
F/YR23/0769/PIP

Applicant: Mr & Mrs WL & LJ Sutton

**Agent: Mr Adam Sutton
A.L.S. Design Services**

Land South Of Illizarov Lodge, Padgetts Road, Christchurch,

Residential development of up to 5 x dwellings (application for Permission in Principle)

Officer recommendation: Refuse

Reason for Committee: Parish Council recommendation contrary to Officer recommendation

1 EXECUTIVE SUMMARY

- 1.1 The application seeks Permission in Principle for the residential development of the site for up to 5 dwellings - as to whether the location, land use and amount of development proposed is acceptable.
- 1.2 The Permission in Principle route has 2 stages: the first stage (or Permission in Principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed.
- 1.3 Christchurch is defined as a small village with the criteria explicitly stating that only infill sites will normally be considered. The site is considered to fall outside of the built envelope of Christchurch on land set to the south of Illizarov Lodge and is not infill development by definition, therefore failing to comply with policy LP3 and LP12 of the Local Plan.
- 1.4 Furthermore, the site lies in an area at high risk of flooding and insufficient justification has been provided to demonstrate that development of the site is necessary in this instance having regard to national policy which seeks to steer development to the lowest area of flood risk in the first instance. As such, the proposal conflicts with FLP Policy LP14 and Chapter 14 of the NPPF.
- 1.5 Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, Officers consider there are no overriding material considerations to indicate a departure from the development plan is warranted in this instance.
- 1.6 Accordingly, the recommendation is to refuse permission in principle for residential development of this site.

2 SITE DESCRIPTION

- 2.1. The application site is Grade 1 agricultural land positioned to the south of Illizarov Lodge along Padgett's Road, which runs in a northwest to southeast direction forming the westernmost boundary of the built form of Christchurch. The main built form of the settlement of Christchurch runs in a northeasterly direction from the junction of Padgett's Road and Church Road. To the east and south of the application site along Padgett's Road is sporadic residential development and agricultural land.
- 2.2. The site itself is open agricultural land with a drainage channel running along the highway forming its western boundary.
- 2.3. The site is entirely positioned within Flood Zone 2, with the majority of the site also in Flood Zone 3.

3 PROPOSAL

- 3.1. Planning in Principle (PIP) applications are an alternative way of obtaining planning permission for housing led development and separates the consideration of matters of principle for proposed development from the technical detail.
- 3.2. As set down in the Town & Country Planning (Permission in Principle) Order 2017 and Town & Country Planning (Brownfield Land Register) Regulations 2017, the scope of PIPs (stage 1 of the process) is restricted to consideration of location, development size and land use. All other matters are 'reserved' for consideration by the stage 2 Technical Details application which may be made should PIP be granted.
- 3.3. This application seeks planning permission in principle for up to five dwellings on the site. In line with the above regulations the design, layout and access into the site have not been provided.
- 3.4. The current proposal is the first part of the Permission in Principle application; this 'first stage' (or Permission in Principle stage) establishes whether a site is suitable in principle and assesses the 'principle' issues namely:
 - a) Location,
 - b) Use, and
 - c) Amount of development proposed
- 3.5. Should this application be successful, the applicant would have to submit a Technical Details application (stage 2 of the process) covering all other detailed material planning considerations. The approval of Permission in Principle alone does not constitute the grant of planning permission. Technical details consent regarding the proposed properties would need to be applied for should this application be granted.
- 3.6. Full plans and associated documents for this application can be found at: [F/YR23/0769/PIP | Residential development of up to 5 x dwellings \(application for Permission in Principle\) | Land South Of Illizarov Lodge Padgetts Road Christchurch \(fenland.gov.uk\)](https://www.fenland.gov.uk/development/planning/permissions/permissions-in-principle/2023/07/23/0769/PIP-Residential-development-of-up-to-5-x-dwellings-application-for-Permission-in-Principle-Land-South-Of-Illizarov-Lodge-Padgetts-Road-Christchurch)

