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**F/YR24/0970/FDC**

**Applicant: Fenland District Council**

**Agent : Mrs Rebecca White  
Rhochi Architecture & Design Ltd**

**Land To The South Of 8, Crown Avenue, Christchurch,**

**Erect 1x dwelling**

**Officer recommendation: Refuse**

**Reason for Committee: Referred by Head of Planning on advice of Committee Chairman**

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**Government Planning Guarantee**

**Statutory Target Date For Determination: 31 January 2025**

**EOT in Place: Yes**

**EOT Expiry: 14 March 2025**

**Application Fee: £578**

**Risk Statement:**

**This application must be determined by 14<sup>th</sup> March 2025 otherwise it will be out of time and therefore negatively affect the performance figures.**

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**1 EXECUTIVE SUMMARY**

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| <p>1.1 This application is a full planning application for a dwelling.</p> <p>1.2 The application site is situated within the settlement of Christchurch, which is designated as a small village under Policy LP3. In these settlements, 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 or a small business opportunity.</p> <p>1.3 The application site is situated to the rear of 8 Crown Avenue and therefore would constitute backland development rather than residential infilling. As such, the scheme is considered to be contrary to Policy LP3. The immediate surrounding area along Crown Avenue is characterised by 2-storey, semi-detached dwellings situated close to the footway along Crown Avenue with substantial rear gardens. As such, backland development in this instance would appear out of character and incongruous within the surrounding street scene given the strong building line along Crown Avenue and thus is considered to be contrary to Policy LP16.</p> <p>1.4 The access to the application site is situated within Flood Zone 2 and therefore at medium risk of flooding. Therefore, the flood risk impacts of the proposed development would only be acceptable if the application demonstrated that the Sequential Test has been passed. The application is not accompanied by a Sequential Test and the Local Planning Authority considers that there are reasonably available sites appropriate for the proposed development in areas with</p> |
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a lower risk of flooding and that would accord with the spatial strategy policies of the Local Plan. The application is therefore considered to be contrary to Policy LP14.

1.5 Subsequently, the recommendation is to refuse this application.

## **2 SITE DESCRIPTION**

- 2.1 The application site is situated to the south of Crown Avenue, within the settlement of Christchurch.
- 2.2 The site is situated to the south of No. 8 Crown Avenue and is accessed to the west of No. 8 which served the original pumping station that was previously situated on this site. The Townley Primary School is situated to the south of the site.
- 2.3 The site was historically used as an Anglian Water compound.
- 2.4 The application site is situated within Flood Zone 1 and 2.

## **3 PROPOSAL**

- 3.1 This application is for full permission for the erection of 1 dwelling.
- 3.2 The proposed dwelling would be a 2-storey, 2-bed dwelling, with accommodation situated within the dormer space. The dwelling would have footprint of 9.5 x 6.5 metres approx. The dwelling would be finished with a pitched roof with an eaves height of 3 metres and a ridge height of 6.2 metres approx.
- 3.3 Tandem parking for 2 cars is proposed to the south-west of the dwelling. Private amenity space is proposed to the north-east of the dwelling.
- 3.4 Full plans and associated documents for this application can be found at:  
<https://www.publicaccess.fenland.gov.uk/publicaccess/>

## **4 SITE PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>
F/YR22/1194/FDC	Erect a dwelling (outline application with matters committed in respect of access)	Refused 23/12/2022

## **5 CONSULTATIONS**

### **5.1 Christchurch Parish Council**

*The Members of the Parish Council considered this application at their recent meeting and resolved to offer no objection.*

## 5.2 FDC 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 adversely impact the amenity due to artificial lighting.*

*Due to the proposed development site having been an Anglian Water pumping station compound, I concur with comments from environmental health colleagues on previous site applications that engineers within Fenland District Council's Property and Assets Team should be invited to comment on the application owing to the Council land ownership, as they will be best served to determine what infrastructure still exists and whether any further detailed site assessments are required.*

*Should planning permission be granted, given the existence of nearby residents it is recommended that the following conditions are imposed in the interests of protecting the local amenity:*

*o During the period of development that includes any site clearance, demolition of structure(s) and/or construction, no burning of any waste materials including vegetative matter shall take place on site.*

*o 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.*

## 5.3 CCC Archaeology

*Thank you for the consultation with regards to the archaeological implications of the above referenced planning application. We have reviewed the plans and have no objections or recommendations.*

## 5.4 CCC Highways

*On the basis of the information submitted, from the perspective of the Local Highway Authority, I consider the proposed development is acceptable.*

### *Comments*

*Crown Avenue is adopted highway. The access is located at the end of the road with no route passed for pedestrians. As such it is not essential for the inclusion of pedestrian visibility splays on this occasion, for safe access to be achieved.*

### *Informatives*

#### *Works in the Public Highway*

*This development may involve work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any*

*necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.*

## **5.5 Local Residents/Interested Parties**

2 letters of objection have been received from properties along Crown Avenue. The reasons for objection are summarised as follows:

- Additional traffic
- Privacy concerns
- Wildlife
- Noise and disruption
- Access
- Impact on health

## **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) the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021).

