

**Applicant: Mr Fred Simpson
F J S Services**

**Agent : Swann Edwards
Swann Edwards Architecture Limited**

North West Of Cherrytree House, Fallow Corner Drove, Manea,

Erect up to 6no dwellings (outline application with all matters reserved) involving the demolition of existing buildings

Officer recommendation: Refuse

Reason for Committee: Parish Council comments contrary to Officer recommendation

1 EXECUTIVE SUMMARY

- 1.1. The proposal seeks outline planning permission with all matters reserved for the erection of 6no. dwellings following the demolition of existing buildings on site.
- 1.2. The proposal is considered to be acceptable in terms of the broad principle of development, amenity impact, highway safety impact, and biodiversity impact, in accordance with local and national planning policy.
- 1.3. However, the backland form of development that would arise from the re-development of the site, along with the density of development, would be at odds with the prevailing pattern of development on the northern side of Fallow Corner Drove, resulting in landscape and character harm contrary to Policies LP12 and LP16 of the Fenland Local Plan (2014).
- 1.4. Further to this, the proposal is considered to be unacceptable in flood risk terms by virtue of the site predominantly falling with Flood Zone 3 and failing to satisfy the sequential and exception test, contrary to Policy LP14 of the Fenland Local Plan (2014) and Chapter 14 of the NPPF (2024).
- 1.5. The proposal is therefore considered to be unacceptable in planning terms and it is accordingly recommended that planning permission is refused in this instance.

2 SITE DESCRIPTION

- 2.1. The application site is located on land North West of Cherrytree House, Fallow Corner Drove in Manea. The site is currently occupied by a company known as 'FJS Services', who provide agricultural engineering services.
- 2.2. The front of the site is covered in hardstanding with various items of agricultural machinery stationed on it. To the rear of the site is a large barn with a further area of hardstanding to the rear.

- 2.3. The site is adjoined on both sides by residential development. The site falls predominantly within Flood Zones 2 & 3 and is at very low risk of surface water flooding.

3 PROPOSAL

- 3.1. The application seeks outline planning permission with all matters reserved for the erection of 6no. dwellings following the demolition of existing buildings on site.
- 3.2. The application is supported by an indicative site layout plan showing a tandem form of backland development served by a spine road off the existing access point, with two plots fronting onto Fallow Corner Drove.
- 3.3. Full plans and associated documents for this application can be found at:

<https://www.publicaccess.fenland.gov.uk/publicaccess/>

4 SITE PLANNING HISTORY

F/YR12/0879/F	Change of use of building from general purpose agricultural to agricultural engineering (B2)	Granted 25.01.13
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5 CONSULTATIONS

5.1. Manea Parish Council – 29.04.25

No Objection

5.2. FDC Ecology – 03.04.2025

I would raise no objections to the above application on Ecology grounds –

The application site does not support any semi-natural habitat, and has only very low potential to support any notable species.

Although the Ouse Washes is within 1.5km of the site, the nature and scale of development planned will not affect the special nature conservation interest of the Washes.

The development proposal will involve the creation of new areas of greenspace, including gardens, tree planting and a pond, and therefore could achieve an overall enhancement in local biodiversity.

I would advise that, if permission is to be granted to the application,

A Construction Environmental Method Statement should be required to be prepared, giving details of how any water pollution is to be avoided during the course of any development (there is a drain immediately to the north of the site).

A tree protection method statement should be required to be prepared, to ensure that trees adjacent to the site are suitably protected during the course of any works.

5.3. CCC Highways – 04.04.2025

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

This application is for an “All Matters Reserved” approval. Therefore my comments are based on the principal of the development and not the shown arrangement. The development site benefit from an existing access with the highway that has good visibility in either direction. Any access to this number of dwellings should be a minimum of 5m in width.

5.4. Environmental Health – 06.04.2025

Although I can find no indication of an industrial legacy, with the consequential potential for contaminated land, the current use as agricultural engineers and machinery yard does raise the issue of potential contamination and its effect on the intended end user warrants consideration. Therefore, in the interests of protecting those who will reside at the property should prior approval be granted, this service recommends that the full contaminated land condition is imposed

5.5. Environment Agency – 22.04.2025

We have no objection to the proposed development, but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) prepared by Ellingham Consulting Ltd, dated August 2024, are adhered to.

