
F/YR22/0706/O

Applicant: Mr & Mrs J Humphrey

Agent: Helen Monk

Swann Edwards Architecture Ltd

**Land East Of Sandbank Farm House, Sandbank, Wisbech St Mary,
Cambridgeshire**

**Erect up to 4no dwellings (outline application with matters committed in respect
of access)**

Officer recommendation: Refuse

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

1. EXECUTIVE SUMMARY

- 1.1. This application seeks outline planning permission for the erection of up to four dwellings on agricultural grassland in Flood Zone 3, on the east side of Sandbank, Wisbech St Mary. The application commits matters of access, with remaining matters reserved for later approval.
- 1.2. Whilst Wisbech St Mary is a Growth Village as identified within Policy LP3, the application site would extend the existing linear feature of the developed footprint of the settlement into an area of agricultural grassland. This area of grassland at the site is mirrored by agricultural land opposite, which forms a natural demarcation between the developed built form of Wisbech St Mary and the surrounding countryside beyond. Development encroaching into this land would harm the character and appearance of the area. As such, the proposal would be contrary to the requirements of Policy LP12.
- 1.3. Flood mitigation measures propose the raising of finished floor levels to +1m above ground for the entire development, which will result in a cumulative dominance of the development within the streetscene, contrary to Policy LP16 (d).
- 1.4. Matters pertaining to access have been satisfactorily addressed. However, there are still fundamental issues pertaining to the principle of development and its harm to the rural character and streetscene in this location, with the below assessment outlining the unacceptability of the scheme in relation to these matters concluding that the proposed development is contrary to Policies LP3, LP12, and LP16; hence, the application is recommended for refusal.

2. SITE DESCRIPTION

- 2.1. The site is located in Flood Zone 3, on the northeast side of Sandbank on the northwest fringe of Wisbech St Mary.
- 2.2. The site comprises an agricultural grassland field, set to the southeast of Sandbank Farm House. The site is bounded to the highway by a privet hedge and mature tree line, and the remainder of the field is bounded by 1.2m post and

wire fencing. At the time of site inspection appeared to be utilised as a hayfield and paddock.

- 2.3. Nearest the site to the northwest is Sandbank Farm House, associated with Sandbank Farm that includes several agricultural outbuildings; further sporadic residential development in the form of agricultural cottages and caravan sites lie further west and northwest. Immediately southeast of the site, within the existing paddock land, a detached 2-storey dwelling with attached garage was recently approved by Committee, contrary to officer recommendation, under F/YR22/0632/RM in Sept 2022.

3. PROPOSAL

- 3.1. The proposal is an outline planning application for the construction of up to four dwellings on the land, with matters committed in respect of access.
- 3.2. Two separate access points off Sandbank are proposed, each shared to serve two dwellings leading to parking/turning areas. A footpath on the north side of Sandbank is proposed to link to the footpath due to be provided under F/YR22/0632/RM and will extend to meet the northern-most proposed access to the site.
- 3.3. The submitted illustrative drawing submitted shows four detached dwellings with separate detached garages, parking and turning areas to front with gardens to the rear. Matters relating to appearance, landscaping, layout and scale are reserved for later approval.
- 3.4. Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/>

4. SITE PLANNING HISTORY

F/YR22/0632/RM	Reserved Matters application relating to detailed matters of access, appearance, landscaping, layout and scale pursuant to outline permission F/YR21/0702/O	Approved 08.09.2022
Land North Of 15 Sandbank Wisbech St Mary		
F/YR21/0702/O	Erect 1no dwelling (outline application with all matters reserved)	Granted 27.09.2021
Land North Of 15 Sandbank Wisbech St Mary		

5. CONSULTATIONS

5.1. Wisbech St Mary Parish Council

At the meeting of Wisbech St. Mary Parish Council on 11th July 2022, the Council recommended APPROVAL. The Council consider these 4 plots to be within the village boundary and not in the open countryside nor an elsewhere location. They would like to request that the footpath up to and including plot four (4) is a condition on planning permission.