## **7 POLICY FRAMEWORK**

### **7.1 National Planning Policy Framework (NPPF) 2024**

Chapter 2 - Achieving sustainable development  
Chapter 4 – Decision-making  
Chapter 9 – Promoting sustainable transport  
Chapter 12 – Achieving well-designed places  
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change  
Chapter 15 – Conserving and enhancing the natural environment

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

Determining a Planning Application

### **7.3 National Design Guide 2021**

Context  
Identity  
Built Form

### **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  
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  
LP19 – The Natural Environment

## 7.5 Emerging Local Plan

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 49 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  
LP5: Health and Wellbeing  
LP7: Design  
LP8: Amenity Provision  
LP20: Accessibility and Transport  
LP22: Parking Provision  
LP24: Natural Environment  
LP25: Biodiversity Net Gain  
LP32: Flood and Water Management

## 8 KEY ISSUES

- Principle of Development
- Design and Visual Amenity
- Residential Amenity
- Parking and Access
- Flood Risk
- Ecology
- Biodiversity Net Gain (BNG)

## 9 BACKGROUND

- 9.1 Outline permission was refused on site on 23rd December 2022, planning reference F/YR22/1194/FDC. The reasons for refusal were as follows:

*1 Policy LP3 designates Christchurch as a small village. Development within these settlements is considered on its merits but is usually of a very limited nature and normally limited in scale to residential infilling or small business opportunities. The application site constitutes backland development rather than residential infilling. As such, the scheme is considered to be contrary to the aforementioned policy.*

*2 Policy 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 proposal would introduce backland residential development. Crown Avenue is characterised by 2-storey, semi-detached dwellings situated close to the footway with substantial rear gardens. Backland development in this instance would appear out of character and incongruous within the surrounding street scene given the strong building line along Crown Avenue and would therefore fail to make a positive contribution to the local distinctiveness and character of the area and thus would be contrary to the aforementioned policy.*

*Policies LP2 and LP16(h) of the Fenland Local Plan seeks to ensure that the development provides sufficient amenity space for future occupiers. The scale and*

*positioning of the proposed development will result in insufficient levels of private amenity space owing to the constraints of the site, which will result in harm to future occupiers and is therefore contrary to the aforementioned policies.*

- 9.2 Prior to the above application, a pre-app application was received in February 2022 regarding the erection of a dwelling on the site. The pre-app response concluded that the proposed scheme was unlikely to be supported by the LPA on the basis of character harm and residential amenity concerns.

## **10 ASSESSMENT**

### **Principle of Development**

- 10.1 Policy LP3 of the Fenland Local Plan 2014 identifies Christchurch as a small village. In these settlements, 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 or a small business opportunity.
- 10.2 The application site is situated to the rear of 8 Crown Avenue and therefore would constitute backland development rather than residential infilling. As such, the scheme is considered to be contrary to Policy LP3.
- 10.3 The submitted Design and Access statement identifies the site as Brownfield land. The NPPF at Annex 2 defines Previously Developed Land (brownfield land) as follows:

*Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.*

- 10.4 The Design and Access statement notes that the site was made redundant following a replacement compound being erected adjacent to the site. The statement also acknowledges that the site has not been maintained allowing for dense scrub of weeds and brambles to grow, including photographs of the old Klargester within the site barely being visible. The redundancy of the site has resulted in the land blending into the surrounding landscape. It is therefore considered that the site does not fall within the definition of previously developed land as set out within the NPPF, given the low-level, fixed surface structure has blended into the landscape. Therefore, no weight can be afforded to this.

- 10.5 In summary, the site's location relative to built form is not supported by spatial policies of the development plan and the principle of development is therefore not acceptable.

### **Design and Visual Amenity**

- 10.6 Policy LP16 of the Fenland Local Plan seeks to deliver and protect high quality environments across the district. Policy LP16(d) states that development should make a positive contribution to the local distinctiveness and character of the area, enhancing its local setting and responds to and improves the character of the local built environment.
- 10.7 Crown Avenue is characterised by 2-storey, semi-detached dwellings situated in close proximity to the footway, with substantial rear gardens situated to the rear of each dwelling. The application proposes to erect a 2-storey detached dwelling, with accommodation in the dormer space to the rear of 8 Crown Avenue and therefore represents backland development. Backland development in this instance would appear out of character and incongruous within the surrounding street scene given the strong building line along Crown Avenue. As such, the application fails to make a positive contribution to the local distinctiveness and character of the area, enhance the local setting or respond to and improve the character of the local built environment and is thus considered contrary to Policy LP16.

### **Residential Amenity**

- 10.8 Neighbouring property is situated to the north and north-east of the application site.
- 10.9 The submitted site plan details the proposed private amenity space to the north-east of the dwelling. Whilst the proposed dwelling may be somewhat visible to the dwelling to the north-east, it is unlikely to introduce any adverse impacts upon neighbouring property.
- 10.10 The dwelling to the north of the application site would be situated approximately 24 metres from the proposed dwelling. The dwelling is a 2-storey dwelling, however given that the first-floor is situated within the dormer space, the height of the proposed dwelling is less of that of a traditional 2-storey dwelling. Given the clearance between the neighbouring dwelling and proposed dwelling, it is unlikely that any adverse overbearing or overshadowing impacts would be introduced. A roof light is proposed to the front of the dwelling which would serve the bathroom. Given the angle at which the window is set, it is unlikely to introduce any adverse overlooking impacts.
- 10.10 Policy LP2 and LP16(h) states that development should provide sufficient private amenity space, suitable for the type and amount of development proposed and for dwellings other than flats, a minimum of a third of the plot curtilage should be set aside as private amenity space. The submitted site plan appears to detail a third of the plot curtilage set aside for private amenity space.
- 10.11 Consultation comments received from FDC Environmental Health raised no objections to the proposed development. They did however request a working times condition to be included should permission be granted due to the close proximity of noise sensitive receptors. These comments are acknowledged,

however given that the proposal is for a single dwelling, such condition would not be considered to be reasonable.