4 SITE PLANNING HISTORY

No pertinent planning history

5 CONSULTATIONS

5.1. Christchurch Parish Council

It is the Council's view that modest development benefits the village in supporting the village school, the public house and community centre, with the possibility of reinstating the bus service in the future. For several years the Council has highlighted the concerns of residents regarding the speed of traffic along Padgetts Road and, in particular, the dangers this poses at the junction with Church Road and Scotts Road, where minor accidents and near misses are a regular occurrence. A residents' petition was submitted several years ago asking the Council to take appropriate action. The Council seeks to reduce the speed limit on this section of Padgetts Road, but previous applications have failed as the number of properties falls below the threshold for a lower speed. The approval of this application would enable the Council to meet the necessary criteria for a reduction in the speed limit. Members expressed concern about pedestrian safety in this location and asked that consideration be given to the inclusion of a pavement when a detailed application is submitted to connect the existing dwellings either side of the development site and the new dwellings to the pavement in Church Road. Such a pavement would provide safe pedestrian access from this location to the entire village.

Members resolved to support the application.

5.2. Environment & Health Services (FDC)

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

In the event that Permission in Principle (PIP) is granted and a further application for the site is submitted in due course, this service will likely then recommend a condition on working time restrictions due to the close proximity to existing noise sensitive receptors.

5.3. Cambridgeshire County Council Highways Authority

Recommendation

I am unable to provide substantive comments on the above application in principle, without the submission of the additional information and clarifications on the proposed development (from the highways perspective) beyond those detailed below.

Comments

As a core requirement for the above proposed development, I would need to be satisfied the proposed access is feasible. Reference to our indicative records shows the proposed application access may be difficult to achieve given the strip of land (possibly third party) between highway boundary / registered title limit.

The submitted application redline boundary extends to the carriageway edge, encompassing highway verge and should be amended to omit this area. A verified copy of the highway boundary record can be procured from CCC's Searches team by following the instructions in the link below. If there is any third-party ownership between the applicant's landownership and the highway, the LPA should be satisfied that appropriate notice is served.

<https://www.cambridgeshire.gov.uk/business/highway-searches>

Also, while this is an application for permission in principle, the applicant has not demonstrated that access is feasible. Padgett's Road is de-restricted, meaning vehicles are permitted to travel up to 60mph. As such, an access must be capable of achieving a 2.4m x 215m inter-vehicular visibility splay in either direction which is fully contained within the application boundary and / or the public highway. This has not been demonstrated by the applicant. A reduction in visibility requirements will be accepted but this must be based upon the observed 85th percentile speed limit.'

I should be able to provide further comments on the above application on receipt of additional information and clarifications requested in support of the application if it advances to the next stage of the application process in future.

5.4. Environment Agency

We have no objection to the proposed development, but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) (Ref: ECL1109/ALS DESIGN SERVICES by ELLINGHAM CONSULTING LTD, dated September 2023) are adhered to. In particular, the FRA recommends that finished floor levels are set 0.3m above the existing ground level and flood resilient measures are incorporated into the dwellings up to 0.3m above finished floor levels.

5.5. Senior Archaeologist (CCC)

Thank you for the consultation with regards to the archaeological implications of the above referenced planning application. The proposed development is in an area of archaeological potential, located to the South of the main settlement of Christchurch. Christchurch itself is located to the south of the Old Croft River and covers an area of Roddenised silt, silted ancient channels that form raised firm ground within the wider fen landscape. These areas are often extensively exploited in the prehistoric and Roman periods, and extensive roman style cropmarks are known from north of Christchurch indicating Roman field systems, (Cambridgeshire Historic Environment Record 06848, 10629, MCB29363, MCB29367). Closer to the proposed development area cropmarks indicate boundaries of unknown date (CHER 10636).

Whilst this site lies in an area of archaeological interest we cannot make specific recommendations without sight of a proposed site layout plan and an understanding of the scale and impacts of the proposed development. We are however content that no works are required prior to determination of an application and consequently we wish to raise no objections for this application to secure Planning In Principle, however we would request to be consulted on any future planning application for development within the

redline area indicated, with the expectation that a condition on development, if required, could be secured at Technical Details stage.