5.2. Environmental Health (FDC)

The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed development, as it is unlikely to have a detrimental effect on local air quality or be affected by ground contamination.

Due to the close proximity to existing noise sensitive dwellings and to protect the amenity of their occupants, the following condition should be imposed in the event that planning permission is granted.

NOISE CONSTRUCTION HOURS

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, unless otherwise previously agreed in writing with the Local Planning Authority.

5.3. Environment Agency

We have no objection to the proposed development but wish to make the following comments.

Review of the Flood Risk Assessment

We have no objection to the proposed development but strongly recommend that the development is carried out in accordance with the submitted flood risk assessment (ECL0494-2/SWANN EDWARDS ARCHITECTURE May 2022) and the following mitigation measures it details:

- 2 storey properties with finished floor levels set no lower than 1.0m above the existing ground level*
- A minimum of 0.3m of flood resilient construction above finished floor level*

5.4. North Level Internal Drainage Board

My Board has no objection in principle to the above application.

It is noted that surface water will be discharged to the Boards Sayers Field Drain, and a formal application under the Land Drainage Act 1991 will be required for the proposed new outfall. A development levy in accordance with the enclosed will also be payable for dealing with the additional run-off from the site.

5.5. CCC Highways

Highways have no objections to this outline application.

Conditions

1. Prior to the first occupation of the development the proposed on-site parking and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and thereafter retained for that specific use.

Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.

2. 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.

3. The gradient of the vehicular access shall not exceed 1:12 for a minimum distance of 5.0m (or longer if in connection with a commercial development) into the site as measured from the near edge of the highway carriageway.

Reason: In the interests of highway safety.

5.6. Local Residents/Interested Parties

Eight letters of support were received (all from residents of Sandbank) for the application on the grounds that the proposal would be an acceptable extension to the village (with the intended footpath a welcome feature) and would not appear to cause any detrimental amenity impacts.

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) July 2021

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 12: Conflict with an up-to-date plan should not usually be granted

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

7.2. National Planning Practice Guidance (NPPG)

Determining planning applications

7.3. National Design Guide 2019

Context

Identity

Built Form

Homes and Buildings

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

LP12 – Rural Areas Development Policy

LP14 – Responding to Climate Change and Managing the Risk of Flooding

LP15 – Facilitating the Creation of a More Sustainable Transport Network

LP16 – Delivering and Protecting High Quality Environments

7.5. 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:

LP1 – Settlement Hierarchy

LP2 – Spatial Strategy for the Location of Residential Development

LP7 – Design
LP8 – Amenity Provision
LP18 – Development in the Countryside
LP20 – Accessibility and Transport
LP22 – Parking Provision
LP24 – Natural Environment
LP32 – Flood and Water Management

8. KEY ISSUES

- **Principle of Development**
- **Highway Safety/Access**
- **Other Matters**
 - Character and appearance
 - Residential Amenity
 - Flooding and flood risk
 - Agricultural Land

9. ASSESSMENT

Principle of Development

- 9.1. Policy LP3 of the Fenland Local Plan sets out the settlement hierarchy for development within the district, grouping settlements into categories based on the level of services available, their sustainability and their capacity to accept further development.
- 9.2. Wisbech St Mary is classed as a Growth Village, where development and new service provision either within the existing urban area or as small village extensions will be appropriate. The broad principle of developing the site for a residential use would be consistent with this policy.
- 9.3. However, Policy LP12 of the Local Plan provides guidance as to the restriction of such development to ensure that it has an acceptable impact on the settlement and its character.
- 9.4. Policy LP12 requires development to meet certain criteria in order to be supported. The site must be in or adjacent to the existing developed footprint of the village, it must not result in coalescence with any neighbouring village, and must not have an adverse impact on the character and appearance of the surrounding countryside and farmland. Similarly, the proposal must be in keeping with the core shape and form of the settlement, without resulting in the extension of linear features or create ribbon development, and must retain natural boundaries, respect ecological features, important spaces etc. Finally the proposal must be served by sustainable infrastructure, and must not put people or property in danger from identified risks.
- 9.5. The development proposed would extend the existing linear feature of the developed footprint of the settlement, by adding a further four dwellings to a line of ribbon development along Sandbank, into an area of agricultural grassland. This area of grassland at the site is mirrored by agricultural land opposite, and forms a distinct and natural demarcation between the developed built form of Wisbech St Mary and the countryside beyond; save for sporadic rural development to the northwest, such as Sandbank Farm and rural cottages that are not considered to be within the built form of Wisbech St Mary.

