
F/YR23/0807/O

Applicant: Penny Lee

**Agent: Mr Ian Gowler
Gowler Architectural**

Land West Of 27, Benwick Road, Doddington, Cambridgeshire

Erect up to 4no dwellings (outline application with all matters reserved)

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to Officer recommendation

1 EXECUTIVE SUMMARY

- 1.1. The application site comprises undeveloped grazing paddock, on the northern side of Benwick Road, approximately 0.7km to the west of the settlement of Doddington west of a group of 9 dwellings. The nearest dwelling is No.27. Washbrook Farm Motocross Track is situated approximately 320m north of the site. Opposite the site to the south, and further north and west is arable farmland.
- 1.2. The proposal is an outline planning application for the construction of up to four dwellings on the land, with all matters reserved. As this application is Outline only, the main issue for consideration is whether the *principle* of development in this location is appropriate.
- 1.3. This application is a resubmission of a previously refused scheme (F/YR22/1302/O), which was refused by Planning Committee in March 2023. Please see section 9.1 of this report for the reasons for refusal. The previous refusal of this application included several reasons for refusal. Details submitted with the current application have reconciled concerns regarding unacceptable residential amenity and highway safety. Accordingly, these earlier reasons for refusal can be removed.
- 1.4. However, given the location of the site and the unacceptable principle of development in such a location has not changed since the earlier refusal. It still remains that the proposal does not accord with the requirements of Policy LP3 and LP12 in respect of the Settlement Hierarchy in that it is located outside the built framework of Doddington. Furthermore, development of this site would encroach into the countryside to the detriment of the rural character of the area which does not accord with Policy LP12 and Policy LP16(d). As such, these reasons for refusal must remain, resulting in a recommendation to maintain refusal of the application.

2 SITE DESCRIPTION

- 2.1. The application site comprises agricultural land, currently used a grazing paddock, on the northern side of Benwick Road, approximately 0.7km to the west of the settlement of Doddington.
- 2.2. The site is bounded to the west by an access track leading to Washbrook Farm Motocross Track, approximately 320m north of the site. Immediately east of the site are 9 single-storey dwellings, the nearest being No.27 Benwick Road. Opposite the site to the south, and further north and west is arable farmland, with Delfland's Nursery situated approximately 250m southwest.

3 PROPOSAL

- 3.1. The proposal is an outline planning application for the construction of up to four dwellings on the land, with all matters reserved. The indicative site plan suggests four handed L-shaped properties with attached single garages. Each pair is shown to be accessed via a shared access off Doddington Road leading to separate frontage parking/turning areas, with amenity spaces to the rear. Between the pairs, a third new field access is proposed to allow retained access to the remaining field to the north.
- 3.2. Full plans and associated documents for this application can be found at: [F/YR23/0807/O | Erect up to 4no dwellings \(outline application with all matters reserved\) | Land West Of 27 Benwick Road Doddington Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR23/0807/O | Erect up to 4no dwellings (outline application with all matters reserved) | Land West Of 27 Benwick Road Doddington Cambridgeshire (fenland.gov.uk))

4 SITE PLANNING HISTORY

F/YR22/1302/O	Erect up to 4no dwellings (outline application with all matters reserved)	Refused 13.03.2023
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5 CONSULTATIONS

5.1. Doddington Parish Council

Doddington Parish Council, at a recent meeting, voted to oppose the above planning application which is a resubmission to a previously rejected planning application.

The Parish Council's objections are:

- 1. The proposed development lies outside of the footprint of the village and encroaches into the countryside to the detriment of the rural character of the area. It therefore contravenes clauses in policies LP12 and LP16.*
- 2. The site is a non-designated heritage area as it contains evidence of ridge and furrow use. There is also evidence of two ancient wells on the site.*
- 3. It is understood that there is a current land supply holding in the district to satisfy the national policy for a five-year housing land supply without having to develop this site.*

5.2. Environment & Health Services (FDC)

Thank you for the opportunity to view and comment on this outline planning application. I have reviewed the application and associated reports and

relevant records held by the Environmental Health Team and do not object to the principle of this application but do have the following comments for your consideration;

Contaminated Land

The site has no historic land uses or reported pollution incidents that would impact on the proposed development.

Air Quality

This site does not fall into an area with concern regarding air quality. There is an Environmental Permitted installation within 250 meters of the site which presents no concerns to this development.