5.6. Local Residents/Interested Parties

Five letters of objection have been received from address points along Padgetts Road and Church Road immediately local to the site.

The reasons for objection can be summarised as:

- Loss of prime agricultural land;
- Increase in impermeable area may increase surface water flooding; drain to east side of Padgett's road (forming western boundary of site) is often full of water;
- Access along a de-restricted road would result in highway safety concerns;
- Overall flood risk;
- Other properties within Christchurch have been unable to sell – why build new;
- Visual impact and character harm to the open countryside;
- Residential amenity issues;
- Unacceptable infrastructure and amenities within Christchurch;
- Loss of field access;
- Potential for precedent.

6 STATUTORY DUTY

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).

7 POLICY FRAMEWORK

7.1. National Planning Policy Framework (NPPF)

7.2. National Planning Practice Guidance (NPPG)

7.3. National Design Guide 2019

Context

Identity

Built Form

Homes and Buildings

7.4. Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP12 – Rural Areas Development Policy

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

LP15 – Facilitating the Creation of a More Sustainable Transport Network

LP16 – Delivering and Protecting High Quality Environments

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

LP7 – Design

LP8 – Amenity Provision

LP18 – Development in the Countryside

LP20 – Accessibility and Transport

LP22 – Parking Provision

LP24 – Natural Environment

LP28 – Landscape

LP32 – Flood and Water Management

7.6. **Supplementary Planning Documents/ Guidance**

Delivering & Protecting High Quality Environments in Fenland SPD (2014)

Cambridgeshire Flood & Water SPD (2016)

8 **KEY ISSUES**

- **Location**
- **Use**
- **Amount of Development Proposed**
- **Other Matters**

9 **ASSESSMENT**

- 9.1. Noting the guidance in place regarding Permission in Principle submissions assessment must be restricted to (a) location, (b) use and (c) amount and these items are considered in turn below:

Location

- 9.2. Policy LP3 of the Fenland Local Plan sets out the settlement hierarchy for development within the district, grouping settlements into categories based on the level of services available, their sustainability and their capacity to accept further development.

- 9.3. The application site is located on the southern edge of the settlement of Christchurch which is identified as a ‘small village’ within policy LP3. This policy restricts development to limited residential infilling or a small business opportunity. The glossary within the Local Plan defines residential infilling as ‘Development of a site between existing buildings’. The Planning Portal defines this as ‘The development of a relatively small gap between existing buildings.’

- 9.4. The site forms a 115m gap between a residential dwelling known as Illizarov Lodge to the north, and Windy Ridge to the south. Such a gap cannot be considered as a 'relatively small gap' as defined within the Development Plan. In addition, development to the south is of a much more sporadic nature, and is more characterised as open countryside as opposed to frontage linear residential development. As such, the proposed application site cannot be considered as residential infill given the circumstances of the surrounding development. Thus, the proposal is considered contrary to Policy LP3.
- 9.5. Furthermore, Policy LP12 requires development to meet certain criteria in order to be supported. Policy LP12 Part A supports development in villages where it contributes to the sustainability of that settlement and does not harm the wide open character of the countryside. Criteria (a) of this policy allows for development where 'the site is in or adjacent to the existing developed footprint* of the village (except for those villages listed in the settlement hierarchy in Policy LP3 as being 'Small' or 'Other' villages, where only infill sites will normally be considered favourably).
- 9.6. A footnote, and caveat, to criteria (a) defines the developed footprint as the *'continuous built form of the settlement and excludes: (a) individual buildings or groups of dispersed, or intermittent buildings, that are clearly detached from the built-up area of the settlement'. In addition, Policy LP12 Part A also requires sites to satisfy additional criteria, including: (e) It would not extend linear features of the settlement, or result in ribbon development; (i) It would not result in the loss of high grade agricultural land (without sufficient justification).
- 9.7. The location of Windy Ridge, some 115m from the built form of Christchurch is clearly detached from the built up area of the settlement, with the application site itself embodying this detachment. The development of this site would therefore extend the existing linear feature of the developed footprint of the settlement, by adding up to a further five dwellings to a line of ribbon development along Padgett's Road, into an area of grade 1 agricultural land (classified as Excellent).
- 9.8. With regard to the consultation draft of the emerging Local Plan, which carries limited weight at this time as per paragraph 48 of the NPPF, the site is outside of the defined settlement boundary of Christchurch, and is therefore classed as open countryside, where development will only be permitted in the circumstances set out within the NPPF.
- 9.9. Policy LP1 of the emerging Plan does contain an element relating to Frontage Infill Development, applicable at the edge of settlements. It is considered that this conflicts with the NPPF and therefore can carry no weight. However, for the sake of completeness, if this policy were to be applied the development would not accord given the circumstances of the site.
- 9.10. Whilst the site would not be considered as 'isolated' having regard to paragraph 80 of the NPPF, nonetheless it does not follow the rural areas development strategy as set out under LP12. With regards to paragraph 80 of the NPPF; whilst the future occupiers of the development would likely support the existing facilities and services of Christchurch, although there is no

