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**F/YR25/0547/F**

**Applicant: P Moules  
Village House Ltd**

**Agent: Mr Rory Canham  
Peter Humphrey Associates Ltd**

**Land North Of 1, Gull Road, Guyhirn, Cambridgeshire**

**Erect 6no dwellings and the formation of 2no accesses**

**Officer recommendation: Refuse**

**Reason for Committee: Parish Council comments contrary to Officer Recommendation**

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## **1 EXECUTIVE SUMMARY**

- 1.1. The proposal seeks the erection of 6no. fully affordable dwellings, and the creation of 2no. access points.
- 1.2. The proposal is considered, on balance, to be acceptable in principle when considering the material considerations relating to other developments built out in the surrounding area.
- 1.3. The proposal is considered to be acceptable in respect of character impact, amenity impact, biodiversity impact and highway safety impact.
- 1.4. However, the application site is located within Flood Zone 3 and fails to demonstrate that the application passes the Sequential Test or Exception Test through the absence of a detailed assessment of alternatively available sites. The proposal is therefore in conflict with Policy LP14 of the Fenland Local Plan (2014) and Chapter 14 of the NPPF (2024).
- 1.5. Accordingly, it is recommended that planning permission is refused in this instance.

## **2 SITE DESCRIPTION**

- 2.1 The application site is located to the east of Gull Road in Guyhirn. The site is currently characterised as an open and undeveloped parcel of land which is adjoined by residential development to the south and west, with new dwellings currently under construction to the north.
- 2.2 The application site lies almost entirely within Flood Zone 3 but is at very low risk of surface water flooding.

## **3 PROPOSAL**

- 3.1 The proposal seeks the erection of 6no. fully affordable dwellings, and the creation of 2no. access points.

- 3.2 The proposed dwellings are laid out in three pairs of semi-detached properties which are all two-storey, 3-bedroom properties.
- 3.3 Each pair of dwellings measures 5.1m in height to the eaves, 9.1m in height to the ridge, 12.25m in width and 9.1m in depth.
- 3.4 The proposed palette of materials comprises 'Weinerburger Hathaway' brindle facing bricks, 'Marley Modern' smooth grey tiles and cream uPVC windows and doors.
- 3.5 The proposed boundary treatments comprise a mix of 1.2m post and rail fencing and 1.8m close boarded fencing.
- 3.6 The two access points are proposed to provide access onto Gull Road, with each access serving three dwellings, with frontage parking areas provided.
- 3.7 Full plans and associated documents for this application can be found at:  
<https://www.publicaccess.fenland.gov.uk/publicaccess/>

#### **4 SITE PLANNING HISTORY**

F/YR12/0546/O	Erection of 2no. dwellings	Refuse 13.09.12
F/YR18/0595/O	Erection of up to 8 x dwellings and the formation of 4 x access involving the demolition of existing outbuildings (outline application with all matters reserved)	Refuse 03.08.18
F/YR18/0956/O	Erection of up to 7no dwellings and the formation of 4no vehicular access involving the demolition of existing outbuilding (outline application with matters committed in respect of access)	Refuse 07.12.18

#### **5 CONSULTATIONS**

##### **5.1 CCC Archaeology – 28.07.25**

No objection subject to condition requiring submission of WSI

##### **5.2 FDC Ecology – 31.07.25**

No objection subject to conditions requiring submission of CEMP & BNG scheme

##### **5.3 Natural England – 06.08.25**

Further information required to determine impact on designated sites arising from recreational pressure impacts

##### **5.4 Anglian Water – 08.08.25**

Objects to a connection to vacuum sewerage system due to the risk of flooding and pollution. If permission is granted, condition requested requiring the submission of a scheme for foul drainage

## **5.5 Environment Agency – 01.08.25**

No objection subject to condition requiring compliance with mitigation measures set out in FRA

## **5.6 Wisbech St Mary Parish Council – 12.08.25**

*Refusal. Cllrs said this area is over developed and had concerns over highway traffic & safety*

## **5.7 CCC Highways – 13.08.25**

No objections

## **5.8 North Level Drainage Board – 20.08.25**

*The applicant/developer must ensure that they have obtained consent from the Board for all works within 9 metres of Rose Farm Drain, before any works are carried out.*

## **5.9 Environmental Health – 24.08.25**

No objection subject to condition restricting working hours

## **5.10 Local Residents/Interested Parties**

Four letters of objection received from residents of Gull Road on the following (summarised) grounds:

<b>Objecting Comments</b>	<b>Officer Response</b>
Overdevelopment of site	See 'Character and appearance'
Insufficient parking and turning space	See 'Parking provision and highway safety'
Danger caused by construction traffic	See 'Parking provision and highway safety'
Insufficient water pressure	
Impact on neighbours due to construction activities	See 'Amenity Impact'
Flood Risk on site	See 'Flood Risk and Drainage'
Insufficient capacity at local services	
Car accidents on Gull Road	See 'Parking provision and highway safety'

## **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**

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

Chapter 2 - Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

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

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

Determining a Planning Application

### **National Design Guide 2021**

Context

Identity

Built Form

Movement

Nature

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

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

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

LP5: Health and Wellbeing  
LP7: Design  
LP8: Amenity Provision  
LP12: Meeting Housing Needs  
LP18: Development in the Countryside  
LP20: Accessibility and Transport  
LP22: Parking Provision  
LP24: Natural Environment  
LP25: Biodiversity Net Gain  
LP28: Landscape  
LP32: Flood and Water Management

## 8 KEY ISSUES

- Principle of Development
- Character and Appearance
- Amenity Impact
- Flood Risk and Drainage
- Parking Provision and Highway Safety
- Biodiversity Impact
- Biodiversity Net Gain (BNG)

## 9 ASSESSMENT

### Principle of Development

#### Infill Development

- 9.1 Policy LP4 of the Fenland Local Plan (2014) defines Guyhirn as a 'small village' whereby development will be restricted to that of a very limited nature and normally be limited in scale to residential infilling or a small business opportunity. Policy LP12 of the Local Plan also states that new development within villages will be supported where it satisfies Policy LP3, as well as the criteria set out therein.
- 9.2 The glossary within the Local Plan defines residential infilling as '*Development of a site between existing buildings.*' The Planning Portal defines this as '*The development of a relatively small gap between existing buildings.*'
- 9.3 The site forms a 50m gap between a residential dwelling at No.1 Gull Road to the South, and residential development to the north that is currently under construction as approved under F/YR20/1017/O. Whilst a site frontage like this would not generally be considered a 'relatively small gap', the open space on this side of Gull Road has incrementally been eroded through the erection of 12 dwellings approved under applications F/YR20/0423/F, F/YR21/1291/F & F/YR20/1017/O. A further resolution to grant planning permission for 24 dwellings on Gull Road was made by planning committee under reference F/YR25/0111/O. As such, the application site is the last remaining gap in development on this side of Gull Road and would represent a completion of the linear pattern of development present on Gull Road.
- 9.4 It is therefore considered that the proposal is compliant with Policy LP3 of the Fenland Local Plan (2014) when considering the relevant material planning considerations.

