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F/YR22/0901/O

**Applicant: Mr John Thomas**

**Agent : Mr Connor White  
Swann Edwards Architecture Limited**

**Land South East Of The Chimneys, Gull Road, Guyhirn, Cambridgeshire**

**Erect 1 x dwelling involving the demolition of existing building (outline application with matters committed in respect of access)**

**Officer recommendation: Refuse**

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

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## **1. EXECUTIVE SUMMARY**

- 1.1. The application site currently comprises a previously used bowls green and pavilion building located on the southwestern side of Gull Road. The site is enclosed by mature trees and hedgerows. Access of Gull Road is shared with both the commercial nursery and the existing residential dwelling 'The Chimneys'.
- 1.2. The proposal is an Outline planning application for the single detached dwelling on the land, with matters committed in respect of access. As this application is Outline, the main issue for consideration is whether the principle of development in this location is appropriate.
- 1.3. Policy LP3 seeks to steer development to the most sustainable areas. The site is considered within Policy LP3 of the Fenland Local Plan 2014 and the settlement hierarchy as an 'Elsewhere' location. 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. The applicant has not demonstrated that there would be an 'essential' need, as required in order to satisfy the test set under LP3 and LP12 of the Fenland Local Plan 2014 and as such the proposal fails to comply with these policies.
- 1.4. The site lies in Flood Zone 3, the highest risk of flooding, the flood risk assessment accompanying the application fails to adequately address the matter of the sequential test.
- 1.5. The site is located within close proximity to a number of existing buildings and immediately to the north of the application site is a large detached two storey dwelling 'The Chimneys'. Therefore, the proposed dwelling at the site would not be out of keeping of the immediate character of the area at this part of Gull Road, however the erection of a further dwelling in this rural location would lead to further urbanisation and formalisation of the countryside location the site is located within where sporadic development is present.
- 1.6. Overall, the proposed development is considered to be unacceptable, and the recommendation is one of refusal.

## 2. SITE DESCRIPTION

- 2.1. The application site is located on the southwestern side of Gull Road, opposite the junction with Follies Drove. The site currently comprises a previously used bowls green and pavilion that were approved under planning application F/96/0154/F. The site is located within the complex of existing buildings which comprise of a commercial nursery and existing residential dwelling 'The Chimneys'. The site is enclosed by mature trees and hedgerows. Access of Gull Road is shared with both the commercial nursery and the existing residential dwelling 'The Chimneys'.
- 2.2. The site is located within Flood Zone 3, an area at highest risk.

## 3. PROPOSAL

- 3.1. This application submitted in outline form, with matters committed in respect of access, seeks to agree the principle of a dwelling on the application site.
- 3.2. Access to the site will be via the existing access point off Gull Road, which leads to an internal private roadway. A new entrance to serve the dwelling is proposed off the private roadway to the north-western boundary of the site.
- 3.3. Full plans and associated documents for this application can be found at:

[F/YR22/0901/O | Erect 1 x dwelling involving the demolition of existing building \(outline application with matters committed in respect of access\) | Land South East Of The Chimneys Gull Road Guyhirn Cambridgeshire \(fenland.gov.uk\)](#)

## 4. SITE PLANNING HISTORY

Reference	Description	Decision	Date
F/96/0154/F	Change of use of existing paddock to Bowls Green and erection of a Bowls Pavilion	Granted	24/07/1996

## 5. CONSULTATIONS

### 5.1. Wisbech St Mary Parish Council

No comments received due to cancellation of meeting.

### 5.2. Councillor Richard Blackmore Wisbech St Mary Parish Council

*No objection.*

### 5.3. Councillor David Scrimshaw Wisbech St Mary Parish Council

*No objection.*

### 5.4. Environmental & Health Services (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 or the noise climate.*

*As the proposal involves demolition of an existing structure, we ask for the following condition to be imposed in the event planning consent is granted;*

**UNSUSPECTED CONTAMINATION CONDITION:**

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

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

**5.5. Environment Agency**

*We have no objection to the proposed development but wish to make the following comments. Flood Risk We have no objection to the proposed development strongly recommend that the development is carried out in accordance with the submitted flood risk assessment prepared by Ellingham Consulting LTD, Ref: ECL0786/SWANN EDWARDS ARCHITECTURE dated June 2022 and the mitigation measures detailed in section 5.2 of the FRA.*

**Flood resistance and resilience - advice to LPA/applicant**

*We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.*

*To find out which measures will be effective for this development, please contact your building control department. If you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance. Further guidance on flood resistance and resilience measures can also be found in: Government guidance on flood resilient construction [https://www.gov.uk/government/publications/flood-resilient-construction-of-new\\_buildings](https://www.gov.uk/government/publications/flood-resilient-construction-of-new_buildings) CIRIA Code of Practice for property flood resilience [https://www.ciria.org/Research/Projects\\_underway2/Code\\_of\\_Practice\\_and\\_guidance\\_for\\_property\\_flood\\_resilience\\_.aspx](https://www.ciria.org/Research/Projects_underway2/Code_of_Practice_and_guidance_for_property_flood_resilience_.aspx)*

