
F/YR23/0230/O

Applicant: Mr & Mrs Judd

Agent: Mr Connor White
Swann Edwards Architecture Limited

Land South East Of Tall Trees, Station Road, Wisbech St Mary,
Cambridgeshire

Erect up to 3 x dwellings with garages (outline application with all matters reserved)

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to officer recommendation

1 EXECUTIVE SUMMARY

- 1.1. The application site comprises undeveloped paddock land, on the west side of Station Road on the outskirts of Wisbech St Mary, approximately 340m northwest of the continuous built form of the settlement. It is situated to the southeast of a dwelling known as Tall Trees and opposite the access to Volmary Ltd, a plant and flower wholesalers.
- 1.2. The proposal is an outline planning application for the construction of up to three dwellings on the land, with all matters reserved. As this application is Outline only, the main issue for consideration is whether the *principle* of development in this location is appropriate.
- 1.3. It is considered that the proposal does not accord with the requirements of Policy LP3 and LP12 in respect of the Settlement Hierarchy in that is considerably separated from the built framework of Wisbech St Mary. An argument that is supported by conclusions drawn by the Planning Inspector within a previous appeal decision at a site approximately 100m closer to Wisbech St Mary than the current application site. In addition, development at this site would encroach into the countryside at detriment to the rural character of the area in contravention of Policy LP12 and Policy LP16(d).
- 1.4. Insufficient evidence was submitted to substantiate that safe and convenient access to the dwellings are achievable. Thus, in the absence of evidence to the contrary, the Highway Authority have objected to the scheme as they consider that principle of providing safe and convenient access for all may be unachievable at the site, and thus the proposals are not considered to comply with Policy LP15 in respect of highway safety.
- 1.5. By virtue of the above, the application is clearly contrary to policy and the recommendation should therefore be one of refusal, as set out in the below assessment.

2 SITE DESCRIPTION

- 2.1. The application site is situated on the west side of Station Road on the outskirts of Wisbech St Mary, approximately 340m northwest of the continuous built form of the settlement.
- 2.2. The land is currently undeveloped paddock land that is situated to the southeast of a dwelling known as Tall Trees and opposite the access to Volmary Ltd, a plant and flower wholesalers. The land is predominately grassland and is bounded to all sides by mature hedgerows.

3 PROPOSAL

- 3.1. This application is an outline application for the erection of up to three dwellings, with all matters reserved.
- 3.2. The indicative layout shows three dwellings fronting onto Station Road, each with separate accesses, with associated residential amenity space and parking and turning areas with garages. To the southern boundary of the site, the access is proposed to allow retained access to stables to the southwest of the site.
- 3.3. Full plans and associated documents for this application can be found at: [F/YR23/0230/O | Erect up to 3 x dwellings with garages \(outline application with all matters reserved\) | Land South East Of Tall Trees Station Road Wisbech St Mary Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/Planning/Planning-Applications/F/YR23/0230/O)

4 SITE PLANNING HISTORY

- 4.1. No pertinent planning history.

5 CONSULTATIONS

5.1. North Level Internal Drainage Board

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

I would draw the applicant's attention to the riparian drain to the north of the site and enclose some information with regard to riparian responsibilities.

5.2. Cambridgeshire County Council Highways Authority – original comments rec'd 25.04.2023

In order to make an informed decision in respect of the submitted application, additional information is required:

The Design and Access Statement says that the proposed development is sustainable on the basis that it is within walking and cycle distances of local amenities within Wisbech St Mary and public transport. However, the proposed dwellings would front onto a road devoid of a footway and illumination. Furthermore, the road is de-restricted, meaning speeds up to 60mph are permissible. This is not in keeping with a safe walking and cycling environment. Any future occupant will likely be reliant on car use, but this is no different to the existing surrounding dwellings. On this basis, I can't object on highway safety grounds, but that does not mean the development should be considered as sustainable.

