
F/YR23/0072/O

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

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

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

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

Officer recommendation: Refuse

Reason for Committee: Deferred by Committee at its meeting in April 2023 in order to obtain clarification regarding ecology and highway matters.

1 EXECUTIVE SUMMARY

- 1.1 This application has previously been referred to the Planning Committee for determination on 5 April 2023 where it was agreed that the determination of the applications be deferred to obtain the required ecology information and to resolve the highway concerns regarding the footpath and speed limit.
- 1.2 Since this time revised an additional information has been submitted to accompany the application, namely Ornithological Desk Study Results, an Ecological Survey in relation to the proposed footpath and revised plans indicating an uncontrolled pedestrian crossing and footpath link on the eastern side of Fodder Fen Road.
- 1.3 The additional information submitted is considered to overcome refusal reason 3 in relation to ecology. However, it does not alter or overcome the previously asserted recommended refusal reasons 1 (spatial strategy and impact on character of area) and 2 (flood risk).
- 1.4. Consequently, the recommendation is to refuse the application, consistent with the previous decision of the Council regarding development of this site under F/YR21/0555/O in September 2021.

2. UPDATE

- 2.1 This application has previously been referred to the Planning Committee for determination on 5 April 2023 where it was agreed that the determination of the applications be deferred, to obtain the required ecology information and to resolve the highway concerns regarding the footpath and speed limit. Members did not support Officer's recommendation of refusal for reasons 1 and 2 as they did not feel the site lay outside the settlement and is within Manea, it is within the existing village footprint, would not have an adverse impact on the surrounding area, the scale and location is in keeping, it is the right area of Manea to be developed, Manea needs to grow, flourish and thrive, it makes a positive

contribution to the local distinctiveness and mitigation measures can be introduced for flood risk and the safeguarding of the properties.

- 2.2 Since this time revised an additional information has been submitted to accompany the application, namely Ornithological Desk Study Results an Ecological Survey in relation to the proposed footpath and revised plans indicating an uncontrolled pedestrian crossing and footpath link on the eastern side of Fodder Fen Road; further consultations have been undertaken as a result and comments received are as follows:

3. CONSULTATIONS

3.1 Natural England

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

3.2 Ecology Officer (FDC) (24/7/2023)

We welcome the submission of the Ornithological desk study and note this information addresses Natural England's previous concerns relating to the impact of the proposed scheme on Goose and Swan Functional Land.

In light of the above, we consider the ecological advice provided by Rowan Rumballs on 4th August 2022, which states that the "application scheme is acceptable but only if conditions are imposed". If permission is granted, we recommend the proposed pre-commencement and compliance conditions be included, as set out in Rowan's consultation response.

3.3 Ecology Officer (FDC) (3/10/2023)

We welcome the submission of the ecological assessment associated with the proposed footpath. Wild Frontier Ecology (2023) report confirms there will be no adverse impact to biodiversity, providing that measures set out in the 'mitigation and enhancement' section of the report.

The proposal is acceptable on ecology grounds, providing that the follow information to protect and enhance biodiversity is secured through suitably worded planning condition(s):

- 1. All measures sets within the 'Mitigation and Enhancement' section of the Wildlife Frontier Ecology (2023) letter report dated 28 July 2023 be implemented in full.*
- 2. Planning conditions proposed within Rowan Rumball, Wildlife Officer, Peterborough City Council's response in August 2022.*

3.4 Cambridgeshire County Council Highways

The revised site plan has included a footway with uncontrolled pedestrian crossing suitable to address my previous comments.

I previously advised that a Traffic Regulation Order would be needed to relocate signage clashing with the site access. I am aware that the applicant has enquired with CCC's Policy & Regulation team regarding the application process but due to extreme workloads, the timescales for determination of a TRO are not reasonable in context of the planning process. This can be addressed as a pre-commencement style condition but there is a risk that the Order is refused, albeit

the risk is small. The LPA will need to consider if they can accept such a condition or if they will need the Order approved in advanced of determination of the planning application.

Otherwise, I have no objection to the proposed development, and should the LPA be minded to approve the application, I recommend the following Conditions and Informatives be appended:

Conditions

- Construction Facilities: Prior to the commencement of the development hereby approved adequate temporary facilities area (details of which shall have previously been submitted to and agreed in writing with the Local Planning Authority) shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction.*
- Highway Drainage: The approved access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.*
- Gates/Enclosure/Access Restriction: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking, amending or re-enacting that order) no gates or other means of enclosure shall be erected across the vehicular access hereby approved.*
- Wheel Wash Facilities: Development shall not commence until fully operational wheel cleaning equipment has been installed within the site. All vehicles leaving the site shall pass through the wheel cleaning equipment which shall be sited to ensure that vehicles are able to leave the site and enter the public highway in a clean condition and free of debris which could fall onto the public highway. The wheel cleaning equipment shall be retained on site in full working order for the duration of the development.*
- Off-Site Highway Works: No development shall take place until details of works to construct a 1.8m footway between the development and Manea Station Car Park, as shown on the drawing 6567-PL01c, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied/brought into use until all of the works have been completed in accordance with the approved details.*

Informatives

- Works in the Public Highway: This development may involve work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.*
- Watercourse Management: If you are planning to undertake works within a watercourse within the UK, you need permission to do so by law. It is essential that anyone who intends to carry out works in, over, under or near a watercourse, contacts the relevant flood risk management authority to obtain the necessary consent before starting work. Please refer to this web page for further information;*

4. ASSESSMENT AND CONCLUSIONS

Ecology

- 4.1 Natural England, a statutory consultee, previously advised that the development site falls within the Ouse Washes 'swan functional land' Impact Risk Zone (IRZ), and as such requested further information to enable the potential impact to be assessed. Subsequently, an Ornithological Desk Study Results report has been submitted, this yielded no records of Ouse Washes Special Protection Area (SPA) swan species using the development site or surrounding fields. On this basis, Natural England now have no objection, and consider that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
- 4.2 A further ecology survey was also submitted in relation to the proposed footpath as this was not included in the original report. This considered that the grass verge where the footpath is proposed is of negligible ecological value due to its recent and likely regular disturbance through mowing, and that the risks posed by the proposed installation of the footpath to water voles and other protected and valued species can all be adequately addressed by adopting the mitigation measures. Recommended mitigation measures include ensuring that the land is maintained in its current condition to minimise potential for wildlife to be present, ensuring that a minimum 2m separation distance is maintained from the nearest part of the works to the base of the ditch, that construction materials are stored within the development site on the eastern side of Fodder Fen Road, that clearance work avoids bird breeding season and if protected species are found that works cease and an ecologist consulted. The Ecology Officer has no objections to the application subject to the mitigation and enhancement measures being secured, along with the originally recommended ecology conditions.

Highways

- 4.3 Cambridgeshire County Council Highways had previously advised that an uncontrolled pedestrian crossing and footpath link on the eastern side of Fodder Fen Road was required, along with a Traffic Regulation Order to relocate signage clashing with the site access.
- 4.4 The revised plans submitted indicate the required pedestrian crossing and footpath link addressing Highway comments and full details could be secured by way of a condition. The applicant's agent has provided correspondence regarding the progress of speed limit repositioning, however, should the application be successful it is still considered necessary to impose a pre-commencement condition in relation to a Traffic Regulation Order to relocate all signage clashing with the site access to ensure that this is achievable and implemented accordingly.