**Foul Drainage**

*The site is located in an area which is not served by the public foul sewer. Accordingly, the proposal will need to be served by a non-mains drainage system.*

*In addition to planning permission you may also require an Environmental Permit from the Environment Agency. Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.*

*Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or from a treatment plant at 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public*

*foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone. Discharges from septic tanks directly to a surface water are not allowed under the general binding rules.*

*A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.*

*Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.*

*Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.*

*For further guidance please see: <https://www.gov.uk/permits-you-need-for-septic-tanks/overview>*

#### **5.6. North Level District Internal Drainage Board**

*North Level District IDB has no comment to make with regard to the above application.*

#### **5.7. CCC Highways**

No comments received.

#### **5.8. Local Residents/Interested Parties**

**Supporters:** Seven letters of support have been received (5 x Gull Road, 1 x Plash Drove, 1 x Thorney Road) these may be summarised as follows:

- The development of the site would only enhance the neighbouring property
- Proposed would need no further access and incur no extra traffic on to Gull Road
- Support the application for the growth and development of the village
- Good access to the main road, very close to an area that has seen substantial development and does not infringe or interfere with any other properties
- The site is unused at present and has no other useful purpose
- Would have a positive impact on the local area, the development would meet the current and future housing needs of the applicant
- A bungalow would suit the applicants needs due to health conditions

## **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

Built Form – B2

### **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

LP6 – Employment, Tourism, Community Facilities and Retail

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

### **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

LP4 – Securing Fenland's Future

LP5 – Health and Wellbeing

LP7 – Design

LP8 – Amenity Provision

LP12 – Meeting Housing Needs

LP19 – Strategic Infrastructure

LP20 – Accessibility and Transport

LP22 – Parking Provision

LP24 – Natural Environment

LP28 – Landscape

LP32 – Flood and Water Management

### **Cambridgeshire Flood and Water Supplementary Planning Document -**

Developed by Cambridgeshire County Council as Lead Local Flood Authority and adopted by FDC Full Council on 15th December 2016 as SPD

## **8. KEY ISSUES**

- **Principle of Development**
- **Design Consideration and Visual Amenity of the Area**

- **Residential Amenity/Health and wellbeing**
- **Highways and access**
- **Flood Risk**

## **9. ASSESSMENT**

### **Principle of Development**

9.1. Policy LP3 of the Fenland Local Plan 2014 has categorised Guyhirn as a 'Small village'. Development within these settlements is therefore considered on its merits but will normally be of a very limited nature and normally be limited in scale to residential infilling or a small business opportunity. However, whilst addressed as Guyhirn and being considered as previously developed land through a grant of planning permission in July 1996 under planning ref. F/96/0154/F, the site is clearly outside of the built-up settlement of the village. The application site is therefore located outside of the settlement of Guyhirn and as such is identified within Policy LP3 of the Fenland Local Plan 2014 and the settlement hierarchy as an 'Elsewhere' location.

9.2. As identified under Policy LP3 of the Fenland Local Plan 2014 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 and any such development will be subject to a restrictive occupancy condition.

9.3. Policy LP12 – Part D of the Fenland Local Plan 2014 is relevant for considering proposals for new dwellings in areas away from market towns and villages. To determine such proposal, an applicant should provide supporting evidence as part of the application to prove a demonstrable need, including information regarding the following areas listed as items a-e;

#### **a) The existing functional need for the dwelling**

It has been outlined in the submitted Design and Access statement that the existing leisure use at the application site does not compliment the commercial nursery. Furthermore, the erection of a single storey dwelling would meet the personal needs of the site owner who is no longer, for health reasons, able to practically remain residing in the main dwelling on site 'The Chimneys', enabling the owner to still have an active role in the nursery.

#### **b) The number of part time and full time worker(s) to live in the dwelling**

The amount of workers to live in the dwelling has not been specified, however it is clear that there would be at least one, the owner of the existing nursery.

#### **c) The length of time the activity has been established**

No information has been provided in this regard.

#### **d) The availability for other suitable accommodation on the site or in the area**

No information has been provided in this regard.

**e) How the proposed size of the dwelling relates to the viability of the enterprise**

No information has been provided in this regard; however, this application is outline with access committed; the scale of the proposed dwellings would be considered at the Reserved Matters stage.

9.4. 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 Guyhirn as a Small Village A; 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 and Part C would not be applicable as the development is not considered to adjoin the settlement and would be located in an area of flood risk. LP61 defines residential site allocations in Guyhirn 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.

