F/YR23/0541/F

Applicant: Mr Alan White Agent : Mr Adam Sutton, ALS Design

Services

Land North of The Barn High Road Bunkers Hill Cambridgeshire

Erect 5 x dwellings (2-storey 5-bed) involving the formation of a new access

Officer recommendation: REFUSAL

Reason for Committee: Parish Council support contrary to Officer recommendation

1 Executive Summary

1.1 The proposal for dwellings on the site has been submitted previously and was refused by the Planning Committee at the meeting of the 13th May 2020. There were four reasons for refusal, including an in-principle reason, but Cllrs resolved to refuse solely on the grounds of a failure to demonstrate that a safe access was possible to the site.

- 1.2 Further to the above, an outline application, F/YR20/0598/O was submitted for the erection of up to 5 x dwellings involving the formation of a new access (with matters committed in respect of access). The application was a resubmission to attempt to overcome the highways reason for refusal. However, an appeal decision received by the Council during the determination of this application was received which was considered to be material to the consideration of the resubmission. Notwithstanding this, the Members overturned the Officers recommendation and approved the application.
- 1.3 The application seeks full planning permission for the erection of 5. no dwellings including the formation of a new access onto High Road.
- 1.4 The proposal is considered unacceptable in principle as it is located within an 'elsewhere location' where development is not supported unless it complies with the criteria permitted by Policy LP3.
- 1.5 The application site is located on land that falls within flood zone 1, 2 and 3, however the application is not accompanied by a sequential test indicating that the development could not be accommodated on alternative land within the District at a lower risk of flooding.
- 1.6 The proposal furthermore fails to protect the amenity of future occupiers as the proposed design of plots one and two would lead to an overbearing impact on any future occupiers failing to comply with Policy LP16.
- 1.7 Insufficient information has been submitted to consider the full impact the proposal may have on the public highway and therefore fails to comply with policy LP15 of the Local Plan.
- 1.8 For the reasons set out above and expanded upon in the report the proposal is recommended for refusal.

2 SITE DESCRIPTION

2.1 The application site is part of an open field adjacent to the highway in the Bunkers Hill hamlet. The land was previously separated from the public highway by a hedgerow, however this has been removed with only sporadic planting remaining within the line of that

- former hedgerow. The hedgerow was located on a raised section of land separating the field from the highway, with the field itself located on lower ground.
- 2.2 The field itself is surrounded on the remaining sides by mature hedgerow/tree planting and a post and rail fence to the north boundary with a close boarded fence separating the land from the dwelling to the south. 2.3. The field itself lies partly within flood zone 1, but with the majority of the site within flood zones 2 and 3, zones of higher flood risk.

3 PROPOSAL

- 3.1 The application proposes the erection of 5no, 5-bedroom, two storey dwellings. These are to be arranged in a linear fashion fronting an access road which is to be taken from High Road.
- 3.2 Plots 1, 2 and 4 are of comparable design with a gabled frontage and catslide roof to the side whilst plots 3 and 5 are larger in scale with a pitched roof and side gable proposed.
- 3.3 Plots 1-3 propose an integral car port with plot 4 proposing a detached car port to the side whilst plot 5 proposes a double car port projecting forwards from the principal elevation. Each dwelling proposes alongside a proposed car port.
- 3.3 Each of the proposed dwellings will be constructed of Vandersanden Cottage Mix facing brick with cream UPVC windows and timber doors. Plots 1,2 and 4 propose a Redland double pan roof with plots 3 and 5 proposing an artificial slate roof.
- 3.5 Landscaping is proposed in and around the site and is set out within the site plans. The landscaping to the front of the proposed dwellings includes the planting of 8no trees and associated shrubbery. To the front of each proposed dwelling there is a proposed 0.6m high post and rail fence separating each dwelling. It is set out that the rear garden areas are proposed to contain patios and grassed areas. Each of the proposed No.5 dwellings will be separated by a 1.8m close boarded fence at the rear of each dwelling along with provision of a 3-bin storage area.
- 3.6 A Flood Risk Assessment; soakaway calculations; Design and Access Statement; Drainage Plan; Proposed street scene plan and Boundary Treatment plan supplement the application submission.

4 SITE PLANNING HISTORY

- 4.1 F/YR13/0048/F- Erection of 3x 2-storey 4-bed dwellings with detached car port (Plot 1), attached car ports (Plots 2 and 3). Withdrawn 11.03.2013
- 4.2 F/YR13/0910/F- Erection of 3x 2-storey 4-bed dwellings with detached car port (Plot 1), attached car ports (Plots 2 and 3). Refused 07.02.2014
- 4.3 F/YR20/0167/O- Erect up to 5x dwellings involving the formation of a new access (outline application with matters committed in respect of access). Refused 15.05.2020
- 4.4 F/YR20/0598/O- Erect up to 5x dwellings involving the formation of a new access (outline application with matters committed in respect of access). Application Granted 11.12.2020 contrary to officer recommendation.

5 CONSULTATIONS

Consultees

5.1 Archaeology, Cambridgeshire County Council

Acknowledge that the application site is located at Bunkers hill which is to the south west of the main settlement of Wisbech. The application site is over a Rodden Deposit which has been formed by a silted river channel which creates a raised area of firmer ground which has been exploited since prehistoric periods. They have not raised an objection to the

proposed development but have requested a programme of archaeological investigation is to be secured by condition alongside relevant informative.

Archaelogy Condition

No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work, commencing with the evaluation of the application area, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:

- a. the statement of significance and research objectives;
- b. The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- c. The timetable for the field investigation as part of the development programme;
- d. The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material and digital archives.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (MHCLG 2019)

Informative

Partial discharge of the condition can be applied for once the fieldwork at Part c) has been completed to enable the commencement of development.

Part d) of the condition shall not be discharged until all elements have been fulfilled in accordance with the programme set out in the WSI

5.2 Environmental Health

No comments received to date.

5.3 County Highways

While the Highway Authority has no objections in principle to this development, insufficient information has been provided to consider the full impact the proposal may have on the public highway and additional information and amendment is requested as described below.

Visibility

I note that this development is to utilise the position of an access previously permitted with respect to F/YR20/0598/O. While I have no objections in this regard, the applicant would need to demonstrate that the visibility splays previously approved can be achieved within public Highway or land within the applicant's control, noting that the red line boundary on this plan differs from that on the previous application. I would also note that the visibility splay shown on drawing 1405-260-002 is incorrectly detailed and should be measured to the point at which it crosses the near side channel line of the road. The splay previously provided is below that normally required for a derestricted road. This was based upon submission of supportive speed data, which should be similarly provided as part of this separate application.

The applicant should be invited to supply the additional information and amend plans to include:

- Corrected visibility splay.
- The verified highway extent.
- Amended red line.
- Speed date to support reduced visibility requirements.

Footways.

I note that the application includes proposals for a footway linking to a bus shelter to the south of Willock Lane, including provision of a drawing titled Section 278 and construction details.

The construction of the proposed footway will be subject to a Section 278 Agreement with the Highway Authority and while the principle of it provision should be considered as part of this application it would be inappropriate to approve any detailed design before it has considered in detail by the Highway Authority as part of the s278 application and the comments made within this response are therefore on a without prejudice basis to any such agreement taking place.

In determining feasibility of constructing the proposed footway, it must first be established that any works required can be achieved with the public highway or land in the applicant's control. While the indicative highway boundary is included on plan 1405-2600-01, this appears to include an area of embankment/change in level, whereas the public highway often excludes such features, and it is therefore unclear whether the highway extent shown on plan has been verified.

The applicant should be invited to contact the County Councils Asset Information Searches Team to obtain confirmation of the highway extent. A simple extract from the highway record is not considered sufficient in this regard and a more extensive investigation may be required, including visit to site. Details of this can be found on the internet at the address shown below:

https://www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/roads-andpathways/highway-records

I note that the previous outline application required a 1.8m footway rather than the 1.5m shown. The current standard for footway requires a 2m wide surface, and while a narrower footway may be acceptable where physical restrictions prevent anything wider, the initial design must first look to provide widths to current standards. The applicant should be invited to amend plans accordingly. The proposed footway is shown offset by 0.9 m from the carriageway edge, presumably to allow overedge drainage from the carriageway and avoid the need of kerbing that may require installation of a positive drainage system. While I am not averse to this solution in principle, it is unclear whether the remaining verge would be sufficient to permit the necessary percolation, especially given the additional impermeable area created by the new footway.

While I note that condition 8 of the earlier outline application requires a footway to be provided between the bus stop and the site access, this is a separate full application and the applicant may wish to consider alternative provision that overcomes the drainage issues while making similar provision for the new dwelling and making improvement to the existing highway network linking to the bus stop. This could include provision of a private link from the southern end of shared private driveway, into a section of kerbed footway extended slightly further north than that currently shown. This would ideally include a pedestrian crossing over High Road at a location where suitable visibility can be achieved in both directions, to provide improved connectivity to the northern footway.

The footway as shown appears to be located on the embankment/change in level and it is unclear how the applicant is proposing to adjust levels to accommodate construction, or what effect this will have on adjacent land. This is of particular concern were located adjacent to land not in the applicant's control and that section close to the proposed private driveway where there is a risk of a step being created.

This issue may affect feasibility of construction and the applicant should therefore be invited to provide clarification in this regard, including cross section describing how levels will be adjusted and highlighting the relative position of highway, the extent of land in their control and the effect on any third party land.

When revising plans, the applicant should be invited to include the position of any utility's poles effected by their proposals, including the principle of their relocation out of new

footway. Noting that there are at least 3 gullies in the southern channel line east of the eastern kerb line, these should also be identified on plan. Where these gullies are relied upon to provide drainage for any sections of road to be kerbed, the applicant should undertake investigations to demonstrate that the gully and downstream drain are functioning sufficiently that obstruction of over-edge drainage would not result in ponding in the highway.