- 10.12 As such, there are no issues to address with regards to Policy LP16 in this instance.

### **Parking and Access**

- 10.13 The site will be accessed via an existing access to the west of 8 Crown Avenue. The submitted site plan details the provision of 2 parking spaces and a turning area to the front and side of the dwelling. The parking spaces will measure 2.5 x 5 metres approx. and are therefore considered to be a sufficient size to accommodate appropriate parking on site. There is sufficient space to the front of the dwelling to provide on-site turning and therefore there are no issues to address with regard to Policy LP15.

### **Flood risk and drainage**

- 10.14 The application site is located within Flood Zones 1 and 2 (low and medium probability of flooding from rivers and sea, respectively), with the proposed access road within Flood Zone 2 as confirmed in the applicant's Flood Risk Assessment.
- 10.15 Policy LP12 of the Local Plan states that any proposal will need to satisfy the applicable Local Plan policies and not put people or property in danger from identified risks. Policy LP14 of the Local Plan states that all development proposals should adopt a sequential approach to flood risk from all forms of flooding and development in areas known to be at risk from any form of flooding will only be permitted following:
- (a) the successful completion of a sequential test (if necessary), having regard to actual and residual flood risks
  - (b) an exception test (if necessary),
  - (c) the suitable demonstration of meeting an identified need, and
  - (d) through the submission of a site specific flood risk assessment, demonstrating appropriate flood risk management and safety measures and a positive approach to reducing flood risk overall, and without reliance on emergency services.
- 10.16 Policy LP14 of the Local Plan is consistent with the requirements set out within the NPPF and guidance set out within NPPG in that they require the Sequential Test (and the Exception Test, if necessary) to be applied, where development is proposed in areas at risk from any form of flooding. NPPF Paragraph 175 was updated in December 2024 and is particularly relevant in this case, where it states;

*The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).*

- 10.17 Paragraph 023 of National Planning Practice Guidance, states:



“The approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium-high flood risk areas considering all sources of flooding including areas at risk of surface water flooding.”

- 10.18 Due to the proposed development being located within a medium risk of flooding, the flood risk impacts of the proposed development would only be acceptable if the application demonstrated that the Sequential Test has been passed. The application is not accompanied by a Sequential Test and the Local Planning Authority considers that there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding and that would accord with the spatial strategy policies of the Local Plan.
- 10.19 The proposed development therefore has unacceptable and unwarranted flood risks, contrary to policies LP12 and LP14 of the Local Plan, Section 4 of the Cambridgeshire Flood and Water Supplementary Planning Document and the flood risk avoidance aims of the NPPF. Whilst it is recognised that this didn't form a reason for refusal on the previous application, it is clear that flood risk avoidance policies have been strengthened through the recently updated NPPF which post-dates the Council's previous refusal.

### **Ecology**

- 10.20 The application has been accompanied by a Preliminary Ecological Assessment Report. The report identifies that additional surveys are only required if clearance works are carried out during the bird breeding season or if significant works are required for drainage to the ditch to the west of the site. It may be possible to establish, through further surveys of the site, if the existing water voles are present or whether they would be adversely impacted upon, however due to the failure of the proposal to comply with other policies of the Fenland Local Plan, it would not result in the alteration of the recommendation for the application, and therefore it was not considered appropriate to require a survey to be completed at this time. Should a further application be made, or an appeal in relation to the current scheme be submitted, it would be appropriate for a survey to accompany the submissions to ensure full consideration of biodiversity matters. As it stands, the development does not comply with the requirements of Policy LP19 of the Fenland Local Plan (2014).

### **Biodiversity Net Gain (BNG)**

- 10.21 The Environment Act 2021 requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach accords with Local Plan policies LP16 and LP19 which outlines a primary objective for biodiversity to be conserved or enhanced and provides for the protection of Protected Species, Priority Species and Priority Habitat.
- 10.22 In this instance a Biodiversity Gain Condition is required to be approved before development is begun.

