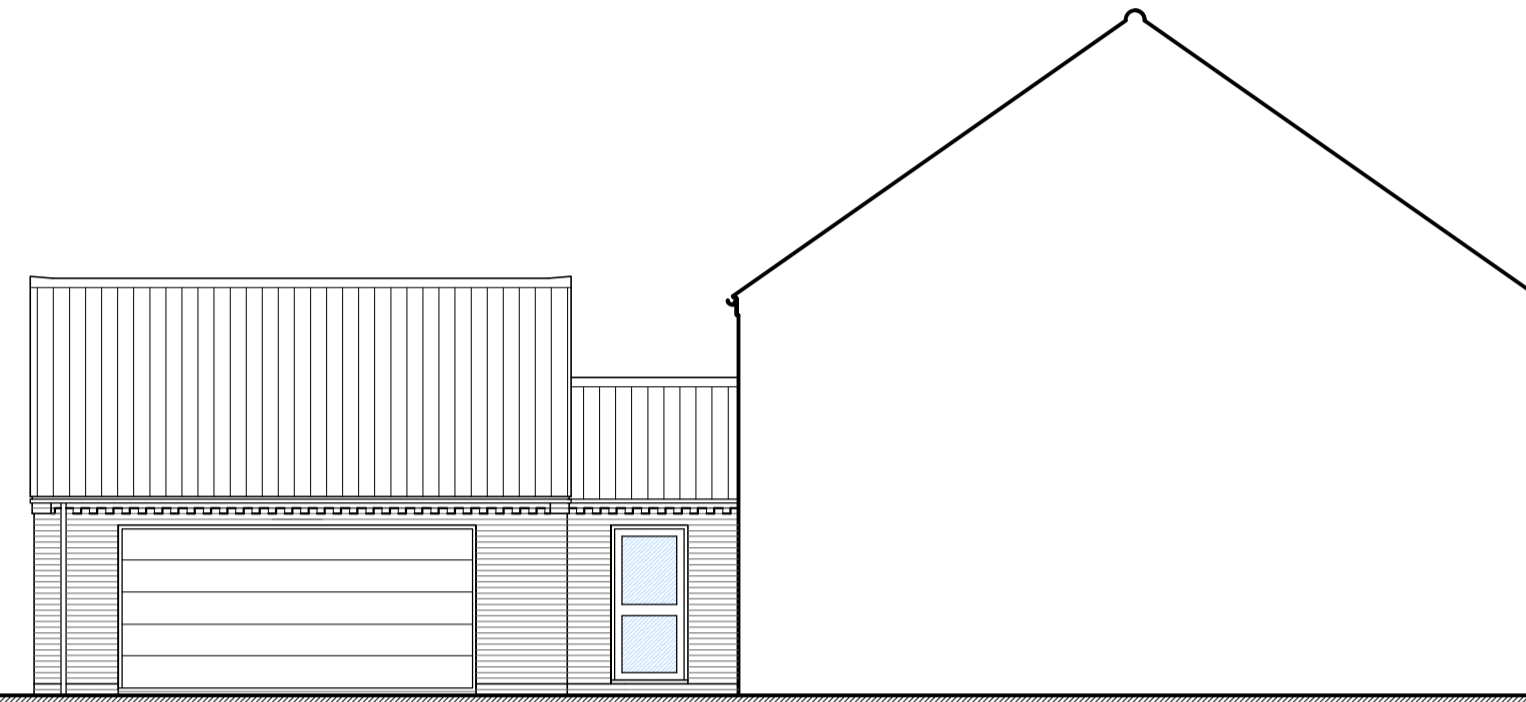
Rear Elevation 1:100



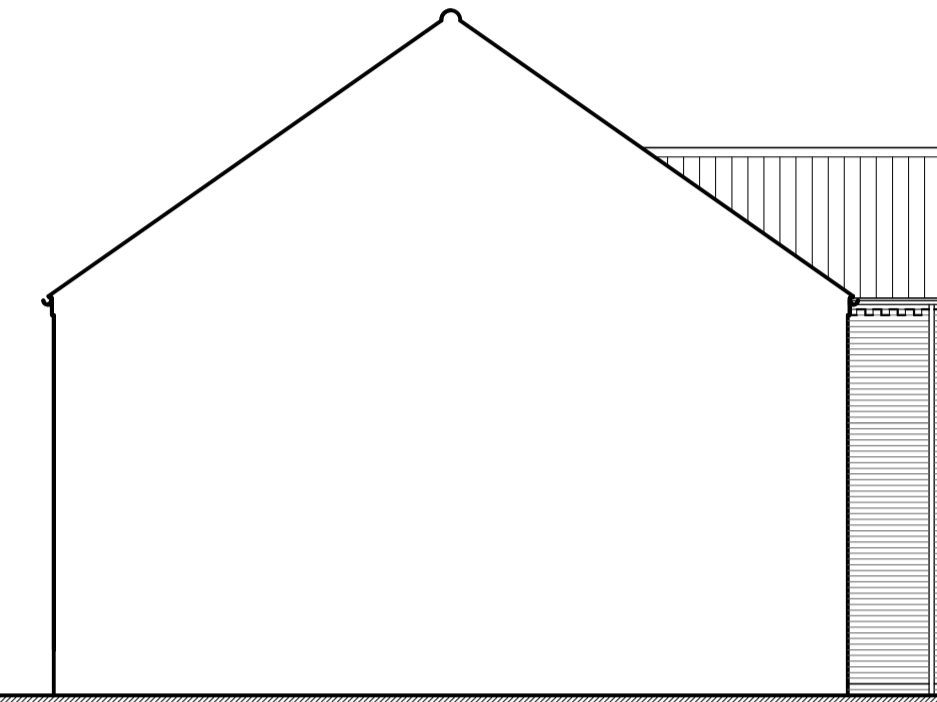
Side Elevation 1:100



Inner Front Elevation 1:100

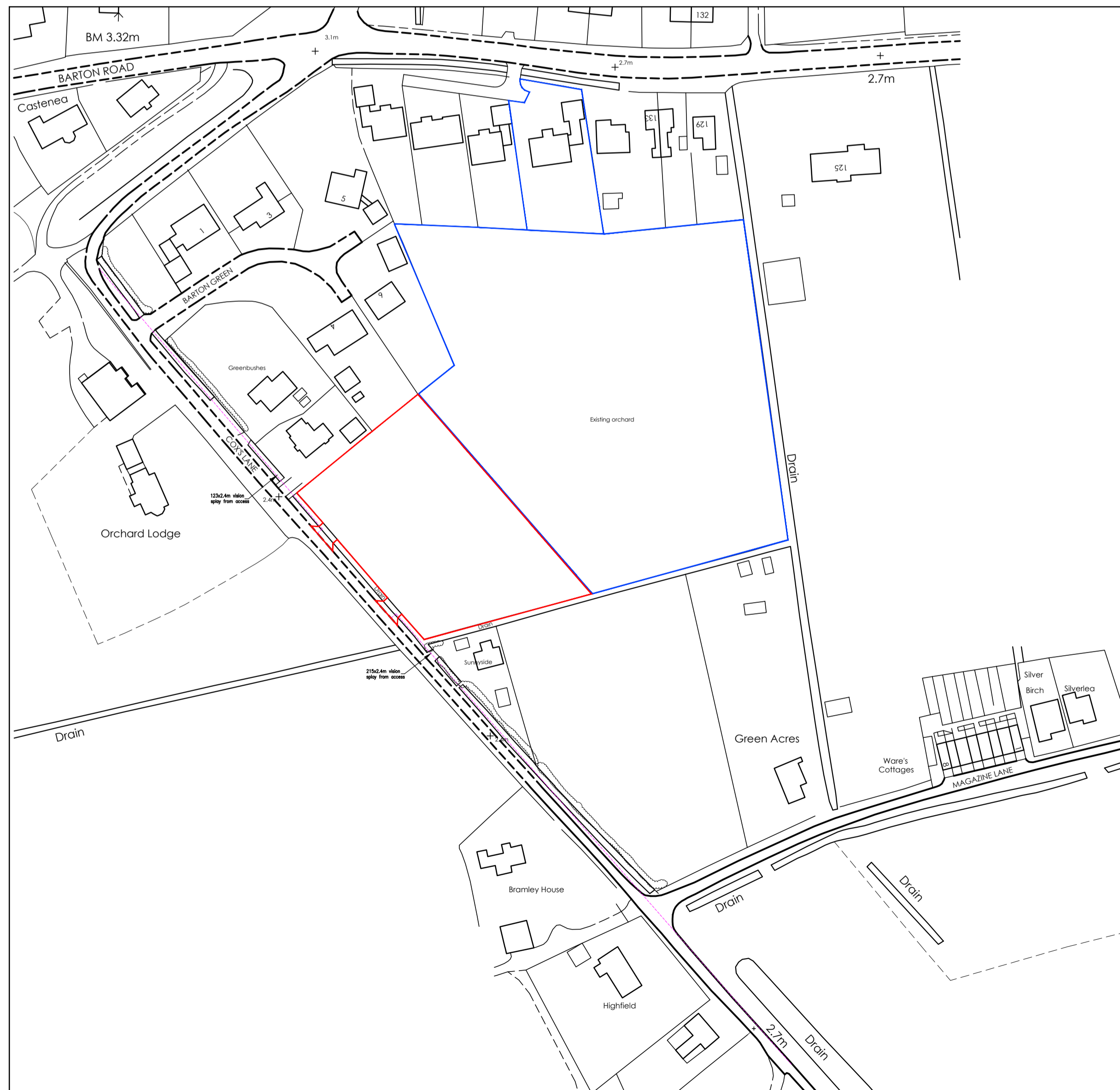


Inner Side Elevation 1:100



Inner Side Elevation 1:100

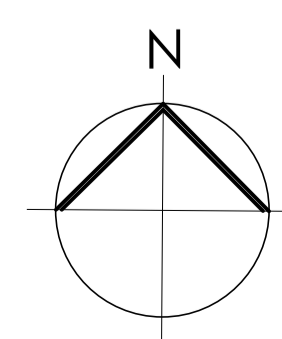
**MATERIAL SCHEDULE:**  
Walls: Handmade Reddish Antique Facing bricks.  
Roof: Heavy Moulded Old English Oak roof tiles.  
Windows: Cream UPVC sashwork with stone cills.  
Main door: Black UPVC.  
Garage door: Black.  
Handmade grade II brick UPVC.



Location Plan 1:1250 @ A1



Proposed Street Scene 1:200



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CLIENT  
WISBECH CONSTRUCTION LTD