9.6. Development encroaching into this land would be to the detriment of the character and appearance of the area; a circumstance that has unfortunately been initiated by the approval of the dwelling to the southeast (F/YR22/0632/RM) within the same parcel of agricultural land. Additional development on this land would arguably perpetuate a damaging precedent of advancing ribbon development along Sandbank, yet further eroding the rural character, contrary to the requirements of policy LP12.

9.7. With regard to the consultation draft of the emerging Local Plan, which carries limited weight at this time as per paragraph 48 of the NPPF, given that consultation has only recently commenced, the site is outside of the defined settlement boundary of Wisbech St Mary, and is therefore classed as open countryside, where development will only be permitted in the circumstances set out within the NPPF. Paragraph 80 of the NPPF is relevant. It states that:

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) the development would involve the subdivision of an existing residential building; or*
- e) the design is of exceptional quality, in that it:*
 - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area*

9.8. Policy LP1 of the emerging Plan does contain an element relating to Frontage Infill Development, applicable at the edge of settlements. It is considered that this conflicts with the NPPF and therefore can carry no weight. However, for the sake of completeness, if this policy were to be applied the development would not accord given the circumstances of the site.

9.9. Consequently the proposed development is in clear conflict with the policies of the adopted Local Plan, the NPPF and also would not comply with the emerging Plan.

Highway Safety/Access

9.10. The application includes creation of two shared accesses off Sandbank, leading to a shared turning driveway, one per pair of dwellings. The driveways will lead to detached garages, with additional parking to the front of each. The vehicular accesses are intended as 4m wide and surfaced with tarmac for the first 10m; pedestrian access proposals also include an extended of a footpath leading from

existing development to the southeast. There is sufficient turning space provided to allow vehicles to enter and exit in a forward gear, and it is likely that the parking areas will offer sufficient parking in line with the parking provision requirements set out in Appendix A of Policy LP15. Notwithstanding, the exact requirement is unknown as details of layout and scale are reserved for later approval.

- 9.11. Consultations with the Highways Authority returned no objections to the scheme, subject to conditions. As such, it is considered that the proposal conforms to Policy LP15 of the Fenland Local Plan.

Other Matters

Character and appearance

- 9.12. Within the vicinity of the site, Sandbank includes a mixture of semi-detached and detached two-storey properties of mixed ages and characters.
- 9.13. Matters relating to the specific appearance, layout and scale will be committed at Reserved Matters stage. However, the indicative site plan suggests that the proposed quantum of development on the site could be achieved.
- 9.14. Owing to recommendations regarding the mitigation of flood risk from the Environment Agency (and set out within the submitted FRA), namely: the raising of finished floor levels to 1m above ground level on two-storey dwellings, this will impact on the streetscene as a result of the development's overall height.
- 9.15. Notwithstanding, the adjacent site approved under F/YR22/0632/RM included a similar mitigation strategy, with ground levels raised locally to accommodate the recommended +1m finished floor levels. Thus, in the context of the adjacent site, the proposed dwellings will likely coincide with this approved dwelling in terms of height. Yet, the requirement to raise the ground levels for this site, in addition to that already required on the adjacent site, will result in a cumulative impact of a cluster of dominant dwellings within the streetscene in terms of their overall scale which would exacerbate the detrimental impact on the landscape character and highlight their inappropriate siting through the need to artificially raise ground levels over a wider area to mitigate flood risk.
- 9.16. The adjacent development, approved by , was regarded as "*a grand design*" that would "*enhance the area and the entrance to the village*" and would have less of an impact as it was "*on the end*" ¹. However, development proposed on land to the northwest would enclose the gap at the entrance to the village and therefore result in either: the dilution of the 'gateway dwelling' implied by Members in their deliberations to justify the approval, or conversely, result in an assemblage of up to 5 dwellings of an unusual scale and character within the wider countryside landscape, further highlighting their discordance within this rural setting, in contravention of Policies LP12 and LP16.