Noise

I have reviewed the noise impact assessment (HA/AF199/V1.1. dated 6th September 2023) and would like to make the following observations;

The existing noise environment includes sport and entertainment with associated noise, from Motocross and Shooting at Washbrook Farm to the north of the proposed development. The report has identified that there is a potential for a Low Observed Adverse Effect Level (LOAEL) to be experienced from these activities at the proposed development location. To mitigate against this identified impact the report continues to specify measures to protect the amenity of the properties through the minimum design levels required.

I found the report has undertaken suitable monitoring in line with relevant standards and agree with the conclusion of the report.

Should the outline application progress to full application, I would recommend that the measures identified in this report are conditioned to ensure a good development design, provide protection of future residents and to not impact on the current sport and entertainment activities taking place locally.

These measures include:

- Glazing should be specified prior to installation to ensure it can meet the minimum acoustic properties required. A minimum of 36dB Rw noise reduction is required for all glazed elements to be installed and Standard Trickle Ventilator (35 D,n,e,w). Glazing performance calculations should be provided and should be based on the measured LAeq noise levels as recommended by BS 8233:2014.
- Should habitable space be built into the roof and/or Velux or dormers are constructed as part of the design, acoustic calculations should be re-run at detailed design stage to ensure the internal noise levels are met.
- The external amenity of the property should be protected by a close boarded fence with a minimum sound reduction of 10dB(A). Full plans should provide design details of fence material, structure, dimensions and location for consideration.

5.3. **Definitive Map Team**

Public Footpath No. 13, Doddington, runs along the west of the site. To view the location of the Public Footpath please view our interactive map online which can be found at

<http://my.cambridgeshire.gov.uk/myCambridgeshire.aspx>.

Whilst the Definitive Map Team has no objection to this proposal, the Public Footpath must remain open and unobstructed at all times.

Informatives

Should you be minded to grant planning permission we would be grateful that the following informatives are included:

- Public Footpath No. 13, Doddington, must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public Highway).*
- The Public Footpath must not be used to access the development site unless the applicant is sure they have lawful authority to do so (it is an offence under S34 of the Road Traffic Act 1988 to drive on a Public Footpath without lawful authority)*
- No alteration to the Footpath's surface is permitted without our consent (it is an offence to damage the surface of a public footpath under s 1 of the Criminal Damage Act 1971).*
- Landowners are reminded that it is their responsibility to maintain boundaries, including trees, hedges and fences adjacent to Public Rights of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980).*
- The granting of planning permission does not entitle a developer to obstruct a Public Right of Way (Circular 1/09 para 7.1).*
- The Highways Authority has a duty to maintain Public Rights of Way in such a state as to be suitable for its intended use. (S41 Highways Act 1980 and S66 Wildlife & Countryside Act 1981). If the surface of the Public Footpath is damaged as a result of increased motorised vehicle usage, the Highways Authority is only liable to maintain it to a Footpath standard. Those with private vehicular rights will therefore be liable for making good the surface of the Public Right of Way.*

Furthermore, the applicant may be required to temporarily close public rights of way whilst construction work is ongoing. Temporary Traffic Regulation Orders (TTROs) are processed by the County Council's Street Works Team and further information regarding this can be found on the County Council's website.

5.4. **Cambridgeshire County Council Highways Authority**

This application seeks to build four residential bungalows fronting onto Benwick Road. The site is currently privately owned open land. Agricultural fields and paddocks predominantly surround the site.

Recommendation

Based on the information submitted, I have no objections in principle, to the development in highway terms, however the following points require attention to make the development acceptable in highways terms.

Comment

As this is an outline application my comments relate mainly on the principle of the development, as a core requirement for the above proposed development, I would need to be satisfied the proposed accesses would be feasible.

The Applicant should also ensure accesses to be provided for the proposed dwellings has a width of 5m.

The applicant has not demonstrated how the visibility splays (2m x 2m pedestrian over a height of 600 mm) measured from the back of the footway would be achieved; given the existing frontage hedges and shrubbery at application sites.

The B1093 Benwick Road has a speed limit of 40mph so the submitted indicative visibility splay plan showing a visibility splay of 2.4 x120m which is acceptable.

In the evident that the LPA are mindful to approve the application, please append the following conditions:

Condition

Parking/Turning Area: *Prior to the first occupation of the development the proposed on-site parking/turning area shall be laid out, surfaced in a bound material, drained within the site, and submitted to LPA for approval. The parking/turning area, surfacing and drainage shall thereafter be retained as such in perpetuity.*

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.*

Reason: To prevent surface water discharging to the highway in accordance with policy LP15 of the Fenland Local Plan, adopted May 2014.