Conclusion

- 4.5 The additional information submitted is considered to overcome refusal reason 3 in relation to ecology. However, it does not alter or overcome the previously asserted failure to comply with the relevant policies in relation to refusal reasons 1 and 2 and as such the conclusions and recommendations in Appendix A remain unchanged in this regard and, notwithstanding the view expressed by Members previously, the Officer recommendation for refusal on these grounds remains.

5. RECOMMENDATION

Whilst noting that Planning Committee did not accept refusal reasons 1, and 2 Officers have included them in order to be consistent with our previous recommendation.

Refuse for the following reasons:

1.	<p>Policy LP12 Part A (a) and associated footnote make it clear that the developed footprint is defined as the as the continuous built form of the village and that development which is not within in or adjacent to this would be contrary to this policy and the spatial strategy set out in Policy LP3. Policy LP12 Part A (c), (d) and (e) seek to ensure development would not have an adverse impact on the character and appearance of the surrounding countryside and would not result in linear development.</p> <p>Furthermore, Policy LP16 (d) of the Fenland Local Plan, Policy DM3 of Delivering and Protecting High Quality Environments in Fenland SPD, paras 130 and 174 of the NPPF and chapters C1 and I1 of the NDG seek to ensure that developments make a positive contribution and are sympathetic to the local distinctiveness and character of the area, recognise the beauty and character of the countryside and do not adversely impact on the landscape character.</p> <p>This site is considered to be located beyond the established settlement of Manea and as such would result in linear development encroaching into the open countryside. The proposed development would erode the openness of this countryside location and result in an urbanisation which would have a significant detrimental impact on the character of the area. It would also set a dangerous precedent for further incremental development and therefore cumulative harm, contrary to the aforementioned policies.</p>
2	<p>The site lies in Flood Zone 3, the highest risk of flooding. Policy LP12 Part A (j) seeks to ensure that developments would not put people or property in dangers from identified risks, such as flooding. Policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF seek to steer developments to the areas with the least probability of flooding and development will not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. If it is evidenced by an adequate sequential test that it is not possible for development to be located in areas with a lower risk of flooding the exception test will then apply</p> <p>Insufficient assessment has been undertaken and inadequate information submitted to demonstrate that it is not possible for the development to be located on a site with a lower risk of flooding and the development does not provide any wider sustainability benefits, as such both the sequential and exception tests fail and the development is contrary to the aforementioned policies.</p>

Appendix A – Committee Report and Update 5 April 2023

PLANNING COMMITTEE DATE: 5th April 2023

Agenda No: 5

APPLICATION NO: F/YR23/0072/O

SITE LOCATION: Land East Of Station Farm, Fodder Fen Road, Manea

UPDATE

Correspondence from agent

An email has been received from the agent regarding recommended reason for refusal 2 in relation to flood risk.

The agent has cited a case within Parson Drove, F/YR22/1187/FDC which was approved for the erection of 1 x dwelling involving demolition of existing garage block (outline application with matters committed in respect of access). This application site was also situated within Flood Zone 3.

The agent has also referred to the specifications of the proposed dwellings, including the use of triple glazing, heat source air pumps and PV cells, and asserts that this is not referred to in the report to Committee.

Officer response

The Sequential Test submitted for F/YR22/1187/FDC was thoroughly reviewed by the case officer and the identified sites discounted for various reasons (F/YR22/0702/F for example is a replacement dwelling).

This application is accompanied by a Sequential and Exception Test which advises that the area of search is Manea rather than the whole rural area, Officers disagree with this as the site is considered to be outside the settlement and as such the Sequential Test is considered to fail.

Notwithstanding this, even if the site was considered part of the settlement and the search area was the village of Manea, the Sequential Test is considered to be inadequate as it discounts smaller/larger sites, specifies a type of dwelling (where all matters are reserved in this case so this is unknown) and does not consider whether there are sites in Flood Zone 3 at lesser risk of flooding. The two applications are therefore not comparable.

With regards to the Exception Test; reference has been made to renewable energy solutions at 10.31 of the report. The provision of renewable energy solutions is not considered to provide a wider sustainability benefit to the community which outweighs flood risk, in the context of a proposal for 5 dwellings (whereas it may be acceptable for a single dwelling), the proposed footpath link is only required to mitigate the unsustainable location of the site and as such is not of wider benefit, and whilst it is noted that reference is made to ecological enhancement on the wider agricultural holding, it is advised that this is being undertaken in relation to the Government's countryside stewardship mid-tier scheme and as such would be undertaken irrespective of this application and would not be relevant to the development.

Report Correction

Paragraph 10.28 of the report refers to application F/YR21/1439/O which was refused by Planning Committee for failure to adequately apply or meet the sequential test; for clarity this was refused in November 2022.

Resolution: No change to the recommendation which is to refuse this application as per Section 12 of Agenda item 5.

F/YR23/0072/O

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

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

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to Officer recommendation

2 EXECUTIVE SUMMARY

- 1.1 The application seeks outline planning permission for up to 5 dwellings with matters committed in relation to access only. A single access point is proposed off Fodder Fen Road, with the agricultural access retained. Illustrative drawings show a row of 5 detached dwellings, with garages, set back from the road behind a shared access. It is also proposed to provide a footpath on the western side of Fodder Fen Road from opposite the access to link to the footpath constructed for the station car park.
- 1.2 The principle of development in this location is considered unacceptable as it is beyond the established settlement of Manea.
- 1.3 The development would erode the openness of this countryside location and result in an urbanisation which would have a significant detrimental impact on the character of the area.
- 1.4 The LHA have raised queries regarding the viability and acceptability of the works required to Fodder Fen Road, which remain unresolved.
- 1.5 The site lies in Flood Zone 3, the highest risk of flooding and has failed to demonstrate that it is not possible for the development to be located on a site with a lower risk of flooding and the development does not provide any wider sustainability benefits, as such both the sequential and exception tests fail.
- 1.6 Insufficient information has been submitted to enable the Local Planning Authority to undertake the Habitat Regulations Assessment 'likely significant effect' screening in relation to the Ouse Washes Functionally Linked Land
- 1.7 Overall, the proposed development is considered to be unacceptable and the recommendation is one of refusal, consistent with the previous decision of the Council regarding development of this site.

3 SITE DESCRIPTION

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

4 PROPOSAL

3.1 The application seeks outline planning permission for up to 5 dwellings with matters committed in relation to access only.

3.2 A single access point is proposed off Fodder Fen Road, with the agricultural access retained. Illustrative drawings show a row of 5 detached dwellings, with garages, set back from the road behind a shared access. It is also proposed to provide a footpath on the western side of Fodder Fen Road from opposite the access to link to the footpath constructed for the station car park.

3.3 Full plans and associated documents for this application can be found at:

[F/YR23/0072/O | Erect up to 5 dwellings \(outline application with matters committed in respect of access\) including formation of a footpath on the western side of Fodder Fen Road | Land East Of Station Farm Fodder Fen Road Manea \(fenland.gov.uk\)](#)

5 SITE PLANNING HISTORY

Application site:

F/YR22/0709/O	Erect up to 5 dwellings (outline application with matters committed in respect of access) including formation of a footpath on the western side of Fodder Fen Road	Withdrawn
F/YR21/0555/O	Erect up to 5 dwellings (outline application with matters committed in respect of access)	Refused 23/9/2021

Of relevance in the vicinity in relation to whether the area is considered as part of the settlement is the following:

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

6 CONSULTATIONS

5.1 Parish Council

Object.

