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F/YR23/0431/O

**Applicant: Mr T Savage**

**Agent : Mr R Papworth  
Morton & Hall Consulting Ltd**

**Land North East Of Trotters Lodge, The Old Dairy Yards, Westfield Road, Manea  
Cambridgeshire**

**Erect up to 3no dwellings (outline application with matters committed in respect of  
access) including demolition of 3 x day rooms and outbuildings**

**Officer recommendation: Refuse**

**Reason for Committee: Parish Council comments and number of representations  
contrary to officer recommendation**

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## **1 EXECUTIVE SUMMARY**

- 1.1 The application seeks outline planning permission with matters committed in respect of access for up to 3 dwellings including the demolition of 3 day rooms and outbuildings.
- 1.2 The application site is within the countryside, outside of the main built form of the settlement. The proposed in-depth development and its associated cumulative harm and urbanisation through the erection of three modest dwellings would conflict with Policy LP12 (Parts A-D).
- 1.3 Further to this, the introduction of three market dwellings in this location will be at odds with the prevailing form of development with no demonstrable need for dwellings in this location and is clearly contrary to Policy LP3 of the Fenland Local Plan.
- 1.4 The proposed development would see the loss of a Gypsy Traveller site, but it must be borne in mind that this was tied to the applicant and resident dependants, therefore the loss of a very specific one that will be redundant as no other Gypsy Traveller families could occupy this in any instance.
- 1.5 Consequently, and on balance, the recommendation is to refuse the application.

## **2 SITE DESCRIPTION**

- 2.1 The subject site covers an area approximately 8564 sq m, accessed from Old Dairy Yard on the northern edge of the Growth Village of Manea.
- 2.2 The site currently contains 3no caravans and 3no single-storey day rooms approved under a previous planning permission (F/YR14/0588/F). These are located to the southern end of the site with other stores/sheds dotted around the wider site.
- 2.3 The application site is flat throughout and designated within Flood Zone 1 with a modern residential development to the south of the site and the odd dwelling to the west with paddock land to the north and east.

### 3 PROPOSAL

- 3.1 This application is an outline application proposing the erection of 3no dwellings on the site. All matters are reserved except for access.
- 3.2 Whilst the application is in outline form, an indicative site plan has been submitted along with the application form confirming two of the plots will be 3-bed and one plot 4-bed and market housing.
- 3.3 Full plans and associated documents for this application can be found at: [F/YR23/0431/O | Erect up to 3no dwellings \(outline application with matters committed in respect of access\) including demolition of 3 x day rooms and outbuildings | Land North East Of Trotters Lodge The Old Dairy Yards Westfield Road Manea Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR23/0431/O/Erect-up-to-3no-dwellings-outline-application-with-matters-committed-in-respect-of-access-including-demolition-of-3-x-day-rooms-and-outbuildings-Land-North-East-Of-Trotters-Lodge-The-Old-Dairy-Yards-Westfield-Road-Manea-Cambridgeshire)

### 4 SITE PLANNING HISTORY

**Numerous relating to surrounding land in ownership of the applicant but the most recent and relevant to the application site:**

F/YR14/0588/F Siting of 3no caravans and erection of 3x single storey day rooms and 1.8m high close boarded fence (part retrospective) – Granted

### 5 CONSULTATIONS

#### 5.1 Manea Parish Council

*No objections*

#### 5.2 Archaeology (CCC)

*Our records indicate that the development lies in an area of archaeological potential located on Manea Island, an important and favoured location for settlement in the fens.*

*Due to the archaeological potential of the site a further 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.*

A pre-commencement condition is requested in relation to a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI).

#### 5.3 Natural England

Provided comments regarding appropriate consideration of recreational pressure impacts, through relevant residential development, to sensitive Sites of Special Scientific Interest (SSSI).

#### 5.4 PROW Officer (CCC)

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

*There is no legally defined and recorded width for Public Footpath 2, Manea. Where there is no legally defined width for a public right of way, we are not able to advise what the width would be. As the dimensions are not known, we cannot guarantee that the applicant would not be encroaching upon the highway. The applicant therefore would proceed with any development that might affect the highway at their own risk. Informatives Should you*

*be minded to grant planning permission we would be grateful that the following informatives are included: Public Footpath 2, Manea 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).*

*Members of the public on foot, horseback and pedal cycle have the dominant right of passage along the public byway; private vehicular users must 'give way' to them. If for whatever reason the subsequent adoption processes fail, the Public Footpath will remain in place and the applicant could be held liable for unlawful alteration to the surface. He or she may also be required to be responsible for the altered surface. The applicant will be required to meet the costs of any new or amended signage that may be required as a result of any legal changes to the Public Rights of Way network.*

*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 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 at <https://www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/roads-andpathways/highway-licences-and-permits/>*

## **5.5 Environmental Health (14/06/23)**

*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. It is acknowledged from the application form that existing use is stated as 'residential'. Whilst that may be true, aerial imagery available seems to indicate the storage of a lot of materials including vehicles. Coupled with the proposed demolition of a number of buildings, some of which appear to have asbestos containing material roofing, in the event that planning permission is granted, it is therefore recommended that the full contaminated land condition is imposed:*

*No development approved by this permission shall be commenced prior to an investigative contaminated land assessment and associated remedial strategy, being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs a) and b). This is an iterative process, and the results of each stage will help decide if the following stage is necessary. (a) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology. (b) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation*

*commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters. No development approved by this permission shall be occupied prior to the completion of any remedial works and a validation report/s being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs (c), (d) and (e). (c) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. (d) If, during the works, contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA. (e) Upon completion of the works, this condition shall not be discharged until a validation/closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site, and what has been brought on to site. In the interests of protecting the amenity of existing nearby residents.*

*I would also recommend including the following condition to any planning permission granted: No demolition or 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*

### **Environmental Health (12/7/23)**

*Can this please replace previous response provided by this service on 14.06.23.*

*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. It is acknowledged from the application form that existing use is stated as 'residential'.*

*Whilst that may be true, aerial imagery available seems to indicate the storage of a lot of materials including vehicles. Coupled with the proposed demolition of a number of buildings, some of which appear to have asbestos containing material roofing, in the event that planning permission is granted, it is therefore recommended that the full contaminated land condition is imposed:*

*No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs a), b) and c). This is an iterative process and the results of each stage will help decide if the following stage is necessary.*

*(a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses, the proposed site usage, and include a conceptual model. The site investigation strategy will be based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.*

*(b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.*

*(c) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters. No*

development approved by this permission shall be occupied prior to the completion of any remedial works and a validation report/s being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs d), e) and f).