Visibility Splays: *Prior to commencement of the use/or first occupation of the development hereby approved, visibility splays shall be provided on both sides of the new vehicular access and shall be maintained free from any obstruction over a height of 600 mm within an area of 2 metres x 2 metres measured along the back of the footway.*

Reason: In the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.

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.

Reason: To minimise interference with the free flow and safety of traffic on the adjoining public highway in accordance with Policy LP15 of the Fenland Local Plan 2014.

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.*

Reason: In the interest of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.

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.

5.5. **Local Residents/Interested Parties**

Seven letters of support have been received from residents of Doddington (4 from Primrose Hill, 1 from Ingles Lane, 1 from Newgate Street, and 1 from Wimblington Road).

The reasons for support can be summarised as:

- No objection, it would improve the area;
- Smaller development is more in keeping with village environment;
- Bungalow type houses would reflect development in area;
- More bungalows are needed;
- No undue strain on existing resources;
- There is a housing shortage;

One letter received included no reasons for support.

One letter of objection has been received from a resident of High Street, stating that there are too many houses being built in Doddington and infrastructure and amenities can't cope.

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

7.1. National Planning Policy Framework (NPPF) July 2021

Para 2: NPPF is a material consideration in planning decisions.

Para 7: Purpose of the planning system is to contribute to the achievement of sustainable development

Para 12: Conflict with an up-to-date plan should not usually be granted

Para 79: Housing should be located where it will enhance or maintain the vitality of rural communities.

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

7.2. National Planning Practice Guidance (NPPG)

Determining planning applications

7.3. National Design Guide 2019

Context

Identity

Built Form

Homes and Buildings

7.4. Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP12 – Rural Areas Development Policy

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

LP15 – Facilitating the Creation of a More Sustainable Transport Network

LP16 – Delivering and Protecting High Quality Environments

7.5. Emerging Local Plan

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

LP1 – Settlement Hierarchy

LP2 – Spatial Strategy for the Location of Residential Development

LP7 – Design

LP8 – Amenity Provision

LP18 – Development in the Countryside

LP20 – Accessibility and Transport

LP22 – Parking Provision

LP24 – Natural Environment

LP32 – Flood and Water Management

8 KEY ISSUES

- **Principle of Development**

- **Other matters**

- Character and Appearance
- Residential Amenity
- Access and Parking
- Flood Risk

9 BACKGROUND

9.1. This application is a resubmission of a previously refused scheme (F/YR22/1302/O), which was refused by Planning Committee in March 2023 for the following reasons:

1. Development does not comply with the settlement hierarchy, and would result in encroachment into the countryside on land specifically excluded by policy, contrary to Policies LP3 and LP12 of the Fenland Local Plan 2014;
2. Development on this land would be to the detriment of the character and appearance of the rural area as it would directly contradict the current settlement pattern and would arguably create a precedent for further development into the countryside, contrary to the requirements of policy LP12 and Policy LP16(d);
3. Development on this site would result in unreasonable constraints to the viability and operation of the existing motocross and clay pigeon shooting activities at Washbrook Farm to the north, by virtue of the introduction of additional "sensitive" residential dwellings. In addition, future occupier amenity will likely be adversely affected by noise nuisance associated with the activities undertaken at Washbrook Farm, contrary to Policy LP16 (e) and (o) of the Fenland Local Plan (2014).
4. In the absence of evidence to the contrary, it was considered that the necessary visibility to achieve a safe access to the site did not appear to be achievable within the highway boundary and / or application boundary, contrary to Policy LP15.

9.2. The current application proposes the same quantum of development on the same site as the previously refused scheme, however it includes proposed amendments to access and is supported by a Noise Impact Assessment to attempt to reconcile reasons for refusal of the earlier scheme.

10 ASSESSMENT

Principle of Development

10.1. Whilst the site is located within the Parish of Doddington, and alongside a small group of dwellings, the site is located approximately 0.7km from the main built-up area of the settlement and would not conform to the policy requirements of representing a small-scale infill within a continuously developed area within the built form of the settlement, and nor would it represent a small extension to the built form of village given its remote nature and surroundings.

10.2. No justification for new development within this 'Elsewhere' location (as set out under Policy LP3 has been advanced to evidence the development as

being demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services.