Residential Amenity

- 9.17. There were no indicative floor plans or elevations offered with the application and as such the LPA are unable to establish definitively if issues such as overlooking will need to be reconciled. However, owing to the relative position of the proposed dwellings, shown indicatively, it would appear that there may be

¹ Planning Committee Minutes, Wednesday, 24 August 2022

negligible issues relating to impacts on residential amenity to reconcile from the scheme.

- 9.18. The illustrative site plan also indicates that suitable amenity space may be provided for each dwelling to meet the requirements of Policy LP16 of the Local Plan.

Flooding and flood risk

- 9.19. Policy LP14 of the Fenland Local Plan and section 14 of the National Planning Policy Framework deal with the matter of flooding and flood risk, and the siting of dwellings on land at the risk of flooding. The site is located within Flood Zone 3.

Sequential Test

- 9.20. It is for the applicant to demonstrate through an assessment that the Sequential Test has been met. In February 2018, the Council amended the approach to agreeing the scope of the Sequential Test to a settlement by settlement basis, instead of the entire district as set out in the Cambridgeshire Flood and Water SPD (2016). As such, the settlement of Wisbech St Mary is the area of search for the Sequential Test for this application.

- 9.21. The application is accompanied by a Flood Risk Assessment (FRA) and separate Sequential/Exception Test (SET) report. The FRA states that an internet search of available development sites within Wisbech St Mary has resulted in no available sites being found. The SET report considered all the relevant planning application sites within Wisbech St Mary since 2017 and discounted them systematically, with each falling into one of the following categories:

- Replacement dwelling;
- Permission implemented;
- Conversion of an existing building; or
- Site no longer for sale (and evidenced).

The test concludes that there are no available sites to accommodate development such as the proposed within an area of lower flood risk within the built framework of Wisbech St Mary. The LPA could not find any evidence to the contrary and as such it is considered that the sequential test is passed.

Exception Test

- 9.20. Further to the passing of the sequential test, it is necessary for the application to also pass the Exception Test, which comprises of demonstration of the following:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall.

- 9.21. a) *Wider sustainability benefits*

Section 4.5.8 of the Cambridgeshire Flood and Water SPD sets out the sustainability themes and issues which development could help to address in order to achieve wider benefits, which are:

- Land and water resources;
- Biodiversity and green infrastructure;
- Landscape, townscape and historic environment;
- Climate change mitigation and renewable energy;
- Flood risk and climate change adaptation;
- Pollution;

- Healthy and inclusive and accessible communities
- Economic activity; or
- Transport.

9.22. Having regard to the scale and nature of development, it would likely be difficult to achieve wider benefits through much of the list above. However, the submitted SET report outlines that features such as the installation of photovoltaic panels, air source heat pump, or rainwater harvesting could be utilised to assist in achieving sustainability benefits. These measures could be considered and included at Reserved Matters stage and may result in the satisfactory compliance with the Exception Test in this regard.

9.23. b) *Flood safety*

The inclusion of flood mitigation measures including raised finished floor levels, flood resilient construction measures and sustainable drainage systems within the proposal are highlighted within the flood risk assessment that address the need for safety in times of flooding at the site, and as such would satisfy the Exception Test in this regard. Consultation with the Environment Agency raised no objection to the FRA or the proposed mitigation measures, subject to conditions.