evidence submitted to justify an exception to the policy in this case, notwithstanding, this benefit would be very modest through the introduction of 'up to' 5no. dwellings; a matter which has been supported through numerous appeal decisions to the same.

- 9.11. Given the aforementioned reasons, the application site constitutes an area of land located outside the developed footprint of the settlement. The development proposal would result in an incursion into the rural countryside rather than small scale residential infilling causing unwarranted harm to the rural character of the area. The proposal is therefore considered to be in clear conflict with the Policies LP3 and LP12 of the adopted Local Plan, the NPPF and also would not comply with the emerging Plan.

Use

- 9.12. Policy LP12 (i) states that development should not result in the loss of high grade agricultural land or if so comprehensive evidence is provided to justify the loss.
- 9.13. Paragraph 174 of the NPPF states that decisions should recognise the intrinsic character and beauty of the countryside....including the economic benefits of the best and most versatile agricultural land. Grades 1, 2 and 3a agricultural land fall within this category. The application site is Grade 1 agricultural land. It should be noted that at the time of site inspection it was clear that this land is in viable agricultural use. No justification was provided in respect of the loss of such land.
- 9.14. A large proportion of agricultural land in Fenland District is best and most versatile land. There is insufficient information upon which to assess what the loss the land might mean for the District as a whole. However, the Council has rarely refused applications by virtue of the loss of agricultural land, given the quantity of such land within the District. It is therefore considered unreasonable to justify a reason for refusal on this basis.
- 9.15. Considering the land use in relation to surrounding land uses, the use of the land for residential purposes, in principle, would not give rise to unacceptable impacts on surrounding residents by reason or noise or disturbance or vice versa.

Amount of Development Proposed

- 9.16. The application seeks Permission in Principle for up to 5no dwellings on a site of approximately 0.47ha which would equate to a density of approximately 10 dwellings per hectare. No site plan has been submitted. However, the likely density is low and could comfortably be accommodated on-site without being considered as overdevelopment. However, the detailed layout and design would be for consideration at the Technical Details stage. In terms of consideration of amount, the proposal is acceptable.

Other Matters

Flooding and flood risk

- 9.17. Policy LP14 of the Fenland Local Plan and section 14 of the National Planning Policy Framework deal with the matter of flooding and flood risk, and the siting

of dwellings on land at the risk of flooding. The site falls in both Flood Zones 2 & 3, with the bulk of development proposed within zone 3.