Outside of the village curtilage

Green field site

Would set a precedent.

5.2 Environmental Health (FDC)

The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposal, as it is unlikely to be affected by ground contamination.

Having previously studied the content of the Environmental Noise Survey, Noise Break-in Assessment & Sound Insulation Scheme report provided by Nova Acoustics (Project Number: 7694RS) dated 09.05.2022, this service is satisfied with the methodology and subsequent findings having regard to the appropriate acoustic standards in this scenario. This is however based on the assumption that glazing standards will be installed in accordance with those in Table 6.0 (Glazing Specification – All Façades – Living Rooms and Bedrooms) to ensure that internal noise levels fall within the accepted parameters as stated within the aforementioned report.

In the interests of protecting the amenity of existing nearby residents during the construction phase, this service would welcome the submission of a robust Construction Environmental Management Plan (CEMP). This should be in accordance with the template now available on the Fenland District Council website via the following link: <https://www.fenland.gov.uk/planningforms>

5.3 Natural England

We advised that further information should be provided, including desk-records from suitable sources including RSPB, BTO and the Wildfowl and Wetlands Trust, to confirm that the development site and surrounding area is not regularly used by SPA birds and can therefore be excluded as Ouse Washes functionally linked land. We note that the current planning application includes an email from the Applicant to Fenland District Council (22 September 2022) incorporating a rebuttal of Natural England's request for this additional information on the basis of the findings of the Applicant's Ecology Report and advice from the Council's Wildlife Officer.

Natural England's advice is that the Applicant should be requested to provide the additional information originally requested in our previous response. This is required to confirm that the proposed development site and surrounding area is not regularly used by SPA birds can therefore be excluded as Ouse Washes 'functionally linked land'.

The Council, as Competent Authority under the requirements of the Conservation of Habitats and Species Regulations 2017, amended will require this information to inform its Habitats Regulations Assessment (HRA) screening with regard to the likely significant effects of the proposed development on the Ouse Washes SPA and Ramsar site. Alternatively you may wish to consult the RSPB on this planning application as their views may help to inform your HRA screening.

5.4 Wildlife Officer (FDC)

Recommendation:

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

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

Pre-Commencement Conditions(s) –

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

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

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

-Boundary treatments.

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

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

Compliance Condition(s) -

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

interest on site. Any such written confirmation should be submitted to the local planning authority.

Assessment/Comment:

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

5.5 Environment Agency

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

National Planning Policy Framework Flood Risk Sequential Test In accordance with the National Planning Policy Framework (NPPF) paragraph 162, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. It is for the Local Planning Authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the NPPF. Our flood risk standing advice reminds you of this and provides advice on how to do this.

By consulting us on this planning application we assume that your Authority has applied and deemed the site to have passed the NPPF Sequential Test. Please be aware that although we have raised no objection to this planning application on flood risk grounds this should not be taken to mean that we consider the proposal to have passed the Sequential Test.

Review of Flood Risk Assessment (FRA) We have no objection to the proposed development, but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) (ECL0442a) are adhered to. In particular, the FRA recommends that:

- Finished floor levels will be set no lower than 0.4m.*
- Flood resistance measures will be incorporated up to 0.6m above finished floor levels.*
- There will be no ground floor sleeping accommodation.*

Advice for the LPA

With regard to the second part of the Exception Test, your Authority must be satisfied with regards to the safety of people (including those with restricted mobility), the ability of people to reach places of safety, including safe refuges within buildings, and the ability of the emergency services to access buildings to rescue and evacuate people.

In all circumstances where flood warning and evacuation are significant measures in contributing to managing flood risk, we expect local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

We have reviewed the submitted FRA with regard to tidal and main river flood risk sources only. The Internal Drainage Board should be consulted with regard to flood risk associated with their watercourses and surface water drainage proposals.

Advice for the Applicant

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

The Environment Agency operates a flood warning system for existing properties currently at risk of flooding to enable householders to protect life or take action to manage the effect of flooding on property. Flood Warnings Service (F.W.S.) is a national system run by the Environment Agency for broadcasting flood warnings. Receiving the flood warnings is free; you can choose to receive your flood warning as a telephone message, email, fax or text message. To register your contact details, please call Floodline on 0345 988 1188 or visit <https://www.gov.uk/sign-up-for-flood-warnings>

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

5.6 Middle Level Commissioners

No comments received.

5.7 Cambridgeshire County Council Highways

On the basis of the information submitted, I have no objections in principle, however, the following points require attention to make the development acceptable in highway terms:

To provide safe pedestrian access to the site, a proposed footway on the west side of Fodder Fen Road between the development and Manea station car park is proposed. While welcome in principle, an uncontrolled pedestrian crossing between the footway and the development site is needed. The crossing needs to be separate from the vehicular access (with a short length of intervening full height footway) and will therefore require a localised length of footway on the east side of the road. The footway should be 2m were possible and only reduce to 1.8m if dictated by physical constraints.

Fodder Fen Road currently drains over-edge into verge. Once a footway is introduced, this means of drainage will no longer be possible and a positive system will be required. While this is an engineering detail which can be addressed post-planning, an acceptable solution may impact upon scheme viability and should therefore be considered now by the applicant.

The proposed vehicular access clashes with existing terminal speed signs and level crossing warning signs, both of which will require re-location. Re-locating the speed limit signs (and road markings), even by a short distance, will require a Traffic Regulation Order. The determination of TROs sits outside of the planning system so I cannot provide any certainty regarding their acceptability. Should the LPA consider it unreasonable to condition these works which are outside of the applicant's control, then the TRO would need to be approved prior to determination of the planning application.

The applicant should be made aware that removal of existing road markings by hyrdoblasting (or similar) will not be permitted and it will be necessary to plane and re-surface a length of carriageway.

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.

5.8 Arboricultural Officer (FDC)

Received on previous application (F/YR22/0709/O), however still considered relevant:

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

5.9 Cambridgeshire County Council Archaeology

I am writing to you regards the archaeological implications of the above referenced planning application. The proposed development is located to the north of Manea. Manea is situated on a fen island within the fen with the island of Stonea to the north. These high places in the fen are known to have been focuses of activity particularly in the prehistoric period. Lidar and aerial imagery indicate the development red line is located of a small 'sandy' island to the northeast of the main settlement. A findspot located in the fenland survey shows a large number of Mesolithic flints potentially covering part of the development area (Cambridgeshire Historic Environment Record ref 05990). Stretching eastwards across the fen are further flint finds of a neolithic polished axe and two Mesolithic axes towards another shallow hill (CHER MCB15986, MCB15984, 05976). There is a further Mesolithic flint scatter to the southeast (CHER 05977).

The land changes in the area combined with a large number of archaeological finds indicate a high potential for Mesolithic activity within the development area, therefore whilst we do not object to development from proceeding in this location, we consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition, such as the example condition approved by DCLG.

Archaeology 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).