5.6. Local Residents/Interested Parties

No letters of representation were received on the application.

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

7 POLICY FRAMEWORK – please delete as appropriate

National Planning Policy Framework (NPPF) 2024

Chapter 2 - Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 6 – Building a strong, competitive economy

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

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

National Planning Practice Guidance (NPPG)

Determining a Planning Application

National Design Guide 2021

Context
Identity
Built Form
Movement
Uses
Homes and Buildings

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
LP6 – Employment, Tourism, Community Facilities and Retail
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
LP19 – The Natural Environment

Delivering and Protecting High Quality Environments in Fenland SPD 2014

DM3 – Making a Positive Contribution to Local Distinctiveness and character of the Area

Cambridgeshire Flood and Water SPD 2016

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
LP7: Design
LP8: Amenity Provision
LP12: Meeting Housing Needs
LP13: Custom and Self Build
LP18: Development in the Countryside
LP22: Parking Provision
LP24: Natural Environment
LP25: Biodiversity Net Gain
LP27: Trees and Planting
LP28: Landscape
LP32: Flood and Water Management
LP33: Development on Land Affected by Contamination

- **Principle of Development**
- **Character and appearance**
- **Impact on amenities**
- **Flood Risk and Drainage**
- **Parking Provision and Highway Safety**
- **Biodiversity Impact**
- **Biodiversity Net Gain (BNG)**

9 ASSESSMENT

Principle of Development

- 9.1. Policy LP3 of the Fenland Local Plan sets out the settlement hierarchy for development within the district, grouping settlements into categories based on the level of services available, their sustainability and their capacity to accept further development. In this policy, Manea is classed as a Growth Village, where development and new service provision either within the existing urban area or as small village extensions where appropriate. The site is considered to fall within the built-up settlement of Manea. The broad principle of the re-development of this site for residential purposes is therefore considered to be in accordance with Policy LP3 of the Fenland Local Plan.
- 9.2. The proposal will result in the loss of Employment Land, and therefore Policy LP6 of the Fenland Local Plan is relevant to the principle of development in this instance.
- 9.3. The policy seeks to retain premises currently or last used for B1/B2/B8 purposes, unless it can be demonstrated through a marketing exercise that there is no reasonable prospect for the site being used for these purposes.
- 9.4. The submission detail is silent on this matter, with no information provided to demonstrate that the site is no longer viable for employment development. Whilst it has not been demonstrated that this policy has been complied with, it is noted that the development in the surrounding area is largely residential in nature. Further, the site is not considered to be in a high-quality location for employment development given that it is on the edge of the settlement.
- 9.5. Therefore, whilst the development would result in the loss of employment land and fails to satisfy the requirements of Policy LP6, it is considered that this would be difficult to substantiate as a reason for refusal in this instance especially given the support for the re-development of brownfield sites in paragraphs 124 & 125 of the NPPF (2024).

Character and Appearance

- 9.6. Policy LP12 (Part A) supports development in villages subject compliance with 11 criteria (a to k), providing the site is in or adjacent to the existing developed footprint of the village, does not result in coalescence with any neighbouring village, and does not have an adverse impact on the character and appearance of the surrounding countryside. 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 in danger from identified risks.