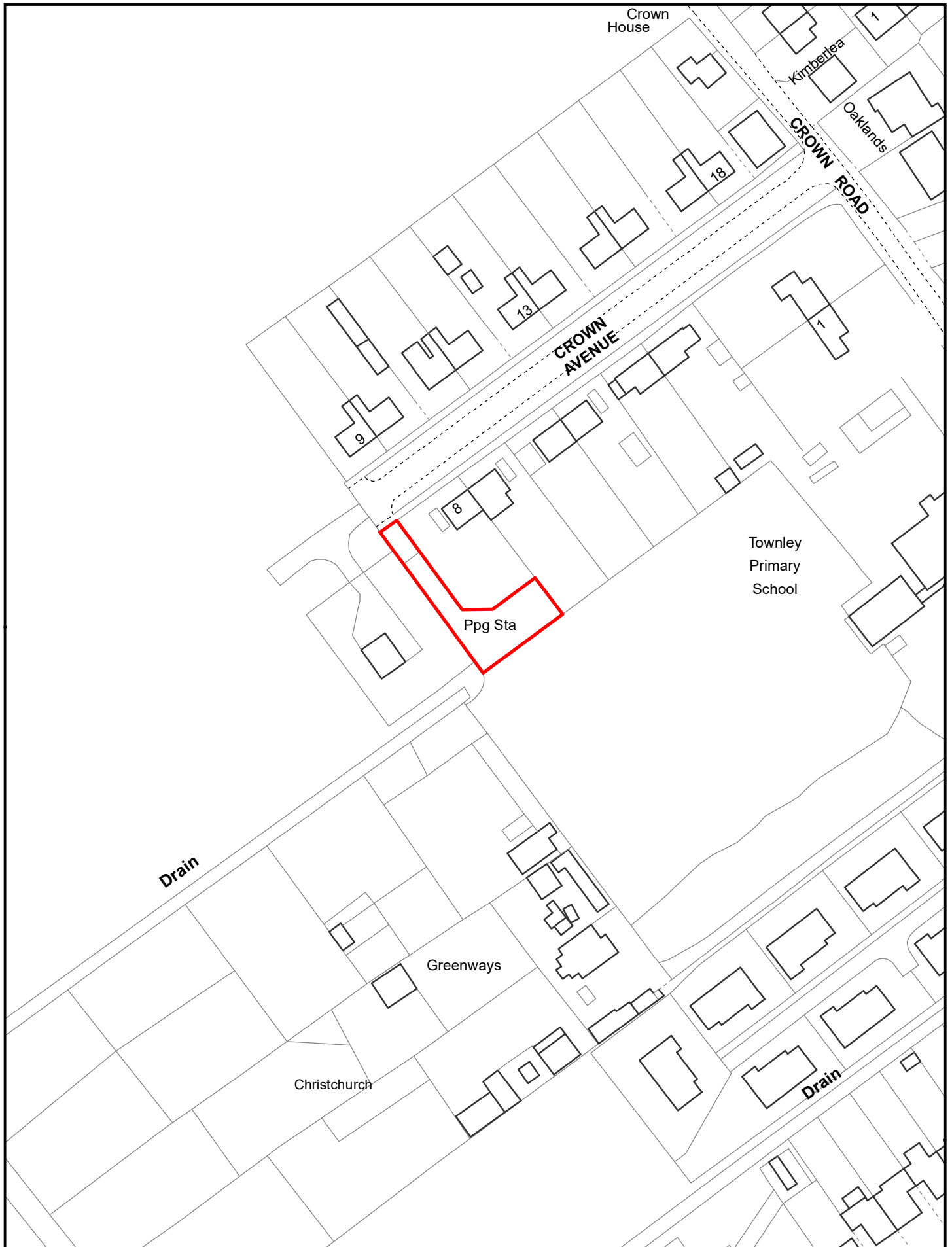
## 11 CONCLUSIONS

- 11.1 The proposal has been considered in line with policies contained within the Fenland Local Plan 2014 and the National Planning Policy Framework. It is considered that the proposal to erect a dwelling in this location conflicts with Policies LP2, LP3, LP12, LP14 and LP16 of the Fenland Local Plan, in that the development would cause harm to the form and character of the area, would cause detrimental impacts to residential amenity and would place occupiers at an unwarranted risk of flooding.
- 11.2 In applying the planning balance it is considered that the modest benefits of this proposal and other material considerations do not outweigh the significant policy conflicts and associated disbenefits. As such, in accordance with the statutory duty under Section 38(6) of the Planning and Compulsory Purchase Act 2004 the proposal does not warrant a decision otherwise than in accordance with the development plan and the application should be refused.

## 12 RECOMMENDATION

- 12.1 **Refuse;** for the following reasons:

1	Policy LP3 designates Christchurch as a small village. Development within these settlements is considered on its merits but is usually of a very limited nature and normally limited in scale to residential infilling or small business opportunities. The application site constitutes backland development rather than residential infilling. As such, the scheme is considered to be contrary to the aforementioned policy.
2	Policy 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 proposal would introduce backland residential development. Crown Avenue is characterised by 2-storey, semi-detached dwellings situated close to the footway with substantial rear gardens. Backland development in this instance would appear out of character and incongruous within the surrounding street scene given the strong building line along Crown Avenue and would therefore fail to make a positive contribution to the local distinctiveness and character of the area and thus would be contrary to the aforementioned policy.
3	<p>Policy LP14 (Part B) of the Local Plan and Paragraph 175 of the NPPF require development in areas at risk now or in the future from any flooding to undergo a sequential test to demonstrate that the development cannot be delivered elsewhere in the area at lower risk areas of flooding.</p> <p>The site lies in an area at high risk of flooding and fails to successfully demonstrate through the application of the sequential test that the development could not be located elsewhere in a location at a lower risk of flooding. Consequently, the development would place people and property at an unwarranted risk of flooding contrary to policy LP14 of the Fenland Local Plan (2014) and the flood risk avoidance requirements of the NPPF.</p>



Created on: 17/12/2024

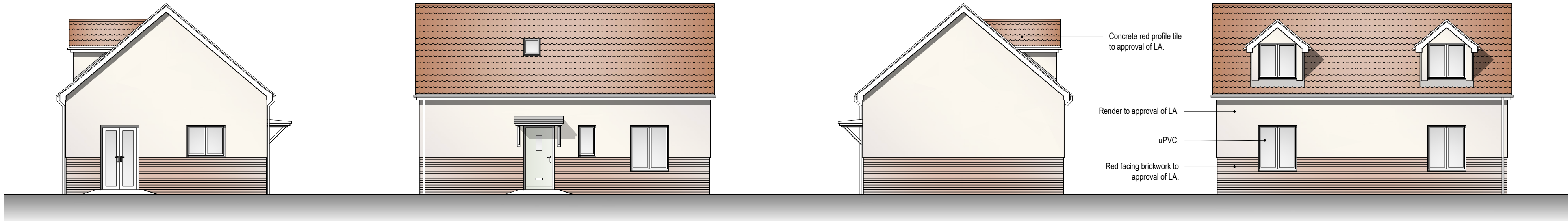
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**F/YR24/0970/F**

Scale = 1:1,250



All dimensions to be checked on site and any discrepancies to be reported.  
Units shown are in 'mm' unless otherwise stated.