- 9.18. Policy LP14 requires development proposals to adopt a sequential approach to flood risk from all forms of flooding, and states that development in an area known to be at risk will only be permitted following the successful completion of a Sequential Test, an Exception Test, and the demonstration that the proposal meets an identified need and appropriate flood risk management.
- 9.19. The application is accompanied by a Flood Risk Assessment that includes consideration of the Sequential and Exception Tests. As stated above, the application site constitutes an area of land located outside the developed footprint of Christchurch, and as such the submitted sequential test is deficient as it concentrates the area of search to developments within Christchurch only.
- 9.20. Noting the adopted and indeed consistent stance of Officers when applying the sequential test on sites which fall outside the developmental built form it is asserted that the scheme has no potential to satisfy the sequential test, as this would require the application of the Sequential test on a district wide scale. It is further identified in the updated NPPG (August 2022) that even where a flood risk assessment shows that development can be made safe for its lifetime the sequential test still needs to be satisfied, i.e. the proposed flood risk safety measures do not overcome locational issues.
- 9.21. As such, the proposal fails to accord with the necessary requirements of Policy LP14, the SPD and the NPPF, and as such, should be refused on the basis of a lack of demonstrable evidence that the scheme would be acceptable in respect of flood risk.

Highway Safety

- 9.22. The matters raised by the Highways Authority relating to the lack of submitted information with respect to safe access and inter-vehicular visibility splays would be addressed at the technical details stage.

Parish Council Support

- 9.23. It is acknowledged in paragraph 9.9 above that future occupiers of the development would likely support the existing facilities and services of Christchurch, these facilities do not appear to be under threat to justify an exception to policy, notwithstanding, any benefit would be very modest through the introduction of 'up to' 5no. dwellings.
- 9.24. It is noted that Parish Council Members expressed concern over pedestrian safety. The application site does not have pedestrian access, and such matters would be addressed at the technical details stage. However, Members should be reminded that no conditions can be attached to a grant of Permission in Principle in accordance with the NPPG advice (Paragraph: 020 Reference ID: 58-020- 20180615).
- 9.25. The crux of the Parish Council support for the scheme considers the potential for the development (if approved) to enable the Parish Council to apply for a speed restriction along Padgett's Road. This is not a material planning consideration when determining Permission in Principle. Notwithstanding, this

possible eventuality would not outweigh the clear policy contraventions in respect of the location of the proposed development site as discussed above, which is a material planning consideration in respect of this type of application. Furthermore, to counter the Parish's argument, consideration must be paid to the possibility that approval of this application may not (as they assert) "*enable the Council to meet the necessary criteria for a reduction in the speed limit*" – as no evidence has been provided to demonstrate such a claim; the scheme may instead result in the development of up to an additional 5 dwellings requiring access onto a de-restricted road, which may give rise to unacceptable highway safety concerns (a matter highlighted in the Highway Authority response above). Accordingly consideration of this application must solely be based on the status quo situation, and the approval of development cannot be considered on the basis of supposition.