Given the complexity of overcoming some of these issue that may ultimately require changes to be made to any proposals for offsite works approved in planning, I would strongly recommend that should the applicant be granted planning approval, that a condition be included requiring that detailed design of the offsite works be submitted to and approved by the Local Planning Authority prior to the commencement of any works, and that such drawings not be approved until they have been technically approved as part of the s278 agreement process.

Shared private driveway.

A shared private drive serving five dwellings should be served off a simple verge crossing rather than a kerbed junction. While this could be relaxed in this case given the location of the site, the detail provided on GA2 combines features of both crossing and junction on one plan. This should be rationalised to either remove the dropped kerb on the kerb line or the junction radii. Where radii are provided, these should be dimensioned and comply with the Highway Authorities requirements for s278 works. No details have been provided to indicate how private surfaces will be drained independently of the public highway.

This should be clarified noting that the use of permeable surfaces is not considered sufficient to prevent water being discharged from private surfaces. They should either be inclined away from the public highway or drainage systems should be provided to intercept any potential run off. While the parking places have not been clearly detailed on plan, with the provision of parking in garages there would appear to be 3 parking space per dwelling plot. The LPA must be satisfied that garages are suitable for daily use. Turning within the individual plots may be awkward in places and particularly so to those turning in the external space on plot 5 when approaching from the north.

While I would suggest that the applicant review turning of residential vehicles within the site this is unlikely to have a detrimental impact on the public highway and I would not look to object in this regard. While vehicle tracking has been provided for a 7.5 panel van turning out of the proposed junction (noting that this is from a position off the private driveway), no indication is provided of how non-residential vehicles will turn within the site so as to enter and leave the site in forward gear. In its current form visitors such as supermarket delivery vehicles entering the private driveways would likely reverse out onto a highspeed road risking collision with other road users.

The applicant should be invited to provide an appropriate turning head within the site and to demonstrate workability with tracking of suitability sized vehicle. Section 278 agreement. While not looking to approve the proposed construction details outside of a s278 technical approval, I note that the footway construction is not in accordance with the current version of Cambridgeshire County Councils Housing Estate Road Construction Specification (HERCS) which is dated January 2023. I would specifically refer the applicant to Appendix 10 of this document which is available on-line at the County Councils website.

5.4 Wisbech St Mary's Parish Council

At the meeting of Wisbech St. Mary Parish Council on 10th July 2023, the Council recommended APPROVAL subject to the following points and conditions: Bunkers Hill has a known speeding problem and based on the fact that there will be at least 20 properties within 200 yards the Council recommended an amendment to the speed limit to 40mph and the provision of an MVAS/SID by the developer. The Council would also like to recommend the provision of a footpath in both directions to allow walking access to the bus stop, which would be required to be installed prior to commencement.

5.5 Housing Strategy

As the application is for 5 dwellings, it is below the threshold for affordable housing and they have no comment to make

5.6 North Level District

No observations to make

5.7 Environment Agency

Thank you for your consultation dated 12 July 2023 for the above application. We have no objection to this planning application, providing that you have taken into account the Flood Risk considerations which are your responsibility. We have provided additional information below.

Flood Risk The site is located within flood zone 3 as defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. We have no objection to the proposed development, but strongly recommend that the mitigation measures proposed submitted flood risk assessment (FRA) ref: ECL0173b/ALS DESIGN SERVICES, dated April 2023, compiled by Ellingham Consulting Ltd and the following mitigation measures it details:

• Finished floor levels shall be set no lower than 0.5 metres above Ordnance Datum (AOD) with flood resilient construction incorporated to 300mm above finished floor level. are fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.

The measures detailed above should be retained and maintained thereafter throughout the lifetime of the development.

5.9 Local Residents/Interested Parties

One resident within Wisbech St Mary raises and objection:

'The access onto the main road I going to be dangerous as the speed limit is 60 miles per hour and traffic does often exceed that - the visibility from the right hand side will be obscured because of the greenery. I suggest that either the speed limit is lowered (highways) or the access be moved in Willock lane to avoid a terrible accident happening.'

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

- 7.1 National Planning Policy Framework (NPPF)
- 7.2 National Planning Practice Guidance (NPPG)
- 7.3 National Design Guide 2021

7.4 Fenland Local Plan 2014

- LP1 A Presumption in Favour of Sustainable Development LP2 Facilitating Health and Wellbeing of Fenland Residents
- LP3 Spatial Strategy, the Settlement Hierarchy and the Countryside
- LP4 Housing

LP5 Meeting Housing Need
LP12 Rural Area's Development Policy
LP14 Responding to Climate Change and Managing the Risk of Flooding in Fenland
LP16 Delivering and Protecting High Quality Environments across the District
LP19 The Natural Environment

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

LP5 Health and Wellbeing

LP7 Design

LP8 Amenity Provision

LP12 Meeting Housing Need

LP18 Development in the Countryside

LP20 Accessibility and Transport

LP22 Parking Provision

LP24 Natural Environment

LP25 Biodiversity Net Gain

LP32 Flood and Water Management

8 KEY ISSUES

- Principle of Development
- Character, scale, design and layout
- Residential amenity
- Flooding and Drainage
- Highway safety

9 BACKGROUND

- 9.1 Application F/YR20/0167/O was refused at committee for the erection of up to 5x dwellings involving the formation of a new access. The reason for refusal was solely based on highway safety implications and the failure to provide an acceptable visibility. Members in their consideration of the application discounted the location of the site as a reason for refusal on the basis that they did not consider it to be an elsewhere location. The impact on the character of the area was considered by Members to be positive, and the matter of the flood risk not being passed was not considered to justify refusal of the scheme as the risk could be mitigated against.
- 9.2 Application F/YR20/0598/O was submitted to attempt to overcome the highways reason for refusal. Prior to the determination of the application and after application F/YR20/0167/O was determined, an appeal decision on a comparable site was received by the Council and therefore the application was recommended for refusal at committee for reasons related to an in-principle reason (elsewhere location) with the appeal decision cited. Members granted the outline application.
- 9.3 Given the site edged red has been altered for this scheme, this prompted a full application submission as opposed to submission of reserved matters. The reason for the change was twofold, namely highway safety and drainage with gardens having to be larger to accommodate package treatment plants.

10 ASSESSMENT

Principle of Development

- 10.1 When reporting the applications previously, Officers set out that, "Policy LP3 defines the settlement hierarchy within the district. Bunkers Hill is not one of the identified settlements within this policy and as such is considered to be an 'Elsewhere' location where development "will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services".
- 10.2 Policy LP12 details the further requirements for supporting evidence in relation to proposals for new accommodations within an elsewhere location. However, as this application was submitted on the basis that it complied with Policy LP3 as previously decided by the planning committee, no such evidence has been submitted to demonstrate that the proposal complies with Policy LP12.
- 10.3 The principle of the proposed development therefore does not accord with the relevant policies of the development plan. This approach is supported by appeal decisions in relation to proposals within the District, in particular schemes at Kings Delph (F/YR18/0515/F), Westry (F/YR17/1114/O) and Four Gotes (F/YR18/0725/O). Notwithstanding this, Members concluded that Bunkers Hill was not an elsewhere location and therefore decided to not refuse planning permission on the basis of a conflict with LP3.
- 10.4 However, a more recent appeal decision received by the Council relates to planning application F/YR19/0828/F, concerning a proposed dwelling at Crooked Bank, Wisbech. This involved a site within what the Inspector described as "a small group of dwellings, farmsteads and enterprises known as Begdale. It is not within any of the settlements specified in Policy LP3 of the Local Plan. Begdale has a similar relationship to the settlement of Elm that Bunkers Hill has to Wisbech St Mary and there must therefore be parallels drawn between that decision and how this application should be determined.
- 10.5 The Inspector considered that Begdale was an elsewhere location and that the principle of development would conflict with Policies LP3 and LP12 of the Local Plan. Consequently, it is considered that Bunkers Hill must also be an elsewhere location and again that the principle of residential development must conflict with these policies.
- 10.6 The Inspector went on to consider that due to the limited services, facilities and employment within Begdale future occupiers would have "limited transport choice other than to rely on private motorised transport" although recognising that there would be some modest social and economic benefits from the dwelling. The overall conclusion was "whilst recognising the overall national objective to boost the supply of housing, the combined benefits of the scheme are still relatively modest such that they are outweighed by the environmental harm arising from the dependence on the private car and development in the countryside. The proposed development would not therefore amount to sustainable development when considered against the Framework as a whole". It is considered that the conclusions drawn by the Inspector at Begdale are equally relevant to the current proposal.
- 10.7. Whilst reference was made by Members when the previous application was considered that limited weight should be given to Inspector's decisions, as subsequent Inspectors have sometimes taken a different view on an issue to their colleagues, this is not a common occurrence and so appeal decisions should normally be given significant weight.
- 10.8 It is acknowledged that support for the proposal can be found within Policy LP58 of the Emerging Local Plan which allocates the application site for residential development. At present, the emerging plan is at draft stage and as such carries limited weight in the assessment. It furthermore must be acknowledged that this is a full application and not

the continuation of the outline application through a reserved matters application. The application must therefore be assessed against the existing policy requirements. Therefore, it is considered that the emerging plan would not outweigh the proposal failing to comply with Policy LP3 of the Fenland Local Plan (2014) and as such the recommendation for refusal is still applicable.

10.9 It is acknowledged that the planning committee has previously deemed the principle acceptable for an outline application for the same site, however, it is the viewpoint of the LPA officer that the proposal does not comply with Policy LP3 and as such cannot be supported in principle.