- 9.7. In addition, Policy LP16(d) seeks to ensure that development makes a positive contribution to the distinctiveness and character of the area, enhances its local setting, reinforces local identity and does not adversely impact, either in design or scale terms, on the streetscene, settlement pattern or landscape character of the surrounding area.
- 9.8. The proposal seeks outline planning permission for the erection of 6 dwellings on land currently occupied by an agricultural engineering business – a site that extends north, away from the public highway. Whilst the indicative site layout plan identifies two dwellings fronting onto Fallow Corner Drove, 4no. dwellings are shown as ‘backland’ development. By virtue of its backland nature, the proposed development would be discordant with the existing core shape and linear built form of development that is present on the northern side of Fallow Corner Drove. It is further considered that the proposal is at odds with the prevailing character of Fallow Corner Drove in the vicinity of the site, which is characterised by dwellings set back from the public highway and in large plots. This conflict is further highlighted by Plots 1 & 2 shown to be located immediately adjacent the highway – a type of development completely at odds with the surrounding area.
- 9.9. Consideration is also given to a recent refusal under F/YR25/0124/PIP to the west, along Fallow Drove Corner. The circumstances of the site were similar in as much as the site extended away from the highway and would constitute backland development, contrary to the existing core shape of development in the locality. It is considered that the conclusions made in respect of this application, particularly given its relative close proximity to the current application site, would also apply to the current application with the same harm arising in terms of conflict with the existing core shape of development and character harm arising from the proposals.
- 9.10. It is not considered that the brownfield nature of the site, and the support afforded to re-development of such sites within the NPPF, is sufficient to outweigh the character harm that would arise from the development of the site.
- 9.11. The indicative site layout plan identifies small plot sizes in relative terms to the plots seen in the surrounding area. It is therefore also considered that the density of development would appear cramped and at odds with the general density of development along Fallow Corner Drove, where dwellings generally benefit from generous plot sizes.
- 9.12. It is therefore considered that the proposal would inherently result in landscape character harm, and a form of development contrary to the prevailing pattern of development in the locality in terms of layout and density, contrary to Policies LP12 and LP16 of the Fenland Local Plan (2014).
- 9.13. It is noted that the adjacent site to the east was granted Permission in Principle for up to 5no. dwellings under reference number F/YR23/0939/PIP. However, no application for technical details consent has yet to be made. As such, it is considered that the PIP approval would carry limited weight in the determination of this application in terms of the character and appearance impact of backland development.

Amenity Impact

- 9.14. The submitted indicative site layout plan identifies that the site would be capable of accommodating the proposed development, whilst providing an adequate level of private amenity space provision. It is considered that a suitably designed detailed scheme could be provided at Reserved Matters stage that would avoid any undue

impacts arising from overlooking or overbearing impacts in respect of the inter-dwelling relationships both on-site and with existing dwellings off-site.

- 9.15. It is therefore considered that the proposal is acceptable in respect of its amenity impact, having regard to Policy LP16 of the Fenland Local Plan (2014).

Flood Risk and Drainage

- 9.16. A large part of the site, including the frontage and site access, falls within Flood Zones 2 & 3, and is therefore at a far higher risk of flooding. National and Local Planning Policies set out strict tests to the approach to flood risk, aiming to locate development in the first instance to areas at lowest risk of flooding (Flood Zone 1). Policy LP14 requires applicants to demonstrate this through the application of the sequential test. In order to justify the development in Flood Zone 3, the sequential test would be expected to demonstrate that there are no reasonably available sites in areas of lower flood risk that could accommodate the development.
- 9.17. The application is supported by a Flood Risk Assessment which states that the sequential test is passed on the basis that the site is protected by the Middle Level Barrier Bank, which it states was not considered in the preparation of the Environment Agency Flood Maps. It concludes, on the basis of the “actual probability of flooding and the footprint of the proposed dwellings being within Flood Zone 1”, that the sequential test is passed.
- 9.18. Whilst the Environment Agency have raised no objections to the proposal on Flood Risk grounds, it is disagreed that the footprint of the proposed dwellings would be in Flood Zone 1. Whilst no overlay of the flood zone has been provided with the indicative site plan, it is considered extremely unlikely that a suitable detailed scheme could be provided whereby the entirety of the built form would be located in Flood Zone 1. Certainly, on the indicative site layout plan, the entirety of the built footprint would appear to fall within Flood Zone 3.
- 9.19. A further Sequential & Exception Test document has been provided which explores alternative sites that have had planning permission granted for residential development. These have, however, been dismissed as unsuitable and unavailable for the following reasons:
- Site located in Flood Zone 3
 - Development already commenced
 - Development for self-build plots
 - Quantum of development too small
- 9.20. The report goes on to state that the exception test is passed by virtue of the site currently comprising a high level of hardstanding that would be removed, resulting in an improvement in the permeability and drainage capabilities of the site.
- 9.21. It is considered that the sequential test submitted incorrectly discounts a number of sites which would, individually and cumulatively be classed as reasonably available and that consequently would be sequentially preferable. Therefore, the sequential test is not considered to be passed in this instance.
- 9.22. With regards to the exception test this contains two elements which must both be satisfied:

- a) Development to demonstrate that it achieves wider community sustainability benefits having regard to the district's sustainability objectives, and
- b) That it can be made safe for its lifetime and will not increase flood risk elsewhere ('flood risk management')

The FRA concludes that the overriding sustainability benefits are met through the contribution of the development towards the housing target in Fenland. However, it is not considered that the benefit of 6no. new dwellings would be sufficient to outweigh the risk arising from flooding on the site, and indeed the SPD discounts the provision of housing in itself as being a sustainability benefit. With regards to the development being made safe from flooding this is considered to be achievable, however would not render the exception test as being passed.