#### Community Consultation Exercise

- 9.5 Policy LP12 of the Local Plan states that if a proposal within or on the edge of a village would, in combination with other development built since 2011 and committed to be built (i.e. with planning permission), would increase the number of dwellings in a small village by 10% or more, then the proposal should have demonstrable evidence of clear local community support for the scheme (with such support generated via a thorough and proportionate pre-application community consultation exercise or a Neighbourhood Plan exercise); or if, despite a thorough and proportionate pre-application consultation exercise, demonstrable evidence of support or objection cannot be determined, then there will be a requirement for support from the applicable Parish or Town Council.
- 9.6 Guyhirn has already exceeded its 10% growth threshold, with 86 dwellings committed/built over a threshold of 25. However, an appeal decision received in respect of an application that was refused purely on this basis (planning application reference: F/YR14/0838/O) indicates that the threshold considerations and requirement for community support should not result in planning permission being refused.
- 9.7 The comments of the Parish Council of the 12<sup>th</sup> August are noted wherein objections were raised on the basis of overdevelopment and highway safety. However, evidence has also been supplied by the applicant that a pre-application consultation exercise was undertaken whereby a positive response was given on the basis of the site providing a fully affordable scheme.
- 9.8 Therefore, whilst there is a conflict with Policy LP12 of the Local Plan in terms of an absence of support from the Parish Council, with consideration given to the referenced appeal decision, the absence of clear community support does not render the scheme unacceptable in principle in planning terms.

### **Character and Appearance**

- 9.9 LP12 includes criteria for development in villages and refers to Part A which sets development criteria for rural villages which includes the following:
- (c) It would not have an adverse impact on the character and appearance of the surrounding countryside and farmland,
  - (d) The proposal is of a scale and in a location that is in keeping with the core shape and form of the settlement, and it would not harm its character and appearance.
  - (e) It would extend existing linear features of the settlement.
- 9.10 Policy LP16 (d) refers to development making a positive impact to local distinctiveness and the character of the area and amongst other things should not have an adverse impact on landscape character. It is also a core planning principle in the NPPF that recognises the intrinsic value of the countryside therefore consideration needs to be given to any harm caused.
- 9.11 The proposal represents the development of a currently undeveloped parcel of land, which would inherently alter the current character of the site. However, there is existing residential development of similar size and scale to the southeast and west of the site, with new dwellings currently under construction immediately to the northwest of the site. As highlighted in the 'Principle of development' section above, the site is considered to constitute an infill development and therefore it is not considered that the development would have a detrimental or incongruous impact on the landscape character of the area.

- 9.12 The submitted street scene drawings identify that the dwellings will be similar in ridge height to the new development currently under construction to the north. Whilst they appear to be higher in ridge height than the dwellings to the southeast, given that the proposed development is more closely related to that which is to the north, it is considered that the increased height is acceptable in this instance.
- 9.13 Notwithstanding this, given that the site levels drop down away from the highway, it is recommended that a condition is imposed requiring confirmation of site levels to ensure that this is the case and to avoid any negative impact on the street scene.
- 9.14 The proposed dwellings are laid out in three pairs of semi-detached properties which are all two-storey, 3-bedroom properties. Each pair of dwellings measures 5.1m in height to the eaves, 9.1m in height to the ridge, 12.25m in width and 9.1m in depth. The proposed palette of materials comprises Weinerburger Hathaway brindled facing bricks, Marley Modern smooth grey tiles and cream upvc windows and doors.
- 9.15 The development on this side of Gull Road comprises a roughly even split of detached and semi-detached dwellings. As such, it is considered that this approach to development would be acceptable, particularly given that the scale and massing of the proposed dwellings is commensurate with the existing development on both sides of Gull Road.
- 9.16 In this regard, the density of development is comparable with existing development in the surrounding area, with any increased density a result of the development comprising semi-detached dwellings as opposed to detached dwellings.
- 9.17 The proposed boundary treatments comprise a mix of 1.2m post and rail fencing and 1.8m close boarded fencing to provide plot demarcation. There is an existing hedgerow along the frontage of the site that falls outside of the red line boundary of the site and will therefore be retained. The general means of boundary treatment in the surrounding area comprises a mix of soft landscaping and timber fencing and, as such, the means of boundary treatment proposed in this application are considered to be in keeping and acceptable.
- 9.18 Therefore, it is considered that the proposal is in compliance with Policies LP12 and LP16 of the Fenland Local Plan (2014) in respect of character and appearance impact.

### **Residential Amenity**

- 9.19 Policy LP12 and LP16(e) considers the impact of development on residential amenity. The proposed dwellings are two-storey in nature, with rear facing windows at first-floor level, although these serve secondary and tertiary bedrooms. It is not considered that these windows would result in any increased overlooking than would generally occur between two-storey dwellings, particularly those that are semi-detached.
- 9.20 The relationship between the proposed dwellings and those that exist/are under construction is such that there will be no loss of amenities to the existing properties. The nearest dwelling to the south of the site is approximately 20m away; to the southwest, approximately 25m away; and approximately 6m to the north, albeit that this is a side elevation with no windows proposed that would overlook this.
- 9.21 The proposed dwellings would benefit from rear private amenity spaces measuring a minimum of 9m in depth. The plot sizes measure approximately 25m x 7.5m

(212.5m<sup>2</sup> area), with the rear private amenity spaces measuring approximately 7.5m x 9m (67.5m<sup>2</sup> area). The proposed dwellings each measure approximately 6m x 9m (54m<sup>2</sup>). This means that the usable private amenity space provision equates to approximately 31% of the plot size. This is commensurate with development to the north on this side of Gull Road, and is therefore considered to be acceptable in respect of private amenity space provision and in accordance with Policy LP16(h) of the Fenland Local Plan.

9.22 The proposed means of boundary treatment is considered to be acceptable in maintaining amenity between each of the proposed dwellings.

9.23 The proposal is therefore considered to satisfy the requirements of Policy LP16 of the Fenland Local Plan (2014) in respect of residential amenity impact.