- 10.3. Accordingly, the proposal for new residential development in this location would fail to accord with Policy LP3 of the development plan.
- 10.4. Under Policy LP12 there is set out the criteria required following the application of LP3 in which new development will be considered. Under the development of a site within or adjacent to the existing 'developed footprint' of specified villages, the policy clearly defines that this excludes the following:
 - (a) individual buildings and groups of dispersed, or intermittent buildings, that are clearly detached from the continuous built-up area of the settlement;
 - (b) gardens, paddocks, and other undeveloped land within the curtilage of buildings on the edge of the settlement where the land relates more to the surrounding countryside than to the built-up area of the settlement; and
 - (c) agricultural buildings and associated land on the edge of the settlement.
- 10.5. Regarding the consultation draft of the emerging Local Plan, which carries limited weight as this time, given that consultation has only recently commenced, the site is outside of the defined settlement boundary and is therefore classed as open countryside where development will only be permitted in the circumstances set out within the NPPF.
- 10.6. 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 proposed development would not accord given the scale of development and by virtue that it would introduce development beyond the existing physical and visual limit of the settlement boundary into the open countryside.
- 10.7. The unjustified proposal in this location would remain in conflict with Policies LP3 and LP12 of the adopted Fenland Local Plan, nor would it comply with the policies of the emerging Plan. As such the earlier reason for refusal (1) in respect of the settlement hierarchy and encroachment into the countryside has not been reconciled.

Other Matters

Character and Appearance

- 10.8. Details of appearance, layout and scale are to be submitted at Reserved Matters stage, however the submitted indicative site plan suggests that the dwellings will be similar in scale to the bungalows to the east.
- 10.9. Policy LP16 (d) considers the impact of development on local distinctiveness and character. Moreover, in rural areas, a development proposal needs also to satisfy the criteria set out in Policy LP12.
- 10.10. It is clear that the site, an area of agricultural paddock land, remains a transition point between the interspersed development along Benwick Road to

the east and the open countryside to the north, west and south. The development proposed would see up to four detached dwellings positioned on undeveloped paddock land that currently forms a distinct and natural demarcation between the development to the east and the countryside beyond. Development on this land would be to the detriment of the character and appearance of the rural area as it would directly contradict the current settlement pattern and would arguably create a precedent for further development into the countryside, eroding the existing rural character along this part of Benwick Road, contrary to the requirements of policy LP12 and Policy LP16(d). As such, the earlier reason for refusal (2) in respect to the detrimental impact on character of the area has not been reconciled.

Residential Amenity

- 10.11. It would appear from the indicative plans submitted that there would be limited impacts to neighbouring residential amenity in terms of overlooking or overshadowing. However, it is also necessary to ensure the development provides good quality amenity for future occupiers. As such, matters in respect of noise disturbance on future occupiers from the nearby Washbrook Farm should be considered. Washbrook Farm, is approximately 320m north of the site and hosts a motocross track and clay pigeon shooting which are both regularly operational and already subject to operational conditions to limit noise nuisance to existing residential development nearby.
- 10.12. The current application has been supported by a Noise Impact Assessment, which has been reviewed by the Environmental Health (EH) Team. The EH Team consider that appropriate assessment to residential amenity in respect of noise has been undertaken and accept the conclusions and recommendations outlined within the submitted report. Accordingly, they are able to remove their previous objection to the scheme in respect of noise and suggest reasonable conditions to the same. As such, it is considered that the earlier reason for refusal (3) in respect of unacceptable residential amenity has been reconciled. Any subsequent approval would be required to be subject to conditions to ensure appropriate mitigation is provided within the Reserved Matters submission.

Access and Parking

- 10.13. The indicative site plan suggests that there would be sufficient parking/turning room available to the front of the dwellings.
- 10.14. The application proposes two shared accesses off Benwick Road each serving a pair of dwellings, with the westernmost access also providing shared field access to the land to the north. Details of visibility splays have been provided along with notations stating that the new crossovers will be constructed to CCC standards.
- 10.15. Comments from the Highway Authority suggest that the submitted details are acceptable in principle, subject to conditions. Accordingly, it is considered that sufficient evidence in respect of highway safety has been submitted to reconcile reason for refusal (4) of the earlier application. Any subsequent approval would be required to be subject to conditions to ensure appropriate and safe access is provided within the Reserved Matters submission.