- 9.23. It is therefore considered that the application fails to satisfy the sequential and exception test in respect of flood risk, and the proposal is therefore considered to be contrary to Policy LP14 of the Fenland Local Plan (2014) and Chapter 14 of the NPPF (2024) in this regard.

Parking Provision and Highway Safety

- 9.24. The Highway Authority have considered that the proposal and have raised no objection to the principle of development in terms of its impact on highway safety. It is noted, however, that the access should be a minimum width of 5m, which could be provided at Reserved Matters stage.
- 9.25. The indicative site layout provided identifies that the site is capable of providing ample parking and turning provision on site for the dwellings proposed.
- 9.26. It is therefore considered that the proposal is acceptable in principle in terms of parking provision and highway safety, and that a suitable detailed scheme can be provided at Reserved Matters stage, in accordance with Policy LP15 of the Fenland Local Plan (2014).

Biodiversity Impact

- 9.27. The Council Ecologist has considered the proposal and has raised no objections to the scheme, subject to conditions in relation to the submission of a Construction Environmental Method Statement and a Tree Protection Method Statement.
- 9.28. It is not considered that the site as existing supports any semi-natural habitat and has low potential to support notable species. Further, the re-development of the site will result in an uplift in green space creation, thereby offering opportunities for enhancements in terms of local biodiversity.
- 9.29. It is therefore considered that the proposal satisfies the requirements of Policy LP19 of the Fenland Local Plan (2014) in terms of its biodiversity impact.

Biodiversity Net Gain (BNG)

- 9.30. 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.

9.31. There are statutory exemptions, transitional arrangements and requirements relating to irreplaceable habitat which mean that the biodiversity gain condition does not always apply. In this instance, one or more of the exemptions / transitional arrangements are considered to apply and a Biodiversity Gain Condition is not required to be approved before development is begun because the development is de-minimis for the purposes of BNG.