New accesses onto de-restricted roads must be capable of achieving inter vehicular visibility splays commensurate with the stopping sight distance (215m). While this application is all matters reserved it's unclear if a 2.4m x 215m inter-vehicular visibility splay is achievable for any new access, noting that the splay must be fully contained within the application boundary and / or the highway boundary [...]

I recommend that the applicant demonstrate suitable visibility can be achieved as it is paramount to achieving safe access. I will accept a reduction in visibility based upon the observed 85th percentile speeds.

If the applicant is unwilling or unable to amend the application or provide additional information as outlined above, please advise me so I may consider making further recommendations, possibly of refusal.

5.3. Cambridgeshire County Council Highways Authority – reconsultation comments rec'd 15.05.2023

In response to my previous comments, the applicant has submitted a revised plan which demonstrates 2.4m x 45m inter-vehicular visibility for the new proposed (indicative) accesses. This falls substantially below the stopping sight distance required for 60mph speeds (215m). As the applicant has not demonstrated that observed vehicle speeds fall below the enforceable limit, I must conclude that safe access has not been demonstrated.

Similarly, the applicant has not demonstrated that the existing stable access is suitable for intensification of use.

I therefore object to the application due to insufficient access visibility and the associated risk of vehicle collision this introduces.

5.4. Wisbech St Mary Parish Council

At the meeting of Wisbech St. Mary Parish Council on 17th April 2023, the Council recommended APPROVAL. Councillors noted the current development on the opposite side of Station Road beside Wingfield and the placement of caravans at Volmary. The Council therefore consider this plot to also be within the development boundary of the growth village of Wisbech St Mary and do not consider it an elsewhere location.

5.5. Environment & 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 mapping data shows structures previously existed at the application site, 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.

5.6. Local Residents/Interested Parties

The LPA has received 11 letters of support for the scheme, from four address points within Wisbech St Mary itself, two within Wisbech and a further letter from an address point within Leverington. Reasons for support were cited as:

- Appropriate development in a growth village;
- Ideal location to develop much needed homes in Wisbech St Mary;
- Appropriately sited between existing frontage road development;
- Minimal impact on the countryside;
- Development good for a growing community;
- Landowners need to be close to their horses; animal welfare;

Two letters received cited no objections to the scheme but gave no reasons.

A further representation from an earlier supporter of the scheme was also received, stating that one dwelling would be appropriate, but three would result in 'too big an impact on the greenbelt'.

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.

Para 80: Planning policies and decisions should avoid the development of isolated homes in the countryside unless specific circumstances apply.

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**
- **Other matters**
 - Character and Appearance
 - Residential Amenity
 - Access and Parking
 - Flood Risk

9 **ASSESSMENT**

Principle of Development

- 9.1. Wisbech St Mary is defined by Local Plan Policy LP3 as a Growth Village, where development may be acceptable within the existing urban area or as a small village extension. The site falls outside of the main settlement of Wisbech St Mary and as such Policy LP12 is relevant in this instance. LP12 part (a) states that for new development in the villages the site should be in or adjacent to the existing developed footprint.
- 9.2. It is acknowledged that the application site sits adjacent to existing dwellings to the northwest and southeast of the site and opposite Volmary Ltd commercial site to the east, however the site itself sits over 340 metres approximately from the continuous built form of the main settlement and as

such is not considered to be 'adjacent' to the existing developed footprint or sustainable in terms of its location.

