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**F/YR22/0709/O**

**Applicant: Mr Robert Sears  
Sear's Brothers Ltd(1978)Retirement  
Benefit Scheme**

**Agent: Mr Nigel Lowe  
Peter Humphrey Associates Ltd**

**Land East Of Station Farm, Fodder Fen Road, Manea,**

**Erect up to 5 dwellings (outline application with matters committed in respect of access) including formation of a footpath on the western side of Fodder Fen Road**

**Officer recommendation: Refuse**

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

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## **1 EXECUTIVE SUMMARY**

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| <p>1.1 The application seeks outline planning permission for up to 5 dwellings with matters committed in relation to access only. A single access point is proposed off Fodder Fen Road, with the agricultural access retained. Illustrative drawings show a row of 5 detached dwellings, with garages, set back from the road behind a shared access. It is also proposed to provide a footpath on the western side of Fodder Fen Road from opposite the access to link to the footpath constructed for the station car park.</p> <p>1.2 The principle of development in this location is considered unacceptable as it is beyond the established settlement of Manea, and there is no justification for dwellings in this elsewhere location under PolicyLP12 Part D.</p> <p>1.3 The development would erode the openness of this verdant countryside location and result in an urbanisation which would have a significant detrimental impact on the character of the area.</p> <p>1.4 The site lies in Flood Zone 3, the highest risk of flooding and has failed to demonstrate that it is not possible for the development to be located on a site with a lower risk of flooding and the development does not provide any wider sustainability benefits, as such both the sequential and exception tests fail.</p> <p>1.5 Insufficient information has been submitted to enable the Local Planning Authority to undertake the Habitat Regulations Assessment 'likely significant effect' screening in relation to the Ouse Washes Functionally Linked Land</p> <p>11.5 Overall, the proposed development is considered to be unacceptable and the recommendation is one of refusal.</p> |
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## **2 SITE DESCRIPTION**

The application site is located to the north of the main settlement of Manea, on the eastern side of Fodder Fen Road (B Class road with a 40-60mph speed limit) and is within an agricultural field with open countryside beyond. To the south are two historically established dwellings and to the west Station Farm and associated bungalow, there is a newly constructed car park to serve the station to the south of this. The site appears to slope down from the road, is served by an informal access and is currently being actively farmed, the western and southern boundaries are formed by drains. The site is located in Flood Zone 3, the highest risk of flooding.

### 3 PROPOSAL

- 3.1 The application seeks outline planning permission for up to 5 dwellings with matters committed in relation to access only.
- 3.2 A single access point is proposed off Fodder Fen Road, with the agricultural access retained. Illustrative drawings show a row of 5 detached dwellings, with garages, set back from the road behind a shared access. It is also proposed to provide a footpath on the western side of Fodder Fen Road from opposite the access to link to the footpath constructed for the station car park.
- 3.3 Full plans and associated documents for these applications can be found at:

[F/YR22/0709/O | Erect up to 5 dwellings \(outline application with matters committed in respect of access\) | Land East Of Station Farm Fodder Fen Road Manea \(fenland.gov.uk\)](https://www.fenland.gov.uk/F/YR22/0709/O | Erect up to 5 dwellings (outline application with matters committed in respect of access) | Land East Of Station Farm Fodder Fen Road Manea (fenland.gov.uk))

### 4 SITE PLANNING HISTORY

Application site:

F/YR21/0555/O	Erect up to 5 dwellings (outline application with matters committed in respect of access)	Refused 23/9/2021
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Of relevance in the vicinity in relation to whether the area is considered as part of the settlement is the following:

F/YR14/0113/F	Erection of 3no dwellings comprising of 1 x 2-storey 4-bed with detached double garage/workshop/store, 1 x 2-storey 4-bed with attached garage with store above and 1 x 4-bed with attached double garage	Refused 1/7/2014  Dismissed on appeal 9/1/2015
	At  Land South Of Bungalow Station Farm Fodder Fen Road Manea Cambridgeshire	(current local plan had been adopted and was considered)

### 5 CONSULTATIONS

### **5.1 Parish Council**

*Object. Outside the development area, agricultural land, greenfield site. Sets precedent.*

### **5.3 Wildlife Officer (FDC) (4/8/2022)**

*Recommendation:*

*The application scheme is acceptable but only if conditions are imposed.*

*Recommended condition(s)/Reason(s) for refusal:*

*Pre-Commencement Conditions(s) –*

- *Notwithstanding the submitted details, no development shall take place until a scheme for the soft landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:*

*-Planting plans to all public areas, retained hedge and trees, species, numbers, size and density of planting, in line with the mitigation recommendations within the Preliminary Ecological Appraisal;*

*-Placement, type and number of any recommended biodiversity enhancements; and*

*-Boundary treatments.*

*Development shall be carried out in accordance with the submitted details and at the following times:*

*Any trees, shrubs or hedges forming part of the approved landscaping scheme (except those contained in enclosed rear gardens to individual dwellings) that die, are removed or become diseased within five years of the implementation of the landscaping scheme shall be replaced during the next available planting season by the developers, or their successors in title with an equivalent size, number and species to those being replaced. Any replacement trees, shrubs or hedgerows dying within five years of planting shall themselves be replaced with an equivalent size, number and species.*

*Compliance Condition(s) -*

- *No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.*

*Assessment/Comment:*

*The proposed application is unlikely to have significant negative impacts on biodiversity or protected species so long as the proposed mitigation within the PEA is carried out. The landscaping document conditioned above should include these mitigations, specifically related to the species suggested for the landscaping belt.*