(d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.

(e) If, during the works, contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.

(f) Upon completion of the works, this condition shall not be discharged until a validation/closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.

Details of any post remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site, and what has been brought on to site. In the interests of protecting the amenity of existing nearby residents, I would also recommend including the following condition to any planning permission granted:

No demolition or 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 County Ecology**

Thank you for your consultation letter received on 16 May 2023 regarding the above planning application. We recommend refusal of this application due to lack of biodiversity information and loss of biodiversity.

This matter can be resolved through the submission of an updated Preliminary Ecological Assessment to the LPA prior to the determination of the planning application. Please find further detailed below:

### *Preliminary Ecological Appraisal*

The Preliminary Ecological Appraisal (PEA) is incomplete and doesn't meet PEA report writing standards:

- Habitat map not provided – not possible to determine the extent of habitat loss (e.g. improved grassland, conifers, mature trees) or the location of the building surveyed - No description of habitats - not possible to determine the value of these habitats, whether compensatory habitats are required, and whether / not likely to support protected / priority species

- No assessment of potential to support Great Crested Newt or recognition of potential breeding pond to north-west of the development

- No assessment of access road, particularly the "existing ditch to be cleared out", as shown on the location plan (we assume this work is associated with the current application?), which could potentially support protected species (Water Vole).

It is therefore not possible to determine the level of impact of the scheme on biodiversity and whether / not features of biodiversity value will be protect, or if mitigation / compensation. Therefore, it does not accord with National Planning Policy Framework 2021 (paragraphs 174 & 180-182) or the following Fenland Local Plan 2014 policies to conserve and enhance biodiversity:

- LP16: "Proposals for all new development... will only be permitted if it can be demonstrated that the proposal... "protects and enhances biodiversity on and surrounding the proposal site, taking into account locally designated sites and the special protection given to internationally and nationally designated sites, in accordance with Policy LP19"
- LP19: "conserve, enhance and promote the biodiversity and geological interest of the natural environment throughout Fenland". Furthermore, the local authority is unable to discharge its statutory duty to conservation biodiversity (Natural Environment and Rural Communities Act 2006).

We therefore recommend refusal until the following information is provided prior to determination:

- Updated Preliminary Ecological Appraisal (and any recommended further survey work) to address the issues above
- Commitment to incorporating biodiversity enhancements within the scheme, as set out in the Preliminary Ecological Appraisal (detailed can be secured through conditions) Natural England SSSI Impact Risk Zone
- Recreational Pressure It is noted that the Application site falls within Natural England SSSI Impact Risk Zone (IRZ) requiring the LPA to consult Natural England on "All planning applications (except householder) outside or extending outside existing settlements/urban areas affecting greenspace, farmland, semi natural habitats or landscape features such as trees, hedges, streams, rural buildings/structures."

Natural England (2019) issues LPAs with a letter setting out "Natural England guidance for assessing and mitigating the recreational pressure impacts of residential development to SSSIs within Cambridgeshire", see Annex A of their consultation response (dated 01 June 2023). It states that 'new dwellings' fall within Natural England's Cambridgeshire Recreational Pressure IRZs. And advises that "most proposals below 50 dwellings to be screened out for likely significant effect", although "in the opinion of the LPA, a smaller proposal closer to a SSSI(s) is considered likely to have significant effect, impacts should be assessed".

It is our consideration that the proposal of 3 dwellings located over 1km from the Ouse Washes SSSI is unlikely to have a significant adverse impact on this designation. Therefore, no further assessment / mitigation measures are required.

#### Conditions

Notwithstanding the above recommended refusal - if planning permission is granted, it is expected that condition(s) will be required to ensure:

1. Compliance with mitigation measures recommended in Preliminary Ecological Appraisal
2. Details of landscape proposals / biodiversity enhancement / net gain
3. Time limited development, before ecology surveys need to be updated
4. Breeding bird informative

## **5.7 Councils Traveller and Diversity Manager**

The existing development was approved for Gypsy Traveller caravan accommodation to meet the cultural needs of their lifestyle.

This proposal states that the numbers of persons living on the land will not change. Does this mean that the Gypsy Traveller people living there will be moving into brick and mortar accommodation proposed or will they move elsewhere e.g. to the roadside or seek to develop a further private Traveller site elsewhere.

This appears to be a development for 3 houses which will result in the loss of existing Traveller accommodation which given local need we would need to look to replace elsewhere.