- 9.3. Footnote (*) within policy LP12 identifies that the developed footprint of the village is defined as the continuous built form of the settlement and excludes individual buildings and groups of dispersed or intermittent buildings that are clearly detached from the continuous built up area of the settlement and 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.
- 9.4. Consideration should be paid to the appeal decision for F/YR14/0684/O, which sought outline approval for the erection of two dwellings on Land North West Of Wingfield, Station Road. The appeal site is located approximately 250m from the continuous built form of the settlement on the eastern side of Station Road. On considering the appeal, the Inspector concluded that the appeal site, owing to a clear physical separation between the appeal site and the edge of the continuous built up area of the village, was not within or adjacent to the existing developed footprint of the village, as defined in the footnote to the policy and dismissed the appeal on the basis that the appeal site was not well located in relation to the village, and would not represent a particularly sustainable location in which to support further housing development.
- 9.5. Based on the conclusions formed by the Inspector, it can be argued that the current application site is even less appropriate, given that the application site is approximately a further 100m northwest of the appeal site, and circa 340m from the boundary of the continuous built form of the settlement to the southeast. Therefore, owing to the circumstances of the application site, and the precedent set by the previous appeal decision, it is considered that the proposal does not comply with part (a) of LP12 and is therefore unacceptable in principle in this location.

Other matters

Character and Appearance

- 9.6. Details of appearance, layout and scale are to be submitted at Reserved Matters stage, however the submitted indicative site plan suggests that the dwellings will be similar in scale to the bungalows to the east.
- 9.7. Policy LP16 (d) considers the impact of development on local distinctiveness and character. Moreover, in rural areas, a development proposal needs also to satisfy the criteria set out in Policy LP12.
- 9.8. It is clear that the site, an area of undeveloped paddock land, contributes to countryside character and openness on the west side of Station Road as you travel out of Wisbech St Mary, with only limited sporadic development this side. The development proposed would see up to three, likely substantial, detached dwellings positioned on undeveloped paddock land that currently contributes to the distinct and natural character of this side of the highway. Development on this land would bring a distinctly urbanising effect to the detriment of the character and appearance of the rural area, directly contradicting the current settlement pattern and would arguably create a

precedent for further development into the countryside, eroding the existing rural character along this part of Station Road, contrary to the requirements of Policy LP12 and Policy LP16(d).

Residential Amenity

- 9.9. It would appear from the indicative plans submitted that there would be limited impacts to neighbouring residential amenity as a result of the scheme by way of overlooking or overshadowing. However, it may be necessary to reconsider the arrangement of Plot 1, as this would project both forward and backward of the front and rear elevations of Plot 2, which may reduce outlook and cause unacceptable relationships between the dwellings. Notwithstanding, such matters would be fully considered at Reserved Matters stage.

Access and Parking

- 9.10. The indicative site plan suggests that there would be sufficient parking/turning room available to service the dwellings.
- 9.11. The Local Highway Authority initially raised concern regarding the sustainability of the site given its detachment from the settlement, and the lack of footpaths and streetlighting to serve users of the development, which is a material consideration in respect of the suitability of the site in general sustainability terms.
- 9.12. Notwithstanding matters of sustainable development, the Highways Authority outlined further issues in respect of highways safety which was of more considerable concern. As a matter of requirement to assess the suitability and safety of the proposed access(es), it was necessary to ensure appropriate visibility splays be provided. The Agent was invited to address these concerns and submitted a revised plan depicting the visibility splays. Notwithstanding these changes, no evidence was provided to support the proposed visibility splays shown on the revised plan.
- 9.13. This resulted in further comments from the Highway Authority raising the following concerns in respect of the suitability of the proposed accesses in terms of highway safety suggesting that the applicant had not demonstrated sufficient evidence to satisfy the Highway Authority that safe and convenient access could be achieved. Thus, the Highway Authority objected to the scheme due to insufficient access visibility and the associated risk of vehicle collision this introduces.
- 9.14. Whilst it is acknowledged that this application is outline with all matters reserved, it is necessary to ensure that the principle of safe access to the proposed development could be achieved. As such, in the absence of evidence to the contrary, and the technical objection from the Highways Authority, the principle of providing safe and convenient access for all may be unachievable at the site, and thus the proposals are not considered to comply Policy LP15 in respect of highway safety.