Character, scale, design and layout

- 10.10 It is to be noted that, again, when reporting previous applications, Officers set out that Policy LP16 of the Fenland Local Plan sets out the requirements for development proposals with regard to delivering and protecting high quality environments throughout the district. In particular it notes that proposals will be required to make a positive contribution to the local distinctiveness and character of the area, enhancing its local setting, and responding to and improving the character of the local built environment, whilst reinforcing local identity and not adversely impacting on the street scene, settlement pattern or the landscape character of the area.
- 10.11 Planning policy within the development plan discourages ribbon style development, which is development that extends along the roads leading into and out of a settlement without also developing the land behind the frontage. The Design and Access Statement says that the proposal will 'support the linear style development commonly found through Bunker's Hill'. The linear nature of the proposal when combined with its location beyond the existing developed extent of Bunkers Hill would result in ribbon style development. As it stands, the site is of a particularly open character in this location, and this makes a significant contribution to the overall rural character of the area and the relationship of the countryside to Bunkers Hill in this location. Development along the frontage of the field in this location would therefore result in demonstrable harm to the character and appearance of its surroundings and the character of Bunkers Hill at odds with policy LP16 noted above, and National Design Guidance.
- 10.12 In addition to the above, Bunkers Hill is also distinctive due to the sporadic nature of its development, in particular on the east side of High Road where the application site is also located. The majority of development forming part of Bunkers Hill is located to the west of High Road. The shape of the application site and its extent, combined with the proposed number of dwellings forming part of the scheme would result in a regular form of development at odds with this distinctive character. However Members when considering the previous application did not find that there would be any harm to the character and appearance of the area arising from residential development of the site. Consequently no reason for refusal is recommended to Members in respect of this as part of the determination of the current proposal.

Residential amenity

- 10.13 Policy LP2 states that development proposals should contribute to the Council's goal of Fenland's residents, including promoting high levels of residential amenity. Further to this, policy LP16 states that development should not adversely impact on the amenity of neighbouring users such as noise, light pollution, loss of privacy and loss of light. It also identifies that proposals should identify, manage and mitigate against any existing or proposed risks from sources of noise, emissions, pollution, contamination, odour and dust, vibration, landfill gas and protects from water body deterioration.
- 10.14 The proposal is for the erection of 5no detached, two storey dwellings alongside the formation of a new access. The site is currently open in nature with the nearest existing residential properties being located approximately 35m from the boundary of the application site. It is considered as the nearest existing residential dwelling is located

significantly away from the proposed and is separated by existing trees that there will be no effects from overbearing, loss of light or privacy. As such it is considered that the proposed dwellings will not have any detrimental impacts on the amenity of the existing residential properties.

- 10.15 However, notwithstanding the above, it is considered that the proposal is detrimental to the amenity of future occupiers of plots one and two. These plots are to separated by a gap of 2.5m. Floor plans clearly show that bedroom 4 to both plots propose one narrow window within the first floor side elevation. This will be the sole principal window to serve bedroom no4. The properties in this respect are mirrored with the windows originally proposed in line with the other which would lead to loss of privacy and overlooking.
- 10.16 Amended plans were submitted by the agent that demonstrates a re-siting of the window to bedroom 4 in plot one. Whilst it is acknowledged that the re-siting would overcome a direct loss of privacy, this has, indeed, caused another concern. The windows to both plots will now face directly to a blank wall leading to an overbearing and oppressive outlook from bedroom 4 which in turn will restrict light to each room. Given these are the principle windows for bedroom 4, the positioning of such would fail to comply with LP16 which seeks to ensure development does not adversely impact on the amenity of neighbouring properties. This matter could not be addressed through a requirement that the windows in question are constructed from obscure glass, as this would be harmful to the occupants of both plots.
- 10.17 The Fenland Local Plan sets out within Policy LP16 that there must be sufficient private amenity space, suitable to the type and amount of development proposed with a recommendation of a minimum of one third of the plots curtilage being set aside for use as private amenity space. It is considered that the proposal demonstrates the provision of garden areas to the rear which would exceed the recommendation. Further to this, each site provides adequate bin storage.
- 10.18 Based on the information as set out above it is considered that the proposal fails to comply with Policy LP16 as the design of the proposed plots one and two would result in an overbearing impact for the intended occupiers thus failing to protect occupants amenity.

Flood Risk and Sequential Test

- 10.19 When considering previous applications, Members were advised, "The application site lies within flood zones 2 and 3. National and Local Planning Policy requires development to be directed to areas of lowest flood risk in preference to those within higher risk areas, unless a sequential test demonstrates that there are no such areas capable of accommodating the level of development proposed on the site.
- 10.20 Fenland District Council sequential test protocol is that for development in elsewhere locations, such as the application site, the area of search for preferential locations will be the entirety of the district. No separate sequential test has been submitted alongside the application, however two other documents do comment on the proposals from a sequential test perspective. The first of these is the Flood Risk Assessment (FRA), dated April 2023 and undertaken by Ellingham Consulting Ltd. This document acknowledges the need for a sequential test but rather than providing information on potential alternative sites, it simply states that large parts of the district lie within Flood Zone 3 and therefore there are limited opportunities to undertake the development on a site at lower flood risk. This does not constitute a sequential test. The second document is the Design and Access Statement, however rather than undertaking a formal sequential test, this document merely identifies that the site is 'within zone 2..' and that 'previous approvals on this site show that development can still be supported..'
- 10.21 Members however, decided not to pursue a reason for refusal on the grounds of flood risk when overturning application F/YR20/0598/O given that they considered any risk could be mitigated. Flood risk mitigation is not a substitute passing the sequential test

and so notwithstanding the previous committee decisions, the matter remains relevant to the consideration of the application.

Highways

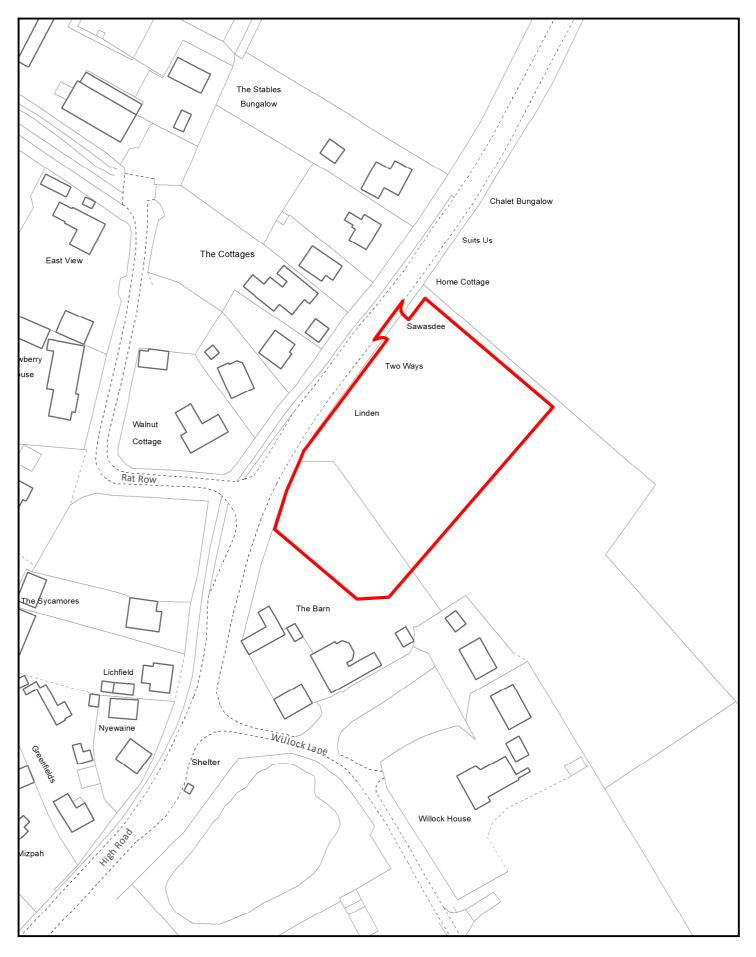
- 10.22 Policy LP15 of the Fenland Local Plan (2014) requires development to provide well designed, safe and convenient access for all. The proposal includes the provision of a new vehicular access towards the northern part of the application site. This will result in the application forming a private access by which each of the proposed dwellings can be accessed by.
- 10.23 The development is to utilise the position of an access previously permitted with respect to F/YR20/0598/O. The Highways Authority were consulted and whilst they raise no objections in principle to the proposal, they state that insufficient information has been submitted to conclude that that a safe and convenient access can be provided sufficient to satisfy the requirements of policy LP15 noting that the red line differs from that on the previous application and that the visibility splay shown on drawing 1405-260-002 is incorrectly detailed. Further to this, '..the splay previously provided is below that normally required for a derestricted road. This was based upon submission of supportive speed data, which should be similarly provided as part of this separate application'.
- 10.24 In terms of parking provision, the plans demonstrate that each of the dwellings can provide 2no car parking spaces alongside an additional car port save for plot 5 which demonstrates two spaces within the car port and one further parking space. This would comply with the Parking Standards as set out within the Fenland Local Plan (2014) which requires a dwelling with more than 4 bedrooms to provide a minimum of 3 car parking spaces. Through the imposition of a condition should the application be approved, this will ensure that the car ports are not converted and to ensure adequate parking provision will be retained in perpetuity.
- 10.25 Given the complexity of overcoming some of the issues raised by County Highways, including amending the site edged red amongst others, and given the in-principle issues, the application is to be recommended for refusal on highway grounds with a failure to comply with policy LP15.