## **Local Residents/Interested Parties**

### **5.8** Six letters of support from residents within Manea

- Support as the dwellings will serve existing residents
- No intensification of traffic
- Family are a credit to the village
- Site is within own private grounds
- Merely replacing existing buildings
- Visual improvement

## **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).

6.2 The Council has a duty Under the Equality Act 2010, Section 149, to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## **7 POLICY FRAMEWORK**

### **National Planning Policy Framework (NPPF)**

### **National Planning Practice Guidance (NPPG)**

### **National Design Guide 2021**

### **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP5 – Meeting Housing Need

LP12 – Rural 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:

LP1: Settlement Hierarchy  
LP2: Spatial Strategy for the location of residential development  
LP4: Securing Fenland's Future  
LP5: Health and Wellbeing  
LP7: Design  
LP8: Amenity Provision  
LP12: Meeting Housing Needs  
LP14: Gypsies and Travellers and Travelling Showpeople  
LP18: Development in the Countryside  
LP19: Strategic Infrastructure  
LP20: Accessibility and Transport  
LP22: Parking Provision  
LP24: Natural Environment  
LP25: Biodiversity Net Gain  
LP27: Trees and Planting  
LP28: Landscape  
LP32: Flood and Water Management  
LP33: Development of Land Affected by Contamination

## 8 KEY ISSUES

- **Principle of Development**
- **Loss of Gypsy Traveller site**
- **Design and Visual Amenity**
- **Residential Amenity**
- **Flood Risk**
- **Highways/parking**
- **Biodiversity**

## 9 BACKGROUND

- 9.1 Application F/YR14/0588/F was approved for the siting of 3no caravans and erection of 3 x single-storey day rooms and 1.8 metre high close boarded fence (part retrospective). The application was part retrospective, because one caravan was already on site. The caravan was occupied by the occupants daughter with her family. The applicant and his family (wife and other daughter) were living in the other sheds on site.
- 9.2 In respect of the above application, the Council's Traveller and Diversity Manager confirmed that Mr Savage and his family met the definition of Gypsy and Travellers as set out in Government Guidance and approval was forthcoming. The Planning Officer stated that the proposal met the Planning Policy for Traveller sites. It included statements such as "*The applicant has stated that there is no alternative suitable accommodation for his family. It should be noted that Mr Savage rents out an adjacent bungalow which he formally resided in but states that his wish is to revert to traditional cultural accommodation for himself and his family on site which he already owns and resides in.*"

The approval included the following condition limiting occupation to the applicants and resident dependants:

*The occupation of the site hereby permitted shall be carried on only by the following and their resident dependants: Mr and Mrs T Savage. When the land ceases to be occupied by those named in this condition the use hereby permitted shall cease and all caravans and structures permitted by this approval shall be removed and the land shall be restored to its condition before the development took place as shown on drawing No.04C date stamped 13 October 2014.*



*Reason - The Local Planning Authority, in considering this application, have given due regard to the status of the applicant in accordance with the Authority's rural planning policy and in accordance with guidance contained within Planning policy for travellers sites.*

9.3 The following applications nearby also have Mr Savage as a listed applicant:

F/YR20/0363/F | Erect 1 x 4-bed single storey dwelling including improvements to access | Land North West Of Cedar Lodge The Old Dairy Yards Westfield Road Manea. Approved by Committee. Recommendation by officers was for refusal.

'Savages Bungalow' to the south of the site was subject to the following approval in Jan 2022 - F/YR21/1415/F | Erect a replacement dwelling (2-storey 5-bed) involving the substantial demolition of existing bungalow. Mr and Mrs Savage and Green are listed as the applicants for this application as well.

## **10 ASSESSMENT**

### **Principle of Development**

- 10.1 Policy LP3 of the Fenland Local Plan identifies Manea as a Growth Village, where development and new service provision either within the existing urban area or as small village extensions will be appropriate albeit of a considerably more limited scale than that appropriate to the Market Towns.
- 10.2 Policy LP12 of the Local Plan supports development that does not harm the wide-open character of the countryside and provides further guidance as to the restriction of such development to ensure that it has an acceptable impact on the settlement and its character. The Policy requires development to meet certain criteria in order to be supported. The site must be in or adjacent to the existing developed footprint of the village; it must not result in coalescence with any neighbouring village, and must not have an adverse impact on the character and appearance of the surrounding countryside and farmland. Similarly, the proposal must be in keeping with the core shape and form of the settlement, without resulting in the extension of linear features or create ribbon development, and must retain natural boundaries, respect ecological features, important spaces, etc. Finally, the proposal must be served by sustainable infrastructure, and must not put people or property in danger from identified risks.
- 10.3 Footnote to Part A of policy LP12 states that it defines the developed footprint of the village as the continuous built form of the settlement and excludes:
- 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;
  - c) Agricultural buildings and associated land on the edge of the settlement.
- 10.4 As acknowledged in application F/YR14/0588/F, which provided a site location plan with a significantly reduced site edged red to that submitted with this application, the site is within the countryside. It is accessed from Old Dairy Yard, a long, single track road in between two dwellings along Westfield Road with pockets of open undeveloped areas of land surrounding. Given this, it is considered that the site relates more closely to the open countryside than the built form with clear natural boundaries in existence to its western and south-eastern boundaries. Other than for one detached dwelling to the south-west, which aligns with the existing caravans within the site, beyond the site to the west, north and east is open paddock. The application site is of a larger scale than the previously approved site and clearly lies outside of the village of Manea and outside of the developed footprint of the built form of the settlement. Further to this, no evidence

has been submitted that demonstrates compliance with any of the exemptions allowed through policy LP3.

- 10.5 Notwithstanding the above, Part C of LP12 states that the replacement of a dwelling which is located outside, or not adjacent to the developed footprint of a settlement will be supported where certain criteria are met, inter alia, criteria (c) which states that the original dwelling is not a temporary or mobile structure, such as a caravan. The development proposes the erection of three dwellings following removal of caravans and, as such, fails to comply with this element of the policy.
- 10.6 The proposed in-depth development and its associated cumulative harm and urbanisation through the erection of three modest dwellings would be at odds with Policy LP12 Part A, (a) – (d). Further to this, the introduction of three market dwellings in this location will be at odds with the prevailing form of development and is clearly contrary to Policy LP3 of the Fenland Local Plan.