9.5. In light of the above the proposal clearly fails to demonstrate compliance with Policies LP3 and LP12 of the Fenland Local Plan 2014. The applicant has not demonstrated through the submission of supporting evidence that there would be an 'essential' need, as required in order to satisfy the test set under LP12 Part D of the Fenland Local Plan 2014 and as such the proposal fails to comply with this policy.

**Design Consideration and Visual Amenity of the Area**

9.6. The application is for Outline planning permission with matters committed in respect of access, hence the detailed matters in relation to layout, scale and appearance cannot be considered at this stage. Nevertheless, this section of Gull Road presents as open countryside with only sporadic development evident. The site is located within close proximity to a number of existing buildings and immediately to the north of the application site is a large detached two storey dwelling 'The Chimneys'. Therefore, the proposed dwelling at the site would not be out of keeping of the immediate character of the area at this part of Gull Road, however the erection of a further dwelling in this rural location would lead to further urbanisation and formalisation of the countryside location the site is located within where sporadic development is present. However this impact is not so significantly harmful to warrant a refusal of the application.

**Residential Amenity/Health and wellbeing**

9.7. The application is for Outline planning permission with matters committed in respect of access, hence the impact on the residential amenity of adjoining properties cannot be fully assessed.

9.8. The site is relatively large and as such there is scope to provide acceptable relationships between the proposal and existing dwelling 'The Chimneys' to the northwest of the site. Furthermore, the site is considered large enough to provide a minimum of a third of the plot for private amenity space, as required by Policy LP16 (h) of the Local Plan.

**Highways and access**

9.9. Cambridge County Council (CCC) Highways have not provided any comments in respect of this submitted application, however, at this stage it is considered there are no highway implications arising from the proposal given that access will be derived from an established access which serves the nursery and dwelling to the north of the site 'The Chimneys'. Given that the access served a bowling green and pavilion it is considered capable of accommodating the vehicular movements associated with the proposal for a single dwelling. If the application was recommended for approval CCC highways comments would be sought in respect of the new access to the site off the existing private roadway.

## **Flood Risk**

9.10. Policy LP14 of the Fenland Local Plan 2014 and paragraphs 159-169 of the National Planning Policy Framework set out the approach to developing land in relation to flood risk, with both documents steering development in the first instance towards land at lower risk of flooding. This is achieved by means of requiring development proposals to undertake a sequential test to determine if there is land available for development at a lower risk of flooding than the application site, and only resorting to development in those higher flood risk sites if it can be demonstrated that there are no reasonably available sites at a lower risk of flooding.

9.11. The application is accompanied by a Flood Risk Assessment however no separate sequential test document is provided. The Flood Risk Assessment contains a section regarding the sequential test; however, this simply states that when the River Nene tidal defences are taken into consideration the site has a low probability of flooding and therefore passes the sequential test.

9.12. It is explicit within the Cambridgeshire Flood and Water SPD that existing flood defences should not be taken into consideration when undertaking the sequential test, as maintenance of the defences and climate change will have an impact on the level of protection they provide, Consequently, as the application has not considered any alternative sites at a lower risk of flooding the sequential test is failed.

## **10. CONCLUSIONS**

10.1. Policy EP3 seeks to steer development to the most sustainable areas. The site is considered within Policy LP3 of the Fenland Local Plan 2014 and the settlement hierarchy as an 'Elsewhere' location. 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. The applicant has not demonstrated that there would be an 'essential' need, as required in order to satisfy the test set under LP3 and LP12 of the Fenland Local Plan 2014 and as such the proposal fails to comply with these policies.

10.2. The site is located within Flood Zone 3 and the application is not accompanied by a satisfactory sequential test. The proposal is therefore contrary to the requirements of Policy LP14 of the Fenland Local Plan 2014, section 14 of the National Planning Policy Framework and the Cambridgeshire Flood and Water SPD.

10.3. The site is located within close proximity to a number of existing buildings and immediately to the north of the application site is a large detached two storey dwelling 'The Chimneys'. Therefore, the proposed dwelling at the site would not be out of keeping of the immediate character of the area at this part of Gull Road,