### **5.4 Wildlife Officer (FDC) (2/9/2022)**

*I can confirm that I agree with the applicants ecologists points that the overall land take is small but also comprises of habitat which is heavily disturbed. I do not see any need to modify my previous comments on the application.*

*I would also like to point out that the development has a vegetated boarder which will help to mitigate the potential negative impacts on the surrounding habitats.*

*It may be worthwhile to further reinforce this boarder to have a denser vegetation to further reduce impacts.*

## **5.5 Natural England (4/7/2022)**

*Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.*

### *Further Information Request*

*The Ecological Impact Assessment (EcIA) should recognise that the development site falls within the Ouse Washes 'swan functional land' Impact Risk Zone (IRZ) due to the potential for the site and surrounding land to provide suitable foraging and roosting habitat for qualifying SPA wintering birds, particularly whooper swans. Whilst risks to any SPA functionally linked land is likely to be limited by the scale and nature of the scheme, as currently proposed, the EcIA should confirm through desk records, obtained from suitable sources including RSPB, BTO and the Wildfowl and Wetlands Trust, that the site and surrounding area is not regularly used by SPA birds and can therefore be excluded as Ouse Washes functionally linked land. If desk and/or field records indicate otherwise, the EcIA will need to assess the potential displacement / disturbance impacts of the proposed scheme, alone and in-combination, on Ouse Washes functional land / qualifying species and identify appropriate mitigation measures to address any adverse impacts.*

## **5.6 Natural England (7/9/2022)**

*The letter from Wild Frontier Ecology (3 August 2022) considers that the proposed development site and surrounding areas are unsuitable for Ouse Washes SPA birds and are therefore not functionally linked to the SPA. The letter indicates that the scale of development, and its location on the urban edge, are key factors in establishing the unsuitability of the site for SPA birds, such as whooper swan, thereby ruling out any likely significant effect on the SPA through impacts to functionally linked land (FLL).*

*We accept that risks to the SPA associated with the proposed development are likely to be low based on the scale of development and urban edge effects. However, in the absence of desk records, Natural England's view is that it is not possible to determine with sufficient certainty that the site and surrounding area is not regularly used by SPA birds and can therefore be excluded as Ouse Washes FLL. For the purpose of informing the LPA's HRA 'likely significant effect' screening, in accordance with their requirement as Competent Authority under the Conservation of Habitats and Species Regulations 2017, as amended, Natural England's advice is that the desk-study should be supported by data searches from relevant sources such as WWT, RSPB and BTO. We are aware from previous casework that such data is available. This should provide sufficient certainty as to the FLL status of the development site and surrounding land and the requirement for any further survey work.*

## **5.7 Environmental Health (FDC)**

*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, the noise climate or be affected by ground contamination.*

*Having studied the content of the Environmental Noise Survey, Noise Break-in Assessment & Sound Insulation Scheme report provided by Nova Acoustics (Project Number: 7694RS) I am satisfied with the methodology and subsequent findings having regard to the appropriate acoustic standards in this scenario. This is however based on the assumption that glazing standards will be installed in accordance with those in Table 6.0 (Glazing Specification – All Façades – Living Rooms and Bedrooms) to ensure that internal noise levels fall within the accepted parameters as stated within the aforementioned report.*

## **5.8 Environment Agency**

*Thank you for consulting us on the above application. We have reviewed the documents as submitted and can confirm that we have no objection to the proposed development. We have provided further information in the Flood Risk section below.*

### *Flood Risk*

*We have no objection to the proposed development, but recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) are adhered to. In particular, the FRA recommends that:*

- Finished floor levels will be 0.4m above ground level*
- Flood resistant and resilient measures will be incorporated up to 0.6m above finished floor levels.*

*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 the ability 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.*

*It is up to local planning authorities to determine whether any evacuation plan is sufficient in line with advice contained in Paragraph 58 of the Planning Practice Guidance. You should consult your emergency planners with regards to this.*

### *Advice for the Applicant*

*Any proposed flood resilient measures should follow current Government Guidance. For more information on flood resilient techniques, please see the Department for Communities and Local Government (DCLG) guidance document "Improving the Flood Performance of New Buildings – Flood Resilient Construction", which can be downloaded from the following website: <https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>*

*We operate a flood warning system for existing properties currently at risk of flooding to enable householders to protect life or take action to manage the effect of flooding on property. Flood Warnings Service (F.W.S.) is a national system run*

by the Environment Agency for broadcasting flood warnings. Receiving the flood warnings is free; you can choose to receive your flood warning as a telephone message, email, fax or text message. To register your contact details, please call Floodline on 0345 988 1188 or visit <https://www.gov.uk/sign-up-for-flood-warnings>

Registration to receive flood warnings is not sufficient on its own to act as an evacuation plan. We are unable to comment on evacuation and rescue for developments. Advice should be sought from the Emergency Services and the Local Planning Authority's Emergency Planners when producing a flood evacuation plan.

#### **5.9 Cambridgeshire County Council Highways (7/9/2022)**

Highways have no objections to the above application in principle. However, the access should be sealed and to be drained away from the highway in a bound material for a minimum of 5m back from the existing footway. The vehicular access shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification. Surface water from private roads/ driveways areas must not discharge onto the public highway, and appropriate intervention must be provided. Please demonstrate a method at the boundary of the private and public highway of the access.

Subject to this the future reserved matters application to provide access details and car parking and turning arrangements that meets FDC parking standards.