### **Loss of a Gypsy Traveller Site**

- 10.7 Policy LP5, Part D states that *The Council will be prepared to grant permission for sites in the countryside provided that there is evidence of a need (as identified in the local assessment), that the intended occupants meet the definition of Gypsy and Travellers or Travelling Showpeople as set out in Government guidance, and provided that the above criteria (a) to (f) are met.*

*In the countryside, any planning permission granted will restrict the construction of permanent built structures to small amenity blocks associated with each pitch, and the Council will ensure, by means of a condition or planning obligation, that the site shall be retained for use as a Traveller site in perpetuity.*

- 10.8 The site was acknowledged within application F/YR14/0588/F to be within the countryside with the Council's Traveller and Diversity Manager confirming that Mr Savage and his family met the definition of Gypsy and Travellers as set out in Government Guidance. The development for the formation of 3no gypsy pitches consisting of a caravan and the erection of a day room on each pitch was subsequently approved to meet the cultural needs of their lifestyle and was subject to a condition stating that the occupation of the site shall be carried on only by the following and their resident dependants: Mr and Mrs T Savage.
- 10.9 The application proposal states that the numbers of persons living on the land will not change. It hasn't been confirmed whether those currently living on site will be moving into the brick and mortar accommodation proposed or whether they will they move elsewhere for example seek to develop a further private Traveller site elsewhere. The application form confirms the dwellings will be market housing with the officer stating within application F/YR14/0588/F that *It should be noted that Mr Savage rents out an adjacent bungalow which he formally resided in but states that his wish is to revert to traditional cultural accommodation for himself and his family on site which he already owns and resides in.*
- 10.10 Notwithstanding the above, this is a development for three modest detached dwellings which will result in the loss of existing, traditional Traveller accommodation. A condition was imposed on application F/YR14/0588/F which ties the use of the current accommodation to Mr & Mrs Savage. Whilst the proposed development would see the loss of a Gypsy Traveller site, it's the loss of a very specific one that will fall away as no other Gypsy Traveller families could occupy in any instance and therefore will not constitute a reason to refuse the application.

### **Design and Visual Amenity**

- 10.11 Details of appearance, layout and scale are to be submitted at Reserved Matters stage, however the Council must be satisfied that an appropriate design can be brought forward

through any subsequent reserved matters application before granting planning permission. An indicative proposed block plan has been provided showing plots 1 and 2 to be sited to the south-eastern site of the plot, roughly in a similar position to the mobile homes in situ whilst plot 3 is to the north-western part of the site.

- 10.11 Local Plan Policy LP16 identifies that proposals for new development will only be permitted if it can be demonstrated that the proposal:

*(d) 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 surrounding area.*

- 10.12 Moreover, in rural areas, a development proposal needs also to satisfy the criteria set out in Policy LP12. As this application is outline only with no matters committed, the main issue for consideration is whether the principle of development of three new dwellings in this location would accord with the necessary criteria of Policy LP16(d) and LP12.

- 10.13 The application site lies beyond the built form with the topography relatively flat with notable visual screening to the south-west and south-east of the site which limits views. Beyond the application site to the north, west and east are open fields with the overriding character open countryside with any additional built form considered to create a substantial degree of prominence in the wider landscape. Cumulatively, the extension beyond the established pattern of development in conjunction with a substantial degree of prominence within the landscape would cause harmful erosion to the character and appearance of the open countryside.

- 10.14 The application form alludes to the fact that the existing use of the site is 'residential'. Whilst it is acknowledged that the north-western end of the site edged red is developed in so far as there are elements of sporadic storage and outbuildings, this does not appear to have benefitted from any permission and given its current use is not considered to be in residential use.

- 10.15 Notwithstanding the permission F/YR14/0588/F, that was justified solely on the grounds of the status of the applicant, the introduction of 3no modest, permanent dwellings will extend built development further out into the countryside and an area that is predominantly open in nature. The proposal would lead to associated cumulative harm and urbanisation of the rural setting.

- 10.16 To approve such a scheme would see the countryside, being incrementally, eroded to the detriment of the wider area, which in turn would set a precedent for additional in depth piecemeal development; urbanisation and loss of openness with even more significant cumulative impacts.

- 10.17 Whilst the application is in outline form, it is clear that the proposed development of three modest dwellings would fail to assimilate with the existing built form to the south-east and fails to be policy compliant.

### **Residential Amenity**

- 10.18 Policy LP2 states that development proposals should positively contribute to creating a healthy, safe and equitable living environment, including promoting high levels of residential amenity.

- 10.19 Policy LP16 states that development should not adversely impact on the amenity of neighbouring users such as noise, light pollution, loss of privacy and loss of light. It also identifies that proposals should identify, manage and mitigate against any existing or proposed risks from sources of noise, emissions, pollution, contamination, odour and dust, vibration, landfill gas and protects from water body deterioration.

- 10.20 With regards to impacts of the proposed development on neighbouring properties, it is considered that the dwellings could be designed, with the appropriate orientation, window layout and landscaping to limit any adverse overlooking and could also be designed to limit any overbearing and shadowing. If this application is supported, the impact on residential amenity in terms of overlooking and loss of privacy would be revisited at the reserved matters stage once the scale and appearance of the dwellings can be fully assessed and, upon which, neighbours would have further opportunity to comment.

### **Flood Risk**

- 10.21 The site is located within Flood Zone 1 and therefore flood risk is not considered to be a constraint.

### **Highways/parking**

- 10.22 The application is in outline form with matters committed in relation to access. The site is currently accessed via a private street, Old Dairy Yard with access onto the public highway, Westfield Road, County Highways have confirmed that whilst the access is substandard, in context of the existing use and the minor level of proposed intensification is unlikely to have a materially adverse impact upon highway safety.
- 10.23 As such, it is considered that the proposed access is acceptable and there are no further issues to be addressed with regards to policy LP15 of the Fenland Local Plan.