9.24. *Flooding and Flood Risk - Conclusion*

The evidence submitted has demonstrated that there are no sequentially preferable sites that could accommodate the quantum of development proposed under the terms of the current scheme and thus the proposal has passed the Sequential Test. Subsequently the implementation of renewable energy methods and the outlined flood risk mitigation measures satisfy the exception test. As such, it is considered that the scheme is compliant with Policy LP14, subject to the imposition of necessary conditions to ensure the implementation of the measures proposed.

Agricultural Land

9.25. The site is Grade I agricultural land, the highest quality. While planning policy seeks to restrict development on such sites it is not considered that it would be reasonable to refuse the application on this basis given the abundance of high quality agricultural land within the district.

10. CONCLUSIONS

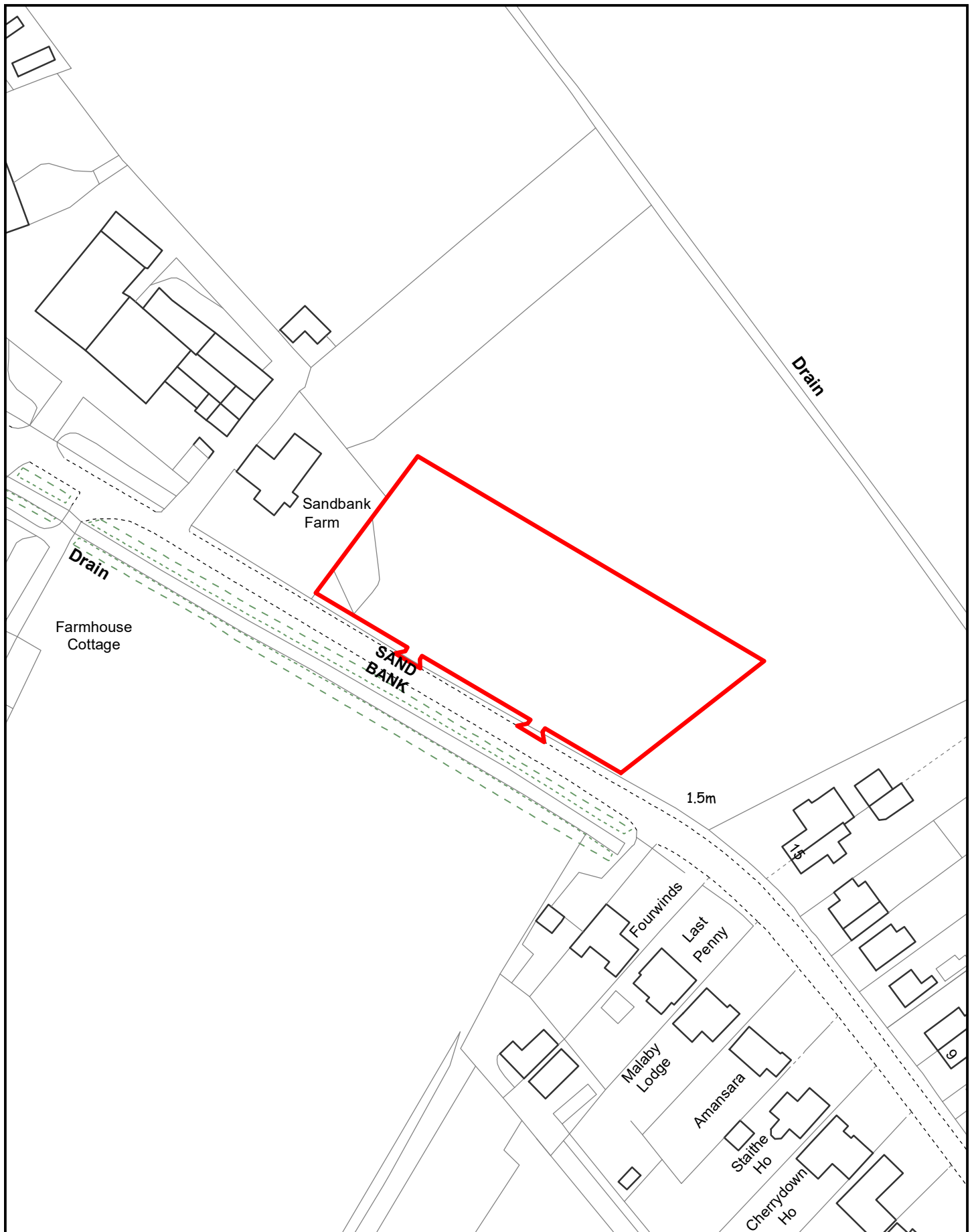
10.1. On the basis of the consideration of the three elements contributing to the principle of the development of the site listed above, there would be conflict with adopted planning policy in two of those areas. Such conflict arises through the principle of the development of the site rather than as a result of matters that could be addressed at the design stage, and as such it is concluded that the application is contrary to the relevant planning policies of the development plan and must therefore be recommended for refusal.