Flood Risk

- 10.16. The application site lies within flood zone 1 and issues of surface water will be considered under Building Regulations.
- 10.17. The site lies within the Middle Level Commissioners Drainage Board area, who were subsequently consulted, however, no comment was received in regard to this application. As such, it is considered reasonable to determine that the proposal is acceptable in terms of flood risk and there are no issues to address in respect of Policy LP14.

11 CONCLUSIONS

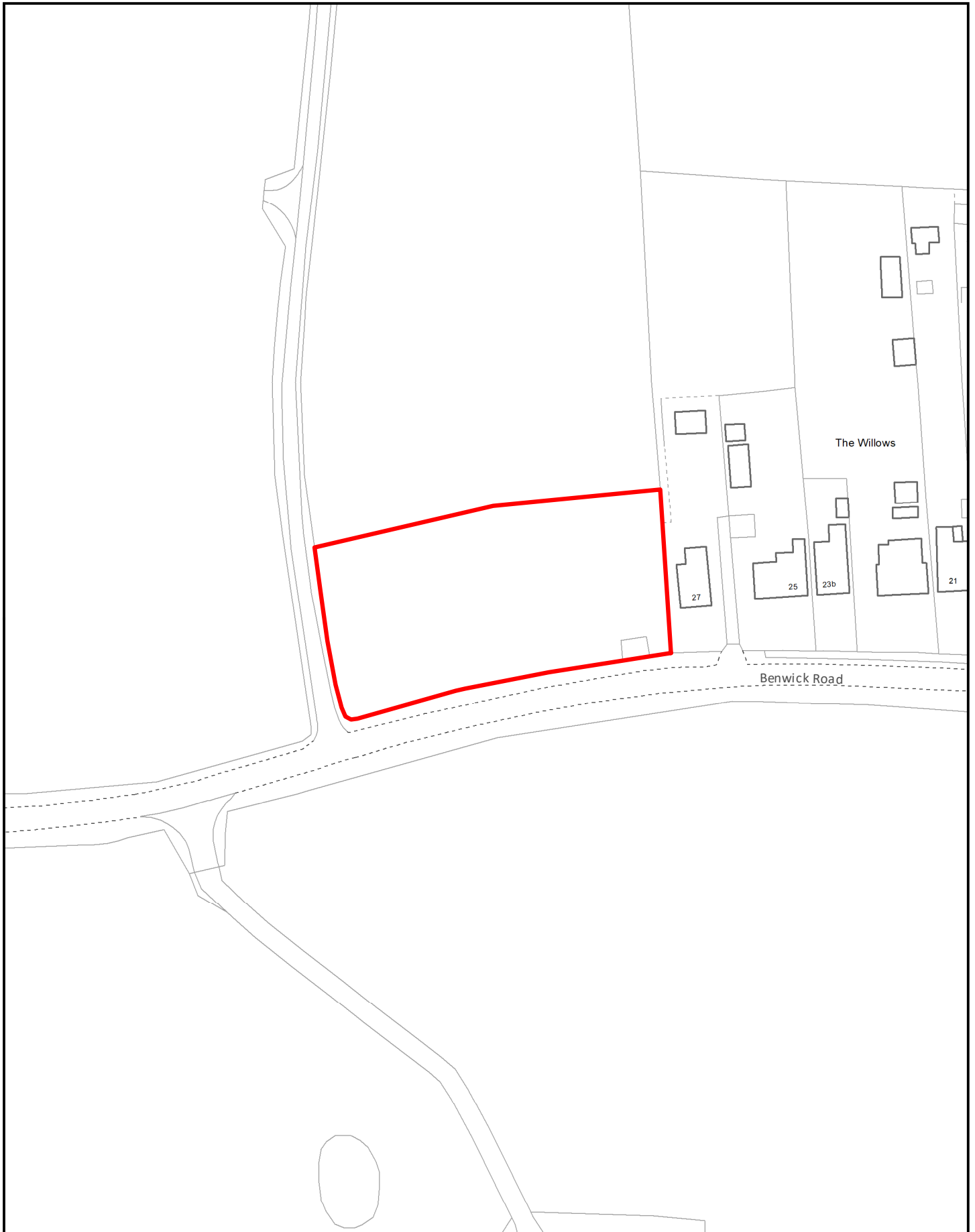
- 11.1. The previous refusal of this application included a number of reasons. Details submitted with the current application have reconciled concerns regarding unacceptable residential amenity issues from noise and a lack of demonstrable evidence in respect of highway safety; the details have been agreed by the relevant statutory consultees. Accordingly, these reasons for refusal can be removed.
- 11.2. However, the locational circumstances of the site and the unacceptable principle of development in such a location has not changed since the earlier refusal. It remains that the proposal does not accord with the requirements of Policy LP3 and LP12 in respect of the Settlement Hierarchy in that it is located outside the built framework of Doddington. Furthermore, development at this site will encroach into the countryside at detriment to the rural character of the area in contravention of Policy LP12 and Policy LP16(d). As such, these reasons for refusal must remain, resulting in a forthcoming recommendation to maintain refusal of the application.