### **Biodiversity**

- 10.24 Local Plan Policy LP16 (b) identifies that proposals for new development will only be permitted if it can be demonstrated that the proposal protects and enhances biodiversity on and surrounding the proposal site.
- 10.25 It is acknowledged that the site is already disturbed land and an Ecology Report was submitted at validation. County Ecology responded recommending refusal due to the PEA being incomplete and not meeting the report writing standards. An updated PEA was submitted in November 2023.
- 10.26 A UKHab Survey of the site was undertaken with the methods being 'extended' to include an evaluation of potential habitats for any protected or valued species. Photographs were taken to record key features/views to map the habitats on site, assess a pond to the northwest of site and assess the ditch running alongside the accessway.
- 10.27 The site is within an Amber Risk Zone for great crested newts (GCN). The PEA concludes that a search by Cambridgeshire and Peterborough Environmental Records Centre (CPERC) in September 2023 for a nearby site returned two records of amphibians. These were both for the common frog with no records of GCN recorded within 2km of the site. Further to this, there were no class licence returns for GCN showing on Magic maps or granted European Protected Species Licences within 2km of site. The habitats on site are of sub-optimal suitability for amphibians.
- 10.28 There is a pond approximately 40m northwest of site although it is dry for the majority of the year and is well shaded by trees. It is connected to the drainage system to the north which would suggest that any amphibians present would be led away from site into more suitable habitat to the north. It is therefore concluded that the likelihood of great crested newt presence within the site is low.
- 10.29 The CPERC data search returned 5no records of water voles within 2km of site. The closest was 1400m south of site with none of the water vole habitats connected to the ditches around site. The ditch along the access way from Westfield Road was dry at the time of the survey which was demonstrated in a photograph. The ditch is very shallow

and, in places, almost level with the track. It is also blocked with vegetation such as ivy and nettles. The PEA concludes that the likelihood of water vole being present within the ditch was negligible.

- 10.30 The Ecology Officer has not provided further comment on the updated PEA submission, however, the LPA have considered that further Ecology matters can be controlled via appropriate conditions in relation to any forthcoming reserved matters application.

## 11 CONCLUSIONS

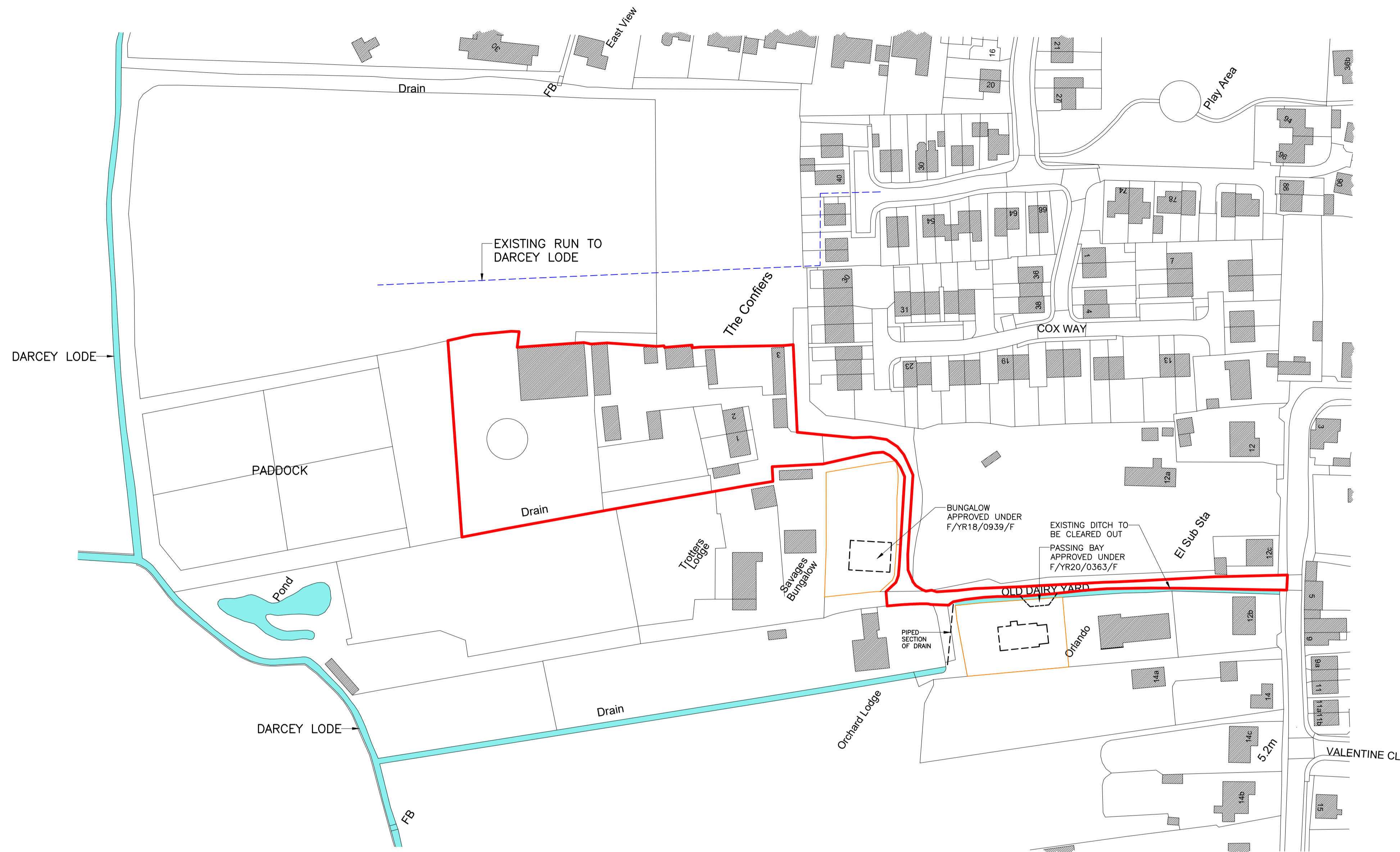
- 11.1 The meaningful benefits derived from three market dwellings to the vitality and viability of the nearest settlement would be very modest. Notwithstanding this, there appears to be no demonstrable need for dwellings in this location.
- 11.2 The proposed in-depth development and its associated cumulative harm and urbanisation through the erection of three modest dwellings would be at odds with Policy LP12 (Part A-D) and would restrict views of the open countryside beyond, having an urbanising effect on this rural site, to the significant detriment to the character of the area.