Should the applicant be able to amend the access in light of the minor comment above, then please append the following conditions and informative to any permission granted:

##### **Conditions**

1. Prior to the first occupation of the development the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.

Reason: In the interests of highway safety and to ensure satisfactory access into the site.

#### **5.10 Cambridgeshire County Council Highways (14/9/2022)**

Visibility splays of 2.4m x 120m are detailed. It is right on the 40/derestricted which requires further details.

There is turning detailed but no swept path or dimensions to confirm this or the access width.

In the vicinity of the proposed footway there appears to be a ditch, trees and a lot of foliage, the devil is in the detail but there does appear to be a reasonable width of Highway available.

Finally this is not something that the LHA would seek to adopt.

Whilst I would agree with Ini's comments I would have gone further and highlighted/asked for the following:

- There is a lack of detail, please include;  
Proposed dimensions, of the access, and footway width. (Minimum footway width of 1.5m).  
The highway boundary in the vicinity of the proposed footway.

*Design a short link on the eastern side from the site that includes a safe dropped crossing on both east and western footways.*

- As this is right on the speed limit change a change to the TRO may be required to relocate the speed limit.*
- As this is right on the speed limit change detail a “Y” distance of 215m towards the derestricted section as speeds are likely to be higher in the derestricted area.*
- Plan 6567-PL01 depicts swales directly adjacent to Fodder Fen Road. There is a ditch in this area that will need to be culverted across the access, this design must be approval by the LLFA.*
- Providing the new kerb line for the footway on the western side will require drainage along the channel line. It is unclear how this can be achieved.*

*The LHA are concerned only with the element within/ where it joins the public highway. The private road is not something we would consider, and the LPA need to be satisfied that the means of access is satisfactory in amenity terms, or seek improvements thereto.*

*Lastly I would ask that an acceptable variation of the following be conditioned. I am sorry but I do not have a copy of the current standard conditions that FDC would accept.*

*Before any dwelling hereby permitted is occupied the footway shown in principle on Drawing 6567-PL01 shall be laid out and constructed in accordance with a detailed engineering scheme to be submitted to and approved in writing by the LPA, and such a scheme shall include levels, forms of construction and surface water drainage.*

#### **5.11 Arboricultural Officer (FDC)**

The Council's Arboricultural Officer considers that it is likely any roots present in the highway verge would have been lost as a result of previous works and that as much of the large vegetation is in or on the other side of the ditch there is unlikely to be an issue.

#### **5.12 Local Residents/Interested Parties**

2 objections have been received (1 from Short Drive and 1 from Fodder Fen Road, both Manea), in relation to the following:

- Land used for agriculture and outside the village development
- Would set a precedent
- Manea is not in need of more of this type of housing
- Impact of development on neighbouring dwelling
- Road cannot cope with extra traffic

6 supporting comments have been received (2 from Westfield Road, 1 from Days Lode Road, 1 from Pingle Wood Row, 1 from Willow Drive, 1 from School Lane and 1 from Valentine Close, all Manea), in relation to the following:

- location next to station
- further away from station than Charlemont Drive so less noise impact
- regular bus service to March
- village has facilities
- fronts the highway, not behind other houses
- quality housing
- similar to other developments in Manea

- insufficient executive housing in/around village
- eco-friendly design and supporting wildlife
- this area of the village neglected

Comments, where they relate to planning matters will be addressed in the sections below. It should be noted however that this application is in Outline with matters reserved other than in respect of access, hence all other details submitted are indicative only.

## **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**

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

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

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

Context – C1

Identity – I1

Movement – M1

Nature – N3

#### **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

LP12 – Rural Areas Development Policy

LP13 – Supporting and Managing 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

#### **Emerging Local Plan**

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local 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:

Policy LP1 – Settlement Hierarchy

Policy LP2 – Spatial Strategy for the Location of Residential Development

Policy LP5 – Health and Wellbeing

Policy LP7 – Design



Policy LP8 – Amenity Provision  
Policy LP11 – Community Safety  
Policy LP12 – Meeting Housing Needs  
Policy LP18 – Development in the Countryside  
Policy LP20 – Accessibility and Transport  
Policy LP22 – Parking Provision (Appendix 6)  
Policy LP24 – Natural Environment  
Policy LP25 – Biodiversity Net Gain  
Policy LP26 – Carbon Sinks and Carbon Sequestration  
Policy LP27 – Trees and Planting  
Policy LP28 – Landscape  
Policy LP32 – Flood and Water Management  
Policy LP49 – Residential site allocations in Manea

### **Delivering and Protecting High Quality Environments in Fenland SPD**

DM3 – Making a Positive Contribution to Local Distinctiveness and character of the Area  
DM6 – Mitigating Against Harmful Effects

### **Cambridgeshire Flood and Water SPD 2016**

## **8 KEY ISSUES**

- **Principle of Development and visual amenity of area**
- **Residential Amenity/Health and wellbeing**
- **Highways**
- **Flood Risk**
- **Ecology**

## **9 BACKGROUND**

- 9.1 This site has been subject to a pre-application enquiry (20/0110/PREAPP), which advised that the site is not considered to adjoin the developed footprint of the village, would create character harm to the openness of the area and result in an urbanising impact, is not considered to be sustainably linked to the settlement and as such would likely result in a reliance on private motor vehicles and was unlikely to pass the sequential test as there is a high likelihood that there are other sites at a lower risk of flooding which could accommodate the proposal.
- 9.2 It was advised that the scheme was unlikely to receive officer support for the above reasons; however, should an application be submitted (contrary to recommendation) then it should be accompanied by a phase 1 habitat survey due to the potential for the site to provide habitat for protected species and a noise assessment at the request of the Council's Environmental Health team due to the proximity of the site to the railway line.
- 9.3 Subsequently an outline planning application was submitted (F/YR21/0555/O) which was refused by Planning Committee for the following reasons:
1. *Policy LP12 Part A (a) and associated footnote make it clear that the developed footprint is defined as the as the continuous built form of the village and that development which is not within in or adjacent to this would be contrary to this policy and the spatial strategy set out in Policy LP3. Policy LP12 Part A (c), (d) and (e) seek to ensure development would not have an adverse impact on the character and appearance of the surrounding countryside and would not result in linear development.*