11 CONCLUSIONS

- 11.1 It is considered that the recent appeal decision received in relation to the site at Begdale is a material consideration, and in light of this, and notwithstanding the previous decision of the Committee concerning the development of this site for five dwellings, the officer recommendation is to refuse due to the conflict with Policies LP3 and LP12 of the Local Plan and with the aims and objectives of the NPPF in respect of development in an elsewhere location with limited access to services and facilities.
- 11.2 Whilst not a material planning consideration, should Committee agree that this reason for refusal is now relevant, Members should be aware that in the event of an appeal there is the risk of an award of costs on the grounds of unreasonable behaviour. However, it is considered that this risk is significantly mitigated as the Council received the appeal decision for the Begdale site 'between decisions' and this is now a material consideration.
- 11.3 By virtue of the siting and proximity of the windows serving bedroom 4 to both plots one and two, would create an overbearing impact upon the occupiers and therefore fail to comply with policy LP16 of the Local Plan
- 11.4 The application proposes a new access, however, insufficient information has been submitted to consider the full impact the proposal may have on the public highway. The scheme is therefore contrary to policy LP15 of the Fenland Local Plan (2014).

12 RECOMMENDATION: REFUSE

1	Policies LP3 and LP12 of the Fenland Local Plan (2014) set out the settlements hierarchy within the district, with the application site location being considered as an 'Elsewhere' location where new dwellings are only to be permitted if they are demonstrably essential to the effective operation of a range of countryside type uses. The proposal is made in full for the construction of five open market residential dwellings and contains no indication that the dwellings are required to support any of the uses identified. The proposal would result in the construction of several residential dwellings in an area of the district where supporting facilities for such development are not available, and as a result the scheme would be contrary to the requirements of these policies of the Local Plan and in conflict with the aims and objectives of the NPPF.
2	Policy LP16 of the Fenland Local Plan (2014) requires that all new developments do not adversely impact on the amenity of neighbouring users such as noise, light pollution, loss of privacy and loss of light. By virtue of their siting and close proximity to one another, the proposed first floor side windows to bedroom 4 to both plots one and two, would result in an overbearing impact to occupiers. As such the proposal adversely impact the amenity of the occupiers of both proposed properties and fails to comply with Policy LP16.
3	Policy LP15 requires development proposals to demonstrate that they can provide well-designed, safe and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport. The application proposes a new access; however, insufficient information has been submitted to consider the full impact the proposal may have on the public highway. The scheme is therefore contrary to policy LP15 of the Fenland Local Plan (2014).
4	Policy LP14 of the Fenland Local Plan (2014) and chapter 14 of the National Planning Policy Framework (2019) require residential development to be steered towards areas of lowest flood risk unless a sequential test identifies that there are no other suitable and reasonably available sites capable of accommodating the development. The proposal is located within flood zones 1, 2 and 3, and the scheme is not accompanied by a sequential test document indicating consideration of alternative sites. The proposal would therefore result in residential development within zones of higher flood risk without any justification indicating that the development could not be accommodated in areas of lower risk, and would therefore be contrary to policy LP14 of the Fenland Local Plan (2014) and chapter 14 of the National Planning Policy Framework (2019)



Created on: 10/07/2023

F/YR23/0541/F

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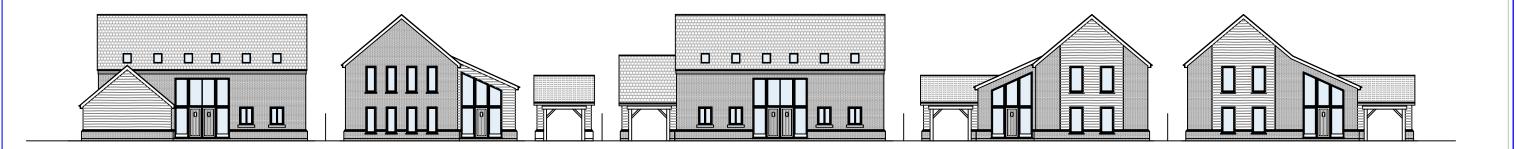
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N

Fenland

CAMBRIDGES HIRE

Fenland District Council



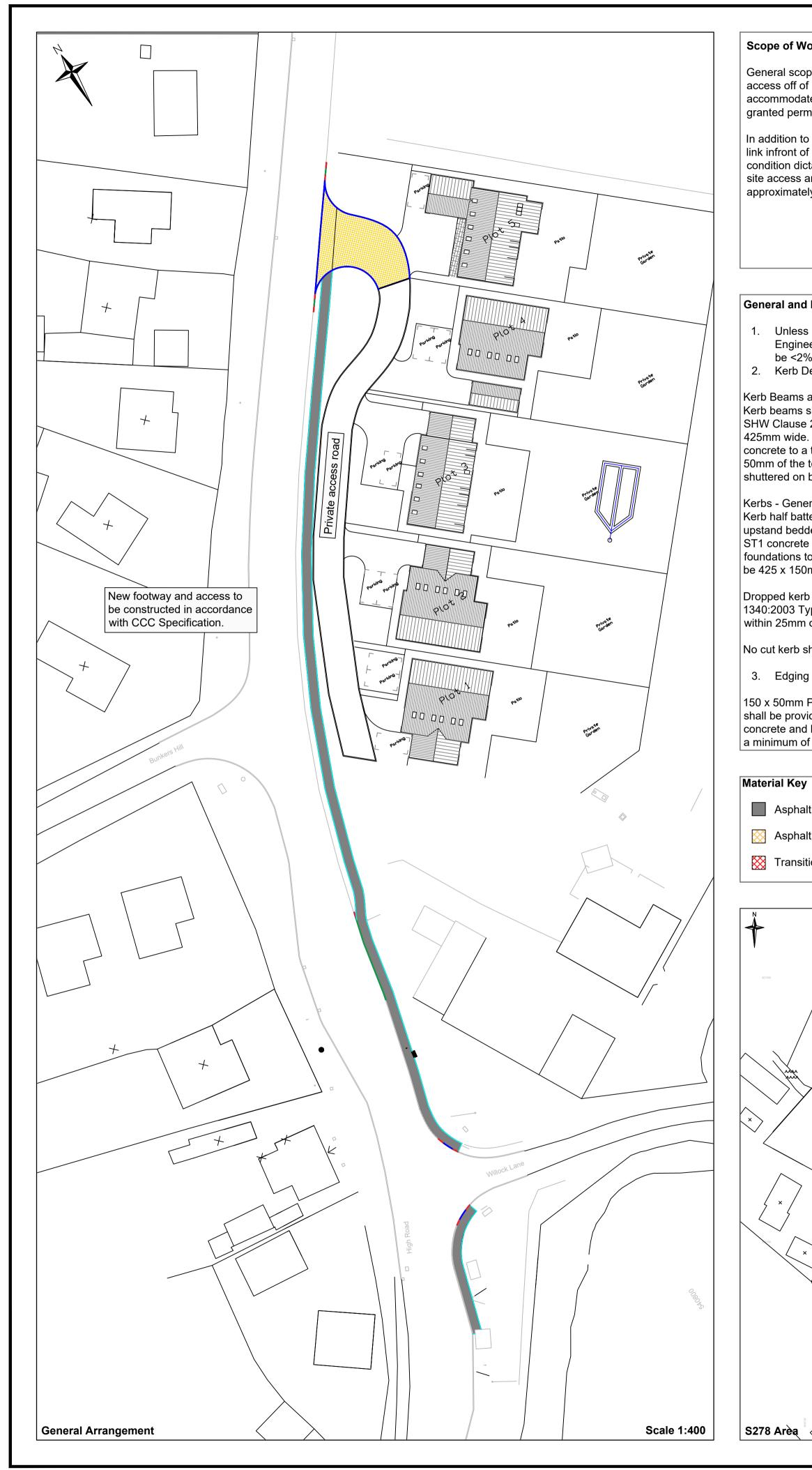
Proposed Street Scene Scale 1:250











Scope of Works

General scope of works is to construct a new highway access off of High Road, Bunkers Hill, Wisbech to accommodate five new build dwellings which were granted permission under application F/YR20/0598/O.

In addition to the above, there is currently no footway link infront of the development site, a planning condition condition dictates this link to be established between the site access and existing bus stop, requiring approximately 156m of new footway.

General and kerbing Notes:

- 1. Unless in situ testing has been agreed by the Engineer, the CBR for the site will be assumed to be <2%.
- 2. Kerb Detail

Kerb Beams and Backing

Kerb beams shall be constructed of ST1 concrete to SHW Clause 2602 not less than 150mm thick and 425mm wide. The kerbs shall be backed with ST1 concrete to a thinckness of no less than 300mm, to within 50mm of the top of the kerb. Kerb foundations to be shuttered on both sides

Kerbs - General Requirements Kerb half battered 125mm x 255mm showing 125mm upstand bedded on 25mm mortar backed with 150mm of ST1 concrete to within 50mm of the top of the kerb. Kerb foundations to be shuttered on both sides. Kerb beam to be 425 x 150mm min. thickness of ST1 concrete.

Dropped kerb detail shall be 150 x 125 to BS EN 1340:2003 Type BN, all bedded and backed as above to within 25mm of the top of the kerb.

No cut kerb shall be less than 300mm in length,

Edging Detail

Asphalt construction

Transition Kerb

Asphalt Highway Access

150 x 50mm PC edgings to BS EN 1340:2003 Type EF shall be provided. Bedded on 200 x 100mm thick ST1 concrete and backed (both sides) with concrete to within a minimum of 40mm from the top of the edging.

Pedestrian Footway/ 0.5m Maintenance Strip

- 1. Surface course shall comprise of 25mm compacted thickness of AC 6 dense surf in accordance with BS EN 13108-1 and PD-6691.
- 2. Binder course to be 60mm compacted thickness of AC 14 dense surf Dense Asphalt Concrete to BS EN 13108-1 and PD6691 with 40-60 or 100-150 pen binder.