## 12 RECOMMENDATION

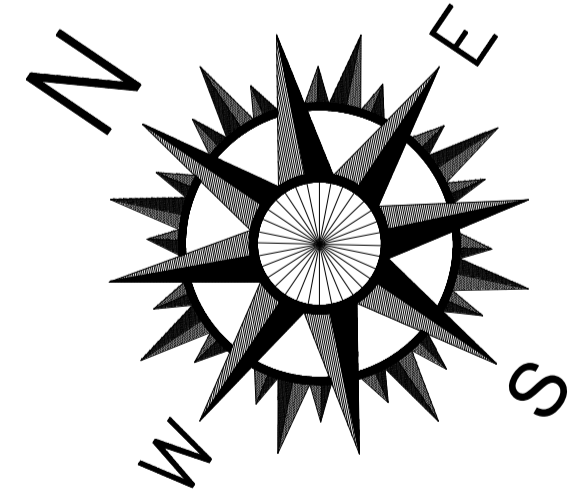
**REFUSE;** for the following reasons:

1	Policies LP3 and LP12 of the Fenland Local Plan (2014) set out the settlements hierarchy within the district, with the application site location being considered as an 'Elsewhere' location where new dwellings are only to be permitted if they are demonstrably essential to the effective operation of a range of countryside type uses. The existing residential units on site comprise three caravans which is specifically excluded from replacement by virtue of Policy LP12, Part C (c); as such, the scheme must be considered as new dwellings and subject to policies LP3 and LP12 of the Fenland Local Plan which both seek to restrict elsewhere development within the open countryside locations. No policy justification has been provided to support three new dwellings in this location and as such, the development is considered contrary to the aforementioned policies.
2	The proposed in-depth development and its associated cumulative harm and urbanisation through the erection of three modest dwellings would be at odds with Policy LP12 Part A (a) – (d) and would restrict views of the open countryside beyond, having an urbanising effect on this rural site, to the significant detriment to the character of the area. Furthermore, if approved, the development would set a precedent for additional in-depth piecemeal development, with further incremental encroachment into the countryside. The development is therefore contrary to Policy LP16 (d) of the Fenland Local Plan, DM3 of Delivering and Protecting High Quality Environments in Fenland SPD, paragraph 135 of the NPPF 2023 and chapters C1 and I1 of the NDG 2021 which 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.

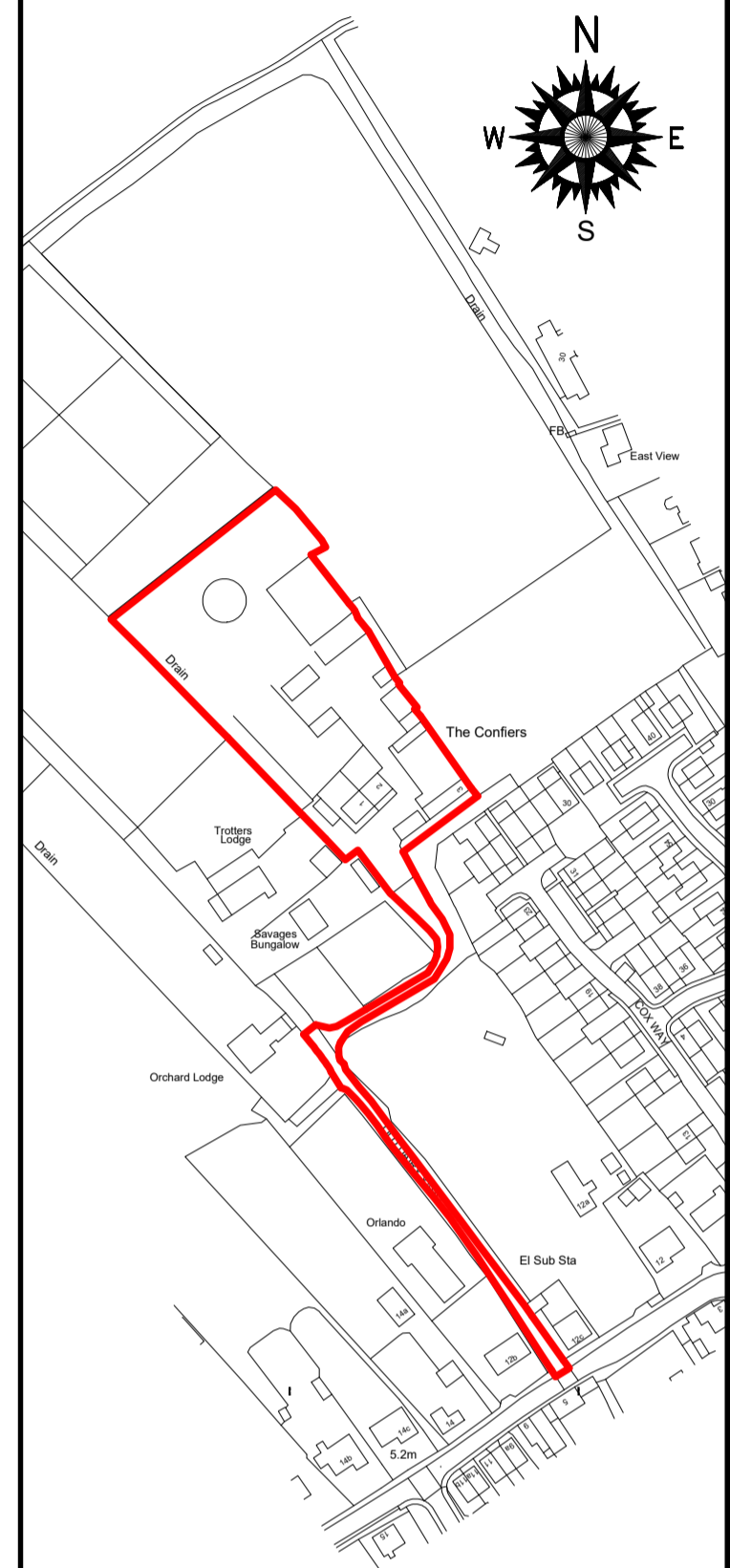




EXISTING SITE PLAN/LOCAL PLAN OF MANEA  
(1:1000)