10 CONCLUSIONS

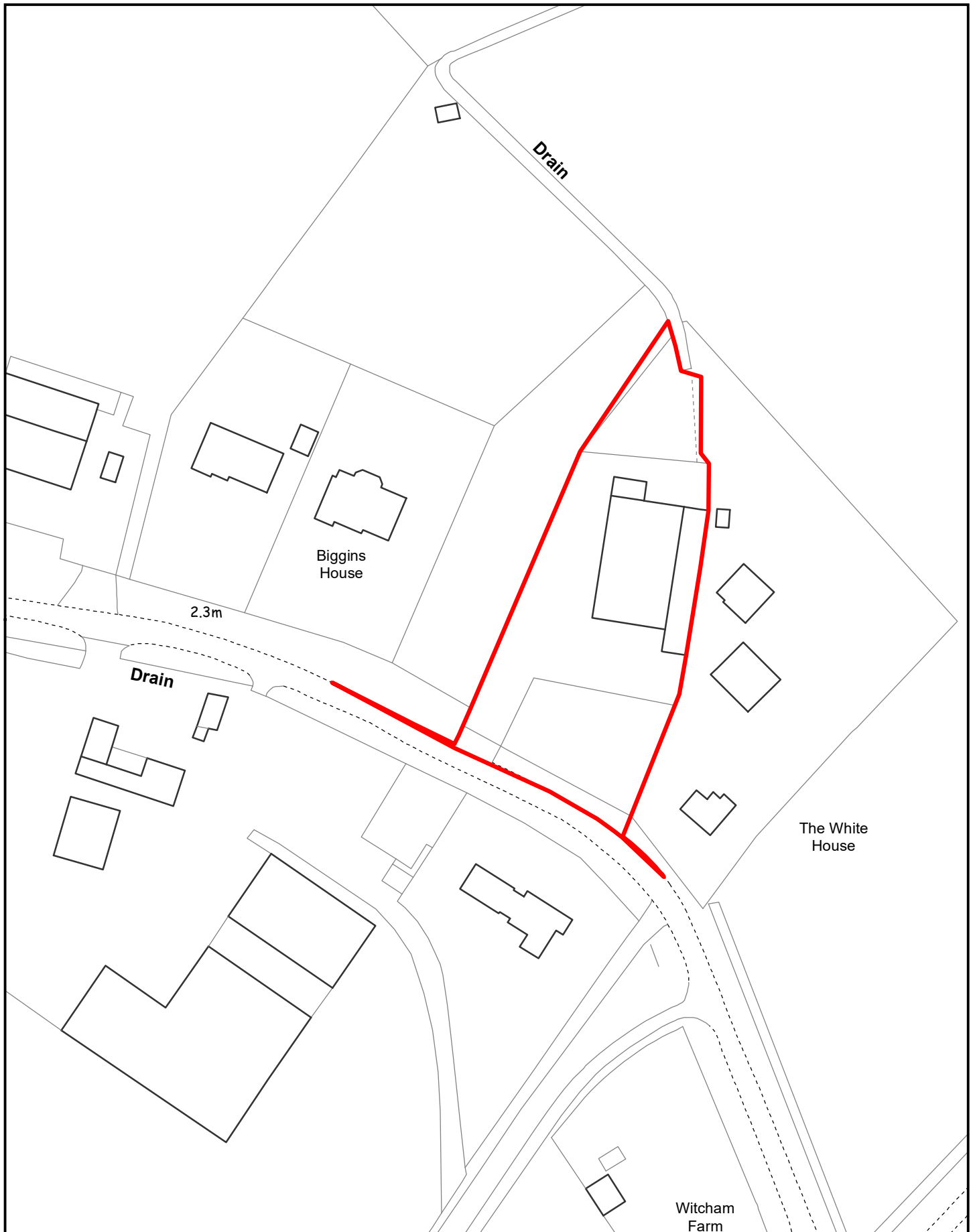
- 10.1. The proposal seeks outline planning permission with all matters reserved for the erection of 6no. dwellings following the demolition of existing buildings on site.
- 10.2. The proposal is considered to be acceptable in terms of the principle of development, amenity impact, highway safety impact, and biodiversity impact, in accordance with local and national planning policy and that the loss of the site for employment would not be a sustainable reason for refusal.
- 10.3. However, the backland form of development that would arise from the re-development of the site, along with the density of development, would be at odds with the prevailing pattern of development on the northern side of Fallow Corner Drove, resulting in landscape and character harm contrary to Policies LP12 and LP16 of the Fenland Local Plan (2014).
- 10.4. Further to this, the proposal is considered to be unacceptable in flood risk terms by virtue of the site predominantly falling within Flood Zone 3 and failing to satisfy the sequential and exception test, contrary to Policy LP14 of the Fenland Local Plan (2014) and Chapter 14 of the NPPF (2024).
- 10.5. In terms of the overall planning balance of the scheme, it is considered that there would be economic and social benefits arising from the creation of 6no. dwellings, however these would be relatively modest and therefore insufficient to outweigh the aforementioned harm arising from the development. Also, it is recognised that the re-use of brownfield land should be given weight. However, again, it is not considered that this would outweigh the harm arising from the development.
- 10.6. Therefore, the proposal is therefore considered to be unacceptable in planning terms, and it is accordingly recommended that planning permission is refused in this instance.

11 RECOMMENDATION

Refuse; for the following reasons:

1.	Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the district; Policy LP12 details a range of criteria against which development within the villages will be assessed and Policy LP16 seeks to ensure that proposed development responds to and improves the character of the local built environment. The application site proposes the construction of up to six dwellings located on land extending north, away from Fallow Corner Drove, Manea. By virtue of its backland nature, and introduction of development close to the frontage of the public highway, the proposed development would be discordant with the existing core shape and built form of the development along Fallow Corner Drove to the detriment of the character and appearance of the area
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	and would create a precedent for further backland development at sites with similar geometry. Thus, the proposal would therefore fail to comply with the requirements of Policy LP12 and Policy LP16 (d) of the Fenland Local Plan (2014).
2.	The site is located largely within Flood Zones 2 & 3 where there is a high probability of flooding. Due to insufficient information, the application fails to demonstrate that there are no alternative sites to accommodate the development which are reasonably available and with a lower probability of flooding. The proposal would therefore place people and property at an increased risk of flooding without justification contrary to Policy LP14 of the Fenland Local Plan (2014), Section 4 of the Cambridgeshire Flood & Water Supplementary Planning Document (2016) and Chapter 14 of the National Planning Policy Framework (2024).