PROJECT  
PROPOSED 4No. DWELLINGS

SITE  
LAND NORTH-WEST OF SUNNYSIDE  
COXS LANE  
WISBECH  
CAMBS  
PE13 4TD

DRAWING  
PROPOSED DWELLING PART 2

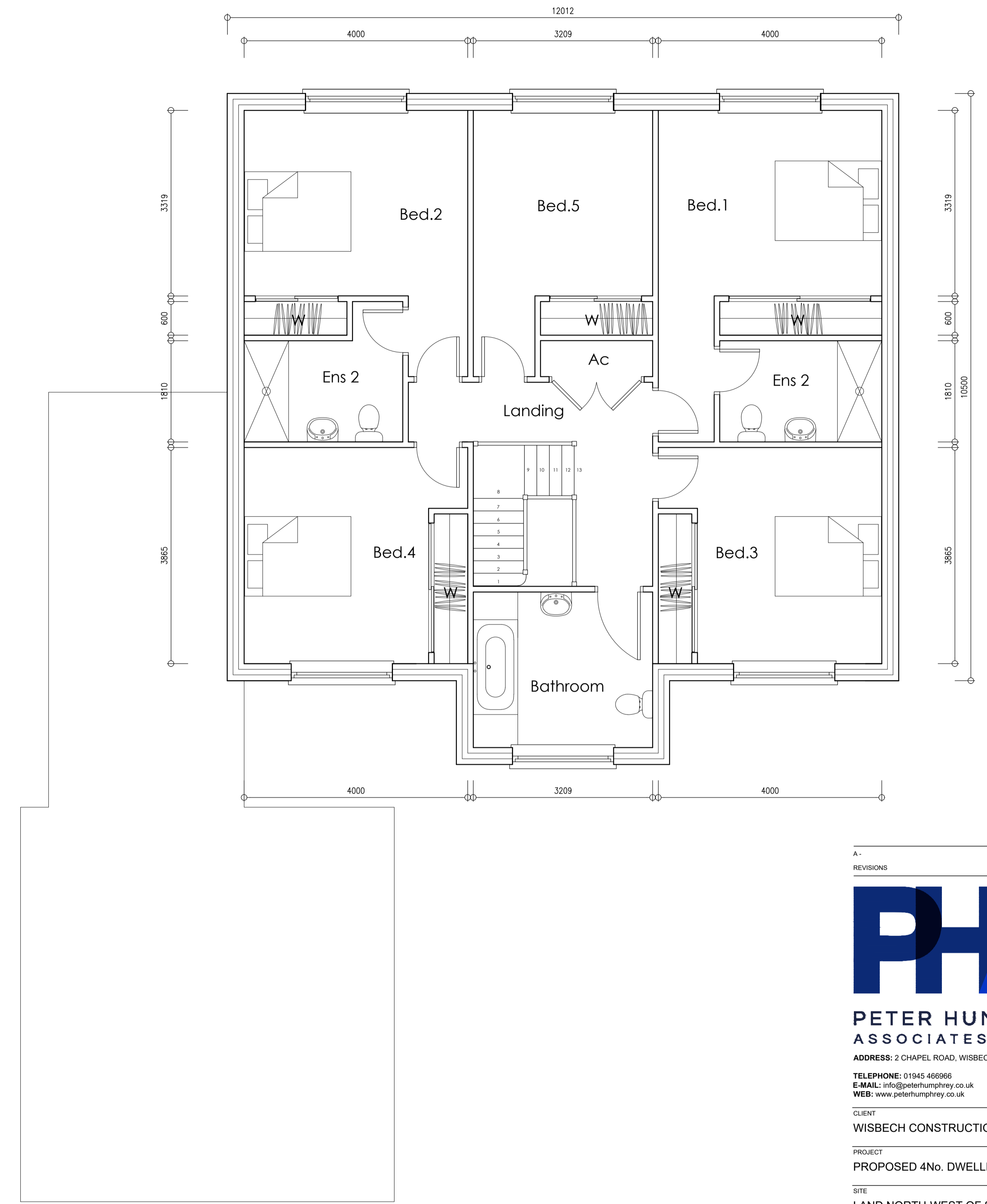


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Proposed Floor Plan 1:50

Plot 1 & 3 = As shown  
Plot 2 & 4 = Handed



Proposed First Floor Plan 1:50

Plot 1 & 3 = As shown  
Plot 2 & 4 = Handed

A-  
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CLIENT

WISBECH CONSTRUCTION LTD

PROJECT

PROPOSED 4No. DWELLINGS

SITE

LAND NORTH-WEST OF SUNNYSIDE  
COXS LANE  
WISBECH  
CAMBS  
PE13 4TD

DRAWING

PROPOSED DWELLING PART 1

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