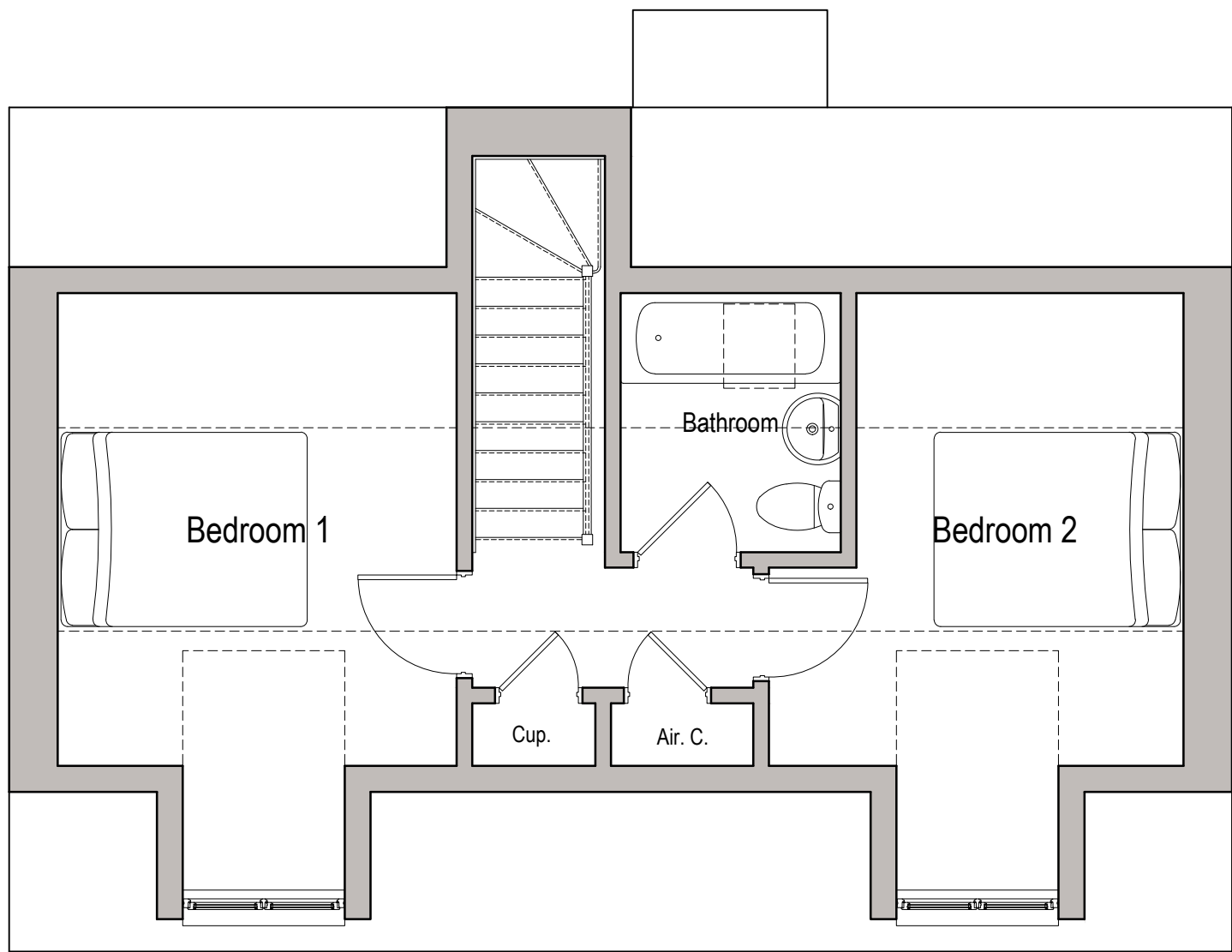


Side Elevation  
Elevations - As Proposed  
0 1 2 3 4 5m  
scale - 1:100