### **Flood Risk and Drainage**

9.24 Policy LP14 of the Fenland Local Plan (2014) and Chapter 14 of the NPPF (2024) set out the policy approach towards development in area of flood risk. Both of these policies seek to encourage development first within areas of lower flood risk, before considering development in areas at higher risk of flooding. They also seek to ensure developments remain safe from all sources of flooding.

9.25 The application site is located almost entirely within Flood Zone 3, with only a small part of the developable area of plots 1 & 2 being located within Flood Zone 1. The site is, however, at very low risk of surface water flooding.

### **Policy Considerations**

9.26 Policy LP14 of the Fenland Local Plan (2014) and Chapter 14 of the National Planning Policy Framework set out the policy approach towards development in areas of flood risk. Policy LP14 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 permitting following:

- A) The successful completion of a sequential test, 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.

9.27 The National Planning Policy Framework includes an over-arching principle that development should be directed away from areas at highest risk of flooding. As such, a sequential, risk-based approach is to be taken to individual applications in areas known to be at risk now or in the future from flooding. Planning Practice Guidance (PPG) confirms that this means avoiding, where possible, development in current and future medium and high flood risk areas. The PPG confirms that the underlying purpose includes placing the least reliance on measures like flood defences, flood warnings and property level resilience features. Therefore, even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the Sequential Test still needs to be satisfied.



## Sequential Test

- 9.28 The submitted Flood Risk Assessment by Ellingham Consulting concludes that “the reasonably available alternative sites do not include sites that provide affordable dwellings”, with a supplementary document provided that provides an interrogation into alternative sites. As set out in the ‘Principle’ section above, the Local Plan settlement hierarchy identifies Guyhirn as a Small Village where limited infill proposals should only normally be considered.
- 9.29 The sequential test justifies that the area of search should be limited to Guyhirn and states that the site is protected by the River Nene tidal defences, which were not considered during the preparation of the Environment Agency Flood Maps. However, as set out in paragraph 9.27, the PPG principle is to place the least reliance on flood defences etc.
- 9.30 It is for the decision-maker to consider whether the Sequential Test is passed, with reference to information held on land availability and an appropriate area of search. The latter should be determined by the Local Planning Authority. Accordingly, clarification on the LPA’s expected area of search for a Sequential Test is now provided on the Council’s website, which states:
- “Applicants must define and justify an appropriate area of search when preparing the Sequential Test. The extent of this area will depend on the location and roles of the settlement, as well as the type and scale of development proposed:*
- For developments within or adjacent to Market Towns and Growth Villages, the area of search will normally be limited to land within or adjacent to the settlement in which the development is proposed.*
  - For all other locations – including Limited Growth, Small and Other Villages, or Elsewhere Locations – the area of search will normally be expected to be district-wide.*
- To pass the Sequential Test, applicants must demonstrate that there are no reasonably available sites, within the defined search area, with a lower probability of flooding that could accommodate the proposed development. A poorly defined or unjustified area of search may result in the Sequential Test being considered invalid.”*
- 9.31 The above is clear that the area of search applied to a Sequential Test will normally be based on a district wide search area, unless it can be demonstrated that there is a particular need for the development in that location.
- 9.32 With respect to need, it is noted that the housing register includes 31 names of people seeking affordable housing in Guyhirn. Therefore, given that the proposal is considered to be acceptable in principle, as set out above, it is accordingly considered that there is an identified need that the development would contribute towards. As such, it is agreed that the area of search for the Sequential Test should be limited to the settlement of Guyhirn.
- 9.33 Notwithstanding this, guidance relating to flood risk provides no exemption to the requirement to pass the Sequential Test based on any specific tenure or housing mix. The NPPF is clear that all development proposed in Flood Zones 2 and 3 must demonstrate that there are no reasonably available sites at lower risk of flooding.

- 9.34 The PPG makes it clear that ‘reasonably available’ sites are not limited to single plots. This may include part of a larger site if it is capable of accommodating the proposed development, as well as smaller sites that, individually or collectively, could meet the development requirement. Sites do not need to be in the ownership of the applicant to be considered ‘reasonably available’.
- 9.35 The submitted analysis identifies a total of 32no. dwellings that benefit from granted planning permission and are deemed to be ‘Available’. The analysis concludes that 8no. of these units should be discounted as they are not meeting the same need given that they are not affordable units. This does, however, leave the remaining 24 units granted under F/YR25/0111/O as being proposed as affordable units that are available.
- 9.36 The Sequential Test report concludes that, whilst the 24 units are available and could accommodate the development, given that there are 31 names included on the register for people seeking affordable housing in Guyhirn, the provision of 6no. additional units proposed would contribute further to meeting this need and therefore the applicant deems the Sequential Test to be passed.
- 9.37 However, it is considered that this justification would be more relevant when assessing the exception test as a wider sustainability benefit (considered below). The Sequential Test simply seeks to determine whether the development can be accommodated elsewhere at a lower risk of flooding. As already identified, the Sequential Test report identifies a total of 32no. dwellings that can be considered reasonably available and therefore could accommodate the proposed development.
- 9.38 Subsequently, it cannot be considered that the Sequential Test is passed in this instance.

#### Exception Test

- 9.39 Notwithstanding the failure of the Sequential Test, had this been passed it would then be necessary for the application to pass the Exception Test, which comprises of demonstration of the following:
- a) The development would provide wider sustainability benefits to the community that outweigh the flood risk; and
  - b) The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall.
- 9.40 In respect of a); the most recent Fenland District Council Five Year Housing Land Supply (June 2025) demonstrates a 6.6-year supply of housing land over the five-year period within the district. As such, the Council has a sufficient supply of housing delivery land and is meeting its requirement as demonstrated through recent housing delivery test results. No substantive benefits other than the provision of affordable housing have been identified within the submitted Flood Risk Assessment, other than the delivery of the housing itself. The SPD explicitly states that “*the general provision of housing itself would not normally be considered as a wider sustainability benefit*”. Therefore, whilst the community benefits of the provision of housing are noted these are considered to be of very limited weight in this context.
- 9.41 It is noted, however, that the scheme will offer 6 affordable housing units as the primary benefit of the development. The scheme represents a relatively small

contribution to the district's overall affordable housing needs, and it is generally expected that such housing is delivered on low-risk sites. Development on high-risk sites requires exceptional circumstances, which have not been demonstrated. Furthermore, the site is located in a village with limited access to services, facilities and public transport, meaning future occupiers would be heavily reliant on private vehicles. These factors further reduce the weight that can be attributed to the delivery of affordable housing in this location. Furthermore, where a scheme is wholly comprised of affordable housing, the Council would not normally seek S.106 obligations. Whilst this reflects policy, the absence of any contributions, such as towards NHS or education, the development will inevitably place further pressure on already stretched local services. As a result, the overall community benefits arising from the development of 6 affordable units are significantly reduced.