10 CONCLUSIONS

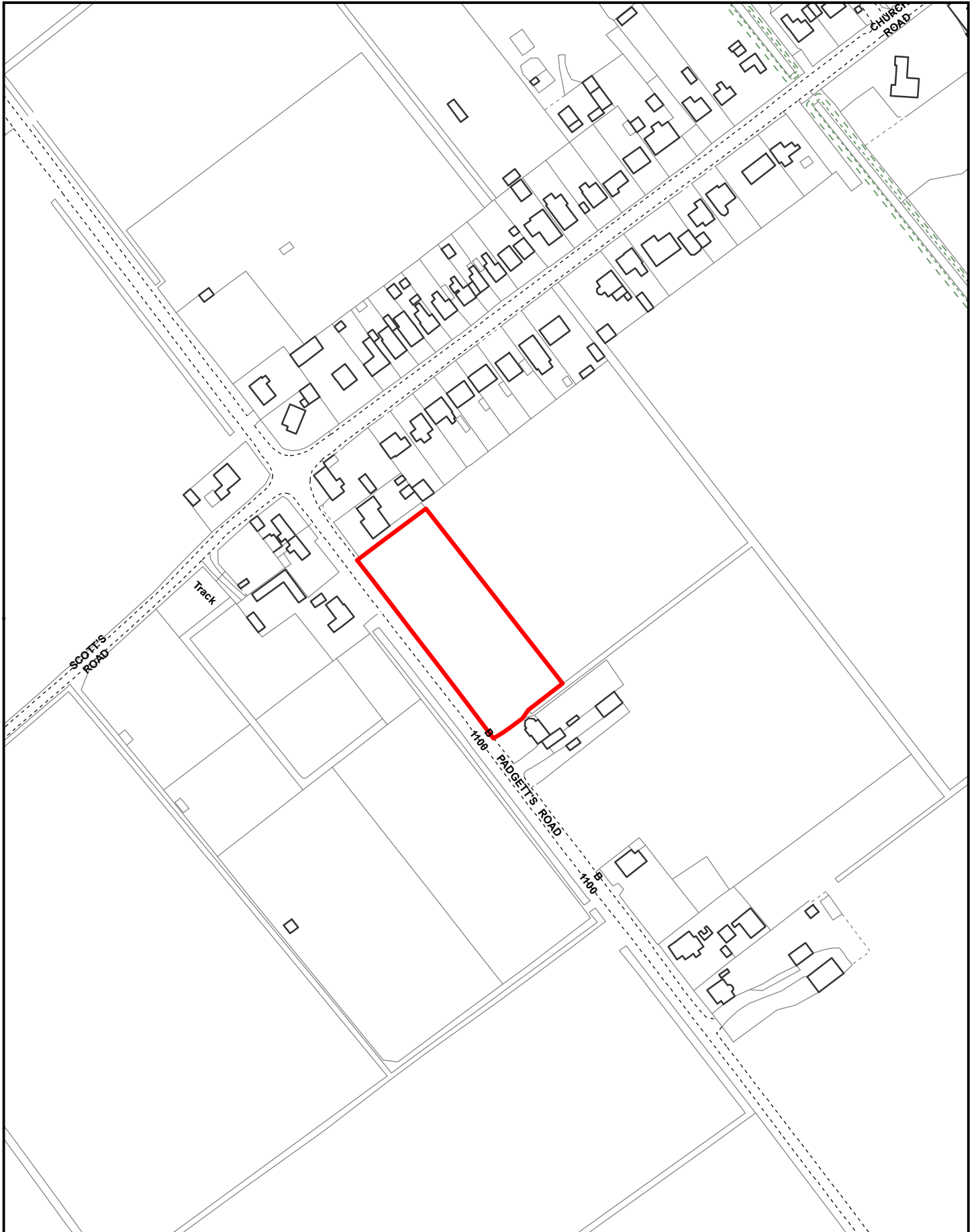
- 10.1. The application seeks permission in principle for the residential development of the site with matters of location, land use and amount of development proposed.
- 10.2. The site falls outside the built envelope of Christchurch and development of the site would not constitute residential infilling, instead resulting in an erosion of the open rural character of the area. As such, the proposal would conflict with the settlement strategies of the Fenland Local Plan - Policies LP3 and LP12.
- 10.3. Furthermore, the site lies in an area at high risk of flooding and insufficient justification has been provided to demonstrate that development of the site is necessary in this instance having regard to national policy which seeks to steer development to the lowest area of flood risk in the first instance. As such, the proposal conflicts with Policy LP14 and Chapter 14 of the NPPF.
- 10.4. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, Officers consider there are no overriding material considerations to indicate a departure from the development plan is warranted in this instance.
- 10.5. Accordingly, the recommendation is to refuse permission in principle for residential development of this site.