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F/YR25/0238/O

Scale = 1:1,250



- 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.
 3. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and specifications.
 4. Any discrepancies are to be brought to the designers attention.



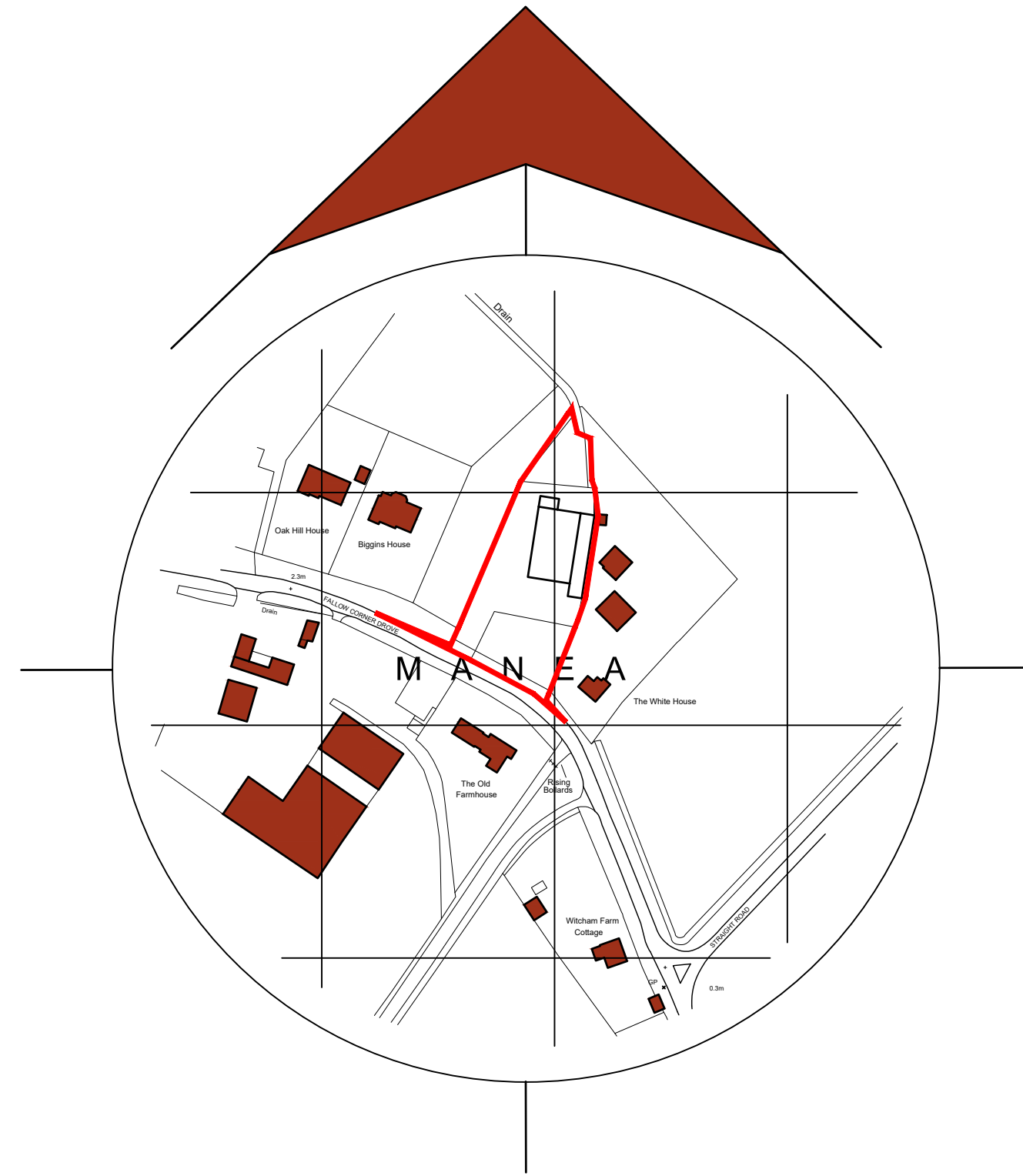
Existing Site Plan

Scale: 1:500



Indicative Proposed Site Plan

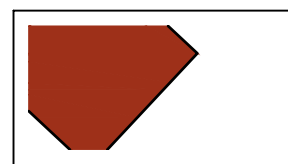
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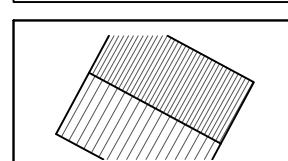
Location Plan