*Furthermore, Policy LP16 (d) of the Fenland Local Plan, Policy DM3 of Delivering and Protecting High Quality Environments in Fenland SPD, para 130 of the NPPF and chapters C1 and I1 of the NDG seek to ensure that developments make a positive contribution and are sympathetic to the local distinctiveness and character of the area, and do not adversely impact on the landscape character.*

*This site is considered to be located beyond the established settlement of Manea and as such would result in linear development encroaching into the open countryside. The proposed development would erode the openness of this verdant countryside location and result in an urbanisation which would have a significant detrimental impact on the character of the area. It would also set a dangerous precedent for further incremental development and therefore cumulative harm, contrary to the aforementioned policies.*

- 2 *Policy LP2 and LP16 (l) of the Fenland Local Plan, DM6 of the Delivering and Protecting High Quality Environments in Fenland SPD and para 130 of the NPPF seek to promote health and well-being and high levels of residential amenity whilst identifying, managing and mitigating against sources of noise and avoid adverse impacts.*

*The site is in the relatively close proximity to the railway line and it is recognised that noise can lead to reduced living conditions and impacts on health and well-being and quality of life. Insufficient assessment has been undertaken and inadequate information submitted to enable the Local Planning Authority to ascertain whether the proposal would result in adverse impact in this regard and as such it is considered contrary to the aforementioned policies.*

- 3 *Policy LP2 and LP15 of the Fenland Local Plan seek to provide sustainable, adequate and safe access to essential services, paras 110 and 112 of the NPPF and chapter M1 of the NDG 2019 seek to prioritise pedestrians and cyclists by ensuring that routes are safe, direct, convenient and accessible for people of all abilities and that people should not need to rely on the car for everyday journeys.*

*Fodder Fen Road has a 60mph speed limit alongside the site, it does not feature any footpaths and is unlit, with the potential for pedestrian/cycle and vehicle conflict. Hence it is likely there would be reliance upon the use of private motor vehicles, and as such the site is not considered to be sustainably linked to the settlement. The development is therefore considered contrary to the aforementioned policies.*

- 4 *The site lies in Flood Zone 3, the highest risk of flooding. Policy LP12 Part A (j) seeks to ensure that developments would not put people or property in dangers from identified risks, such as flooding. Policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF seek to steer developments to the areas with the least probability of flooding and development will not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. If it is evidenced by an adequate sequential test that it is not possible for development to be located in areas with a lower risk of*

*flooding the exception test will then apply*

*Insufficient assessment has been undertaken and inadequate information submitted to demonstrate that it is not possible for the development to be located on a site with a lower risk of flooding and the development does not provide any wider sustainability benefits, as such both the sequential and exception tests fail and the development is contrary to the aforementioned policies.*

- 5 *Policies LP16 (b) and LP19 of the Fenland Local Plan 2014 and Paragraph 174 of the NPPF 2019 seek to conserve, enhance and promote biodiversity. Paragraph 182 advises that the presumption in favour of sustainable development does not apply where a project is likely to have a significant effect on a habitats site unless an appropriate assessment has concluded that it will not adversely affect the integrity of the habitats site.*

*Due to the location and features surrounding and within the site there is potential for protected species to be affected by the proposed development, particularly as it would be necessary to undertake works to the drain to the west for accesses. Insufficient assessment has been undertaken and inadequate information submitted to enable the Local Planning Authority to ascertain whether the proposal would impact protected species and as such it is considered contrary to the aforementioned policies.*

## **10 ASSESSMENT**

### **Principle of Development and visual amenity of area**

- 10.1 Policy LP3 of the Fenland Local Plan identifies Manea as a 'growth village' where development within the existing urban area or as small village extensions of a limited scale will be appropriate as part of the strategy for sustainable growth. This policy also states that development elsewhere will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. Policy LP3 must be read in conjunction with other policies in the Local Plan which steer development to the most appropriate sites:
- 10.2 Policy LP12 Part A states that for villages, new development will be supported where it contributes to the sustainability of that settlement (para 79 of the NPPF concurs), does not harm the wide-open character of the countryside (para 174 of the NPPF recognises the intrinsic value of the countryside) and complies with criteria (a) – (k). Policy LP12 makes it clear that the developed footprint is defined as the as the continuous built form of the village and excludes the following:
- Individual buildings and groups of dispersed or intermittent buildings that are clearly detached from the continuous built-up area,
  - gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where the land relates more to the surrounding countryside than to the built-up area of the settlement,
  - agricultural buildings and associated land on the edge of the settlement,

