F/YR23/1036/F

Applicant: Mr & Mrs Channing Swann Edwards Architecture Ltd Agent : Mrs Shanna Jackson Swann Edwards Architecture Limited

Land South East Of The Chase, Gull Road, Guyhirn, Cambridgeshire

Erect 3 x dwellings (single-storey, 4-bed) with garages

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to Officer recommendation

1. EXECUTIVE SUMMARY

- 1.1 The application site currently forms residential land which serves the host dwelling directly to the north-west known as, `The Chase`.
- 1.2 This is a full application for the development of land at `The Chase`, Gull Road, Guyhirn for three dwellings (single storey, 4-bedroom).
- 1.3 The site has a planning history. This is set out below:
 - F/YR23/0047/F for four dwellings and garages (comprising 1x 5-bed and 3x 4-bed). Refused by Committee on 2nd August 2023
 - F/YR17/1224/F) for four dwellings was refused on the 29th March 2018 and dismissed at appeal on the 2nd October 2018.
 - F/YR16/0130/F) for four dwellings which was refused on the 22nd February 2016 and dismissed at appeal on the 10th November 2016.
- 1.4 All three applications as above were of a very similar design, the only variation in the third application from the first two refused applications was that the 3rd application had no pond features.
- 1.5 The proposal would introduce 3 bungalows to the rear of existing dwellings fronting onto Gull Road and would appear as backland development.
- 1.6 The local area is characterised by dwellings fronting onto Gull Road, with few dwellings located outside the linear line of development. Therefore, the application does not meet the requirements of policies LP3, LP12 and LP16 of the Fenland Local Plan.
- 1.7 The proposal is therefore recommended for refusal.

2 SITE DESCRIPTION

- **2.1** The site is located to the western side of Gull Road in Guyhirn and is located to the rear of existing residential developments along Gull Road. The site is currently used as a residential garden serving the property to the north-west known as, `The Chase` and its boundary is defined by hedgerows.
- **2.2** The immediate area is residential in character with dwellings mainly fronting onto Gull Road.
- **2.3** The site is located within flood zone 1 (low risk).

3 PROPOSAL

- **3.1** The current application seeks planning permission for the erection of 3 x 4-bed single-storey dwellings.
- **3.2** The proposed three dwellings would be positioned across the length of the site, between the existing dwellings at The Chase and Sunflower Lodge. The dwellings will benefit from large rear gardens, and these will be made private by means of 1.8m high close boarded fencing on the side and rear boundaries. Access to the site will be via the existing access which is currently used by The Chase. Each dwelling will be provided with a detached double garage as well as an independent turning area and outdoor parking for 2 cars.
- **3.3** Full plans and associated documents for this application can be found at: <u>F/YR23/1036/F | Erect 3 x dwellings (single-storey, 4-bed) with garages | Land</u> <u>South East Of The Chase Gull Road Guyhirn Cambridgeshire (fenland.gov.uk)</u>

4 SITE PLANNING HISTORY

Reference	Description	Decision	Date
F/YR23/0047/F	Erect 4x dwellings and garages (comprising 1x 5-bed and 3x 4-bed)	Refused	02.08.2023
F/YR17/1224/F	Erection of 4no 2-storey dwellings comprising of 1 x 5-bed and 3 x 4-bed with garages	Refused Appeal Dismissed	29.03.2018 02.10.2018
F/YR16/0130/F	Erection of 4no 2-storey dwellings comprising of 1 x 5-bed and 3 x 4-bed with garages	Refused Appeal Dismissed	03.05.2016 10.11.2016
F/YR12/0730/O	Erection of 3 x 2-storey dwellings involving demolition of existing dwelling and garage Westbury, Gull Road, Guyhirn	Refused	18.12.2012
F/YR06/0980/RM	Erection of 2 x 4-bed bungalows with detached double garages Land South East Of Westbury, Gull Road, Guyhirn	Approved	06.10.2006
F/YR04/0191/O	Residential Development (2 bungalows) Land South East Of Westbury, Gull Road, Guyhirn	Refused 07.04.200	

5 CONSULTATIONS

5.1 Wisbech St Mary Parish Council

RECOMMEND REFUSAL

- Access
- Backfill
- Does Not Comply With Policy
- Flooding
- Overlooking/Loss of privacy

At the meeting of Wisbech St. Mary Parish Council on 15th January 2024, the Council recommended REFUSAL. Councillors noted the change from previous applications to single storey dwellings, however there were still concerns regarding a loss of privacy. Councillors felt that this application goes against LP3 of the Fenland Local Plan by introducing back land development.