The footway binder course for heavy vehicle crossings shall be 90mm compacted thickness of Dense asphalt concrete AC20 dense bin to BS EN 13108-1 and PD6691 with 50 pen binder.

- 3. Sub-base to be specification for Highway Works, Clause 803 Type 1 or Housing Estate Road Sub-base or Specification for Highway Works Clause 804 Type 2 (excluding natural sands and gravels) or compliant recycled 225mm thick or 365mm thick for heavy vehicular crossings.
- 4. The formation shall be treated with an approved weed killer before construciton commences. 5. All margins to be hardened and constructed as per
- footway specification:

	Type of Footway	Depth of Sub-bas
	Light-vehicle crossing of f'tway	225mm
	with occasional vehicle	
	over/turning	
	Heavy vehicle crossing of	365mm
	f'way	
	Footway seperate from	150mm
	carriageway	
L		

Existing Site Conditions

₩ HB2

₩ BN3

S278 area shown in green

See drawing

1405-2600-001

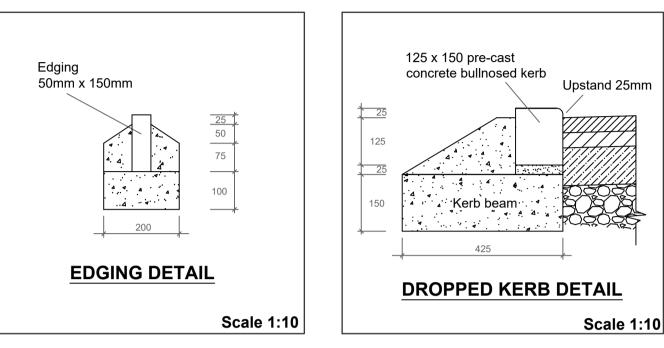
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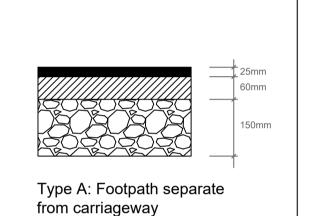
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The new footway is to be 1.5m and abut the existing kerbs. A small section of kerbs are to be installed to extend the existing line, thereafter the footway is to separate from the carriageway assisting drainage and safety.

Kerb half battered OR 125mm x 255mm pre-cast concrete bullnosed kerb Upstand 125mm 1 in 36 cross fall **KERB DETAIL**

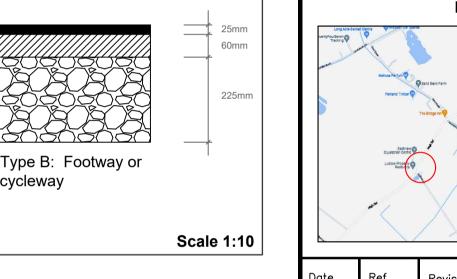




Scale 1:10

(pedestrians only)

60mm Type B: Footway or cycleway



Scale 1:10

Notes:

All dimensions in meters (m) unless stated

Service drawings

Specification, 2020.

asphalt

This drawing is to be read in conjunction with all

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All highways works are to be constructed in

(CCC) Housing Estate Road Construction

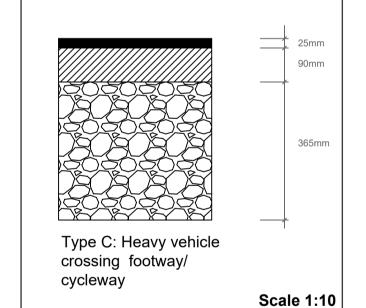
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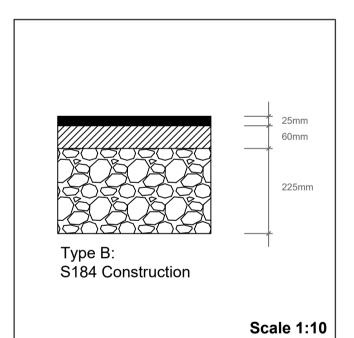
sawn cut edges to be sealed with bitumen

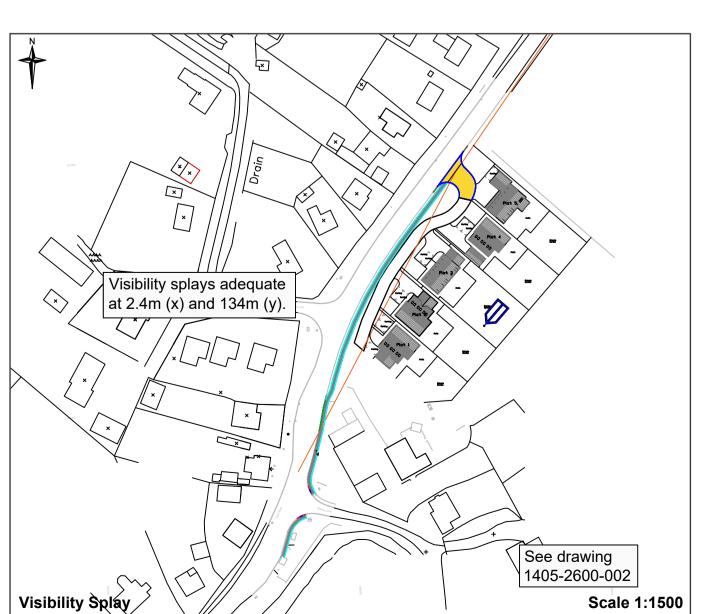
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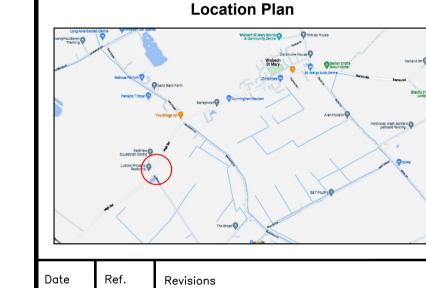
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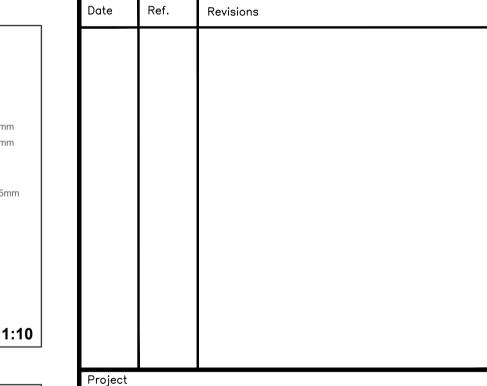
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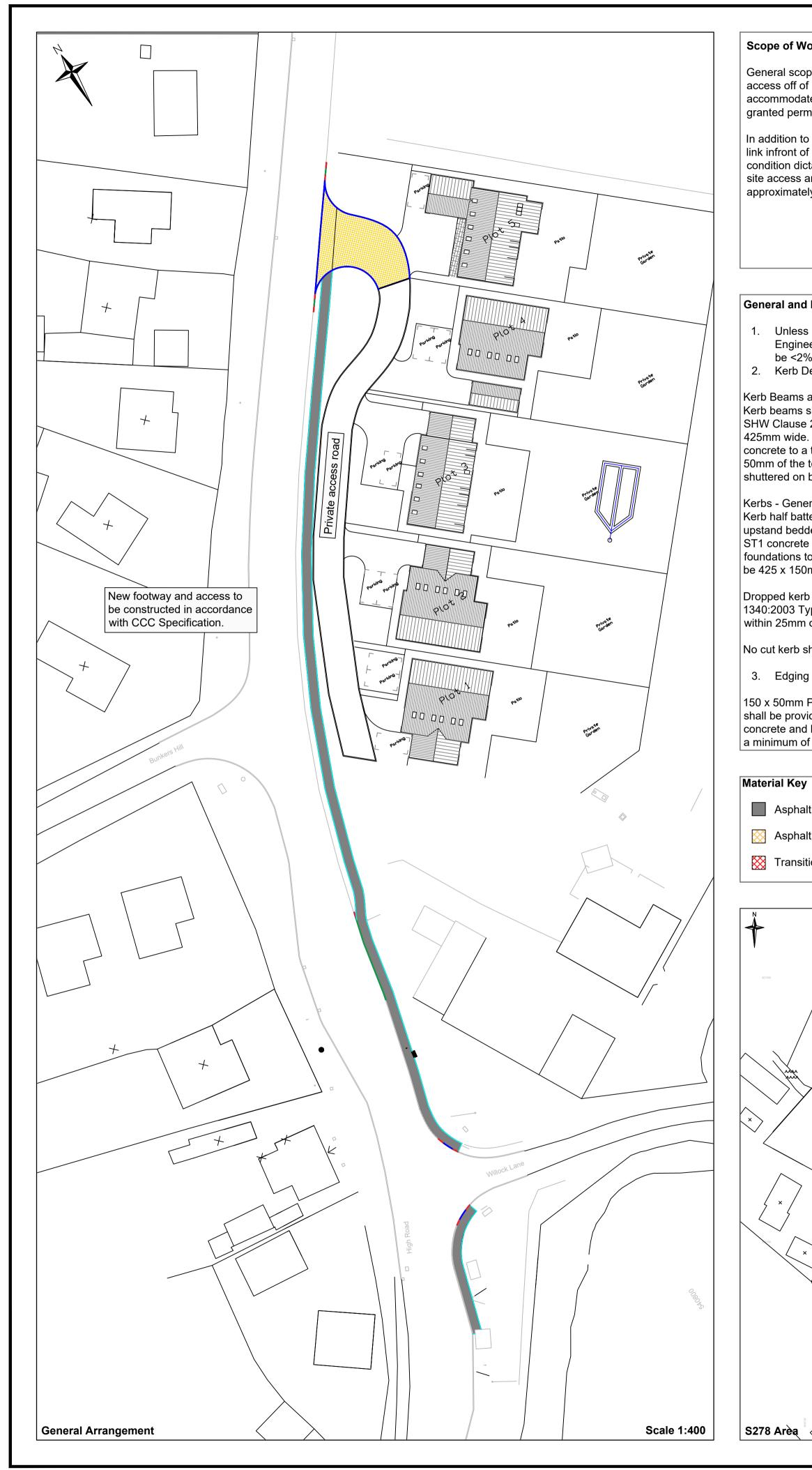