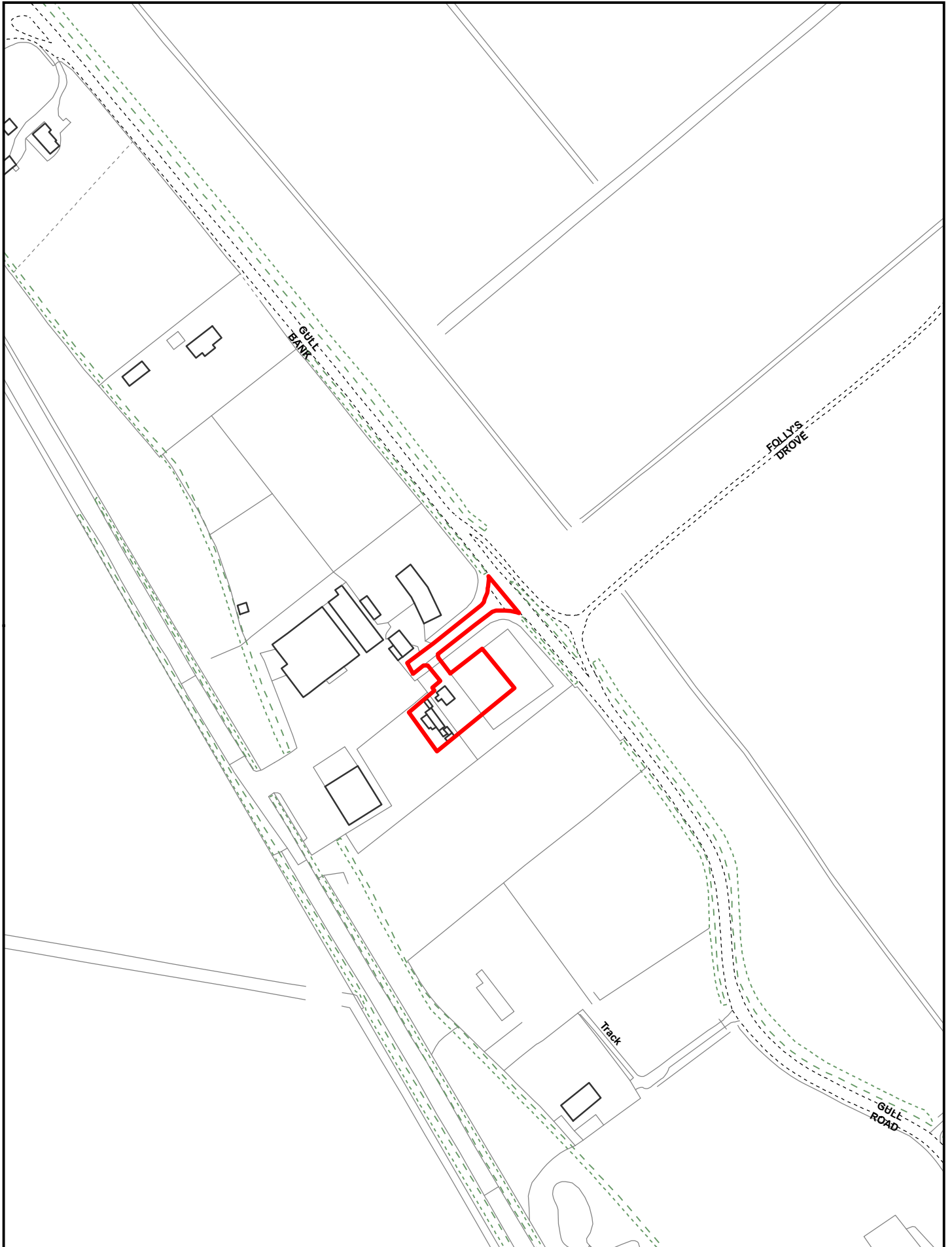


however the erection of a further dwelling in this rural location would lead to further urbanisation and formalisation of the countryside location the site is located within where sporadic development is present. However, this impact is not so significantly harmful to warrant a refusal of the application.

## 11. RECOMMENDATION

**Refuse;** for the following reasons:

1.	<p>To promote sustainable development in rural areas, Policy LP3 of the Fenland Local Plan 2014 seeks to restrict development in areas outside of settlements to that which is a demonstrably essential for the effective operation of land-based enterprise. This determination is determined through the criteria as set out under Policy LP12 Part D.</p> <p>The application fails to demonstrate an essential, functional need for a full-time worker to be readily available at most times on the site. This is contrary to the criteria of LP12 Part D and therefore conflicts with Policy LP3 of the Fenland Local Plan 2014 as the proposal would result in the provision of one unwarranted dwelling.</p>
2	<p>Policy 14 of the Fenland Local Plan 2014 requires that development proposals within Flood Zone 3 are accompanied by a sequential test demonstrating how the development is unable to be accommodated in areas of lower risk of flooding. This policy is compliant with section 14 of the National Planning Policy Framework, which also requires such a test to be satisfied prior to approving development within Flood Zone 3.</p> <p>The submitted application is not accompanied by a sequential test document, instead concluding that due to the presence of flood defences the site is at a low risk of flooding. The Cambridgeshire Flood and Water Supplementary Planning Document 2016 makes it clear that when undertaking a sequential test the presence of flood defences is to be discounted. Consequently, the proposal is in conflict with the requirements of Policy LP14 of the Fenland Local Plan 2014, section 14 of the National Planning Policy Framework and the Cambridgeshire Flood and Water Supplementary Planning Document 2016.</p>