Informatives:

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.

5.10 Local Residents/Interested Parties

7 supporting comments have been received (1 from Pingle Wood Row, 3 from Days Lode Road, 2 from Westfield Road and 1 from Willow Drive, all Manea), in relation to the following:

- Many cases where building has taken place on agricultural land
- Similar to other developments in the village
- Close to railway station, proposal can make use of improved services, ideal for commuters
- Further away from station than Charlemont Drive so less noise impact
- Front the highway/not filling fields behind other houses
- Houses nearby but not densely populated so shouldn't have issues with access
- Would benefit the local economy and community
- Manea has good infrastructure/facilities
- Addresses the need for local and affordable homes
- Not sufficient executive housing in the area

Comments, where they relate to planning considerations will be addressed in the sections below. It should however be noted that the proposal is for market housing, not affordable and the scale/design is indicative at this stage as it is not being committed.

7 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).

8 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide 2021

Context – C1

Identity – I1
Movement – M1
Nature – N3

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development
LP2 – Facilitating Health and Wellbeing of Fenland Residents
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
LP4 – Housing
LP12 – Rural Areas Development Policy
LP13 – Supporting and Managing the Impact of a Growing District
LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
LP16 – Delivering and Protecting High Quality Environments across the District
LP17 – Community Safety
LP19 – The Natural Environment

Emerging Local Plan

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 48 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

Policy LP1 – Settlement Hierarchy
Policy LP2 – Spatial Strategy for the Location of Residential Development
Policy LP5 – Health and Wellbeing
Policy LP7 – Design
Policy LP8 – Amenity Provision
Policy LP11 – Community Safety
Policy LP12 – Meeting Housing Needs
Policy LP18 – Development in the Countryside
Policy LP20 – Accessibility and Transport
Policy LP22 – Parking Provision (Appendix 6)
Policy LP24 – Natural Environment
Policy LP25 – Biodiversity Net Gain
Policy LP26 – Carbon Sinks and Carbon Sequestration
Policy LP27 – Trees and Planting
Policy LP28 – Landscape
Policy LP32 – Flood and Water Management
Policy LP49 – Residential site allocations in Manea

Delivering and Protecting High Quality Environments in Fenland SPD

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

Cambridgeshire Flood and Water SPD 2016

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

10 BACKGROUND

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

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

This site is considered to be located beyond the established settlement of Manea and as such would result in linear development encroaching into the open countryside. The proposed development would erode the openness of this verdant countryside location and result in an urbanisation which would have a significant detrimental impact on the character of the area. It would also set a dangerous precedent for further incremental development and therefore cumulative harm, contrary to the aforementioned policies.
 - 2 *Policy LP2 and LP16 (l) of the Fenland Local Plan, DM6 of the Delivering and Protecting High Quality Environments in Fenland SPD and para 130 of the NPPF seek to promote health and well-being and high levels of residential amenity whilst identifying, managing and*

mitigating against sources of noise and avoid adverse impacts.

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

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

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

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

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

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

Due to the location and features surrounding and within the site there is potential for protected species to be affected by the proposed development, particularly as it would be necessary to undertake works to the drain to the west for accesses. Insufficient assessment has been

undertaken and inadequate information submitted to enable the Local Planning Authority to ascertain whether the proposal would impact protected species and as such it is considered contrary to the aforementioned policies.

- 9.4 Whilst it is acknowledged in the Minutes of Planning Committee on 22/9/2021 regarding the previous application that one Member did not agree with Officers' assessment of scheme, the Committee ultimately agreed with the Officer recommendation of refusal and the reasons for refusal put forward, there has been no material change in circumstance since this time which would overcome these reasons.
- 9.5 A further application was submitted (F/YR22/0709/O), accompanied by a noise assessment, ecology appraisal and proposing a footpath link, this was due to be determined by Planning Committee in December 2022 with a recommendation of refusal for the following reasons:

1. *Policy LP12 Part A (a) and associated footnote make it clear that the developed footprint is defined as the as the continuous built form of the village and that development which is not within in or adjacent to this would be contrary to this policy and the spatial strategy set out in Policy LP3. Policy LP12 Part A (c), (d) and (e) seek to ensure development would not have an adverse impact on the character and appearance of the surrounding countryside and would not result in linear development.*

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

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

2. *Policies LP3 and LP12 Part D of the Fenland Local Plan 2014 seek to restrict development in elsewhere locations, such as the application site, to that which is demonstrably essential to be so located, and to ensure that any such applications are accompanied by robust evidence of the need and suitability of the development.*

No evidence has been forthcoming to establish need in relation to the requirements of LP12 Part D. Furthermore, the proposal is for up to 5 dwellings, even if the need for 1 dwelling was established this would not render the remaining dwellings applied for acceptable. As such, the proposal is contrary to the aforementioned policies.

- 3 *The site lies in Flood Zone 3, the highest risk of flooding. Policy LP12 Part A (j) seeks to ensure that developments would not put people or property in dangers from identified risks, such as flooding. Policy LP14 of the Fenland*

Local Plan and Chapter 14 of the NPPF seek to steer developments to the areas with the least probability of flooding and development will not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. If it is evidenced by an adequate sequential test that it is not possible for development to be located in areas with a lower risk of flooding the exception test will then apply

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

- 4 *Policies LP16 (b) and LP19 of the Fenland Local Plan 2014 and Paragraph 174 of the NPPF 2021 seek to conserve, enhance and promote biodiversity. Paragraph 182 advises that the presumption in favour of sustainable development does not apply where a project is likely to have a significant effect on a habitats site unless an appropriate assessment has concluded that it will not adversely affect the integrity of the habitats site.*

Insufficient information has been submitted to enable the Local Planning Authority to undertake the Habitat Regulations Assessment 'likely significant effect' screening in relation to the Ouse Washes Functionally Linked Land, and as such the development is considered contrary to the aforementioned policies.

- 9.6 This application was withdrawn the day before the Committee meeting, no reason was provided within the written request, however it is understood that the applicant had requested to speak but was unable to attend the meeting.
- 9.7 This application contended that a dwelling was required in relation to the running of Sears Bros Ltd (reason for refusal 2 above), however this claim has since fallen away under the current application.
- 9.8 All other reasons for refusal remain. It is acknowledged that the applicant's agent now disputes the site being described as 'verdant' as referred to above in reason for refusal 1, this word does not undermine the rationale for this reason and for the avoidance of doubt Officers are content for this to be omitted, the reason will however be updated in relation to para 174 of the NPPF in relation to recognising character and beauty of the countryside.