- outdoor sports and recreation facilities and other formal open spaces on the edge of the settlement.
- 10.3 This site is considered to be located beyond the established settlement of Manea; development north of the railway line is limited and reasonably dispersed, with the form of land and buildings relating more to the surrounding countryside than the built-up area of development. This is a position that is supported by the previous recent refusal for development on this site (F/YR21/0555/O) and also the refusal of application F/YR14/0113/F and subsequent appeal APP/D0515/A/14/2227264 which was dismissed, in relation to an application for dwellings on a site on the opposite side of Fodder Fen Road, closer to the railway. Para 13 of the appeal decision stating:
- ‘.....due to its largely open character and the modest structures within it, in my judgement the rail corridor including the station forms a visual break and material buffer between the continuous settlement to the southwest and the more sporadic development and open countryside to the northeast. Therefore, the appeal site is neither within or adjacent to the existing development footprint of Manea in the terms of Policy LP12 of the Local Plan. Consequently, in this regard, the proposed development conflicts with this Policy and the associated spatial strategy for the District.’*
- 10.4 LP12 Part A (a) which requires the site to be in or adjacent to the existing developed footprint of the village cannot be satisfied as demonstrated above.
- 10.5 LP12 Part A (c) and (d) which require that developments do not have an adverse impact on the character and appearance of the surrounding countryside and are in keeping with the core shape and form of the settlement cannot be satisfied as the development would result in an encroachment into the open countryside resulting in an urbanising impact.
- 10.6 LP12 Part A (e) which requires that development does not extend linear features or result in ribbon development cannot be satisfied as the development would result in ribbon development extending onto the countryside.
- 10.7 LP12 Part A (j) which requires that development would not put people or property in danger from identified risks has not been fully addressed with respect to flood risk (please refer to Flood Risk section below).
- 10.8 It is acknowledged that planning permission has been granted (F/YR20/0427/F) for a car park in association with the railway station on land adjoining the railway line on the western side of Fodder Fen Road. In determining this application, it was acknowledged that the land does not adjoin the developed footprint of the village and would therefore be classed as an ‘elsewhere location’; however, Policy LP3 supports such development, and it is necessary to be located in close proximity to the railway. As the site was considered to relate more to the countryside than the built settlement it was considered important that this character was retained as much as possible to limit the impact. The site is bounded by trees and vegetation which it is proposed to retain and enhance, a buffer also surrounds the car park which mitigates the impact of the development on the character of this rural location; any impact was considered to be outweighed by the public benefit of the scheme. This development is not considered comparable to the current application for dwellings, which has no such policy support and creates a significant detrimental impact on the character of the area.

10.9 Policy LP16 (d) of the Fenland Local Plan, Policy DM3 of Delivering and Protecting High Quality Environments in Fenland SPD, para 130 of the NPPF and chapters C1 and I1 of the NDG seek to ensure that developments make a positive contribution and are sympathetic to the local distinctiveness and character of the area, and do not adversely impact on the landscape character. The proposed development would erode the openness of this verdant countryside location and result in an urbanisation which would have a significant detrimental impact on the character of the area. It would also set a dangerous precedent for further incremental development and therefore cumulative harm.

10.10 Policy LP12, Part D is the overarching policy for considering proposals for new dwellings in elsewhere locations (which as detailed above this site is considered to be) and sets out that the *'applicant should provide supporting evidence (Officer underlining) as part of the application'*:

- (a) *The existing functional need for the dwelling*
- (b) *The number of part time and full time worker(s) to live in the dwelling*
- (c) *The length of time the activity has been established*
- (d) *The financial viability of the enterprise*
- (e) *The availability of other suitable accommodation on site or in the area*
- (f) *How the proposed size of the dwelling relates to the viability of the enterprise*

10.11 The applicant's agent advises that the applicant's daughter will be taking over the running of Sears Bros Ltd, and will have one of the plots to allow her to live closer to the business. Information submitted states that the main farm is at the top end of Days Lode Road, Manea, though no maps or further information have been provided to indicate the precise location or extent of land. Extremely limited information has been submitted in relation to the nature of the business or the relationship of the application site to this in respect of need and functionality. Notwithstanding the information provided, no evidence has been forthcoming to establish essential need in relation to the above requirements. The proposal would therefore be contrary to the aforementioned policies. Furthermore, the proposal is for up to 5 dwellings, hence even if the need for 1 dwelling was established this would not render the remaining dwellings applied for acceptable.

10.12 Whilst the policies of the emerging local plan carry extremely limited weight in decision making the following are relevant to this application:

Policy LP1, Part A identifies Manea as a large village; Part B advises that land outside settlement boundaries is defined as countryside where development is restricted (as set out in LP18), this site is outside of the defined settlement. LP49 defines residential site allocations in Manea and this site does not have such an allocation. As such the proposal is also considered contrary to the aforementioned policies of the emerging local plan.

### **Residential Amenity/Health and wellbeing**

10.13 The site is separated from Victoria House to the south by the agricultural access, a drain, a vegetation belt on the boundary and a number of outbuildings serving Victoria House. To the west on the opposite side of the road is the Bungalow at Station Farm and the site of the railway car park. The separation distances, scale of the existing sites surrounding and the application site are such that significant detrimental impacts are not expected, and it is considered a policy compliant scheme could be achieved in relation to the relationships between existing and proposed sites.

- 10.14 The site is located in relatively close proximity to the railway line and the application is accompanied by a noise assessment due to concerns raised and reason for refusal 2 of the previous application in relation to this. The report concluded that providing the recommendations specified were implemented the internal and external noise levels are expected to be within the relevant British Standard criteria. The Council's Environmental Health team are satisfied with the methodology and subsequent findings having regard to the appropriate acoustic standards in this scenario. This is however based on the assumption that glazing standards will be installed in accordance with those in Table 6.0 (Glazing Specification – All Façades – Living Rooms and Bedrooms) to ensure that internal noise levels fall within the accepted parameters as stated within the aforementioned report. Hence subject to relevant conditions the previous reason for refusal in this regard is considered to be overcome.