5.2 CCC Highways :

The Local Highway Authority raises no objections to the proposed development.

The layout of the proposed accesses would be sufficient for the intensification of the proposed use of this existing access. An area on site has also been provided for vehicles to turn and exit the premises in a forward gear.

Recommended Conditions

<u>Gates/Enclosure/Access Restriction:</u> 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.

<u>Parking/Turning Area:</u> Prior to the first occupation of the development the proposed on-site parking/turning area shall be laid out in accordance with the approved plans, surfaced in a bound material and drained within the site. The parking/turning area, surfacing and drainage shall thereafter be retained as such in perpetuity (notwithstanding the provisions of Schedule 2, Part 1, Class F of The Town and Country Planning (General Permitted Development) (England) Order 2015, or any instrument revoking or re-enacting that Order).

Non Standard Condition: Prior to the first occupation of the development, the vehicular access shall be constructed to include the provision of a metalled/sealed surface for a minimum length of 5m from the existing carriageway edge.

5.3 North Level District Internal Drainage Board:

No objections.

5.4 CCC Archaeology:

Our records indicate that the site lies in an area of high archaeological potential. situated upon a north-west to south-east aligned roddon (ancient infilled river). To the north west the cropmarks of a Romano-British settlement (Cambridgeshire Historic Environment Record reference 09427) and Romano-British field systems (CHER refs. 09436, 03900) extend on either side of Gull Drove. To the south west is an area of upstanding earthworks, possibly representing the remains of a small inland harbour (CHER ref. MCB17827), which were truncated by the former course of Morton's Leam (CHER ref. MCB17919) during its construction in 1490. In addition. to the east is further evidence of Roman (CHER refs. 09590, 09437, 09218) and medieval occupation (CHER refs. MCB17859, MCB19319). We have commented on this development previously (F/YR17/1224/F, F/YR16/0130/F and F/YR23/0047/F) our recommendation of the use of a condition still applies. Due to the archaeological potential of the site a programme of investigation and recording is required in order to provide more information regarding the presence or absence, and condition, of surviving archaeological remains within the development area, and to establish the need for archaeological mitigation of the development as necessary. Usage of the following condition is recommended:

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 2021).

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. A brief for the recommended programme of archaeological works is available from this office upon request.

Please see our website for CHET service charges.

5.5 Environmental Health

The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed scheme as it is unlikely to have a detrimental effect on local air quality or be affected by ground contamination. Due to the close proximity of noise sensitive receptors, it is recommended that the following condition is imposed in the event that planning permission is granted:

WORKING TIMES

No construction work shall be carried out and no plant or power operated machinery operated other than between the following hours: 08:00 hours and 18:00 hours on Monday to Friday, 08:00 hours and 13:00 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.

5.6 Local Residents/Interested Parties

Objectors - 4 letters of objection have been received from residents of Gull Road which are summarised below:

- Traffic on Gull Road;
- Back land development;
- Noise and light pollution;
- Density/Over development
- Out of character/not in keep with area
- Highways concerns;
- Visual impact;
- Environmental concerns;

Supporters- 10 support letters from 5 addresses **in** in Gull Road and High Road which are summarised below:

- Positive expansion of the village;
- Local economic benefit;
- Continue to populate village.

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK –

National Planning Policy Framework (NPPF)

Para. 2 - Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Para. 10 - So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development

Para. 12 - The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decisionmaking.

Para. 47 - Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Para. 135 - Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

National Planning Practice Guidance (NPPG)

Determining a Planning Application

National Design Guide 2021 Context Identity Built Form Movement Nature Public Spaces

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 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:

- LP1: Settlement Hierarchy
- LP2: Spatial Strategy for the Location of Residential Development
- LP4: Securing Fenland's Future
- LP7: Design
- LP8: Amenity Provision
- LP9: Residential Annexes
- LP18: Development in the Countryside
- LP19: Strategic Infrastructure
- LP22: Parking Provision
- LP24: Natural Environment
- LP25: Biodiversity Net Gain
- LP28: Landscape
- LP32: Flood and Water Management

8 KEY ISSUES

- Background
- Principle of Development
- Layout and Design
- Residential Amenity
- Highway Safety
- Ecology, Wildlife & Trees