Flood Risk

- 9.15. Much of the site is located in Flood Zone 1, with only the westernmost corner of the site falling within Flood Zone 2. The indicative site plan suggests that

the dwellings themselves will be limited to areas within Flood Zone 1 only, with a small section of land to the west of the site, comprising garden space in Flood Zone 2. Notwithstanding, the application was supported by a flood risk assessment which recommended the inclusion of flood mitigation measures to ensure flood safety.

- 9.16. The site lies within the North Level Internal Drainage Board (NLIDB) area, who were subsequently consulted. The NLIDB had no objections to the development but did note the presence of a riparian drain to the north of the site to which the applicant may have riparian responsibilities.
- 9.17. Owing that the proposed dwellings will be situated within Flood Zone 1, there are no issues with regard to flood risk to be reconciled in respect of the development; issues of surface water will be considered under Building Regulations. As such, it is considered reasonable to determine that the proposal is acceptable in terms of flood risk and there are no issues to address in respect of Policy LP14.

10 CONCLUSIONS

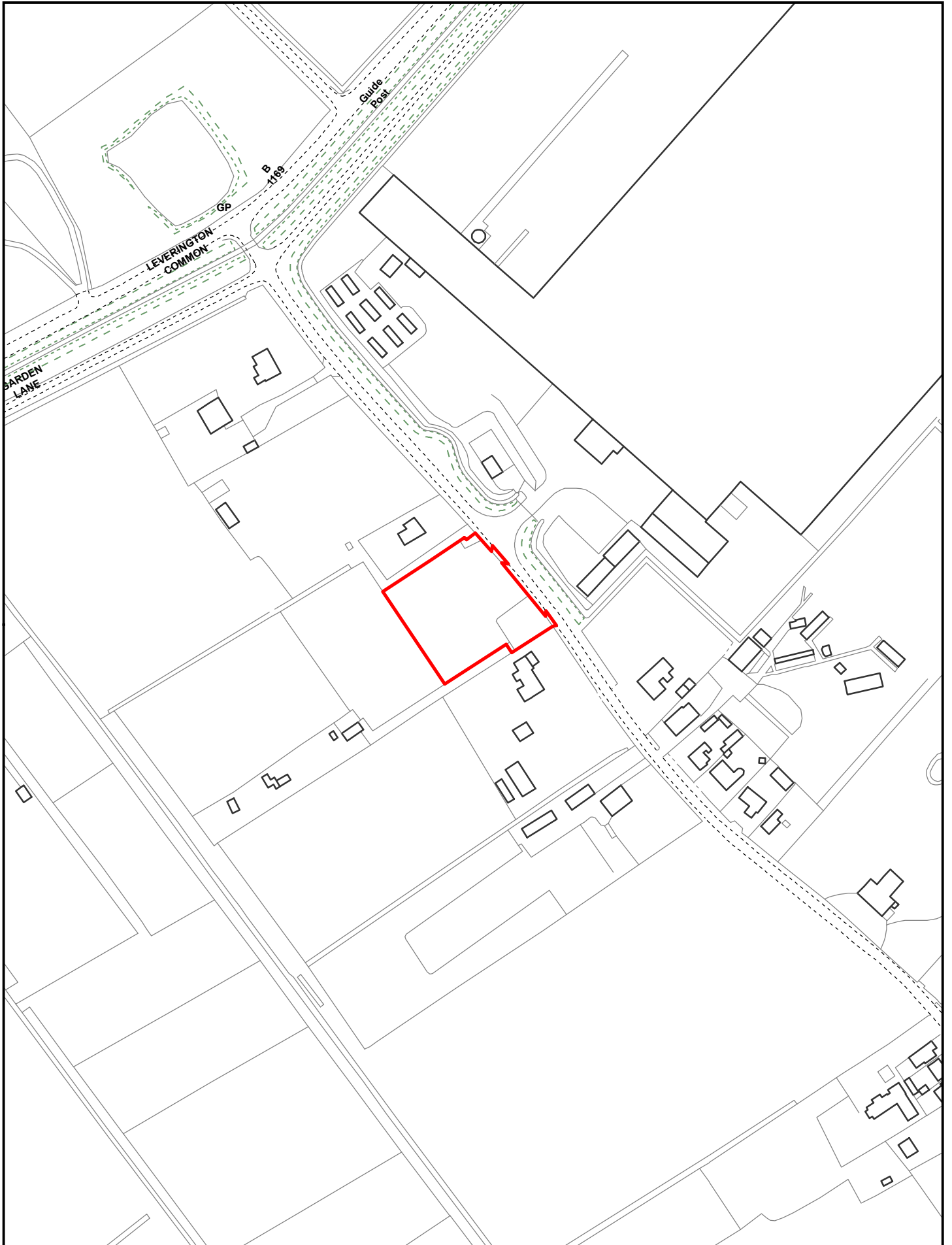
- 10.1. It is considered that the proposal does not accord with the requirements of Policies LP3 and LP12 in respect of the Settlement Hierarchy in that is located outside the built framework of Wisbech St Mary. Furthermore, development at this site would be and will encroach into the countryside at detriment to the rural character of the area in contravention of Policy LP12 and Policy LP16(d). In addition, owing to the lack of evidence to the contrary, it is considered that the principle of providing safe and convenient access for may be unachievable at the site, and thus the proposals are not considered to comply Policy LP15.
- 10.2. Therefore, given the above assessment, the application is recommended for refusal.