Land North of Willock Farm Barn Bunkers Hill, WSM

Highway General Arrangement 1



1405-0700-001



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S278 area shown in green

See drawing

1405-2600-001

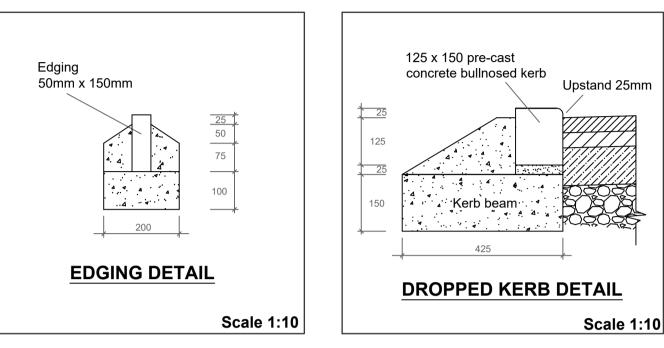
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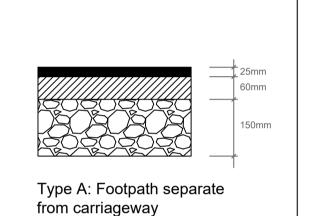
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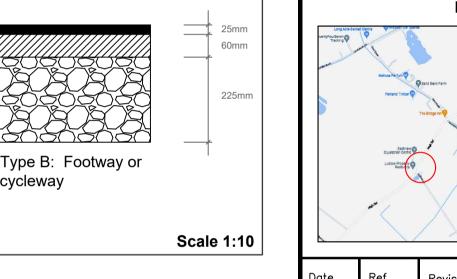




Scale 1:10

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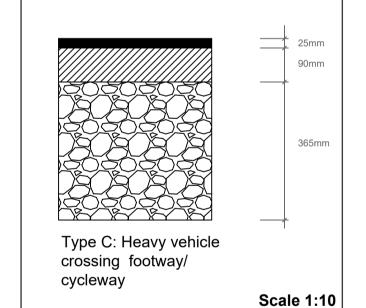
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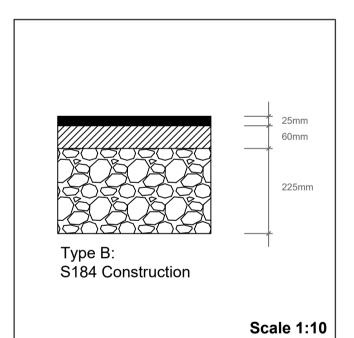
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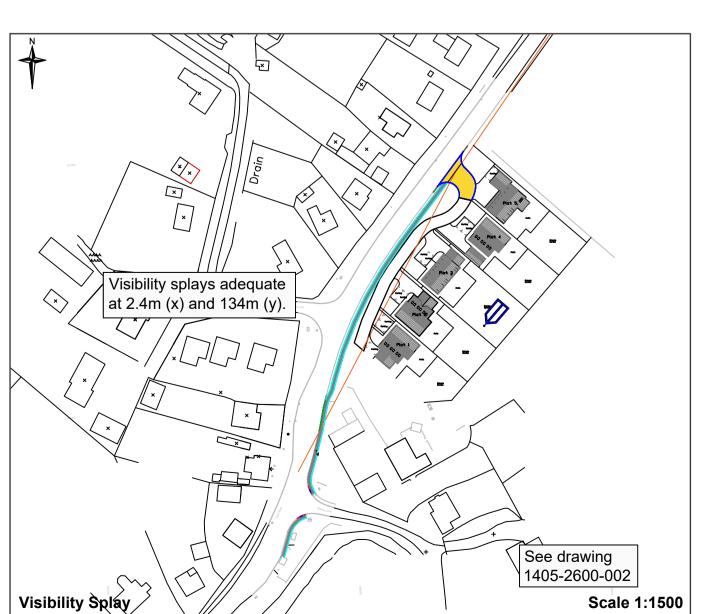
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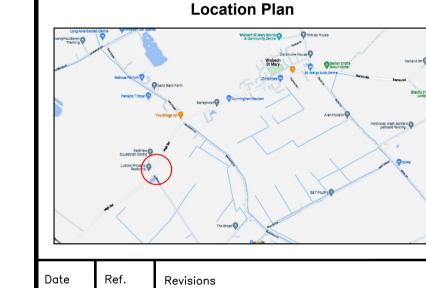
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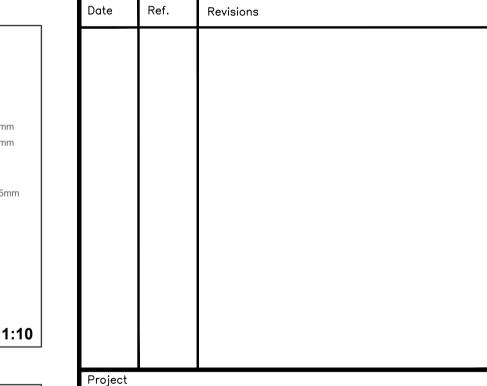
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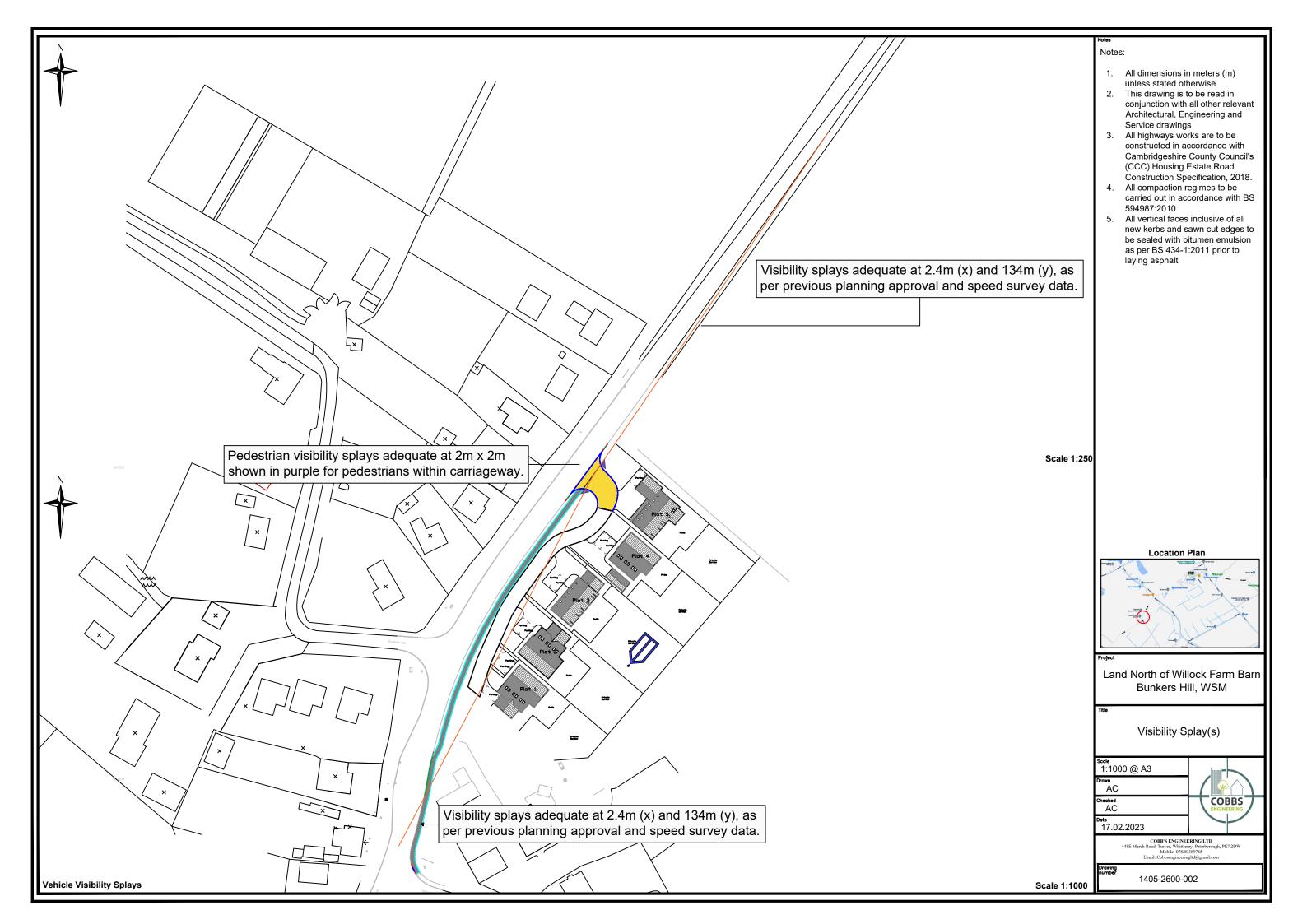