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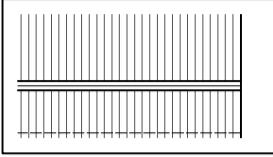
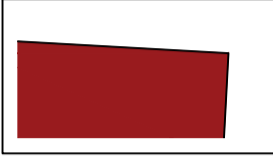
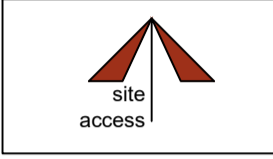
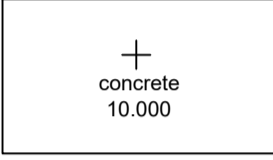
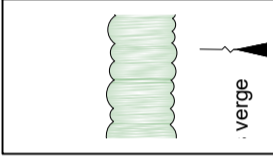
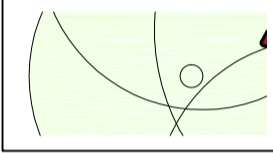
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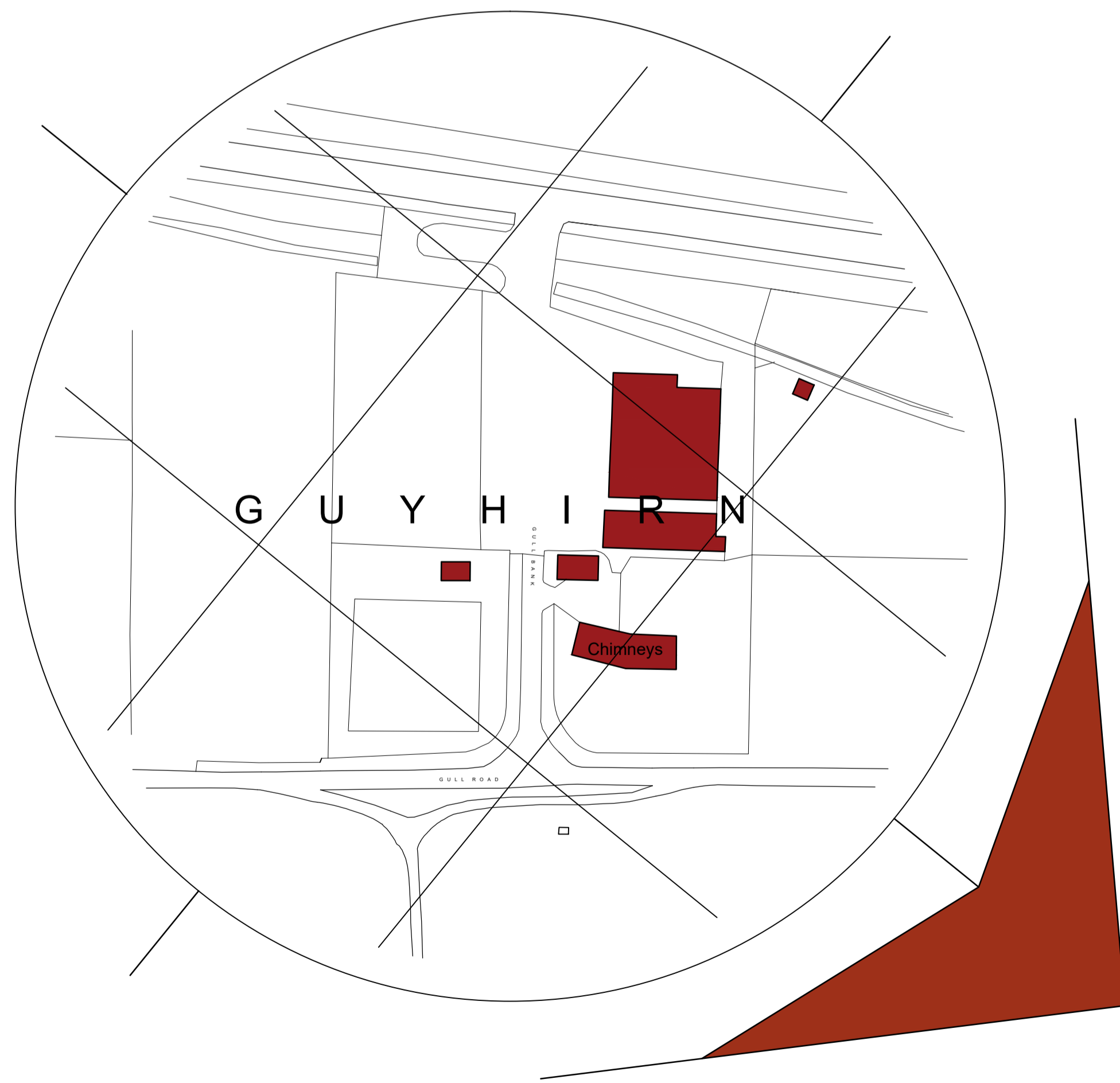
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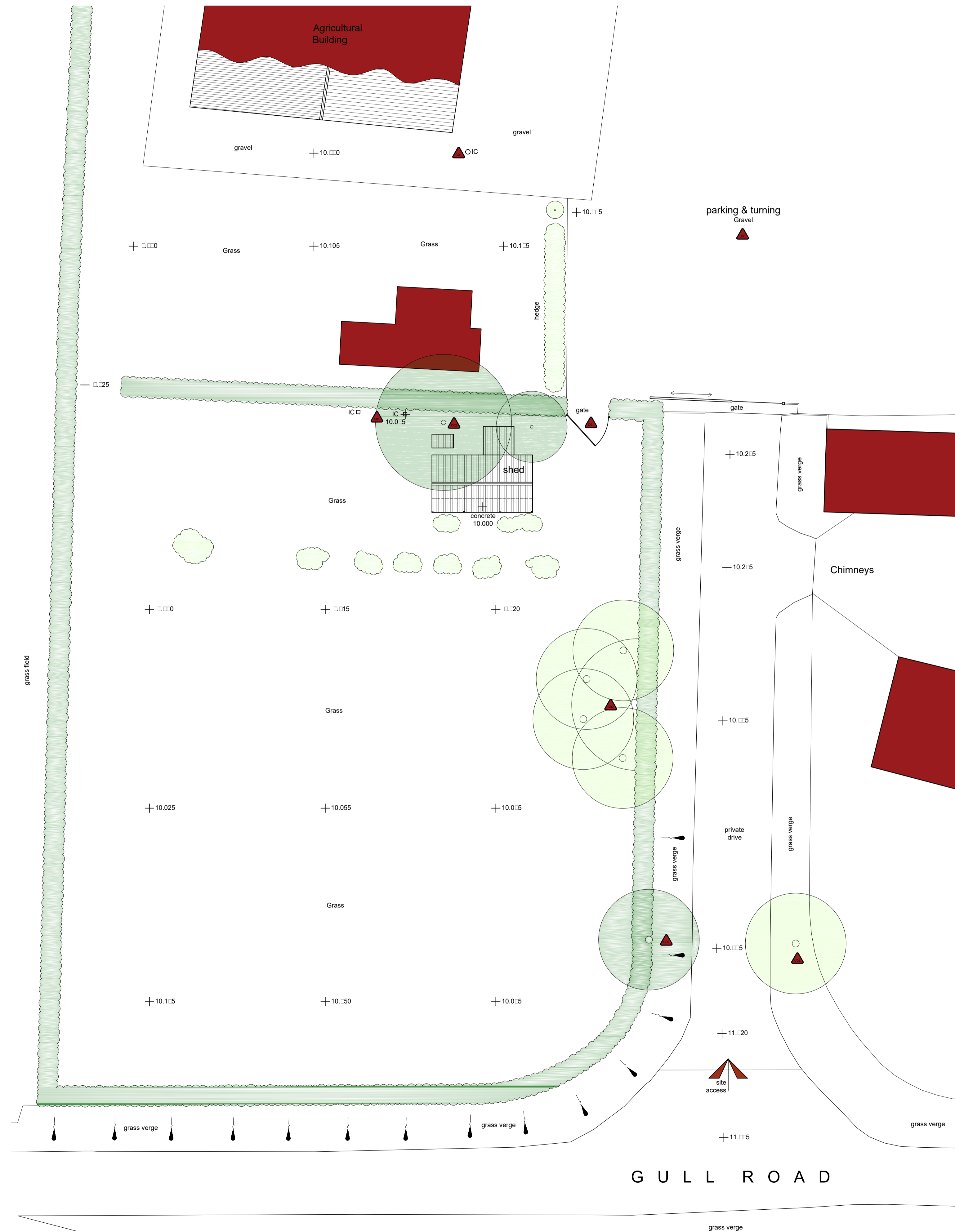
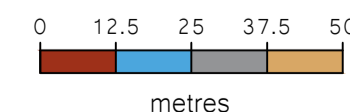