11 ASSESSMENT

Principle of Development and visual amenity of area

- 10.1 Policy LP3 of the Fenland Local Plan identifies Manea as a 'growth village' where development within the existing urban area or as small village extensions of a limited scale will be appropriate as part of the strategy for sustainable growth. This policy also states that development elsewhere will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. Policy LP3 must be read in conjunction with other policies in the Local Plan which steer development to the most appropriate sites:

- 10.2 Policy LP12 Part A states that for villages, new development will be supported where it contributes to the sustainability of that settlement (para 79 of the NPPF concurs), does not harm the wide-open character of the countryside (para 174 of the NPPF recognises the intrinsic value of the countryside) and complies with criteria (a) – (k). Policy LP12 makes it clear that the developed footprint is defined as the as the continuous built form of the village and excludes the following:
- Individual buildings and groups of dispersed or intermittent buildings that are clearly detached from the continuous built-up area,
 - gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where the land relates more to the surrounding countryside than to the built-up area of the settlement,
 - agricultural buildings and associated land on the edge of the settlement,
 - outdoor sports and recreation facilities and other formal open spaces on the edge of the settlement.
- 10.3 This site is considered to be located beyond the established settlement of Manea; development north of the railway line is limited and reasonably dispersed, with the form of land and buildings relating more to the surrounding countryside than the built-up area of development. This is a position that is supported by the previous recent refusal for development on this site (F/YR21/0555/O) and also the refusal of application F/YR14/0113/F and subsequent appeal APP/D0515/A/14/2227264 which was dismissed, in relation to an application for dwellings on a site on the opposite side of Fodder Fen Road, closer to the railway. Para 13 of the appeal decision stating:
- ‘.....due to its largely open character and the modest structures within it, in my judgement the rail corridor including the station forms a visual break and material buffer between the continuous settlement to the southwest and the more sporadic development and open countryside to the northeast. Therefore, the appeal site is neither within or adjacent to the existing development footprint of Manea in the terms of Policy LP12 of the Local Plan. Consequently, in this regard, the proposed development conflicts with this Policy and the associated spatial strategy for the District.’*
- 10.4 LP12 Part A (a) which requires the site to be in or adjacent to the existing developed footprint of the village cannot be satisfied as demonstrated above.
- 10.5 LP12 Part A (c) and (d) which require that developments do not have an adverse impact on the character and appearance of the surrounding countryside and are in keeping with the core shape and form of the settlement cannot be satisfied as the development would result in an encroachment into the open countryside resulting in an urbanising impact.
- 10.6 LP12 Part A (e) which requires that development does not extend linear features or result in ribbon development cannot be satisfied as the development would result in ribbon development extending onto the countryside.
- 10.7 LP12 Part A (j) which requires that development would not put people or property in danger from identified risks has not been fully addressed with respect to flood risk (please refer to Flood Risk section below).

- 10.8 It is acknowledged that planning permission has been granted (F/YR20/0427/F) for a car park in association with the railway station on land adjoining the railway line on the western side of Fodder Fen Road. In determining this application, it was acknowledged that the land does not adjoin the developed footprint of the village and would therefore be classed as an 'elsewhere location'; however, Policy LP3 supports such development, and it is necessary to be located in close proximity to the railway. As the site was considered to relate more to the countryside than the built settlement it was considered important that this character was retained as much as possible to limit the impact. The site is bounded by trees and vegetation which it is proposed to retain and enhance, a buffer also surrounds the car park which mitigates the impact of the development on the character of this rural location; any impact was considered to be outweighed by the public benefit of the scheme. This development is not considered comparable to the current application for dwellings, which has no such policy support and creates a significant detrimental impact on the character of the area.
- 10.9 The applicant's agent has made reference to village and speed limit signs in their justification, Officers contend that the spatial assessment of sites by the location of highway signs is not considered to be an appropriate or logical approach and sites should instead be assessed in accordance with the criteria set out in Policy LP12 as above.
- 10.10 Policy LP16 (d) of the Fenland Local Plan, Policy DM3 of Delivering and Protecting High Quality Environments in Fenland SPD, paras 130 and 174 of the NPPF and chapters C1 and I1 of the NDG seek to ensure that developments make a positive contribution and are sympathetic to the local distinctiveness and character of the area, recognise the beauty and character of the countryside and do not adversely impact on the landscape character. The proposed development would erode the openness of this countryside location and result in an urbanisation which would have a significant detrimental impact on the character of the area. It would also set a dangerous precedent for further incremental development and therefore cumulative harm.
- 10.11 Whilst the policies of the emerging local plan carry extremely limited weight in decision making the following are relevant to this application:
- Policy LP1, Part A identifies Manea as a large village; Part B advises that land outside settlement boundaries is defined as countryside where development is restricted (as set out in LP18), this site is outside of the defined settlement and Part C would not be applicable as the development is not considered to adjoin the settlement, would be located in an area of flood risk and would exceed the 3 dwelling threshold for this policy. LP49 defines residential site allocations in Manea and this site does not have such an allocation. As such the proposal is also considered contrary to the aforementioned policies of the emerging local plan.

Loss of Agricultural land

- 10.12 The site comprises of approximately 0.46ha of Grade 2 Agricultural land as defined by DEFRA ([Defra Spatial Data Download](#)) and classified as very good.
- 10.13 Para 174 of the NPPF 2021 recognises the intrinsic character and beauty of the countryside, including the economic and other benefits of the best and most versatile (BMV) agricultural land (defined as Grades 1, 2 and 3a) and para 175

(footnote 58) advises that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

10.14 Having regard to the wider DEFRA mapping site, it is acknowledged that a significant majority of the Fenland District falls within the BMV land with only the urban areas of the main Market Towns, the Kings Delph and Morton's Leam areas and the north of March including the prison area falling within the lower grades. As such, it is recognised that there are very few areas of poorer quality agricultural land, and it would not be possible therefore for Fenland to meet its housing demands without developing areas of BMV land.

10.15 This does not however confer that all agricultural land should be developed, especially where it relates more to open countryside than to the settlement and Officers consider that this is the intention of LP12, Part A (c), supported by the preamble at paragraph 4.7.1 of the Fenland Local Plan. An assessment however should be made as to the relationship of the land to the open countryside, in comparison to the built envelope of the settlement. As stated in the section above, the application site is considered to relate more to the open countryside than the built form though it is acknowledged that 0.46ha is not significant in the context of BMV land within Fenland.

Residential Amenity/Health and wellbeing

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

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

10.18 Environmental Health also recommend the submission of a Construction Environmental Management Plan (CEMP), which can be secured through a pre-commencement condition should the application be successful.

Highways

10.19 Aside from the principle of development, access is the only matter being committed as part of this application. A 6m wide shared access point is proposed off Fodder Fen Road, requiring the drain to be culverted, full details of which can be secured by way of a condition. Visibility splays as required by the LHA are

indicated and the agent has confirmed that this is achievable within Highways land. The shared access leads to a private road within the site and individual parking and turning areas; the detailed layout would be a Reserved Matter should this application be successful.

- 10.20 Fodder Fen Road is some distance from the majority of facilities and services, and in order to provide a sustainable link to existing infrastructure, the railway station and village beyond, a 1.8m wide footpath is proposed on the western side of Fodder Fen Road to adjoin the recently constructed footpath serving the station car park. More detailed comments have been provided by the LHA for the current application, these advise that an uncontrolled crossing between the footway and the development is needed, that this needs to be separate from the vehicular access and will therefore require a length of footway on the eastern side of Fodder Fen Road, the footway should be 2m wide and only reduced to 1.8m if necessitated by physical constraints. The issue of drainage has also been raised as Fodder Fen Road currently drains over-edge into the verge and the introduction of the footpath would result in this no longer being possible, whilst full details could be secured by condition this may impact the viability of the scheme.
- 10.21 The LHA have also advised that the proposed access clashes with speed and level crossing warning signs, both of which will require re-location, this would require a Traffic Regulation Order, this process sits outside of the planning system and as such there is no certainty that this could be achieved.
- 10.22 The proposed footpath would be in close proximity to a drain and a number of trees, whilst the area has already been disturbed by the construction of the car park, it would be necessary to establish and consider the potential impact of the footpath on these trees and ecology.
- 10.23 These matters remain outstanding, however in the interests of expediting the application, and on the basis there are a number of other reasons for refusal, it was not considered reasonable to seek further details in this regard.