9 BACKGROUND

- 9.1 The most recent planning application (F/YR23/0047/F) on the subject site was for 4 dwellings that was refused by the planning committee for the following reasons:
 - 1. Policy LP3 of the Local Plan identifies Guyhirn as a Small Village where development will be considered on its merits but will normally be of a very limited nature and normally be limited in scale to residential infilling. The proposal would introduce a backland form of development which would be harmful to the character of the surrounding area and the dwellings to the north and south of the development site are sporadic dwellings and do not form a continuous area of development. As such the proposal is not considered to result in residential infilling. Therefore, the proposal fails to comply with the provisions of Policy LP3 of the Fenland Local Plan (2014).
 - 2. Policies LP12 Part A (d) and LP16 (d) resists new development which adversely impacts on the character of the area and requires development to respond to and improve the character of the built environment. The prevailing form and character of the area comprises frontage development. The tandem positioning of the dwellings, which are behind the established built form would be out of keeping with the character of the area. This would result in an incongruous development and is therefore contrary to Policies LP12 (d) and LP16 (d) of the Fenland Local Plan (2014).
- 9.2 The applicant has outlined in their Design & Access Statement that since the most recently refused application (ref: F/YR23/0047/F), there has been significant changes to the surroundings and refers to a recent planning approval for 5 dwellings (ref: F/YR23/0548/O) in Gorefield (small village like Guyhirn). This is addressed in more detail within the Principle of Development section of this report.

10 ASSESSMENT

Principle of Development

- 10.1 The application site is located in the village of Guyhirn and the Policy LP3 of the Local Plan identifies Guyhirn as a Small Village where development will be considered on its merits but will normally be of a very limited nature and normally be limited in scale to residential infilling.
- 10.2 The proposed development for three bungalows would form a linear development, similar to all the originally refused applications sited in the side garden of the host dwelling, The Chase. Therefore, the proposal would introduce a backland form of development, which would be harmful to the character of the surrounding area and the dwellings to the north and south of the development site are sporadic dwellings and do not form a continuous area of development.
- 10.3 The appeal decision on the application site APP/D0515/W/16/3155149 stated that

"4. The site is located in the village of Guyhirn, which is classified by policy LP3 of the Fenland Local Plan (2014) as a small settlement. This states that development will be considered on its merits and will normally be limited in scale to residential infilling. There is some dispute between the parties as to whether the development constitutes 'residential infill' in terms of the policy. Whilst LP3 does not specifically define 'infilling', the Council's interpretation of filling a gap in the built-up frontage would, in my view, be most logical and appropriate in the context of the policy. Although there would be dwellings at either end of the site, it is clearly backland in nature and poorly related to the road frontage. As such, I would not identify the development as 'infill'.

5. Notwithstanding this, I note that the policy suggests development within small settlements will be considered on its merits. Therefore, not being infill is not necessarily determinative and the other aspects of the development need to be considered, including the effect of the development on the character and appearance of the area.

6. Irrespective of whether the development would be considered infill or not, the effect on the character of the area would be the same. In this regard, it is clear that this part of the village has a predominantly linear character with very little evidence of backland development other than The Chase itself. The siting of this dwelling is somewhat uncharacteristic of the wider area and does not justify further backland development.

10.4 The second appeal decision APP/D0515/W/18/3200846 on the site (Ref: F/YR17/1224/F) was also dismissed. In this decision, the Inspector again reiterated the findings from the first appeal decision and stated that:

" 6. Issues relating to infilling and the effect of the proposal on the character and appearance were dealt with unequivocally by the previous Inspector in paragraphs 4-11 of his decision. As the appellants concede there have been no significant changes to the site or its surroundings since the previous appeal decision. I therefore concur with my colleague that the development would have an unacceptable impact on the settlement pattern of the village and would thus conflict with LP Policies LP3, LP12(d) and LP16(d)."

9. Even if I were to accept the appellants' housing land supply submissions in their entirety, this would not necessarily lead to the appeal being allowed. Although the contribution of the 4 dwellings proposed towards addressing any shortfall would be a benefit, the weight to be attached to this would be moderated by the fact that any housing shortfall would be relatively small. Consequently, the social and economic benefits arising could well be significantly and demonstrably outweighed by the harm that has been identified to the character and appearance of the area.