### **Highways**

- 10.15 Aside from the principle of development, access is the only matter being committed as part of this application. A 6m wide shared access point is proposed off Fodder Fen Road, requiring the drain to be culverted, full details of which can be secured by way of a condition. Visibility splays as required by the LHA are indicated and the agent has confirmed that this is achievable within Highways land. The shared access leads to a private road within the site and individual parking and turning areas; the detailed layout would be a Reserved Matter should this application be successful.
- 10.16 Fodder Fen Road is some distance from the majority of facilities and services, and in order to provide a sustainable link to existing infrastructure, the railway station and village beyond, a 1.8m wide footpath is proposed on the western side of Fodder Fen Road to adjoin the recently constructed footpath serving the station car park. LHA comments indicate that it would be necessary to design a short link on the eastern side from the site that includes a safe dropped crossing on both east and western footways and that full construction details including drainage would be necessary, these details can be secured by way of a condition.
- 10.17 Notwithstanding the above, the LHA have indicated that it may be necessary to relocate the speed limit given the proximity to the proposed access. The proposed footpath would be in close proximity to a drain and a number of trees, whilst the area has already been disturbed by the construction of the car park, it would be necessary to establish and consider the potential impact of the footpath on these trees and ecology. These matters remain outstanding, however in the interests of expediting the application, and on the basis there are a number of other reasons for refusal, it was not considered reasonable to seek further details in this regard.

### **Flood Risk**

- 10.18 The site lies in Flood Zone 3, the highest risk of flooding; Policy LP12 Part A (j) seeks to ensure that developments would not put people or property in dangers from identified risks, such as flooding. Policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF seek to steer developments to the areas with the least probability of flooding and development will not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. If it is evidenced by an adequate sequential test that it is not possible for development to be located in areas with a lower risk of flooding the exception test will then apply.

- 10.19 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. Given that the site is considered outside the settlement, the scope for the sequential test would need to be the whole of the rural area (villages and open countryside), as set out in the Flood Risk Sequential Test Methodology 2018.
- 10.20 The application has been accompanied by a Flood Risk Assessment which states that if the Middle Level Barrier Bank is considered the site has a low probability of flooding and the development is considered to pass the Sequential Test; this is insufficient. Section 4.4 of the adopted Cambridgeshire Flood and Water SPD clearly sets out the stages that are required; the developer should identify and list reasonably available sites irrespective of land ownership within the search area which could accommodate the proposal, obtain flood risk information for all sites and apply the sequential test by comparing the flood risk from all sources on the sites identified; this has not been done.
- 10.21 The application is accompanied by a Sequential and Exception Test which advises that the area of search is Manea rather than the whole rural area, the Council disagree with this as the site is considered to be outside the settlement and as such the Sequential Test is considered to fail.
- 10.22 Notwithstanding this, even if the site was considered part of the settlement and the search area was the village of Manea, the Sequential Test is considered to be inadequate as it discounts smaller/larger sites, specifies a type of dwelling where all matters are reserved in this case so this is unknown and does not consider whether there are sites in Flood Zone 3 at lesser risk of flooding. Reference should be made to application F/YR21/1439/O for up to 4 dwellings at Land West Of 78-88 Station Road Manea, which was refused by Planning Committee in November this year for failure to adequately apply or meet the Sequential Test.
- 10.23 Planning Practice Guidance (Paragraph: 028 Reference ID: 7-028-20220825) states that: *'Reasonably available sites' are those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development. These could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development. Such lower-risk sites do not need to be owned by the applicant to be considered 'reasonably available'.*
- 10.24 Even if the Sequential Test could be passed the Exception Test would also need to be passed. For the Exception Test to be passed it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk and a site specific flood risk assessment must demonstrate that the development will be safe from all sources of flooding and will not increase flood risk elsewhere.
- 10.25 Para 4.5.9 of the adopted Cambridgeshire Flood and Water SPD advises that provision of housing by itself would not be considered a wider sustainability benefit. The Exception Test indicates that the proposal would utilise renewable energy solutions, however the application is in outline only and as such this is not detailed (though it would be possible to condition a scheme). It also relates to biodiversity mitigation/enhancement measures and landscaping which would be required irrespective of flood risk and as such this is not a benefit. The development does

propose a footpath link however this is only required to mitigate the unsustainable location of the site and as such is not of wider benefit.

- 10.26 Environment Agency (EA) data indicates that in the event of a breach of flood defences the site could flood to a depth of up to 1m. The EA do not object to the application in relation to site specific risk, but recommend that the development is carried out in accordance with the submitted flood risk assessment and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 0.4 metres above existing ground levels
- A further 0.6 metres of flood resistant construction shall be provided

The submitted FRA also recommends that occupants register with Floodline Direct Warnings Service to receive any future flood warnings.

### **Ecology**

- 10.27 Public Authorities have a duty under Section 40 of the Natural Environment and Rural Communities Act 2006 to have regard to conserving biodiversity in policy and decision making.
- 10.28 The application is accompanied by an Ecological Appraisal which considers that the minor increase in population would have no discernible recreational impacts to designated sites and the site provides limited opportunities for breeding birds, mitigation and enhancement measures are recommended.
- 10.29 The Council's Wildlife Officer considers that the proposed application is unlikely to have significant negative impacts on biodiversity or protected species so long as the proposed mitigation measures are carried out and subject to recommended conditions.
- 10.30 Natural England advised that the development site falls within the Ouse Washes 'swan functional land' Impact Risk Zone (IRZ), and as such requested further information to enable the potential impact to be assessed. Further information was forthcoming, however Natural England's view is that in the absence of desk records, it is not possible to determine with sufficient certainty that the site and surrounding area is not regularly used by Special Protection Area birds and can therefore be excluded as Ouse Washes Functionally Linked Land. As such insufficient information has been submitted to inform the Habitat Regulations Assessment 'likely significant effect' screening and the proposal is considered contrary to Policies LP16 (b) and LP19 of the Fenland Local Plan 2014 and Paragraph 174 of the NPPF 2021.