11. RECOMMENDATION

11.1. **Refuse**; for the following reason:

1	Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the district; Policy LP12 details a range of criteria against which development within villages will be assessed. Policy LP16
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	<p>(d) of the Fenland Local Plan (2014) requires development to deliver and protect high quality environments through, amongst other things, making a positive contribution to the local distinctiveness and character of the area. The application site proposes the construction of up to four dwellings located beyond the existing built-up edge of the settlement, extending the developed frontage into the countryside. Development encroaching into this land would erode the open character and appearance of the countryside, exacerbated by the requirement for the finished floor level to be +1m above existing ground level resulting in a cumulative dominance and thus failing to make a positive contribution to local character and the streetscene. The application would therefore fail to comply with the requirements of policies LP12 and LP16 of the Fenland Local Plan (2014).</p>
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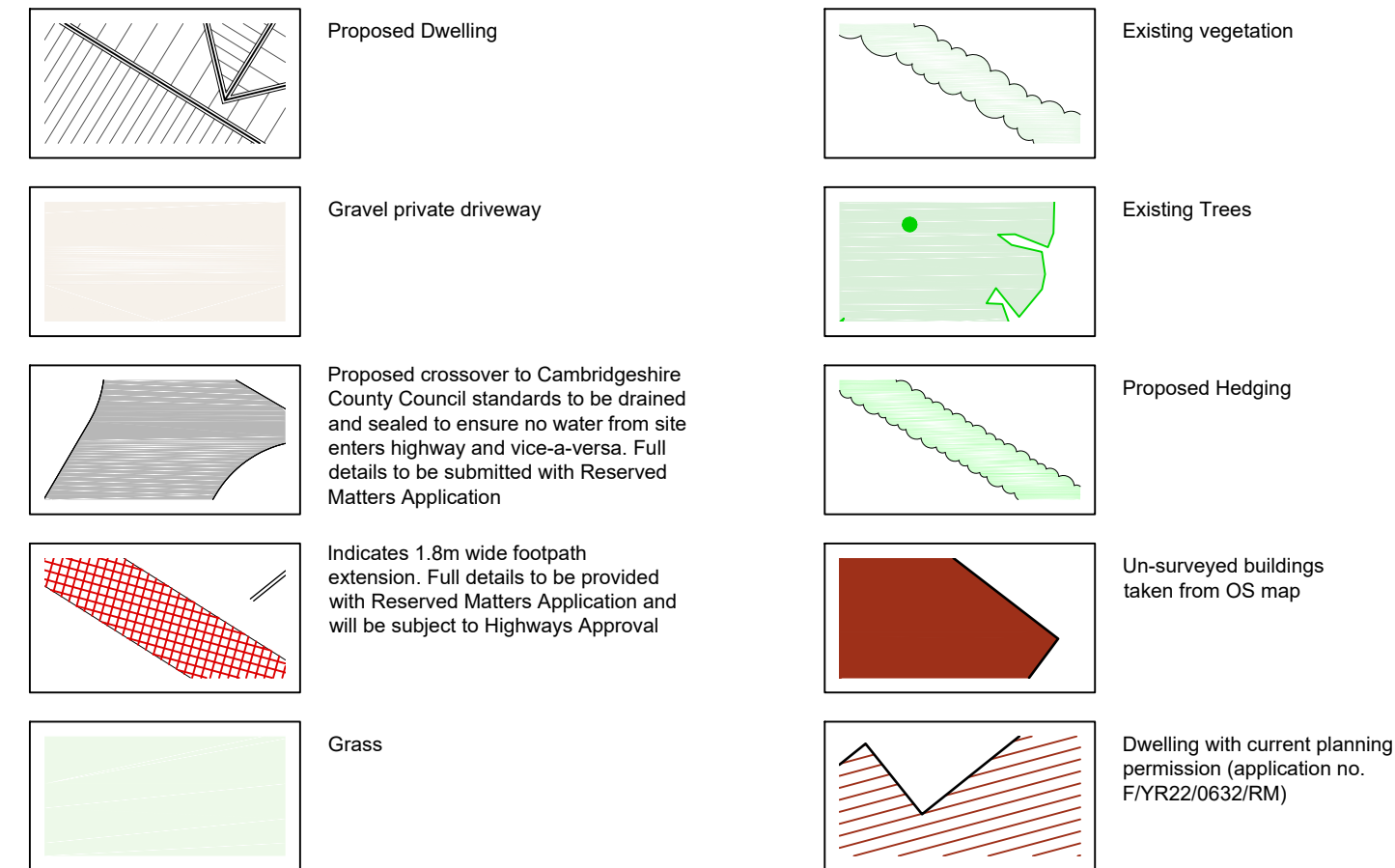
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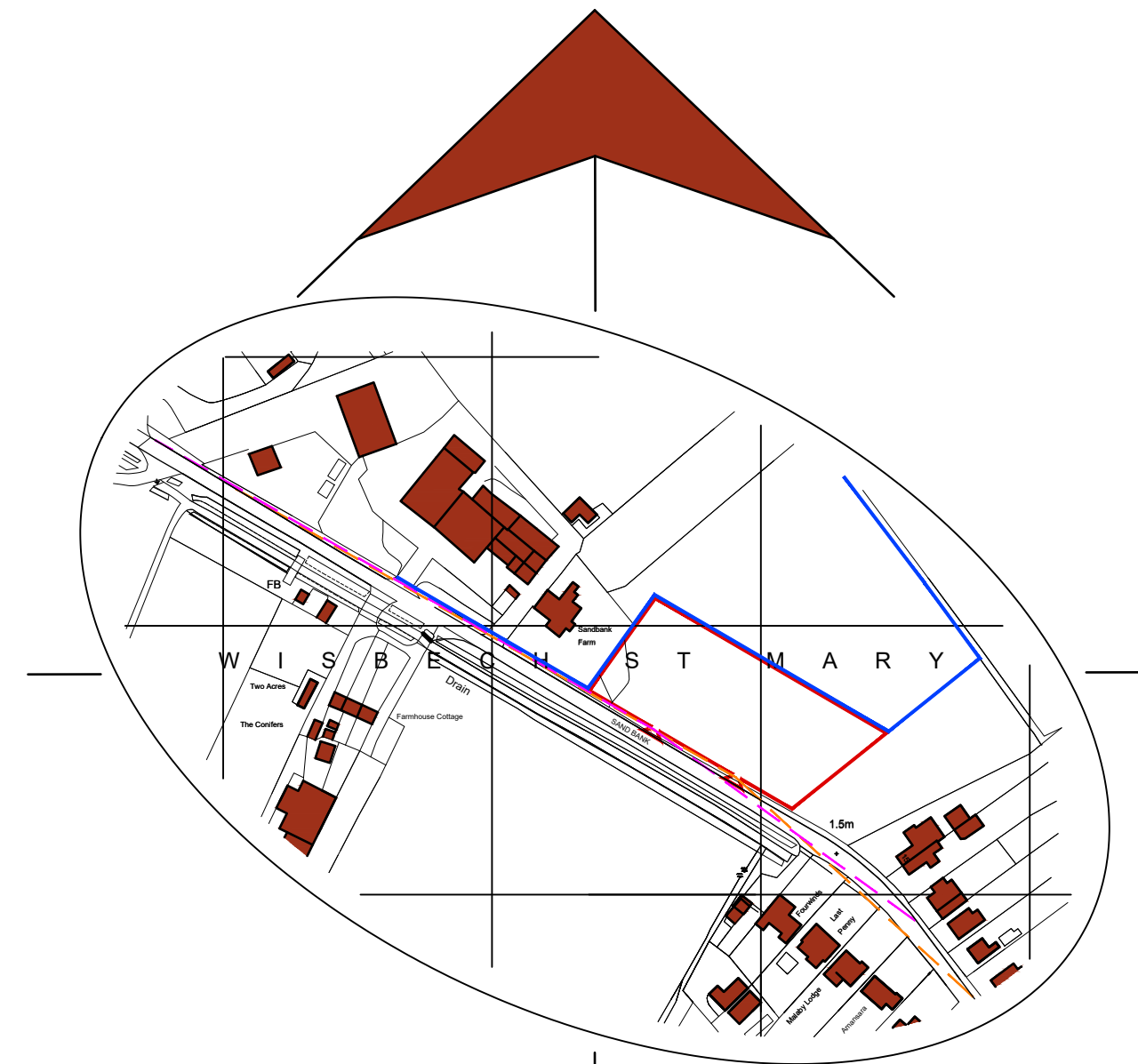
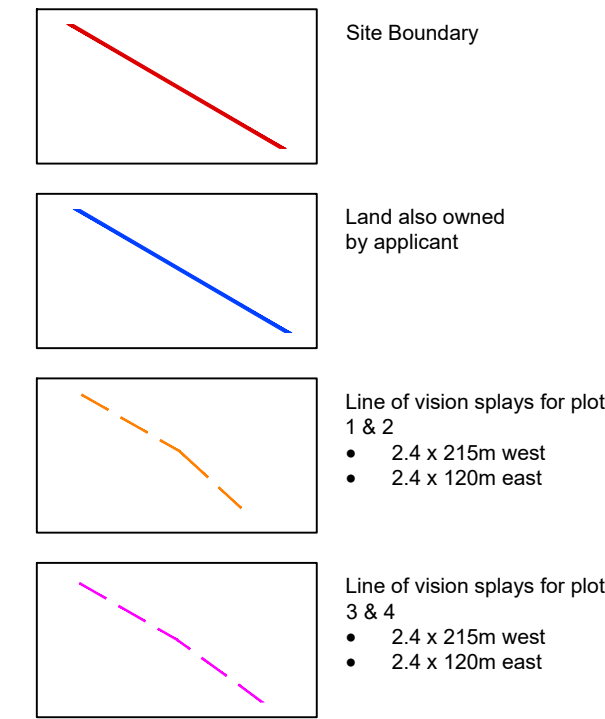


Site Plan with
Indicative Layout
Scale: 1:200

SITE PLAN KEY



LOCATION PLAN KEY



Location Plan
Scale: 1:2500

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

CONSTRUCTION DESIGN & MANAGEMENT REGULATIONS 2015

The following information must be read in conjunction with the project Risk register. This drawing highlights significant design related Health & Safety Risks present during Construction phase, and Residual Risks which remain post completion. Other Health & Safety Risks associated with Construction Activities may be present, and must be identified by the Principal Contractor prior to works commencing. Design Risks relating to specialist design items must be identified by the relevant specialist designers/ consultants and issued to the Principal Designer.

AREA SCHEDULE

APPLICATION SITE AREA = 3950m²

Revisions			Next-Door proposed plan revised
B	Nov 2022		

Status

FOR COMMENT

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ARCHITECTURE

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Job Title		Date	Drawn by
Proposed New Dwellings		April 2022	HM
Land West of Sandbank Farm			Checked by
Wisbech St Mary			JB
Wisbech, Cambs			
Drawing Title		Job No.	Sheet Size
Planning Drawing		SE1809	A1
		Dwg No. PP1000	Revision B