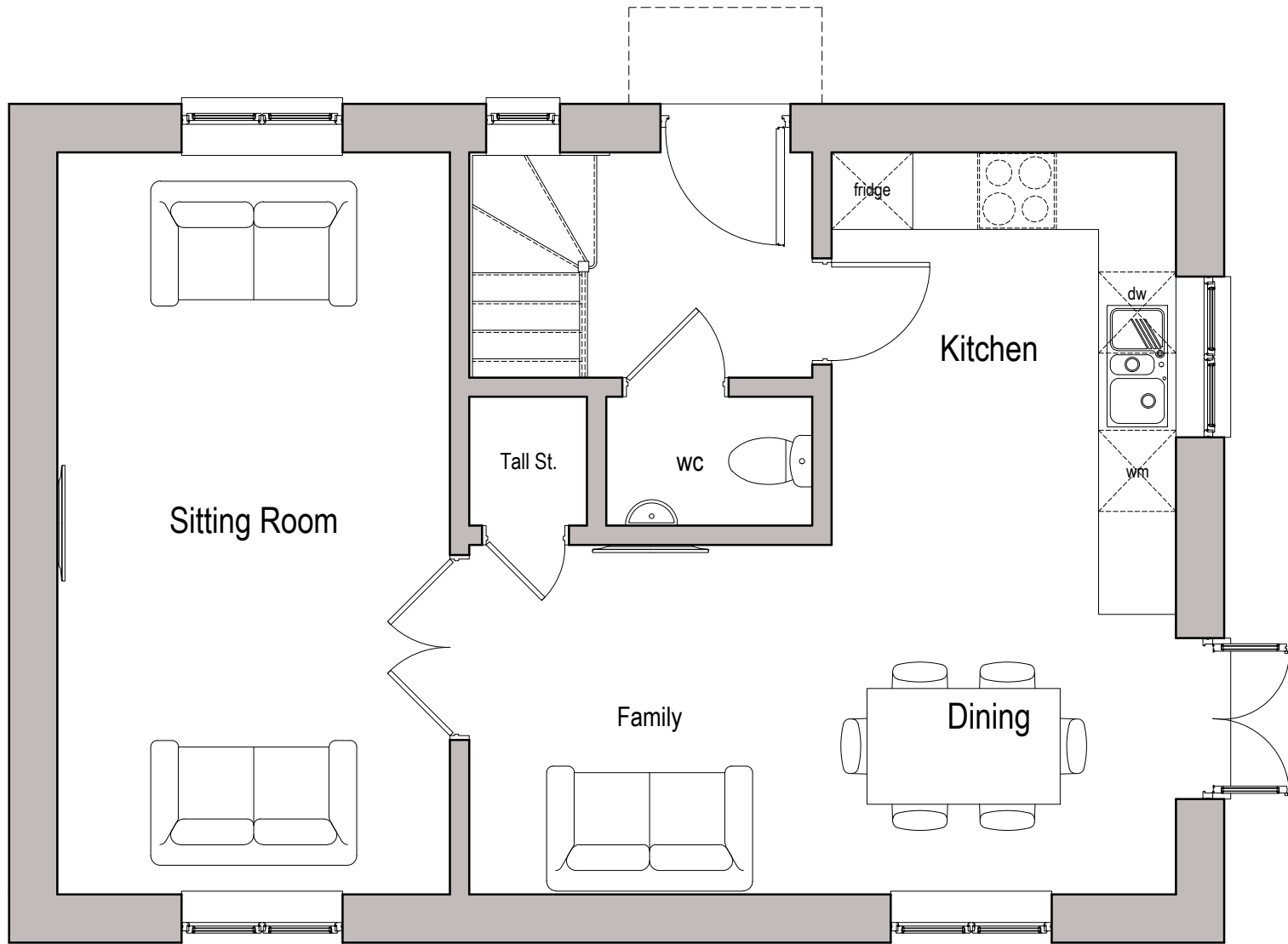
Front Elevation

Side Elevation

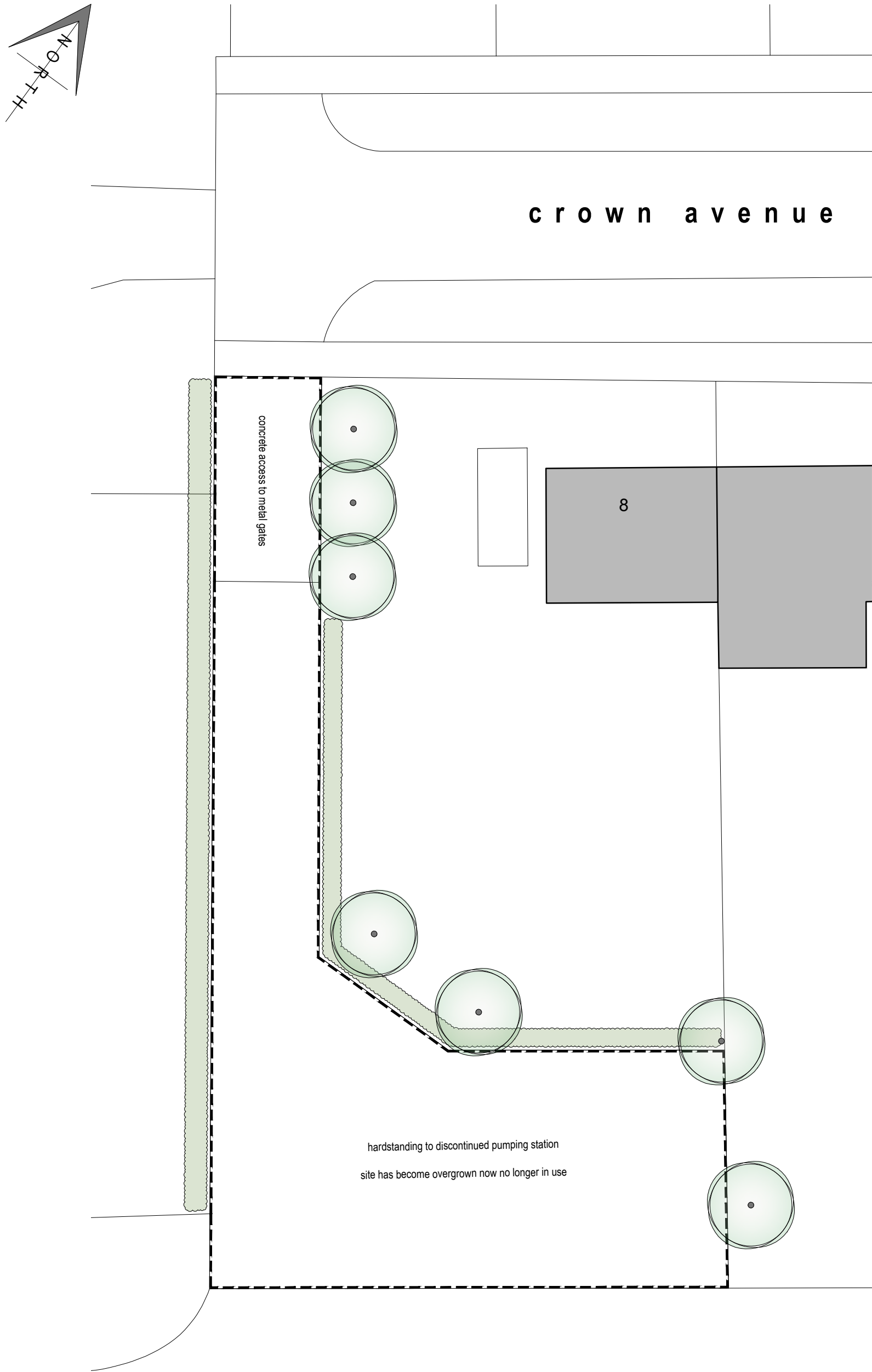