## **11 CONCLUSIONS**

- 11.1 The principle of development in this location is considered unacceptable as it is beyond the established settlement of Manea, and there is no justification for dwellings in this elsewhere location under PolicyLP12 Part D.
- 11.2 The development would erode the openness of this verdant countryside location and result in an urbanisation which would have a significant detrimental impact on the character of the area.
- 11.3 The site lies in Flood Zone 3, the highest risk of flooding and has failed to demonstrate that it is not possible for the development to be located on a site with



a lower risk of flooding and the development does not provide any wider sustainability benefits, as such both the sequential and exception tests fail.

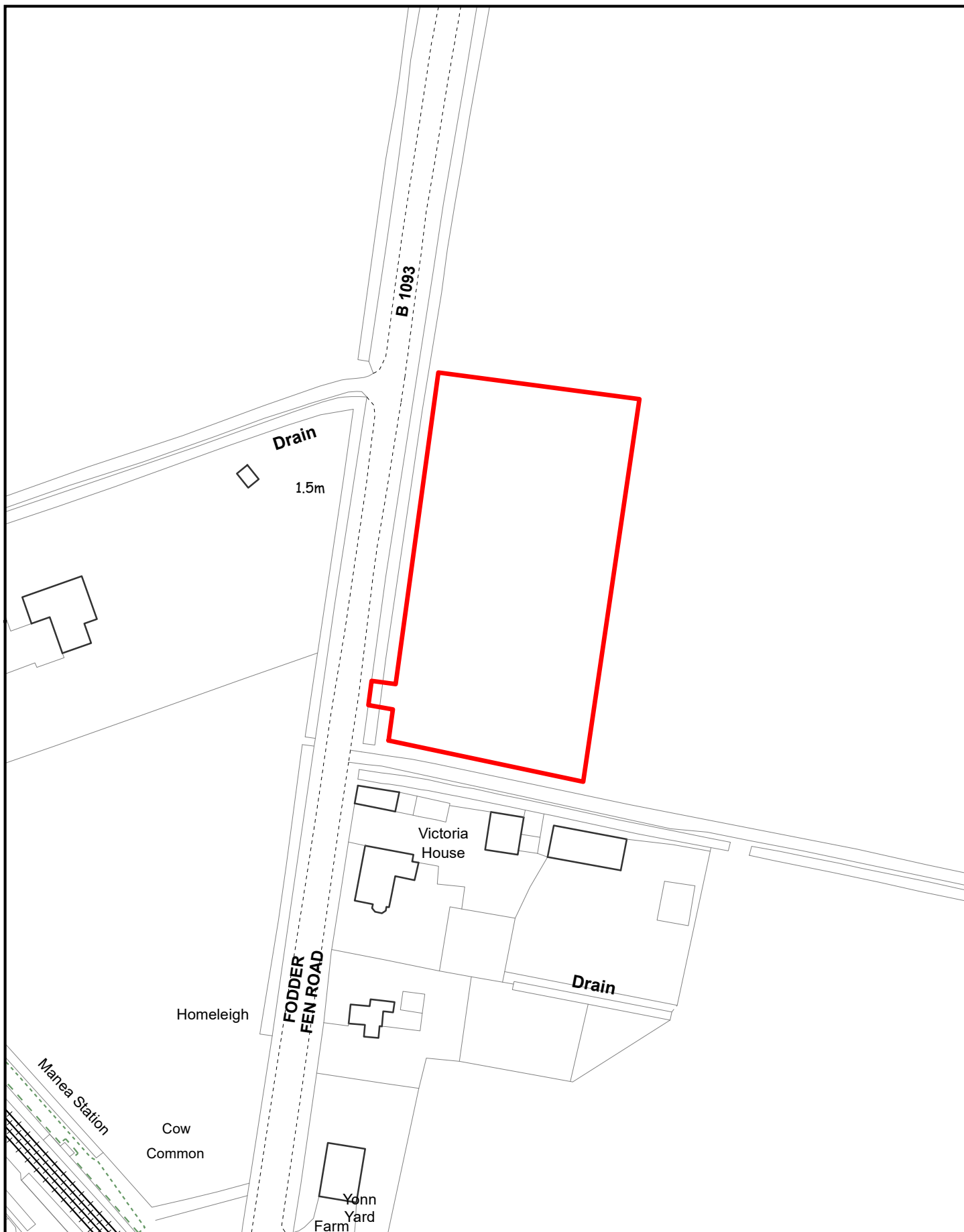
- 11.4 Insufficient information has been submitted to enable the Local Planning Authority to undertake the Habitat Regulations Assessment 'likely significant effect' screening in relation to the Ouse Washes Functionally Linked Land.
- 11.5 Overall, the proposed development is considered to be unacceptable and the recommendation is one of refusal.