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The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer



LOCATION PLAN  
(1:2500)  
(LICENCE NUMBER 100022432)

REVISIONS	DATE
D	MAR 23
C	JAN 23
B	JAN 23
A	DEC 22

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Fenland District Council Building Design Awards winner  
Building Excellence in Fenland

CLIENT	Mr Savage
PROJECT	The Conifers, The Old Dairy Yards, Westfield Rd. Manea, Cambs, PE15 0JG
TITLE	Existing Site Plan & Location Plan
DRAWN	R.Papworth
CHECKED	
DATE	Oct 2022
SCALE	1:1000 1:1250
DATE OF ISSUE	
DRAWING NUMBER	H8515/100b

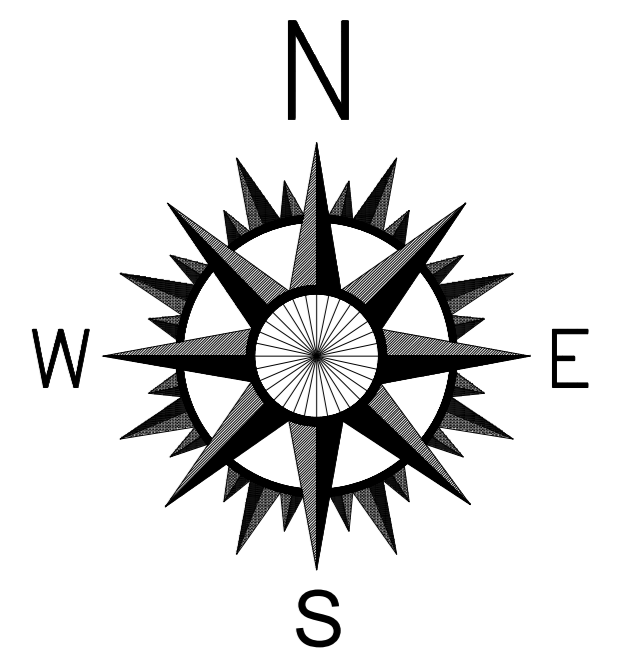


FB

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# The Confiers



D	PLANNERS COMMENTS	MAR 23
C	PLANNERS COMMENTS	JAN 23
B	PLANNERS COMMENTS	JAN 23
A	DRAWING UPDATED	DEC 22
	REVISIONS	DATE

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LABC Fenland District Council Building Design Awards Building Excellence in Fenland

Mr Savage

The Confiers, The Old Dairy Yards, Westfield Rd. Manea, Cambs, PE15 0JG

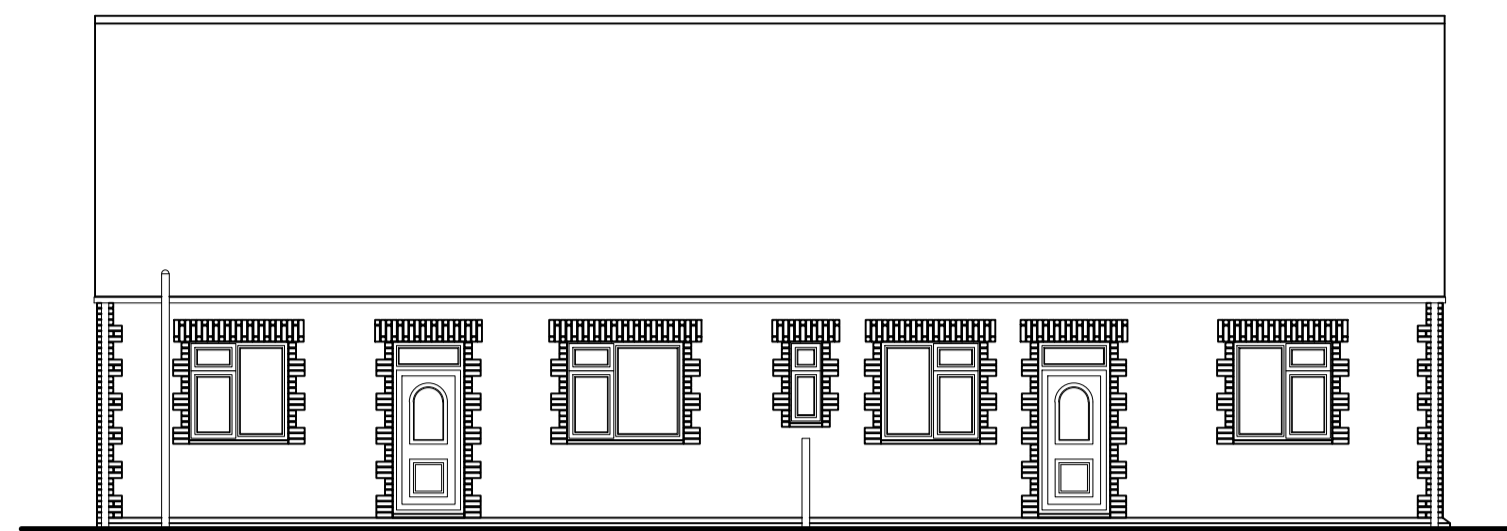
DATE	R.Pogworth	DATE OF ISSUE
ISSUE		
DATE	Oct 2022	ISSUE NUMBER
SCALE	As Shown	H8515/105a