Land North of Willock Farm Barn Bunkers Hill, WSM

Highway General Arrangement 1



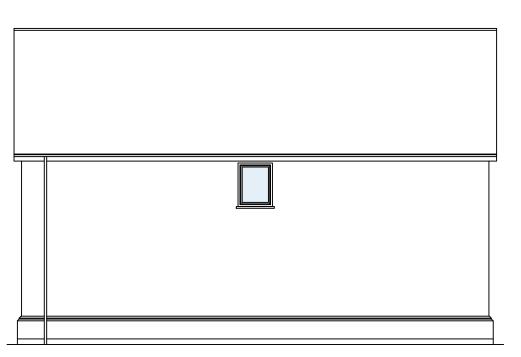
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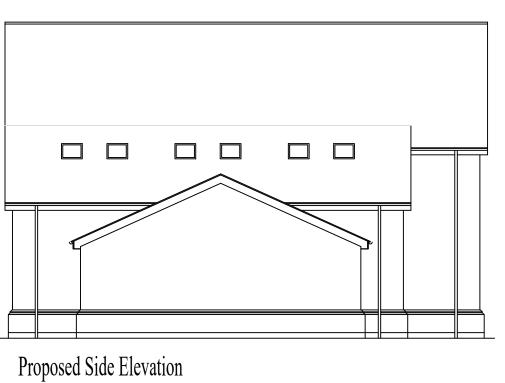
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Proposed Side Elevation Scale 1:100

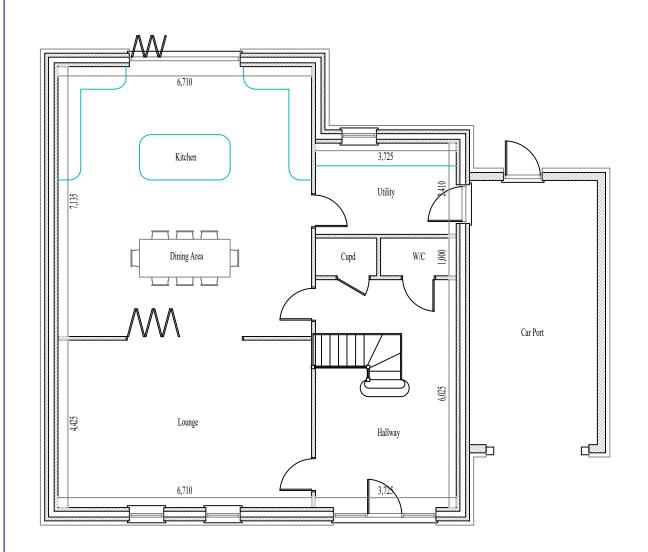


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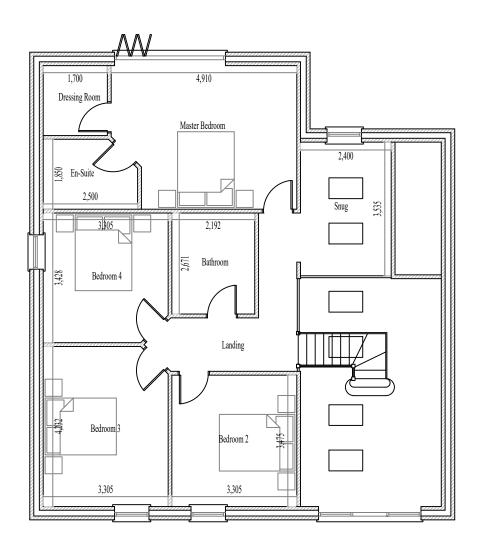


Proposed Side Elevation
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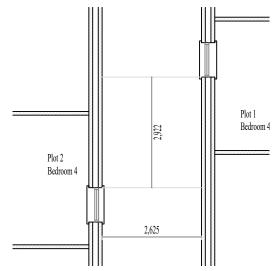




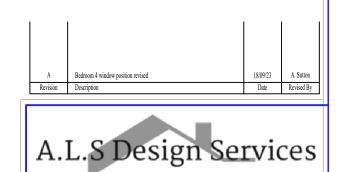
Proposed Ground Floor Plan Scale 1:100



Proposed First Floor Plan Scale 1:100



Bedroom 4 Window Relationship Scale 1:100



E-Mail: alsdesignservices@outlook.com Phone: 07707921632

Project
Proposed Residential Development

Drawing Title
Plot 1 Floor Plans

Address

Land North of Willock Farm Barn

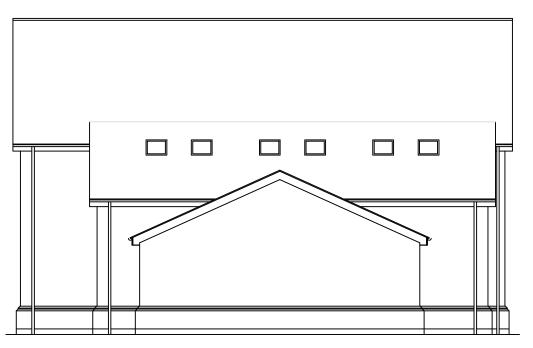
Land North of Willock Farm Barn,
High Road, Bunkers Hill

Drawn By

Paper Size



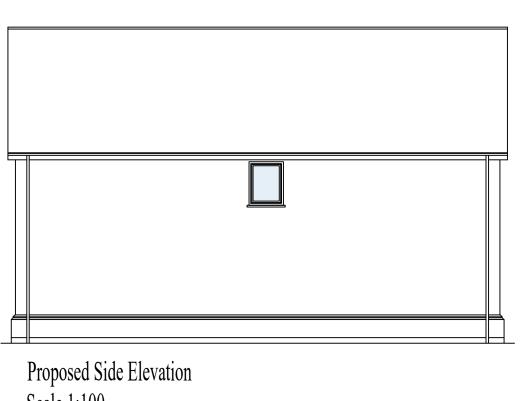
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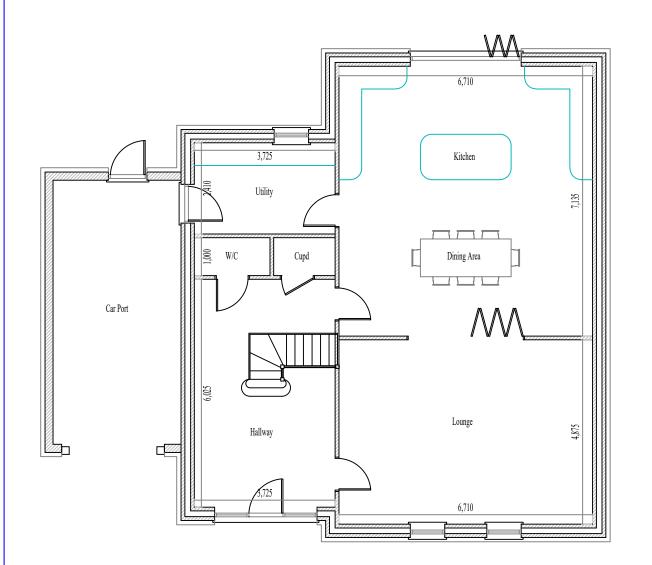


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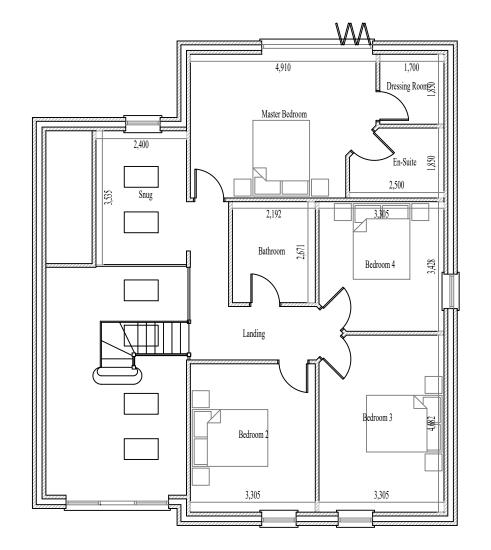


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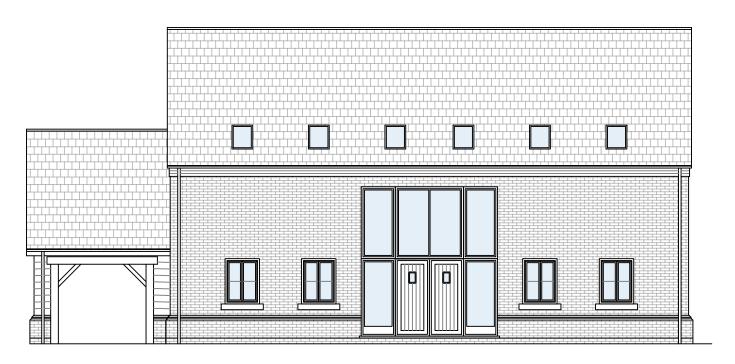


Proposed Ground Floor Plan Scale 1:100

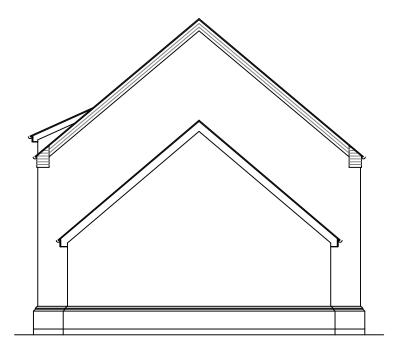


Proposed First Floor Plan Scale 1:100





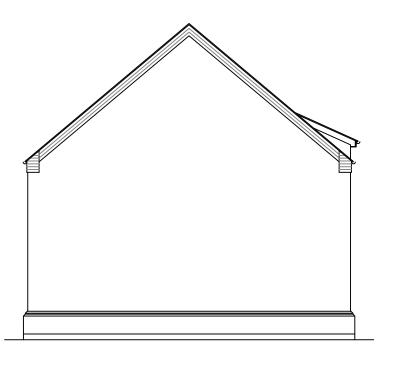
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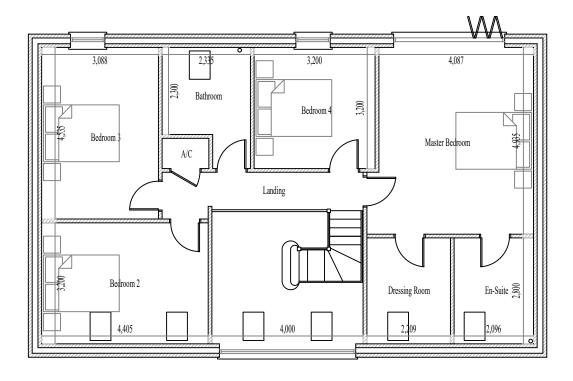