Flood Risk

- 10.24 The site lies in Flood Zone 3, the highest risk of flooding; Policy LP12 Part A (j) seeks to ensure that developments would not put people or property in dangers from identified risks, such as flooding. Policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF seek to steer developments to the areas with the least probability of flooding and development will not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. If it is evidenced by an adequate sequential test that it is not possible for development to be located in areas with a lower risk of flooding the exception test will then apply.
- 10.25 Section 4.4 of the adopted Cambridgeshire Flood and Water SPD sets out that the initial approach to carrying out a sequential test should be to agree the scope of the test with the LPA i.e. agree the geographical area for the search which should be justified in the sequential test report. Given that the site is considered outside the settlement, the scope for the sequential test would need to be the whole of the rural area (villages and open countryside), as set out in the Flood Risk Sequential Test Methodology 2018.
- 10.26 The application has been accompanied by a Flood Risk Assessment which states that if the Middle Level Barrier Bank is considered the site has a low probability of flooding and the development is considered to pass the Sequential Test; this is

insufficient. Section 4.4 of the adopted Cambridgeshire Flood and Water SPD clearly sets out the stages that are required; the developer should identify and list reasonably available sites irrespective of land ownership within the search area which could accommodate the proposal, obtain flood risk information for all sites and apply the sequential test by comparing the flood risk from all sources on the sites identified; this has not been done.

- 10.27 The application is accompanied by a Sequential and Exception Test which advises that the area of search is Manea rather than the whole rural area, Officers disagree with this as the site is considered to be outside the settlement and as such the Sequential Test is considered to fail.
- 10.28 Notwithstanding this, even if the site was considered part of the settlement and the search area was the village of Manea, the Sequential Test is considered to be inadequate as it discounts smaller/larger sites, specifies a type of dwelling (where all matters are reserved in this case so this is unknown) and does not consider whether there are sites in Flood Zone 3 at lesser risk of flooding. Reference should be made to application F/YR21/1439/O for up to 4 dwellings at Land West Of 78-88 Station Road Manea, which was refused by Planning Committee in November this year for failure to adequately apply or meet the Sequential Test.
- 10.29 Planning Practice Guidance (Paragraph: 028 Reference ID: 7-028-20220825) states that: *'Reasonably available sites' are those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development. These could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development. Such lower-risk sites do not need to be owned by the applicant to be considered 'reasonably available'.*
- 10.30 Even if the Sequential Test could be passed the Exception Test would also need to be passed. For the Exception Test to be passed it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk and a site specific flood risk assessment must demonstrate that the development will be safe from all sources of flooding and will not increase flood risk elsewhere.
- 10.31 Para 4.5.9 of the adopted Cambridgeshire Flood and Water SPD advises that provision of housing by itself would not be considered a wider sustainability benefit. The Exception Test indicates that the proposal would utilise renewable energy solutions, however the application is in outline only and as such this is not detailed (though it would be possible to condition a scheme). It also relates to biodiversity mitigation/enhancement measures and landscaping which would be required irrespective of flood risk and as such this is not a benefit. The development does propose a footpath link however this is only required to mitigate the unsustainable location of the site and as such is not of wider benefit.
- 10.32 Environment Agency (EA) data indicates that in the event of a breach of flood defences the site could flood to a depth of up to 1m. The EA do not object to the application in relation to site specific risk, but recommend that the development is carried out in accordance with the submitted flood risk assessment and the following mitigation measures it details:
- Finished floor levels shall be set no lower than 0.4 metres above existing ground levels
 - A further 0.6 metres of flood resistant construction shall be provided

- There will be no ground floor sleeping accommodation.

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

Ecology

- 10.33 Public Authorities have a duty under Section 40 of the Natural Environment and Rural Communities Act 2006 to have regard to conserving biodiversity in policy and decision making.
- 10.34 The application is accompanied by an Ecological Appraisal which considers that the minor increase in population would have no discernible recreational impacts to designated sites and the site provides limited opportunities for breeding birds, mitigation and enhancement measures are recommended.
- 10.35 The Council's Wildlife Officer considers that the proposed application is unlikely to have significant negative impacts on biodiversity or protected species so long as the proposed mitigation measures are carried out and subject to recommended conditions.
- 10.36 Natural England, a statutory consultee, previously advised that the development site falls within the Ouse Washes 'swan functional land' Impact Risk Zone (IRZ), and as such requested further information to enable the potential impact to be assessed. Natural England maintain that further information should be provided, including desk-records from suitable sources to confirm that the development site and surrounding area is not regularly used by SPA birds and can therefore be excluded as Ouse Washes functionally linked land. It is their view that in the absence of desk records, it is not possible to determine with sufficient certainty that the site and surrounding area is not regularly used by Special Protection Area birds and can therefore be excluded as Ouse Washes Functionally Linked Land. As such insufficient information has been submitted to inform the Habitat Regulations Assessment 'likely significant effect' screening and the proposal is considered contrary to Policies LP16 (b) and LP19 of the Fenland Local Plan 2014 and Paragraph 174 of the NPPF 2021.
- 10.37 It is acknowledged that within the submitted Planning Design and Access Statement that the applicant has asked that the ecological enhancement made on his wider agricultural holding be taken into account in relation to this application. It is advised that this is being undertaken in relation to the Government's countryside stewardship mid-tier scheme and as such would be undertaken irrespective of this application and would not be relevant to the development.

Archaeology

- 10.38 Cambridgeshire County Council Archaeology consider that there is high potential for Mesolithic activity within the development area and consider that the site should be subject to a programme of archaeological investigation, which can be secured by way of a pre-commencement condition should the application be successful.

12 CONCLUSIONS

- 11.1 The principle of development in this location is considered unacceptable as it is beyond the established settlement of Manea.