Rear Elevation



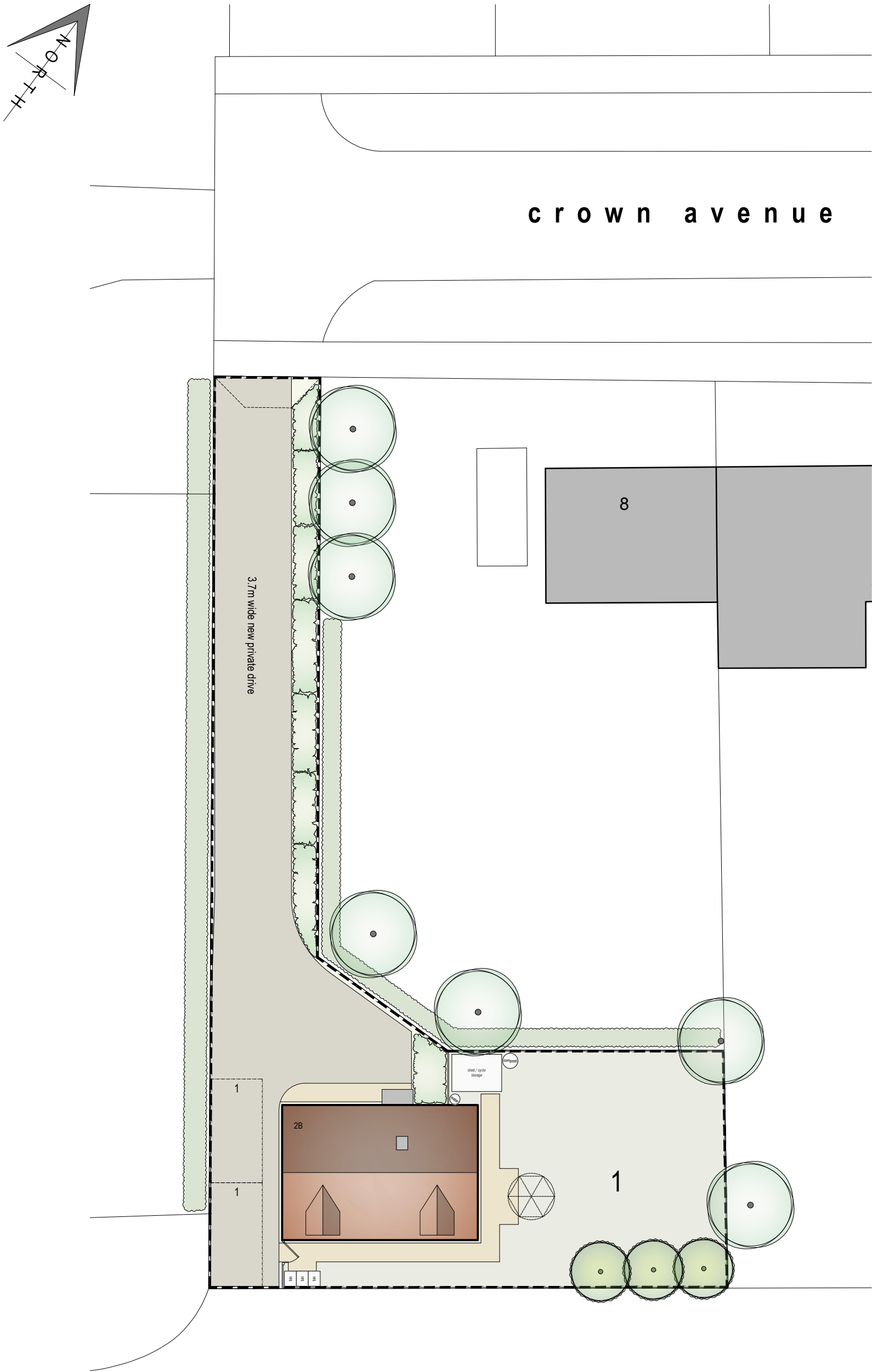
First Floor Plan - As Proposed  
0 0.5 1 1.5 2 2.5m  
scale - 1:50