9.42 In addition, the "tilted balance" as set out in the footnote to para. 11 of the NPPF (where Councils are unable to demonstrate a sufficient supply of housing) specifically excludes development in high flood risk areas from any presumption in favour of development. This clearly indicates the government's objective of avoiding development in areas of flood risk, unless demonstrably necessary even when the Council is unable to deliver the housing its residents need.

9.43 In respect of the latter (b); The inclusion of flood mitigation measures, such as raising finished floor levels to 2.3m AOD (approximately 1.5m above existing site level) may result in an unviable or impractical solution that, whilst may address matters of flood safety, may also give rise to a number of other issues with respect to scale, access, and impact on the street scene, which may not be overcome.

#### Drainage

##### *Surface Water*

9.44 The submitted Design & Access Statement states that surface water will be discharged to existing drain to rear of site, with necessary consent from I.D.B prior to commencement. The site is located in an area of very low surface water flood risk, and it is therefore considered that this is an acceptable means of surface water drainage, subject to appropriate IDB consents.

##### *Foul Water*

9.45 The submitted Design & Access Statement states that Foul Water will be discharged into the existing foul main in the public highway. The application is subject to an objection from Anglian Water in respect of the proposed connection to the vacuum sewerage system until it is confirmed that there is sufficient pressure to accommodate the development.

9.46 The applicant has provided further information in this regard and advised that an alternative means of foul water sewage would be unviable due to space constraints and additional costs that would make the development unviable.

9.47 On balance, it is considered that the means of foul water disposal could be secured via condition to ensure that an appropriate detailed scheme is agreed prior to the commencement of the development and fully implemented prior to the first occupation of the development.

#### Flood risk and drainage conclusion

- 9.48 To reiterate, Policy LP14, supported by the NPPF and NPPG, 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 on be permitted following the successful completion of the Sequential Test and Exception Test.
- 9.49 The above assessment concludes that the development fails to pass the sequential test by virtue of a failure to provide a detailed assessment of any alternative sites. It is therefore not possible to positively determine that there are no reasonably available sites at lower flood risk that could accommodate the development. As such, the scheme fails the sequential test.
- 9.50 The application was supported by a flood risk assessment which includes recommendations for flood risk management and mitigation, which demonstrates that the site can be made safe from flooding. However, the potential solutions for flood mitigation, namely the raising of ground levels locally by up to 1.5m, may give rise to additional issues of character harm.
- 9.51 In summary, the site lies in a high-risk area for flooding, and the application fails to pass the sequential test and is unable demonstrate that development of this site is necessary or provide sufficient justification that the benefits accrued would outweigh the flood risk. Development of the site would therefore place people and property in an unwarranted risk of flooding for which there is a strong presumption against both through policies of the development plan and national planning policy. The proposal is in direct conflict with local policy LP14 and the NPPF and should therefore be refused.

### **Parking Provision and Highway Safety**

- 9.52 The site is proposed to be accessed via 2no. access points (each to serve 3no. dwellings) fronting onto Gull Road, which has a 40mph speed limit. Concerns have been raised by the Parish Council and some neighbours in respect of highway safety and the potential increase in danger to highway users arising from the development.
- 9.53 Notwithstanding this, the Highway Authority have considered the proposal and have raised no objection in respect of highway safety. Given the geometry of Gull Road, there is ample visibility in each direction from the location of the proposed access points to allow safe access and egress from the site.
- 9.54 The dwellings proposed are all 3-bedrooms properties and would benefit from 2no parking spaces each. This would comply with the parking standards as set out in Appendix A of the Fenland Local Plan (2014), which requires a minimum of 2 spaces for residential dwellings up to three bedrooms.
- 9.55 The site would benefit from a sufficiently sized turning area to allow vehicles to turn and enter the highway in forward gear, albeit the arrangement being less than ideal and not the most practical. Vehicles may be required to reverse in front of other properties before being able to turn, which may cause some disturbance, but not sufficiently so to justify the refusal of the application.
- 9.56 The proposal is therefore considered to be acceptable in terms of its parking provision and highway safety impact, having regard to Policy LP15.

### **Biodiversity Impact**

- 9.57 The development has been considered by the Council's Ecologist and Natural England in respect of the ecological impacts of the scheme. The application is supported by an Ecological Impact Assessment and BNG Report/Supporting statement.
- 9.58 Natural England requested further information to determine the impacts on designated sites. This related to recreational pressure impacts arising from the development. This factor was also considered by the Council Ecologist and it was determined that the recreational disturbance impacts would be nugatory.
- 9.59 In this regard, it must be noted that the development would result in 6no properties which would likely yield low occupant numbers that may choose to visit those areas. Furthermore, it is noted that Natural England raised no objections when consulted on two larger-scale development proposals at the edge of Whittlesey (F/YR23/0245/O and F/YR23/0705/O) which cumulatively totalled up to 424 dwellings. It was concluded on one scheme of up to 175 dwellings that it would not have significant adverse impacts on designated sites.
- 9.60 Whilst these sites were in a different part of the district, it is considered that the same principle would be applicable, and therefore it is considered that it would be disproportionate to require any further evidence of impacts through this latest proposal for 6no. dwellings.
- 9.61 The Council Ecologist has requested a condition requiring the submission of a Construction Environmental Method Statement, with particular concern given to details of avoiding water pollution during construction works. It is recommended that such a condition is imposed on any permission granted.
- 9.62 Beyond this, no concerns or objections were raised in respect of the ecological implications of the development, with the submission Ecological Impact Assessment concluding that there would be no impacts that could not be mitigated against.
- 9.63 The proposal is therefore considered to be in accordance with Policy LP19 of the Fenland Local Plan (2014) in respect of its biodiversity impact.

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

- 9.64 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.
- 9.65 In this instance a Biodiversity Gain Condition is required to be approved before development is begun.

## **10 CONCLUSIONS**

- 10.1 The proposal seeks the erection of 6no. fully affordable dwellings, and the creation of 2no. access points.
- 10.2 The proposal is considered, on balance, to be acceptable in principle when considering the material considerations relating to other developments built out in the surrounding area.