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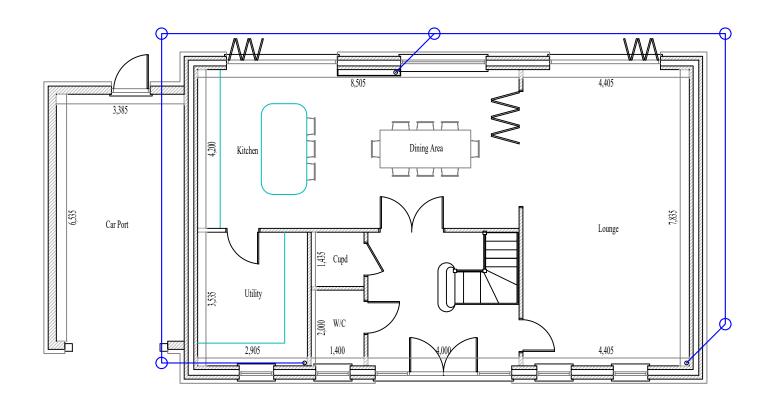


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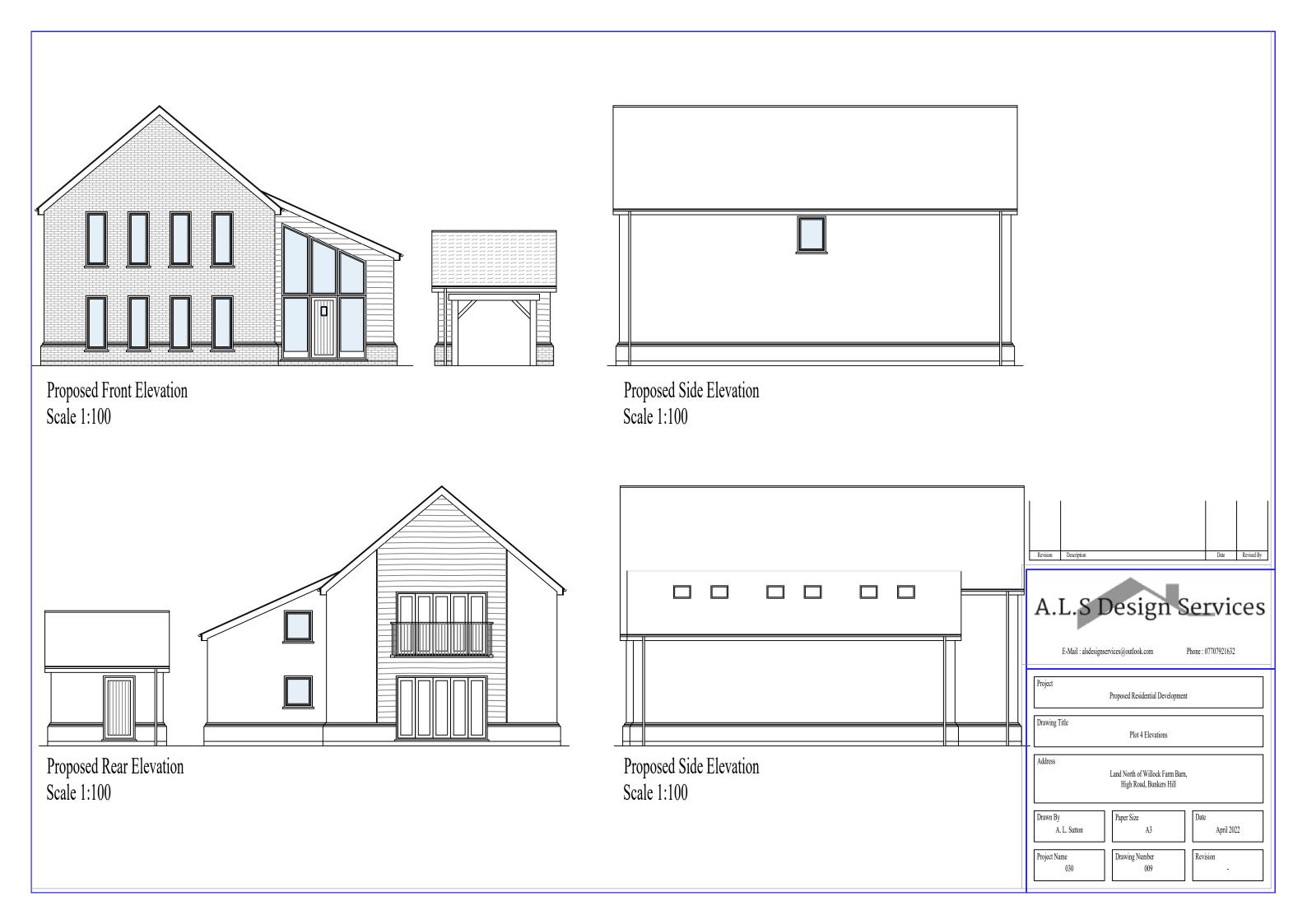


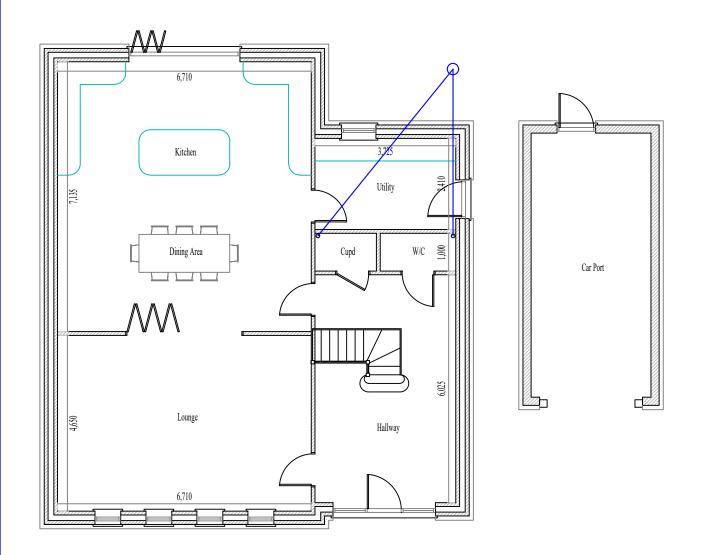
Proposed First Floor Plan Scale 1:100



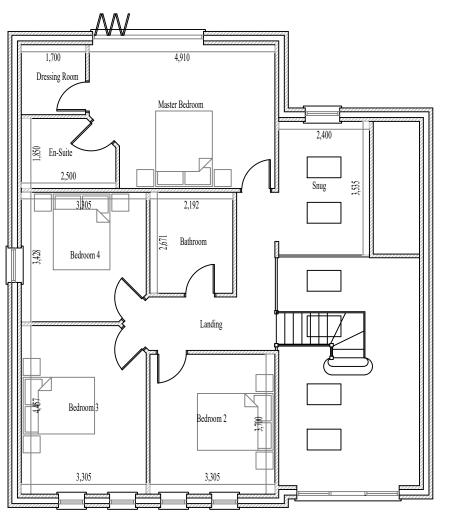
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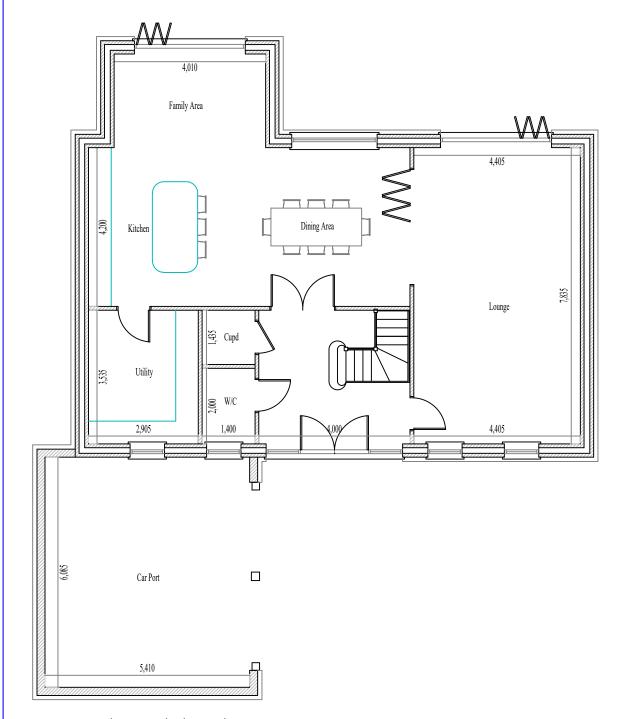
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3 88 2,335 3,200 4,088

Bedroom 2

Bedroom 2

Dressing Room

En-Suite
4,000

2,309

2,096

W,

Proposed Ground Floor Plan Scale 1:100

Proposed First Floor Plan Scale 1:100