11 RECOMMENDATION

Refuse, for the following reasons;

1	<p>Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the district, and Policy LP12 details a range of criteria against which development within the District will be assessed.</p> <p>Policy LP12 defines the developed footprint of a village as the continuous built form of the settlement and excludes:</p> <ul style="list-style-type: none"> (a) individual buildings and groups of dispersed, or intermittent buildings, that are clearly detached from the continuous built-up area of the settlement; and (b) 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. <p>The site's position is away from the main built form of Wisbech St</p>
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	<p>Mary, within an area of sporadic residential development. Given the clear physical separation between the site and the edge of the continuous built-up area of the village, the site is not within or adjacent to the existing developed footprint of the village, as defined above. Thus, development of this parcel of land would be excluded by (a) and (b) above and therefore fails to comply with Policies LP3 and LP12 of the Fenland Local Plan 2014.</p>
2	<p>Policy LP12 seeks to support development that does not harm the character of the countryside. Policy LP16 (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 proposal is for the construction of up to three new dwellings on currently undeveloped paddock land with a close relationship to the wider open countryside. Development on this land would be to the detriment of the character and appearance of the rural area through increased urbanisation, directly contradicting the current settlement pattern and arguably creating a precedent for further development into the countryside, contrary to the requirements of policy LP12 and Policy LP16(d).</p>
3	<p>Policy LP15 seeks to support proposals that provide safe and convenient access for all. In the absence of evidence to the contrary, it is considered that it does not appear achievable to provide the necessary visibility splays relative to the speed of the road within the highway boundary and / or application boundary, to ensure safe access to the site. Thus, the scheme is contrary to Policy LP15 as has not been substantiated that suitable and safe access to the development can be provided.</p>