- 10.3 The proposal is considered to be acceptable in respect of character impact, amenity impact, biodiversity impact and highway safety impact.
- 10.4 However, the application site is located within Flood Zone 3 and fails to demonstrate that the application passes the Sequential Test or Exception Test through the absence of a detailed assessment of alternatively available sites. The proposal is therefore in conflict with 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, the flood risk associated with the development is considered to weigh heavily against the application. Whilst the proposal would provide 6 no. units of additional housing, it is considered that the benefits arising from this are modest and do not outweigh the harm caused by the flood risk associated with the development.
- 10.6 Even when considering that the proposal is considered to be acceptable in other respects, it is not considered that the overall benefits of the scheme are sufficient to outweigh the harm and render the proposal overall acceptable in the planning balance.
- 10.7 Accordingly, it is recommended that planning permission is refused in this instance.

## 11 RECOMMENDATION

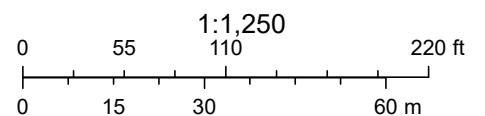
**Refuse;** for the following reasons:

1.	<p>Policy LP14 of the Fenland Local Plan, Section 14 of the National Planning Policy Framework (2024) and Cambridgeshire Flood and Water Supplementary Planning Document (2016) require development proposals to adopt a sequential approach to flood risk from all forms of flooding, and Policy LP14 states that development in an area known to be at risk will only be permitted following the successful completion of a Sequential Test, and Exception Test (where appropriate), and the demonstration that the proposal meets an identified need and appropriate flood risk management.</p> <p>The development is located within Flood Zone 3, the area of highest flood risk and therefore would result in a 'more vulnerable' development being located in the area of highest flood risk. The application fails to pass the Sequential Test and is unable demonstrate that development of this site is necessary, nor does it provide sufficient justification that the benefits accrued would outweigh the flood risk. Development of the site is therefore contrary to Chapter 14 of the NPPF (2024), Policy LP14 of the Fenland Local Plan (2014) and guidance in the adopted Cambridgeshire Flood and Water Supplementary Planning Document (2016).</p>
2.	<p>The application is not supported by a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure the development in its entirety as affordable housing. As such, the development fails to secure a policy-compliant level of contributions necessary to make the development acceptable in planning terms and to ensure that the impacts of the development are appropriately mitigated in accordance with the Community Infrastructure Regulations 2010 (Regulation 122). The proposal is therefore contrary to policy LP13 of the Fenland Local Plan 2014 and guidance contained within the NPPF.</p>