11 RECOMMENDATION

Refuse, for the following reasons;

1	Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the district, and defines Christchurch as a 'small village' where development may be permitted on its merits but normally limited to small scale residential infilling. Policy LP12 seeks to support development that does not encroach into or harm the character of the countryside. The application site constitutes an area of land located outside the developed footprint of the settlement of
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	<p>Christchurch. The development proposal would result in an incursion into the rural countryside rather than small scale residential infilling causing unwarranted harm to the rural character and sporadic form of development of the area. The proposal is therefore considered to be contrary to Policies LP3 and LP12 of the adopted Fenland Local Plan (2014).</p>
2	<p>Policy LP14 of the Fenland Local Plan, Section 14 of the National Planning Policy Framework (2019) and Cambridgeshire Flood and Water Supplementary Planning Document (2016) require development proposals to adopt a sequential approach to flood risk from all forms of flooding, and Policy LP14 states that development in an area known to be at risk will only be permitted following the successful completion of a Sequential Test, an Exception Test, and the demonstration that the proposal meets an identified need and appropriate flood risk management. The application does not include sufficient evidence in respect of the sequential or exception tests and therefore fails to provide demonstrable evidence that the scheme would be acceptable in respect of flood risk. The proposal is therefore contrary to policy LP14 of the Fenland Local Plan (2014), Section 14 of the National Planning Policy Framework (2019) and Cambridgeshire Flood and Water Supplementary Planning Document (2016).</p>