## 12 RECOMMENDATION

### Refuse for the following reasons:

1.	<p>Policy LP12 Part A (a) and associated footnote make it clear that the developed footprint is defined as the as the continuous built form of the village and that development which is not within in or adjacent to this would be contrary to this policy and the spatial strategy set out in Policy LP3. Policy LP12 Part A (c), (d) and (e) seek to ensure development would not have an adverse impact on the character and appearance of the surrounding countryside and would not result in linear development.</p> <p>Furthermore, Policy LP16 (d) of the Fenland Local Plan, Policy DM3 of Delivering and Protecting High Quality Environments in Fenland SPD, para 130 of the NPPF and chapters C1 and I1 of the NDG seek to ensure that developments make a positive contribution and are sympathetic to the local distinctiveness and character of the area, and do not adversely impact on the landscape character.</p> <p>This site is considered to be located beyond the established settlement of Manea and as such would result in linear development encroaching into the open countryside. The proposed development would erode the openness of this verdant countryside location and result in an urbanisation which would have a significant detrimental impact on the character of the area. It would also set a dangerous precedent for further incremental development and therefore cumulative harm, contrary to the aforementioned policies.</p>
2.	<p>Policies LP3 and LP12 Part D of the Fenland Local Plan 2014 seek to restrict development in elsewhere locations, such as the application site, to that which is demonstrably essential to be so located, and to ensure that any such applications are accompanied by robust evidence of the need and suitability of the development.</p> <p>No evidence has been forthcoming to establish need in relation to the requirements of LP12 Part D. Furthermore, the proposal is for up to 5 dwellings, even if the need for 1 dwelling was established this would not render the remaining dwellings applied for acceptable. As such, the proposal is contrary to the aforementioned policies.</p>
3	<p>The site lies in Flood Zone 3, the highest risk of flooding. Policy LP12 Part A (j) seeks to ensure that developments would not put people or property in dangers from identified risks, such as flooding. Policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF seek to steer developments to the areas with the least probability of flooding and development will not be permitted if there are reasonably available sites appropriate for the proposed</p>

	<p>development in areas with a lower risk of flooding. If it is evidenced by an adequate sequential test that it is not possible for development to be located in areas with a lower risk of flooding the exception test will then apply</p> <p>Insufficient assessment has been undertaken and inadequate information submitted to demonstrate that it is not possible for the development to be located on a site with a lower risk of flooding and the development does not provide any wider sustainability benefits, as such both the sequential and exception tests fail and the development is contrary to the aforementioned policies.</p>
4	<p>Policies LP16 (b) and LP19 of the Fenland Local Plan 2014 and Paragraph 174 of the NPPF 2021 seek to conserve, enhance and promote biodiversity. Paragraph 182 advises that the presumption in favour of sustainable development does not apply where a project is likely to have a significant effect on a habitats site unless an appropriate assessment has concluded that it will not adversely affect the integrity of the habitats site.</p> <p>Insufficient information has been submitted to enable the Local Planning Authority to undertake the Habitat Regulations Assessment 'likely significant effect' screening in relation to the Ouse Washes Functionally Linked Land, and as such the development is considered contrary to the aforementioned policies.</p>



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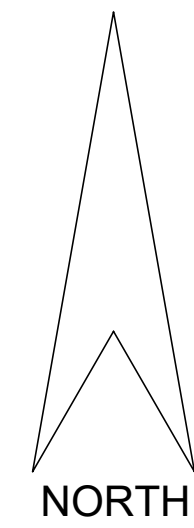
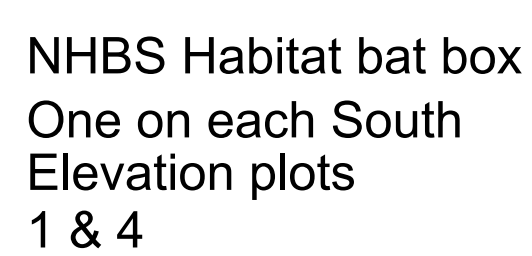
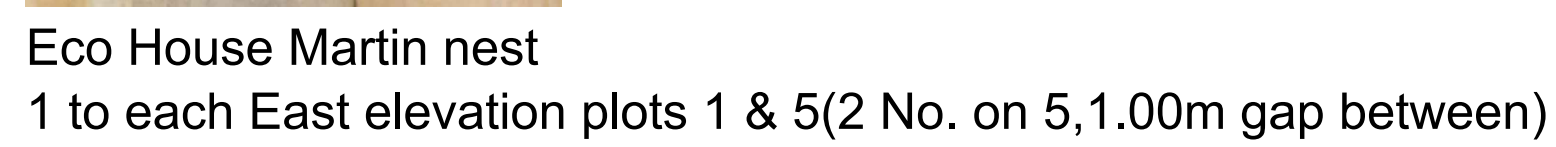
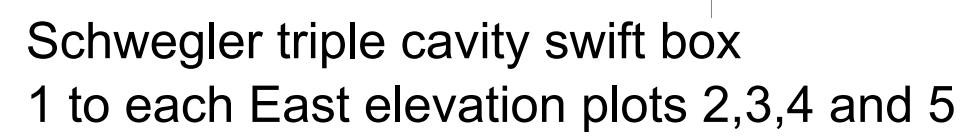
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**F/YR22/0709/O**

Scale = 1:1,250







All finished floor levels to be 400mm above ground level

## REVISIONS



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CLIENT

CLIENT  
Mr Robert Sears  
Sear's Brothers Ltd(1978)Retirement Benefit Scheme  
PROJECT

SITE  
LAND EAST OF VICTORIA HOUSE  
FODDER FEN  
MANEA  
PE150HQ

DRAWING  
6567-PL01

JOB NO.	PAPER SIZE	DATE
6567a	A1	April 2022

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