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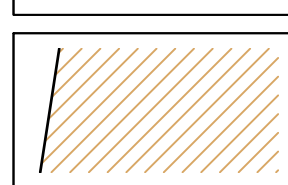
SITE PLAN KEY



Indicates position of un-surveyed buildings taken from OS maps



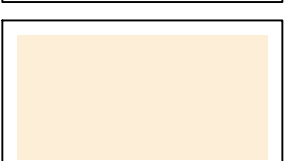
Proposed dwellings



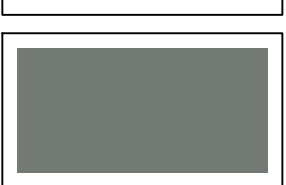
Indicates position of surveyed buildings on site



Indicates proposed grass areas



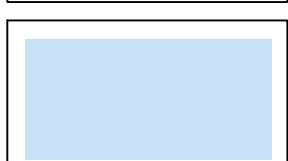
Indicates proposed hard surfacing on driveways



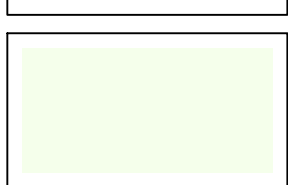
Indicates proposed paving



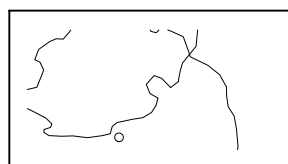
Indicates proposed tarmac private access road



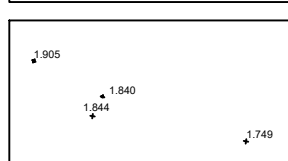
Indicates proposed pond



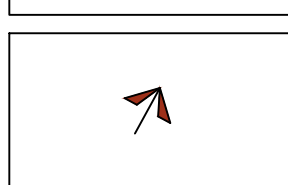
Indicates proposed trees / hedging



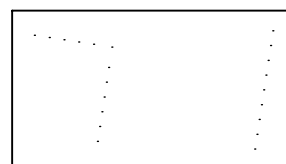
Indicates surveyed trees / hedging



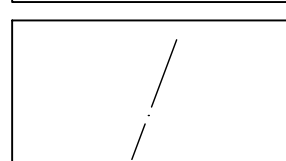
Indicates site levels taken from datum



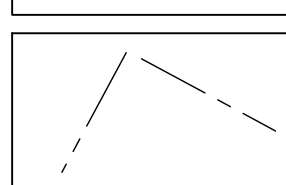
Indicates site access



Indicates features to be demolished



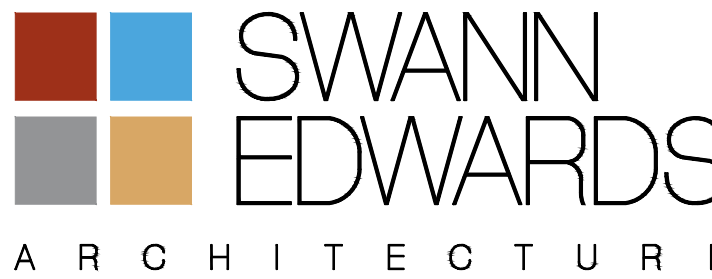
Indicates existing 1.8m high timber panel fence



Indicates proposed 1.8m high timber panel fence

Status

PLANNING



Swann Edwards Architecture Limited, Black Barn, Fen Road, Guyhim, Wisbech, Cambs. PE13 4AA
t 01945 450694 e info@swannedwards.co.uk w www.swannedwards.co.uk

Proposed Residential Development Land at Fallow Corner Drive, Manea, PE15 0LT For: Mr F Simpson	Job Title	Date	Drawn by
	SE-2144	Sep 2024	BR
Drawing Title Planning Drawing	Job No.	Checked by	Sheet Size
	PP1000	IG	A1
		Dwg No.	Revision
		PP1000	