12 RECOMMENDATION

Refuse, for the following reasons:

1	<p>Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the district, and Policy LP12 details a range of criteria against which development within the District will be assessed.</p> <p>Policy LP12 defines the developed footprint of a village as the continuous built form of the settlement and excludes:</p> <ul style="list-style-type: none">(a) individual buildings and groups of dispersed, or intermittent buildings, that are clearly detached from the continuous built-up area of the settlement; and(b) gardens, paddocks, and other undeveloped land within the curtilage of buildings on the edge of the settlement where the land relates more to the surrounding countryside than to the built-up area of the settlement. <p>The site's position is away from the main built form of Doddington, adjacent to a small number of dwellings on this side of Benwick Road. These dwellings are clearly detached from the continuous built-up area of the settlement and do not form part of the continuous built form of</p>
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	<p>Doddington. In addition, the site is currently paddock land that clearly relates more to the surrounding countryside. Thus, development of this parcel of land would be excluded by (a) and (b) above. Thus, the proposal in principle therefore fails to comply with Policies LP3 and LP12 of the Fenland Local Plan 2014.</p>
2	<p>Policy LP12 seeks to support development that does not harm the character of the countryside. Policy LP16 (d) of the Fenland Local Plan (2014) requires development to deliver and protect high quality environments through, amongst other things, making a positive contribution to the local distinctiveness and character of the area. The proposal is for the construction of up to four new dwellings on currently undeveloped paddock land with a close relationship to the wider open countryside. Development on this land would be to the detriment of the character and appearance of the rural area as it would directly contradict the current settlement pattern and would arguably create a precedent for further development into the countryside, eroding the existing rural character along this part of Benwick Road, contrary to the requirements of policy LP12 and Policy LP16(d).</p>



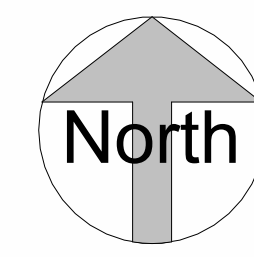
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Scale = 1:1,250





Notes
 Any discrepancies to be brought to attention of Author as soon as possible.
 All dimensions shown in "mm" unless otherwise shown.
 Unless stated otherwise, this drawing has been assessed for risks and nothing is deemed to be outside of normal good safe working practice that would be covered by a contractors Construction Phase Health and Safety Plan.