- 10.5 This proposal will see three bungalows introduced into a site, which would be partly visible in the street scene as the proposed new houses would appear as contrived features behind the 'Copper Beeches' and open space between the 'Fernleigh' and the 'Copper Beeches'. The proposed development would reflect as an absolute example of backland development when considered against the prevailing form and character of this part of Guyhirn, which is characterised by linear, road frontage development.
- 10.6 It is noted that there are some sporadic dwellings sited back from Gull Road, namely the host dwelling, 'The Chase' and 'Sunflower House', however these are historic and before the current local plan and do not override the prevailing form of road frontage developments. Policy LP3 requires development in Small Villages to be infill and whilst the presence of these two properties is noted, as the site is not within the main built-up frontage it is not considered to be infill.

- 10.7 The proposal is therefore considered to be out of keeping with the core shape and form of the settlement and is out of character with this part of Guyhirn. It is therefore considered to be contrary to Policy LP3 and Part A (d) of Policy LP12 for these reasons and as such, is considered to be unacceptable in principle.
- 10.8 The design and access statement submitted with the current application has cited examples of the development in the local area and appeal decisions for other sites in the local area. However, due regard has been given to the two different appeal decisions of the application site that clearly establishes that any development on the application site would not be "infill". The previous refusals on this site are material considerations, on appeal the inspectors have agreed with the LPA's position on both occasions that the effect of the development would cause detrimental harm to the appearance and character of the surrounding area.
- 10.9 It is considered that the proposal has failed to address two reasons for refusal on the recent planning application (ref: F/YR23/0047/F).

Layout and Design

- 10.10 Policy LP16 seeks to ensure that new development makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting, responds to and improves the character of the local built environment, provides resilience to climate change, reinforces local identity and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the area part (d). Furthermore, parts (e) and (h) of Policy LP16 require new development to not adversely impact on the amenity of neighbouring users, through noise, light pollution, loss of privacy and loss or light, and provide sufficient private amenity space.
- 10.11 In design terms, this part of Gull Road is characterised by a variety of dwelling designs. The proposed dwellings themselves have been designed to show variety between the dwellings, whilst retaining certain features such as porch detailing and mix of roof lines. No objections are raised to the design of the dwellings, which is unlikely to have any adverse impacts on the surroundings due to the different dwelling designs present around the site.

Residential Amenity

- 10.12 The proposed development would introduce 3 dwellings to the rear of a number of existing frontage properties along Gull Road. Part (e) of Policy LP16 states that new development should not adversely impact on the amenity of neighbouring users, such as through noise, light pollution, loss of privacy and loss of light.
- 10.13 The dwellings have been sited adjacent to the side boundaries of the existing properties. The proposed bungalows would be single storey. It is considered that given the separation distances between the proposed dwellings to the existing dwellings along Gull Road, it is unlikely that there would be any issues with overlooking or loss of privacy from.
- 10.14 The plot 1 would sit adjacent to the Sunflower House; however, it would sit behind the existing dwelling and would be separated by the 1.8m high boarded fencing in addition to the existing hedging. This could be further mitigated against by additional landscaping along this boundary to add screening and controlled via a condition, if approved.

10.15 It is noted that the existing access runs between two of the frontage properties, `Fernleigh` and `Copper Beeches`. The development would result in an intensification of the use of this access, which currently only serves the dwelling, `The Chase` and is proposed to serve four dwellings total (increase of three dwellings). This would increase the number of vehicular movements between these two properties, however with `Fernleigh` being sited approximately 4.6m from the access and `Copper Beeches` sited approximately 8.4m from the access, noise impacts would be mitigated to the level where it would not represent a significant adverse impact and therefore, would not warrant a reason for refusal in this instance. It is noted that the Environmental Health Team have raised no concerns with regards to the impacts of the development.

Highway Safety

- 10.16 The proposed dwellings would be served by turning areas and parking forecourts which would provide parking provision for up two spaces (minimum per dwelling) and so meets the parking standards set out within Appendix A of the Local Plan.
 - 10.17 The proposal will utilise the existing access which currently serves, `The Chase`. The access, highway safety and parking considerations have been assessed by the Local Highway Authority who raise no objections to the proposed access, subject to conditions being attached. The application proposed improvements to the access point, including widening it to 5m for the first 10m back from the highway which will allow for two-way vehicle flow at the access with Gull Road. As such, there are no concerns in relation to highway safety and the proposal complies with the provisions of LP15 in this regard.