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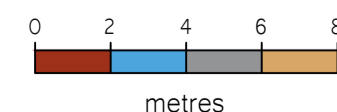
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-  Indicates un-surveyed buildings taken from OS map
-  Indicates site access
-  Indicates levels set to a TBM 10.000
-  Indicates position of surveyed trees & hedges
-  Indicates approximate position of un-surveyed trees & hedges



**Location Plan**  
Scale: 1:1250



**Site Plan**  
Scale: 1:200



- 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.

**C01 Inspection Chambers**



**C02 Trees**



**C03 Limited Access**



**C04 Active Farm Yard**



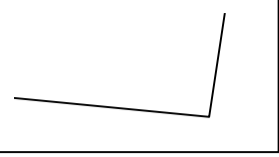
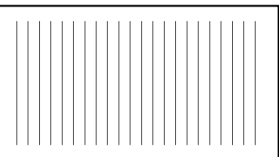
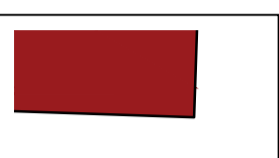
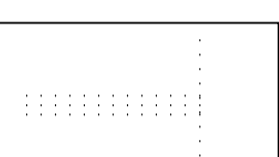

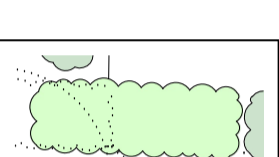
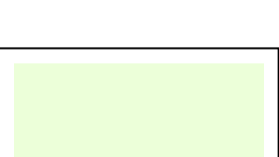
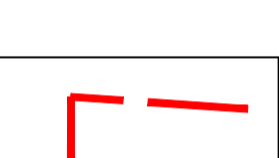
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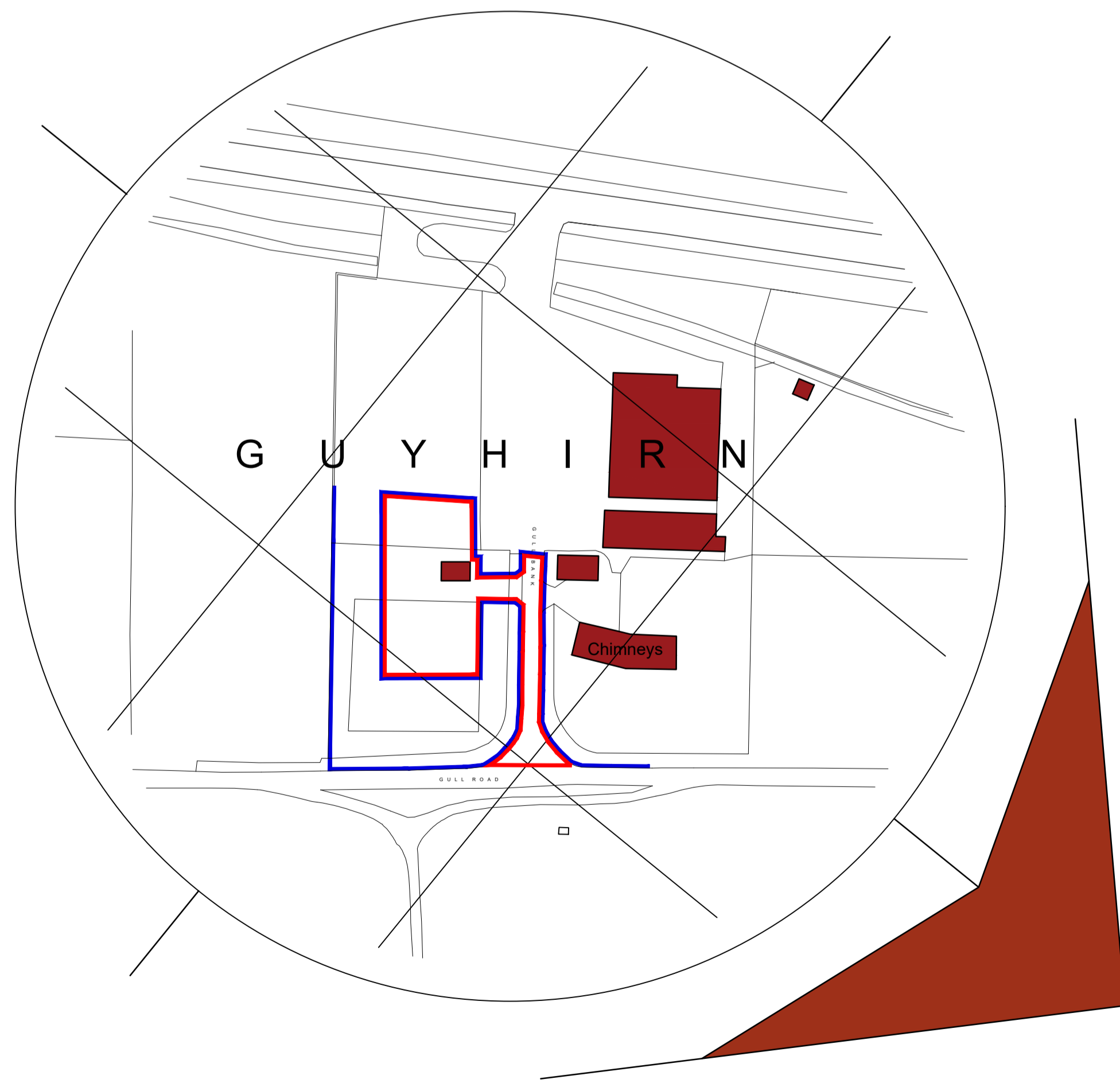