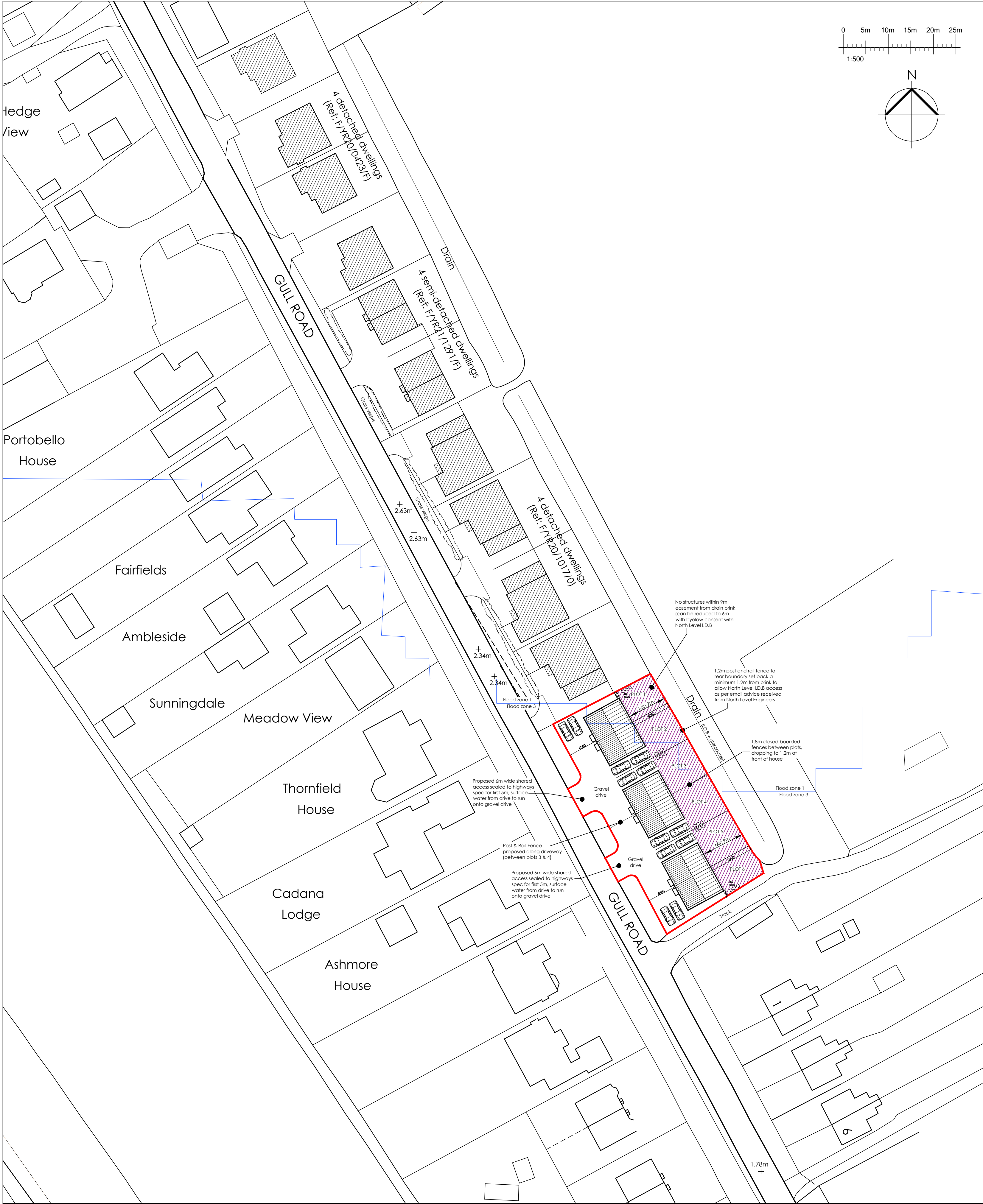


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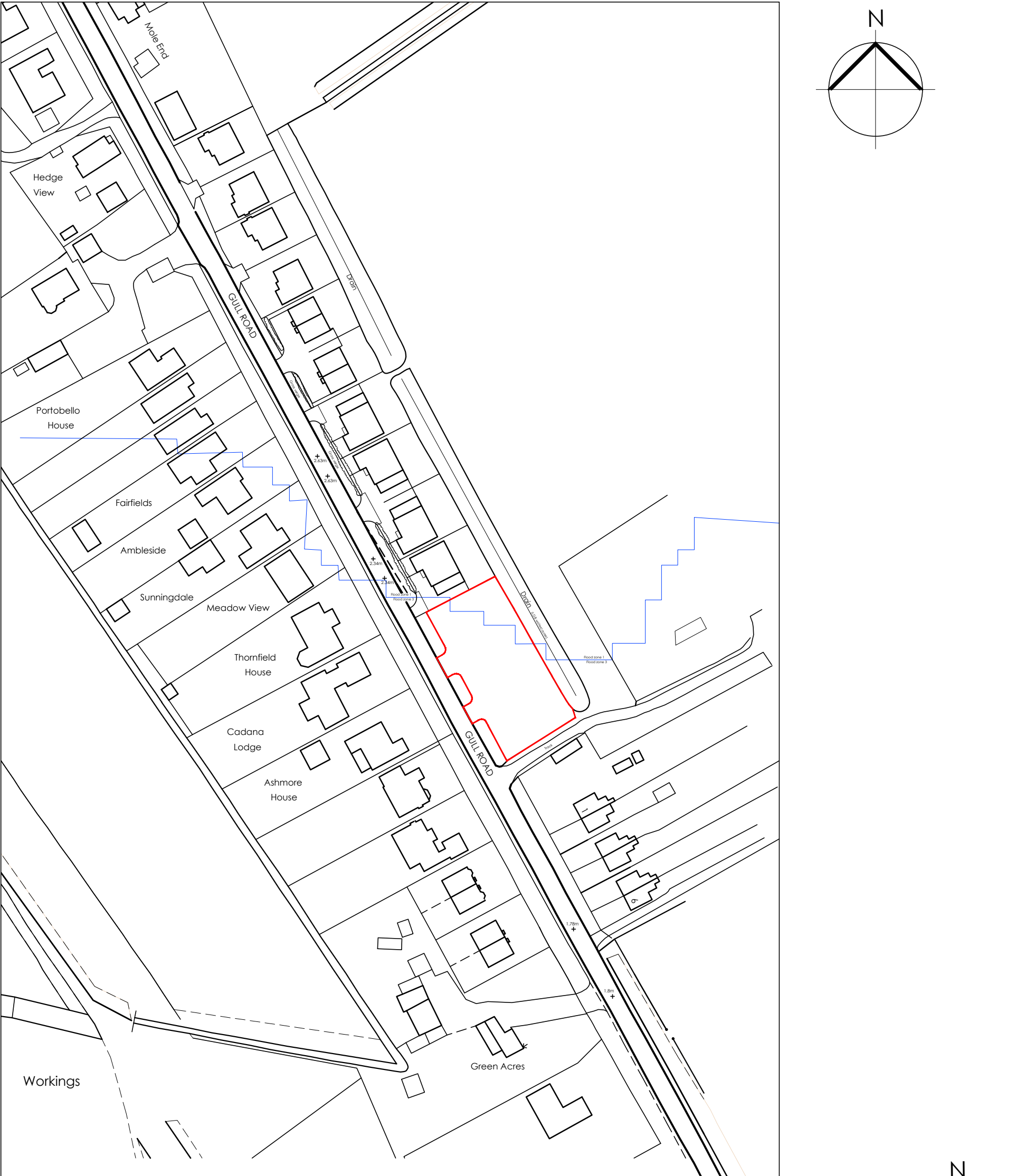
 Fenland District Boundary