Ecology, Wildlife & Trees

- 10.18 The site is garden land and benefits from dense landscaping around the perimeter, which is proposed to be retained. No trees are proposed to be removed in fact additional tree planting has been proposed. The applicant has submitted a completed biodiversity checklist which outlined no protected species are within/adjacent the site. The proposal is not considered to have a significant impact on biodiversity. In addition, there are no protected trees, and the site is not within a Conservation Area. Subject to suitable ecology and tree conditions, the proposal is not objected to.
- 10.19 It is noted that there were no ecological issues raised in the previously refused applications.

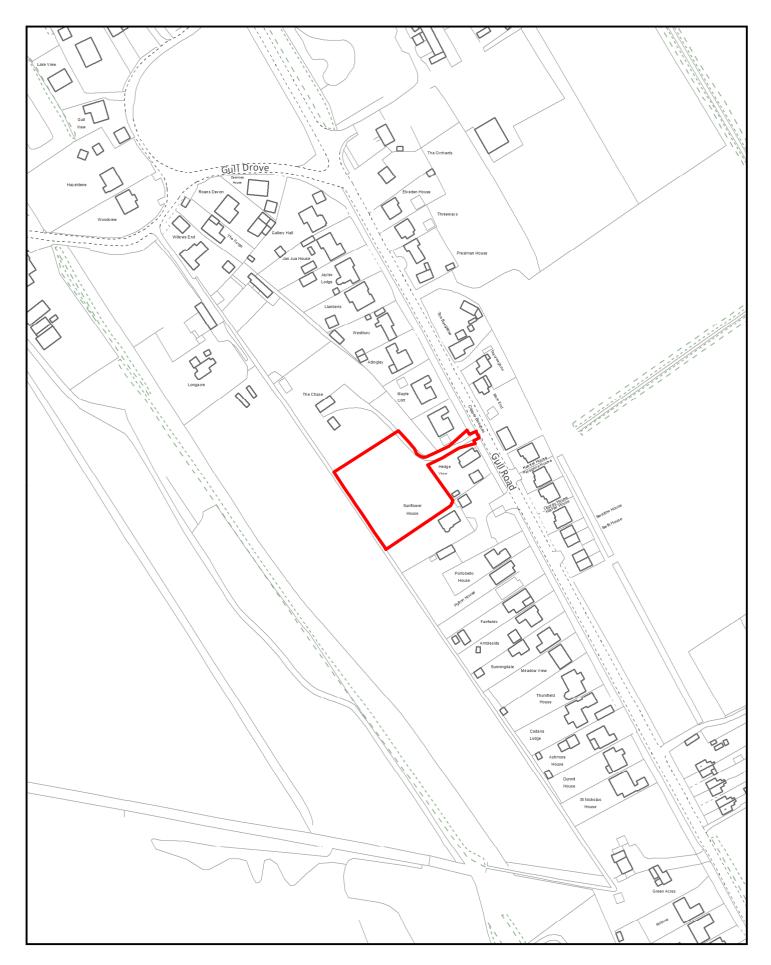
11 CONCLUSIONS

- 11.1 The proposal fails to comply with the provisions of Policies LP3, LP12 and LP16 in relation to the principle of residential development in this location. Whilst it is noted that the design of the dwellings and the highway safety considerations are acceptable, the site is not considered to be infill and will be at odds with the prevailing form and character of the surrounding area and would result in a tandem form of development, consistent with previous decisions of both the Council and Planning Inspectors.
- 11.2 The proposal has failed to address the previous reasons for refusal and is therefore recommended for refusal.