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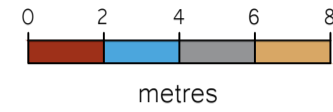
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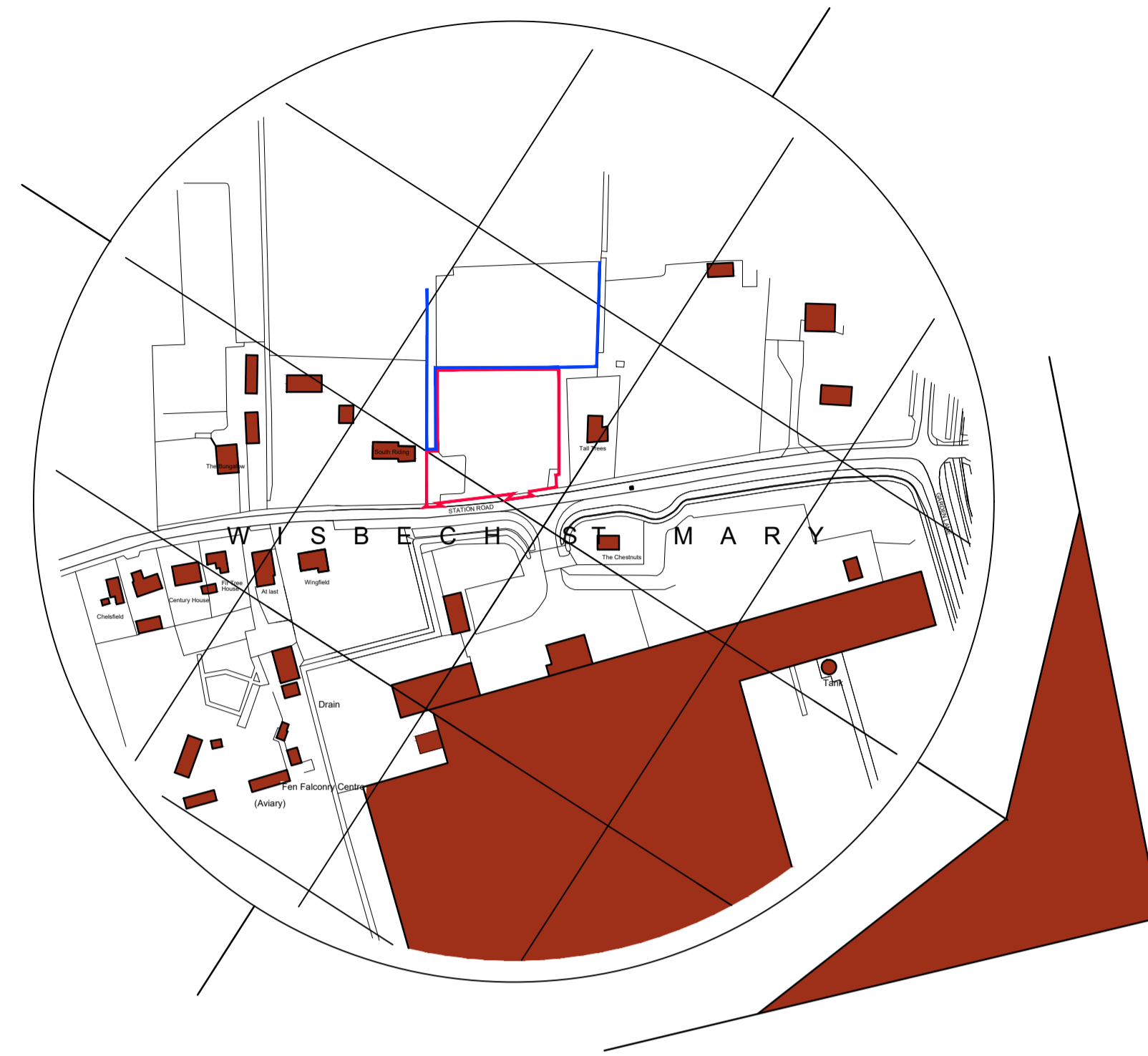
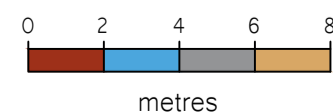