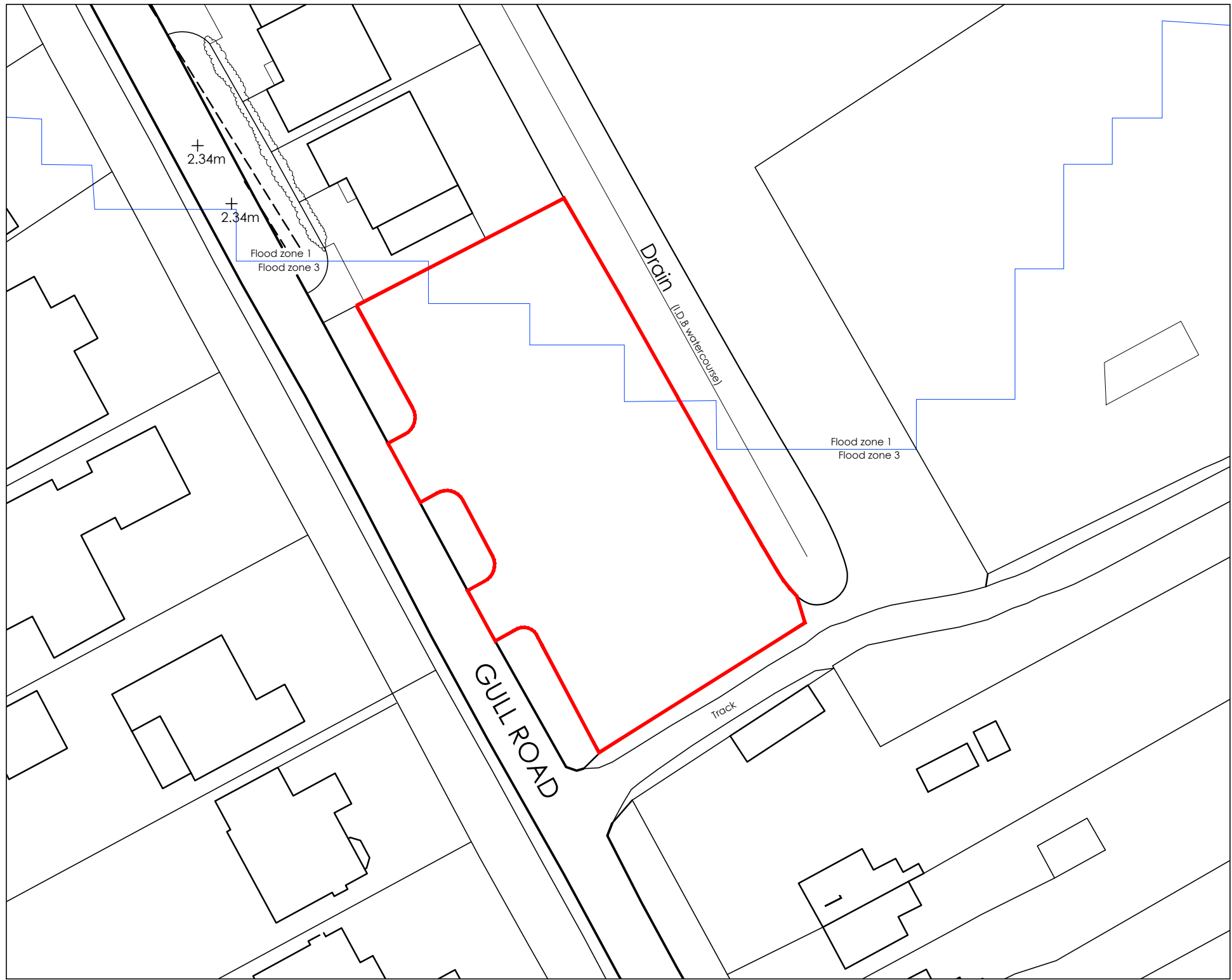




Proposed Site Plan  
Scale 1:500



Location Plan  
Scale 1:1250



Existing Site Plan  
Scale 1:500

- F - Updated ahead of Invalidation comments (17.07.2025)  
E - Updated ahead of Invalidation comments (14.07.2025)  
D - Site application boundary updated (11.06.2025)  
C - Site Plan updated, as requested by client, (06.05.2025)  
B - Site Plan updated, as requested by client, (06.12.2024)  
A - Plot layouts within the site amended, at client request (05.12.2024)

REVISIONS



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CLIENT

VILLAGE HOUSE LTD

PROJECT  
PROPOSED AFFORDABLE DWELLINGS

SITE  
LAND NORTH OF 1 GULL ROAD  
GULL ROAD  
GUYHIRN  
CAMBS  
PE13 4ER

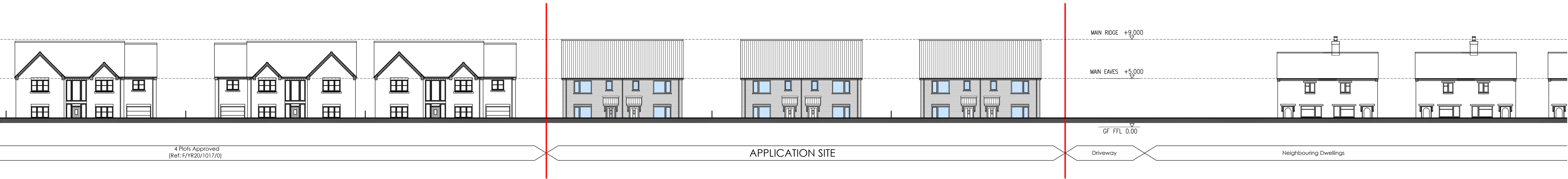
DRAWING  
LOCATION & SITE PLAN(S)

JOB NO. 7112/01F PAPER SIZE A1 DATE DEC 2024

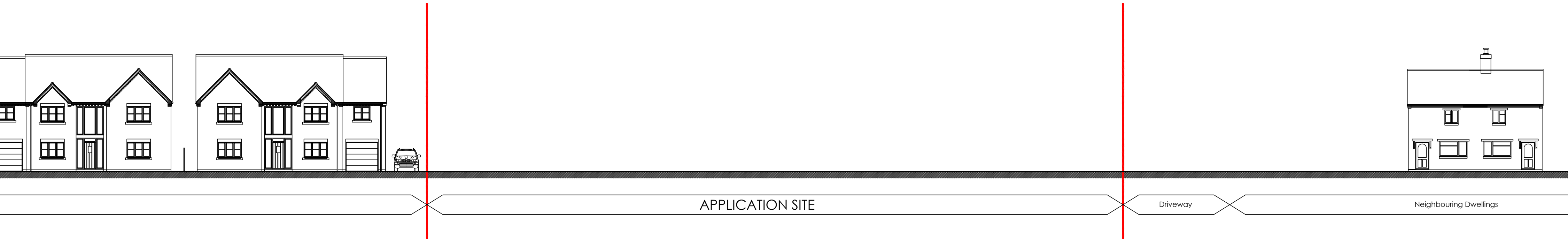
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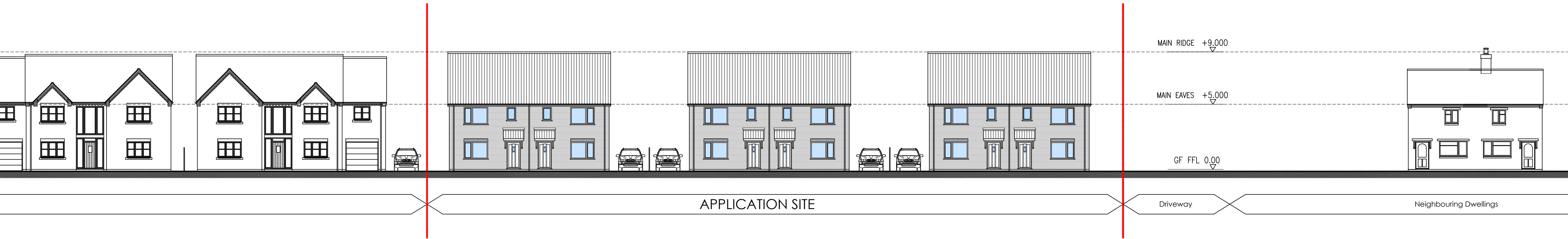