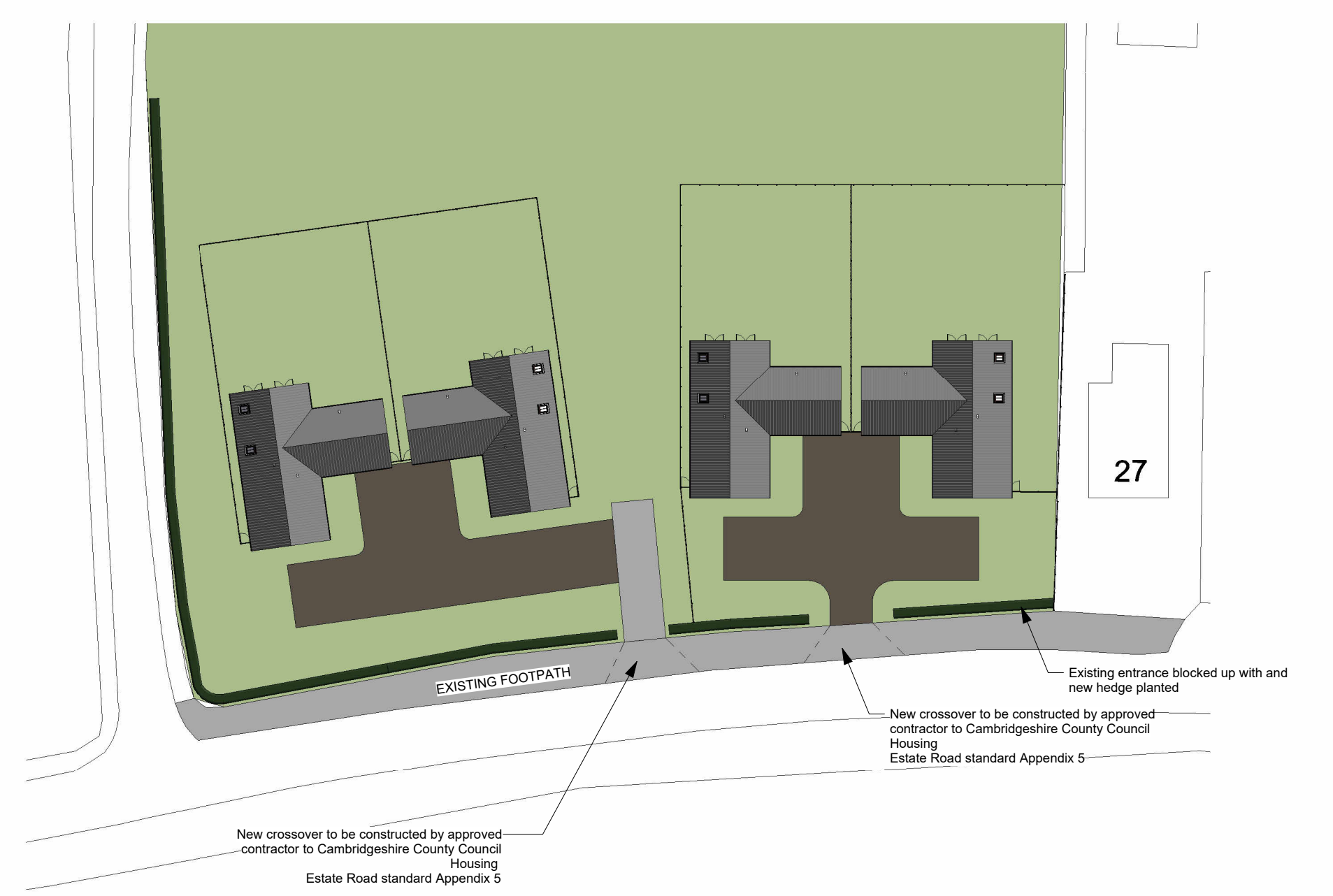


Location Plan
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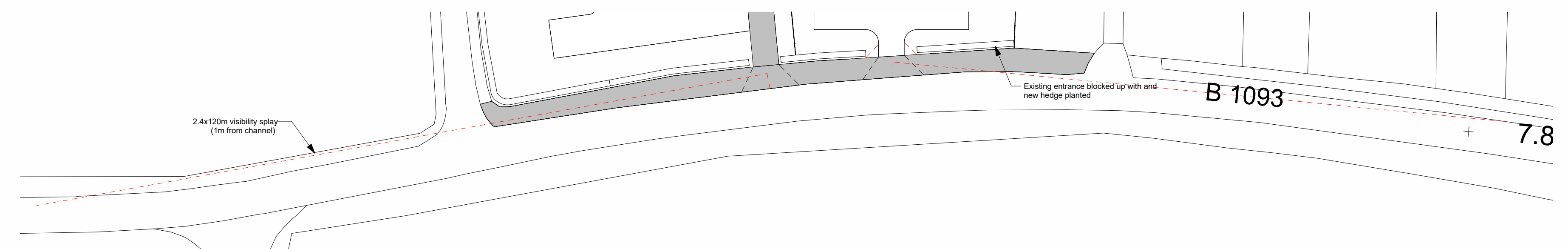
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Indicative Block Plan
 1 : 200



Indicative Site Plan
 1 : 500



Indicative Visibility Splay
 1 : 500

A Access and Visibility amended 02-03-23

Ian Gowler Consulting Ltd
 Architectural and Domestic Energy Consultant
 Grove House, 22 Primrose Hill, Duddington, Cambs, PE15 0SU
 tel. 01354 667005 email. ian@gowler-architectural.co.uk

Proposed Development West of 27 Benwick Road, Duddington for Penelope Lee

Planning

date created	scale	drawing no.	rev
03/11/22	As indicated @ A1	548 - P01	A