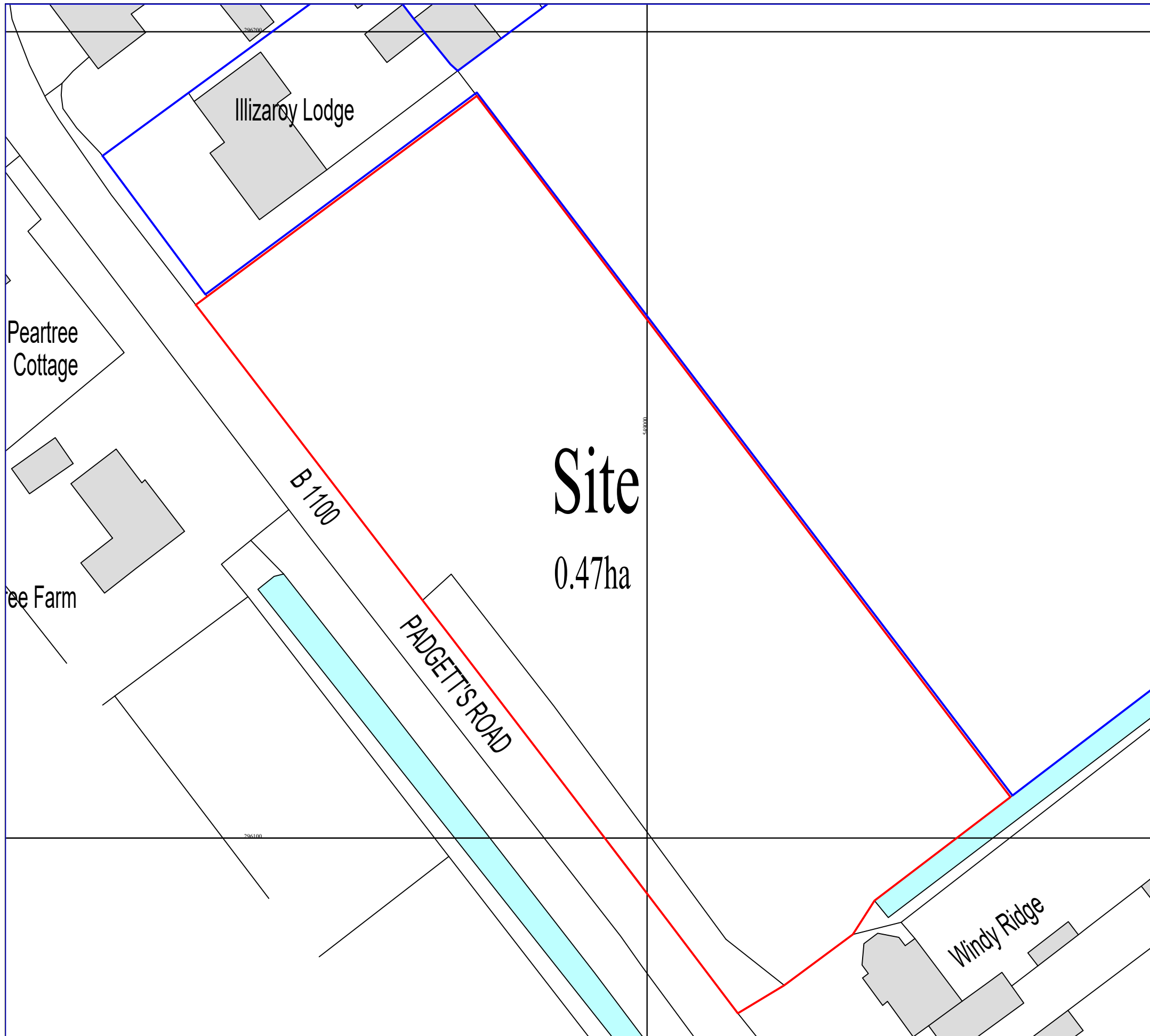
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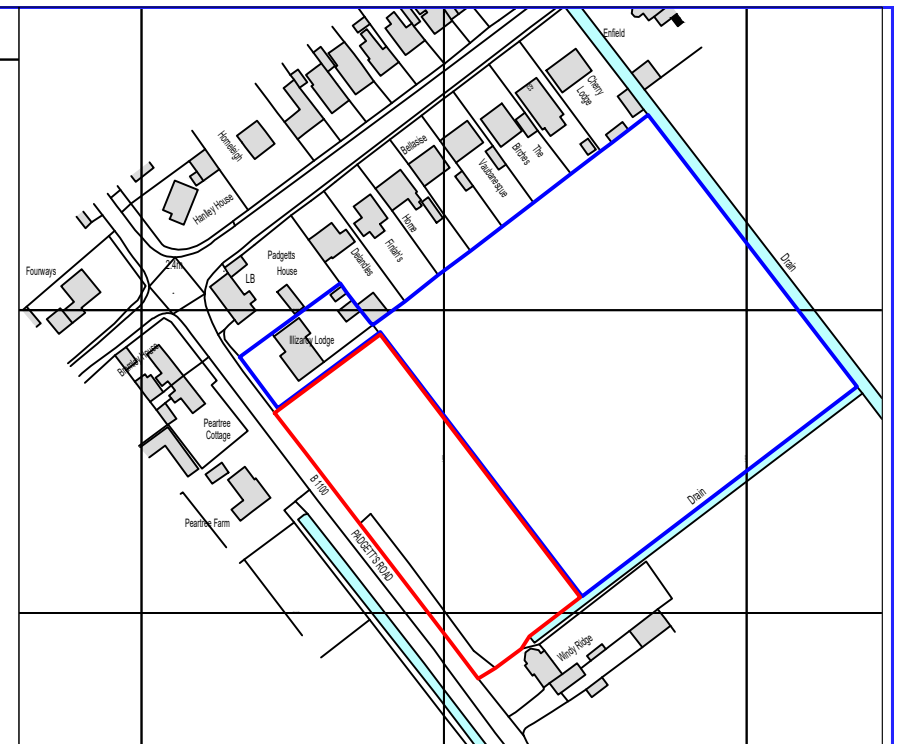
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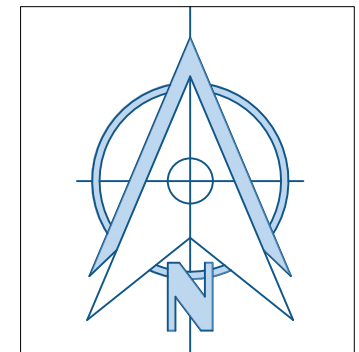




Proposed Site Plan
Scale 1:500



Location Plan
Scale 1:2500



Revision	Description	Date	Revised By

A.L.S Design Services

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

Project PIP Application for Residential Development		
Drawing Title Proposed Site and Location Plan		
Address Land Adjacent Illizaroy Lodge, Padgetts Road, Christchurch		
Drawn By A. L. Sutton	Paper Size A3	Date August 2023
Project Name 046	Drawing Number 001	Revision -