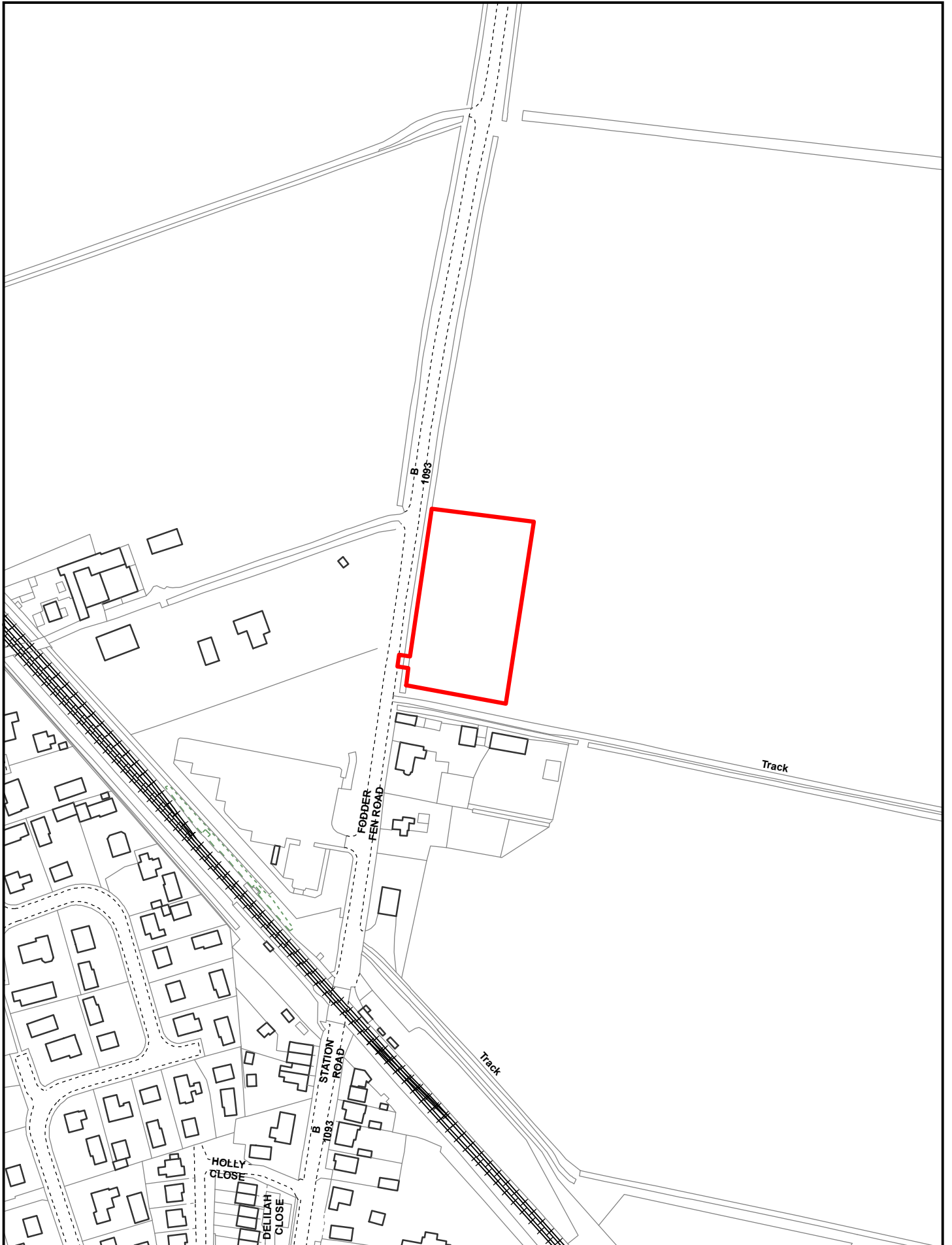
- 11.2 The development would erode the openness of this countryside location and result in an urbanisation which would have a significant detrimental impact on the character of the area.
- 11.3 The LHA have raised queries regarding the viability and acceptability of the works required to Fodder Fen Road, which remain unresolved.
- 11.4 The site lies in Flood Zone 3, the highest risk of flooding and has failed to demonstrate that it is not possible for the development to be located on a site with a lower risk of flooding and the development does not provide any wider sustainability benefits, as such both the sequential and exception tests fail.
- 11.5 Insufficient information has been submitted to enable the Local Planning Authority to undertake the Habitat Regulations Assessment 'likely significant effect' screening in relation to the Ouse Washes Functionally Linked Land.
- 11.6 Overall, the proposed development is considered to be unacceptable, and the recommendation is one of refusal, consistent with the previous decision of the Council regarding development of this site.

13 RECOMMENDATION

Refuse for the following reasons:

1.	<p>Policy LP12 Part A (a) and associated footnote make it clear that the developed footprint is defined as the as the continuous built form of the village and that development which is not within in or adjacent to this would be contrary to this policy and the spatial strategy set out in Policy LP3. Policy LP12 Part A (c), (d) and (e) seek to ensure development would not have an adverse impact on the character and appearance of the surrounding countryside and would not result in linear development.</p> <p>Furthermore, Policy LP16 (d) of the Fenland Local Plan, Policy DM3 of Delivering and Protecting High Quality Environments in Fenland SPD, paras 130 and 174 of the NPPF and chapters C1 and I1 of the NDG seek to ensure that developments make a positive contribution and are sympathetic to the local distinctiveness and character of the area, recognise the beauty and character of the countryside and do not adversely impact on the landscape character.</p> <p>This site is considered to be located beyond the established settlement of Manea and as such would result in linear development encroaching into the open countryside. The proposed development would erode the openness of this countryside location and result in an urbanisation which would have a significant detrimental impact on the character of the area. It would also set a dangerous precedent for further incremental development and therefore cumulative harm, contrary to the aforementioned policies.</p>
2	<p>The site lies in Flood Zone 3, the highest risk of flooding. Policy LP12 Part A (j) seeks to ensure that developments would not put people or property in dangers from identified risks, such as flooding. Policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF seek to steer developments to the areas with the least probability of flooding and development will not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. If it is evidenced by an</p>

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



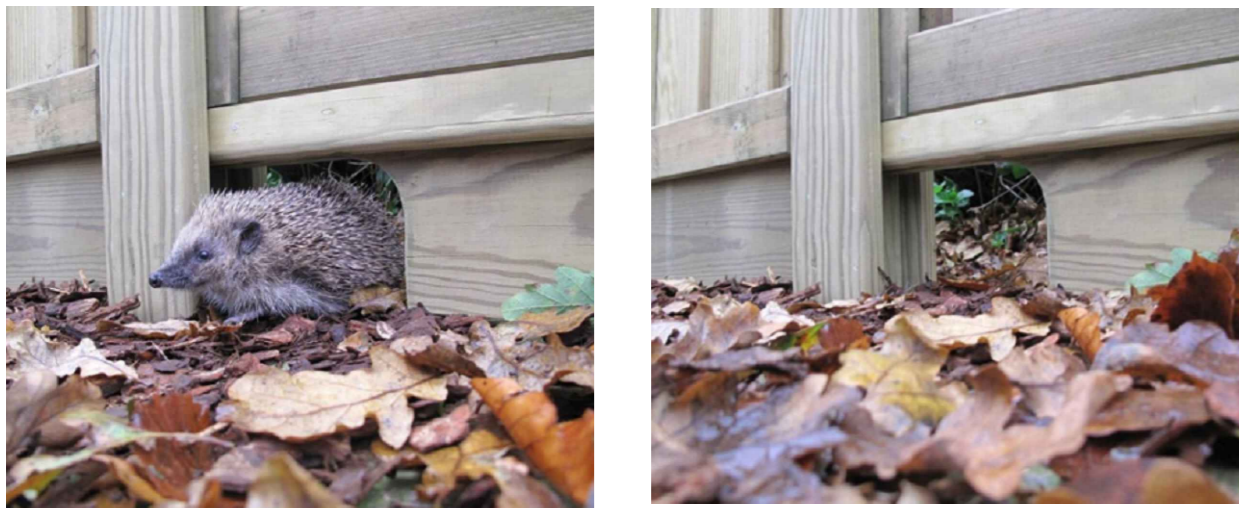
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F/YR23/0072/O