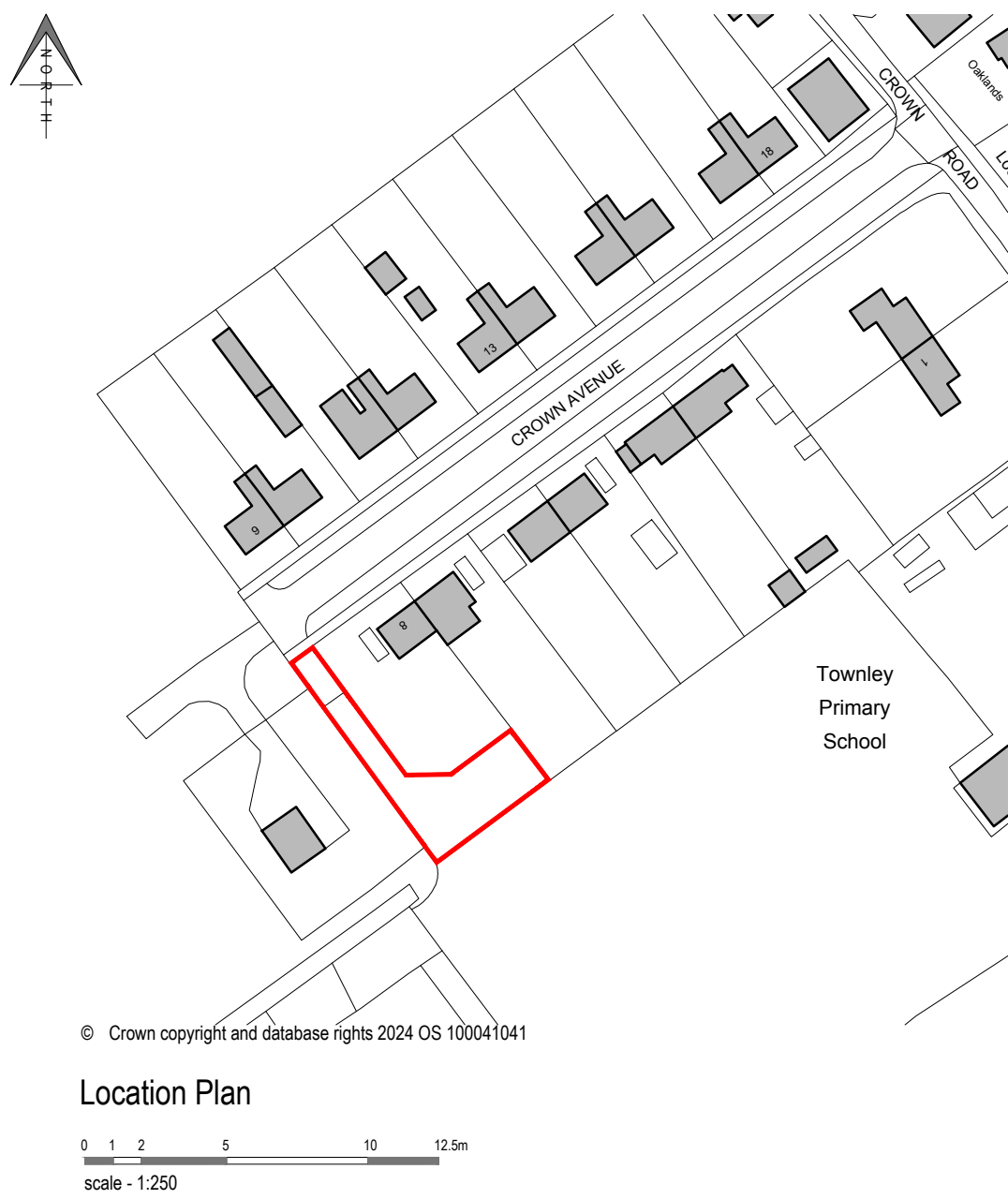
Ground Floor Plan - As Proposed  
0 0.5 1 1.5 2 2.5m  
scale - 1:50



Site Plan - As Existing  
0 2 4 6 8 10m  
scale - 1:200



Site Plan - As Proposed  
0 2 4 6 8 10m  
scale - 1:200



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Location Plan

0 1 2 5 10 12.5m  
scale - 1:250

Key

- New driveway and parking.
- New private footpaths and patio.
- Rear garden - turf.
- Front garden - soft landscaping.
- Existing tree - indicative size and location.
- Existing hedge / soft landscaping - indicative size and location.
- New tree - indicative size and location.
- New soft landscaping - indicative size and location.
- Fencing - 1.8m high close boarded timber fence.
- Garden - 6' x 8' timber shed with cycle storage.
- Garden - Three wheeled bins inline with LA Refuse Scheme.
- Garden - Compost Bin.
- Garden - Water Butt.
- Garden - Washing Line.

Development Summary

House Type: 2 bed 4 person  
Gross Internal Floor Area: 84m<sup>2</sup>  
Site Area: 469m<sup>2</sup>  
Private Amenity: 164m<sup>2</sup>  
Parking: 2 Spaces + Cycle Storage in Shed

P R O J E C T :

Proposed New Dwelling at Land Adj. 8 Crown Avenue, Christchurch  
for Fenland DC

D R A W I N G   T I T L E :

PLANNING SUBMISSION  
As Existing Site Plans and As Proposed Site Plan, Floor Plans and Elevations

D A T E :

Sept 24

S C A L E :

Var @ A1

S H E E T :

FD-187-P01

R E V :

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