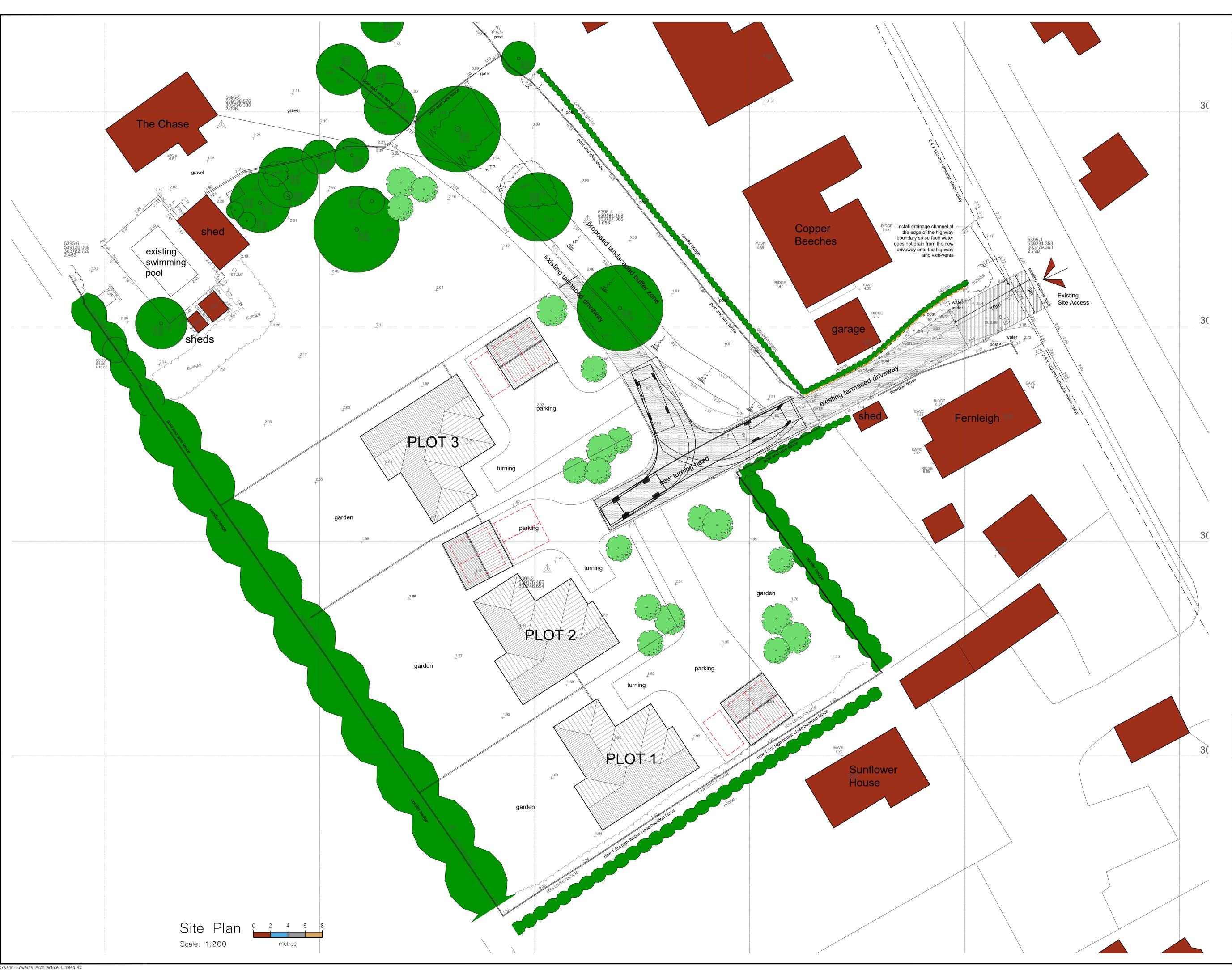
12 **RECOMMENDATION**

Refuse; for the following reasons:

1.	Policy LP3 of the Local Plan identifies Guyhirn as a Small Village where development will be considered on its merits but will normally be of a very limited nature and normally be limited in scale to residential infilling. The proposal would introduce a backland form of development which would be harmful to the character of the surrounding area and the dwellings to the north and south of the development site are sporadic dwellings and do not form a continuous area of development. As such the proposal is not considered to result in residential infilling. Therefore, the proposal fails to comply with the provisions of Policy LP3 of the Fenland Local Plan (2014).
2.	Policies LP12 Part A (d) and LP16 (d) resists new development which adversely impacts on the character of the area and requires development to respond to and improve the character of the built environment. The prevailing form and character of the area comprises frontage development. The tandem positioning of the dwellings, which are behind the established built form would be out of keeping with the character of the area. This would result in an incongruous development and is therefore contrary to Policies LP12 (d) and LP16 (d) of the Fenland Local Plan (2014).



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General Notes 1. All dimensions are shown in 'mm' unless otherwise stated. 2. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and specifications. Any discrepancies are to be brought to the designers attention. SITE PLAN KEY Indicates proposed dwellings n#1 Indicates existing neighbouring dwellings Indicates trees and hedges to remain Indicates widened shared access driveway to be constructed to Cambridge County Council specification to a width of 5.0m, 10.0m into the site Indicates proposed parking spaces Indicates site access Indicates 2.0m high acoustic fence X BUSH