Scale = 1:2,500





Boundary fence to have 1 hedgehog gravel board to each boundary



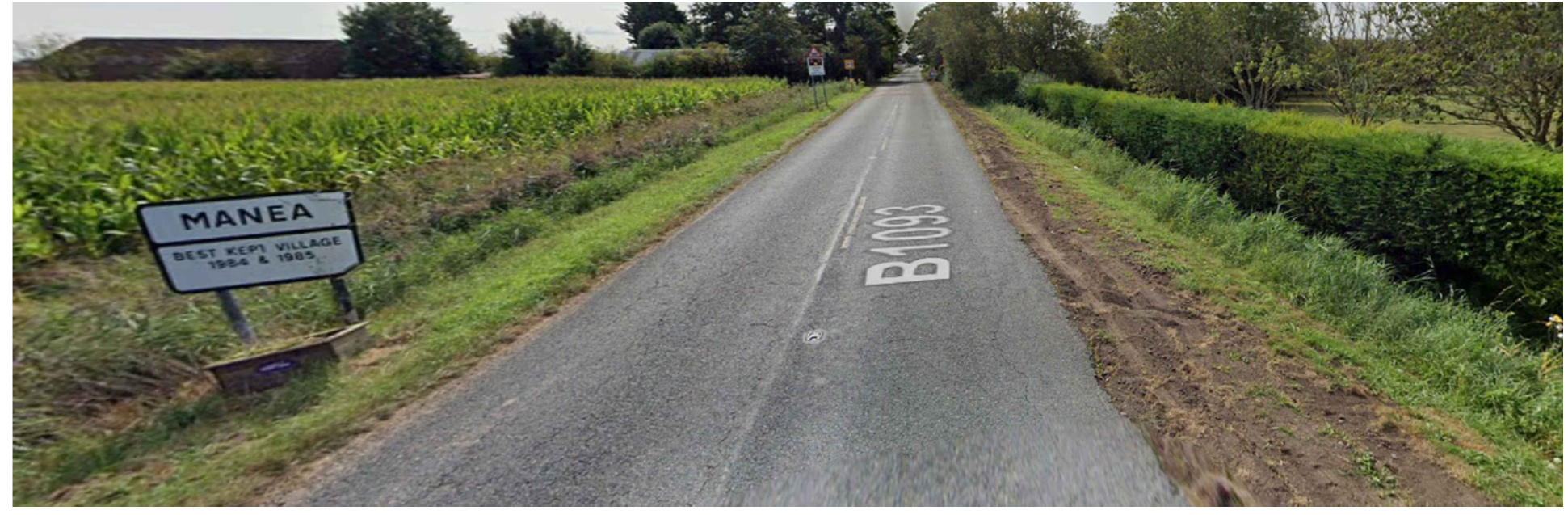
Schwegler triple cavity swift box
1 to each East elevation plots 2,3,4 and 5



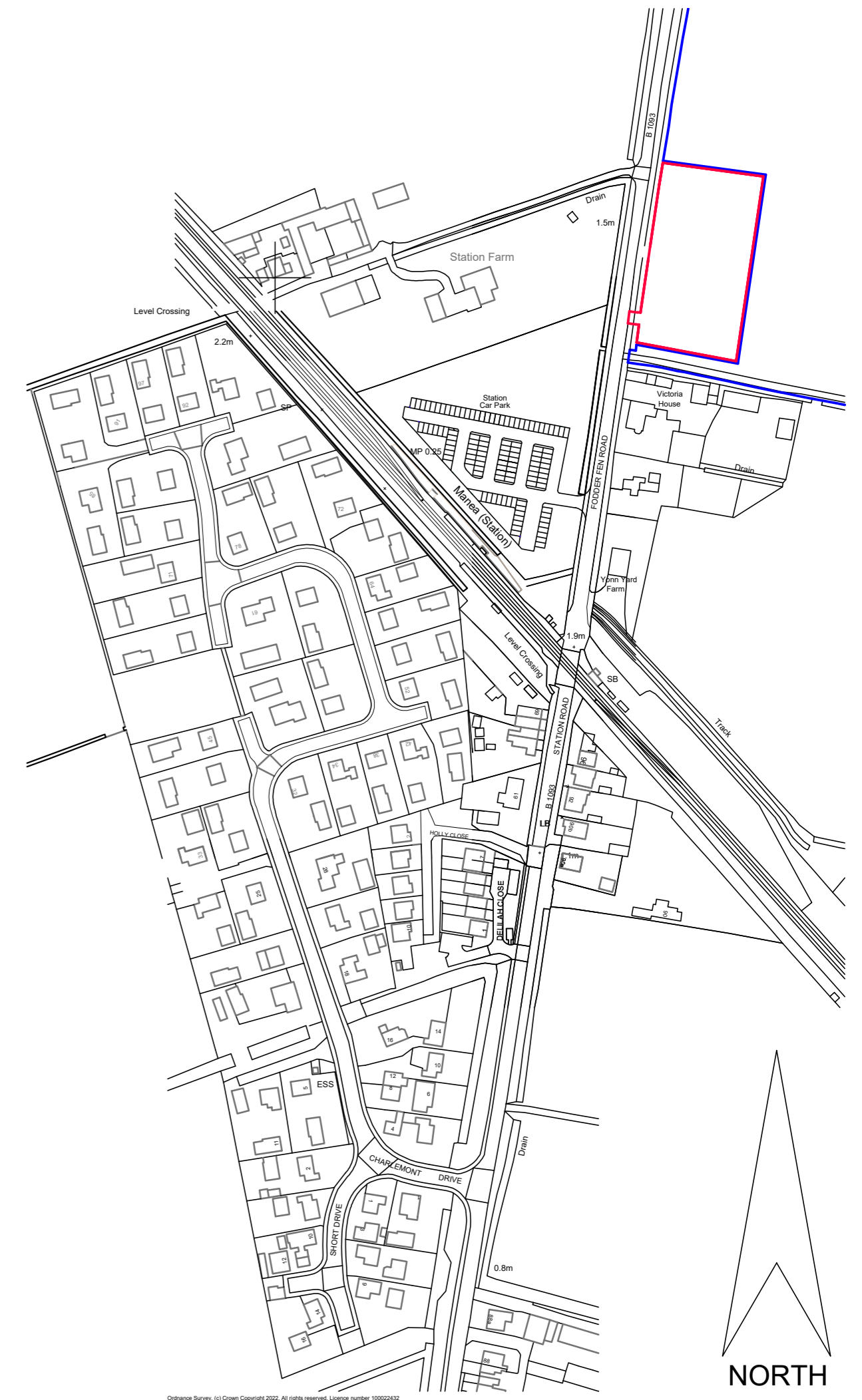
Eco House Martin nest
1 to each East elevation plots 1 & 5 (2 No. on 5, 1.00m gap between)



NHBS Habitat bat box
One on each South
Elevation plots
1 & 4



Application site on the left within the village of Manea



Location Plan 1:2500

All finished floor levels to be 400mm above ground level

REVISIONS



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

SITE
LAND EAST OF STATION FARM
FODDER FEN
MANEA
PE150HQ

DRAWING
6567-PL01c

JOB NO.	PAPER SIZE	DATE
6567	A1	April 2022

Notes:
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Site Plan including indicative layout 1:500