## Trotters Lodge

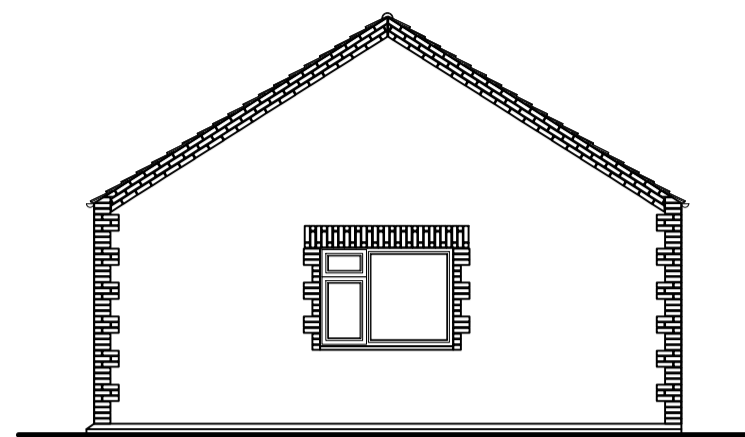
## Drain

PROPOSED SITE PLAN WITH INDICATIVE LAYOUT (1:200)

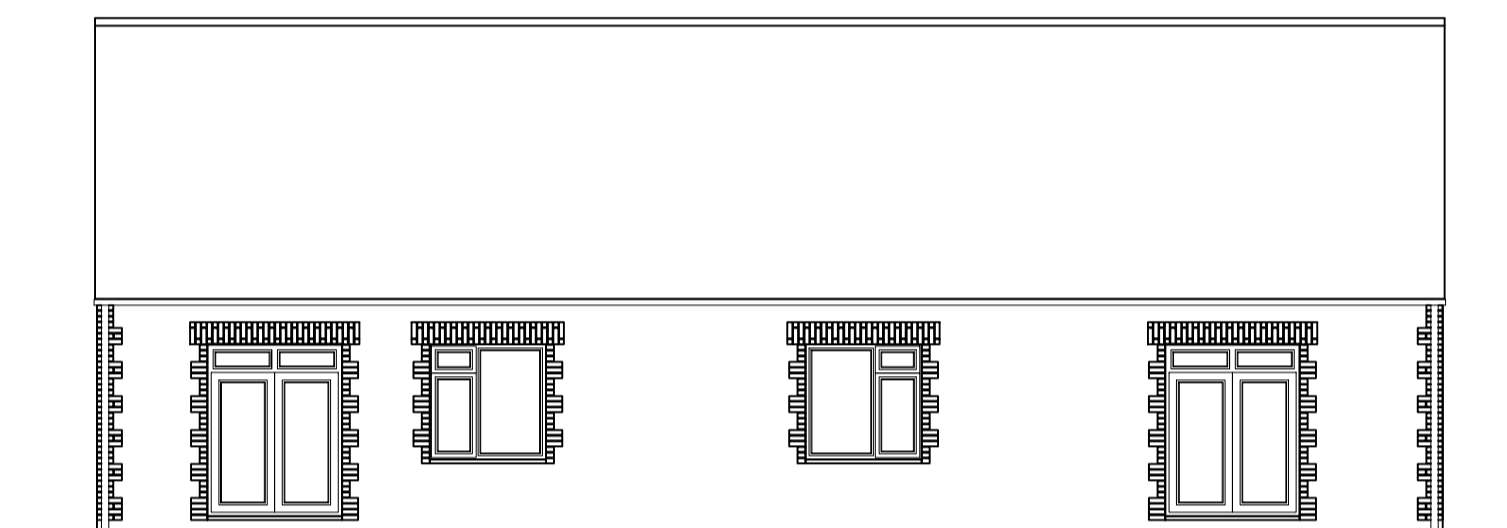




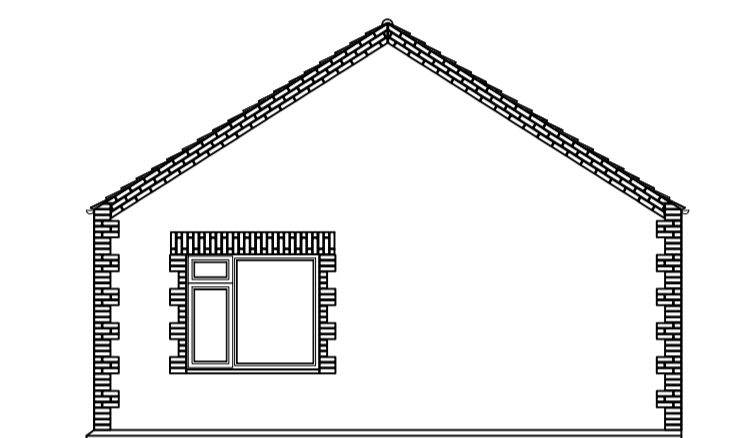
EXISTING FRONT ELEVATION  
(1:100)



EXISTING RHS ELEVATION  
(1:100)



EXISTING REAR ELEVATION  
(1:100)



EXISTING LHS ELEVATION  
(1:100)

ELEVATIONS OF DAY ROOMS 1 & 2 THE CONIFERS

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REVISIONS	DATE
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Fenland District Council LABC Building Excellence Awards winner

CLIENT  
Mr Savage

PROJECT  
Land North of Trotters Lodge, The Old Dairy Yards, Westfield Rd. Manea, Cambs, PE15 0JG

TITLE  
No1 & 2 The Conifers  
The Old Dairy Yard  
Westfield Road, Elevations

DRAWN R.Papworth	DATE OF ISSUE
CHECKED	
DATE Oct 2022	DRAWING NUMBER H8515/102
SCALE As Shown	