Swann Edwards Architecture Limited, Swann Edwards Architecture, Black Barr, Fen Road, Guyhirn, Wisbech, Cambs. PE13 4AA  
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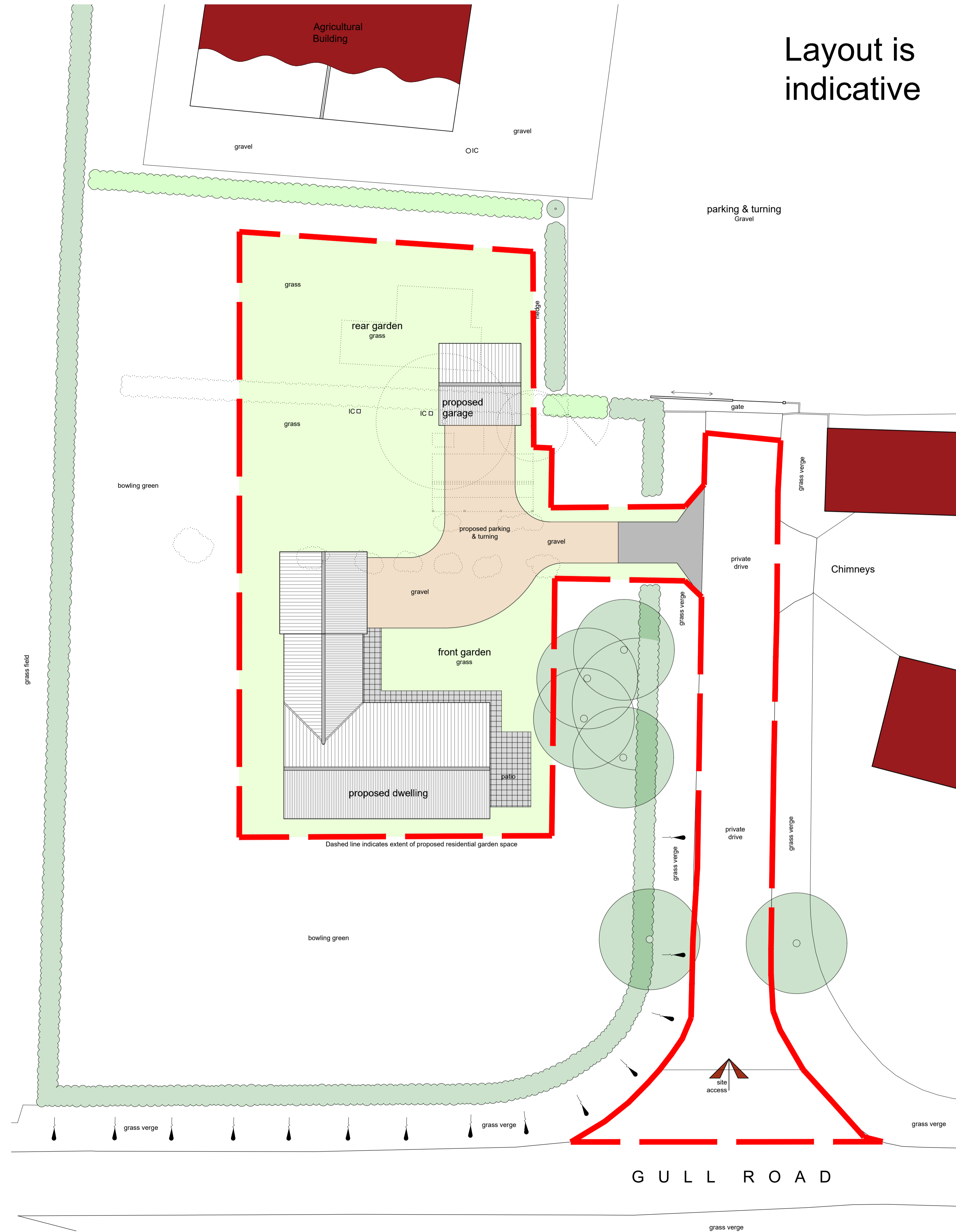
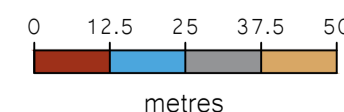
Proposed Rest Room & Office The former bowling Green, Gull Road, Guyhirn For: John Thomas	Job Title	Date	Drawn by
	Survey Drawing	March 2022	CW
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**SITE PLAN KEY**

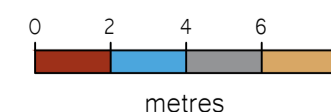
-  Indicates surveyed buildings
-  Indicates proposed buildings
-  Indicates un-surveyed buildings taken from OS map
-  Indicates features to be demolished
-  Indicates position of surveyed trees & hedges
-  Indicates position of proposed trees & hedges
-  proposed grass within residential area
-  dashed line denoting site boundary & extent of residential garden space



**Location Plan**  
Scale: 1:1250



**Site Plan**  
Scale: 1:200



**Layout is indicative**

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Revisions		
B	July 2022	Changes following planning comments

Status: **FOR COMMENT**



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Drawing Title Planning Drawing	Job No. SE-1779 Dwg No. PP1000	Sheet Size A1 Revision B