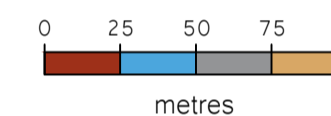
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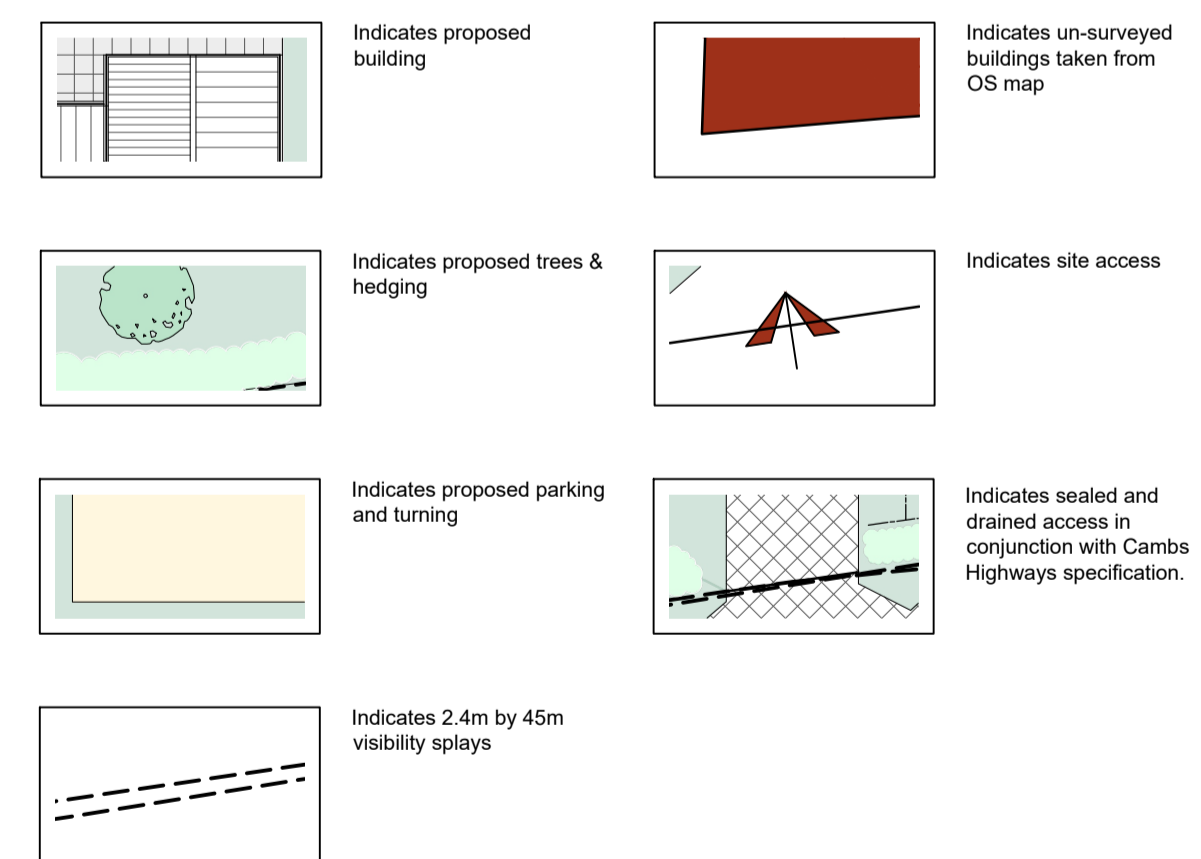
Indicative Site Plan
Scale: 1:200



Location Plan
Scale: 1:2500



SITE PLAN KEY



- 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.

Status

FOR APPROVAL



Swann Edwards Architecture Limited, Swann Edwards Architecture, Black Barn, Fen Road, Guyhirn, Wisbech, Cambs. PE13 4AA
t 01945 450694 e info@swannedwards.co.uk w www.swannedwards.co.uk

Job Title Proposed Residential Development Land Adj. Tall Trees Station Road, Wisbech St Mary For: Mr & Mrs Judd	Date September 2022	Drawn by CW Checked by GE
Drawing Title Outline Planning Drawing	Job No. SE-1877	Sheet Size A1 Revision
	Dwg No. PP1000	