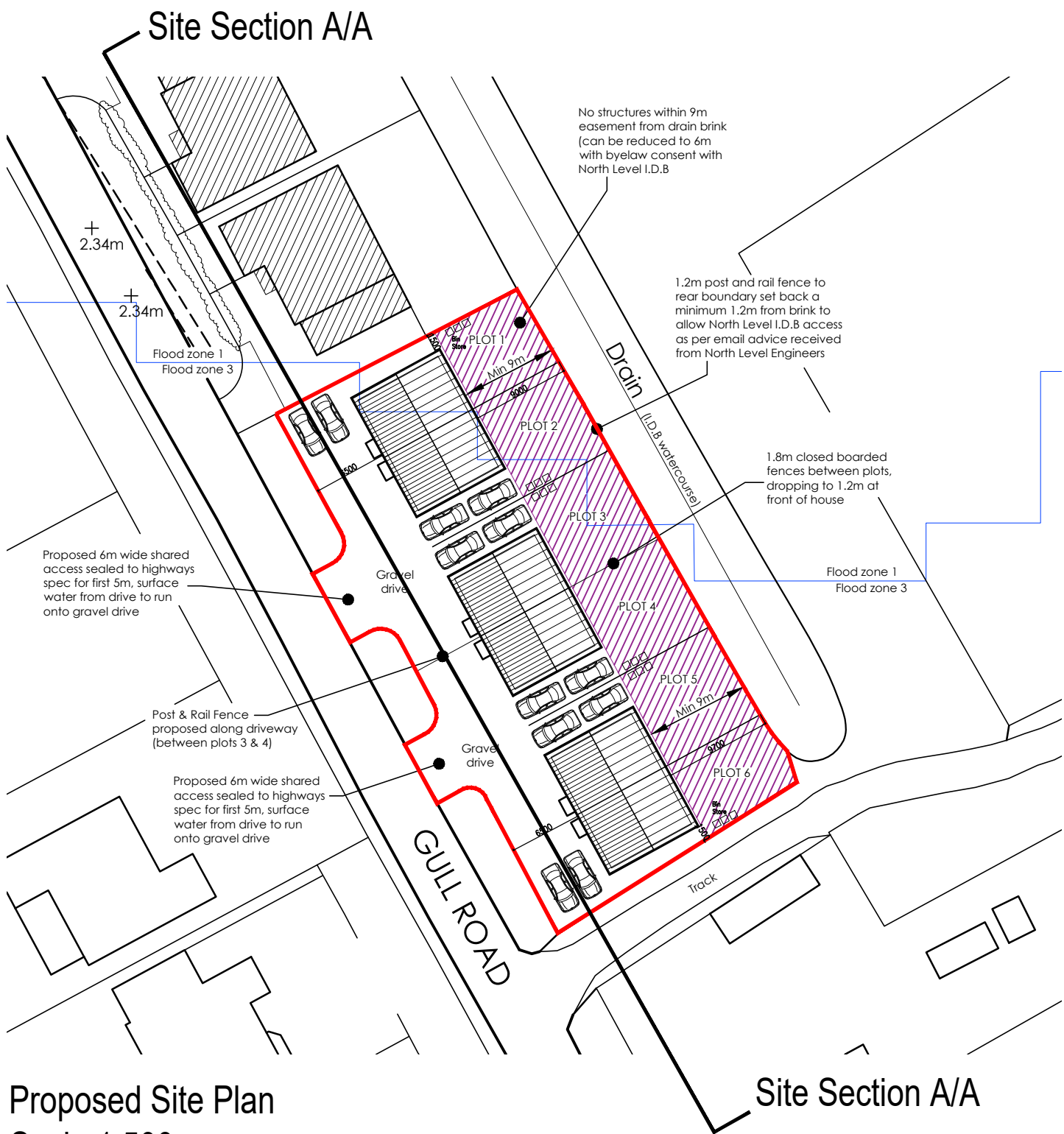
Proposed Street Scene  
Scale 1:200



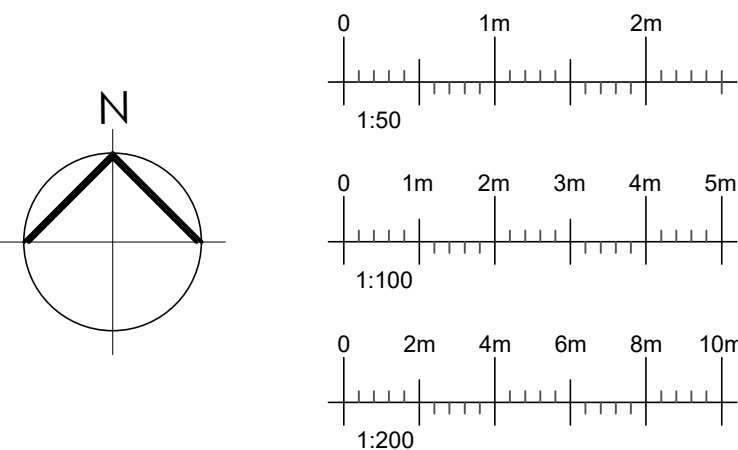
Existing Site Section  
Scale 1:200



Proposed Site Section  
Scale 1:200



Proposed Site Plan  
Scale 1:500



A - Updated ahead of invalidation comments (14.07.2025)

REVISIONS		
JOB NO.	PAPER SIZE	DATE
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CLIENT  
VILLAGE HOUSE LTD

PROJECT  
PROPOSED AFFORDABLE DWELLINGS

SITE  
LAND NORTH OF 1 GULL ROAD  
GULL ROAD  
GUYHIRN  
CAMBS  
PE13 4ER

PLANNING DRAWING(S)

DRAWING  
PROPOSED DRAWING(S)

**PHA**

**PETER HUMPHREY ASSOCIATES**

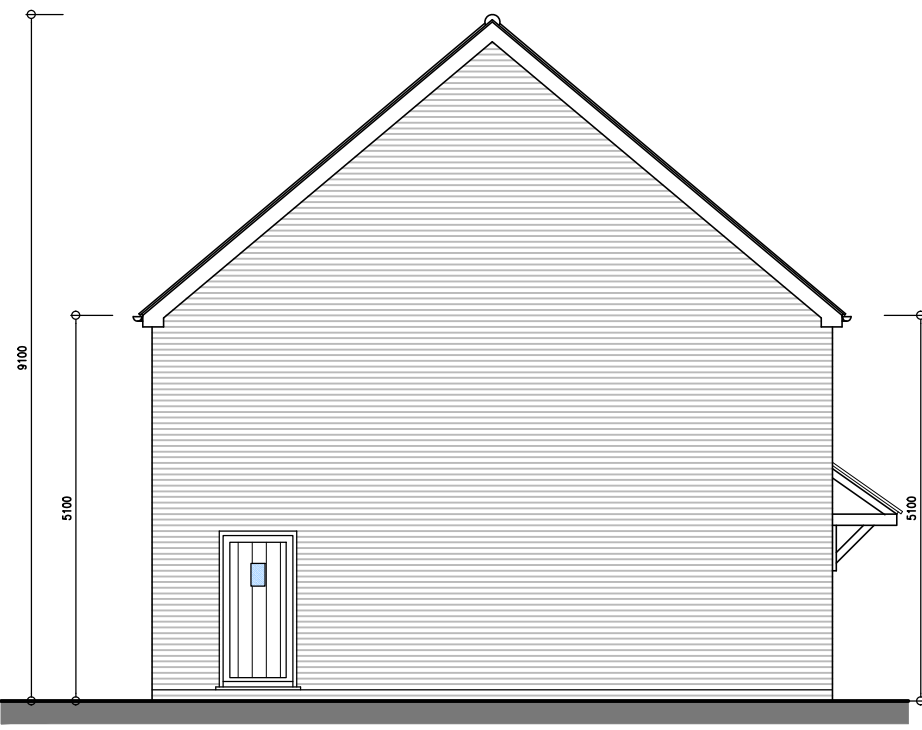
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TELEPHONE: 01945 466966  
E-MAIL: info@peterhumphrey.co.uk  
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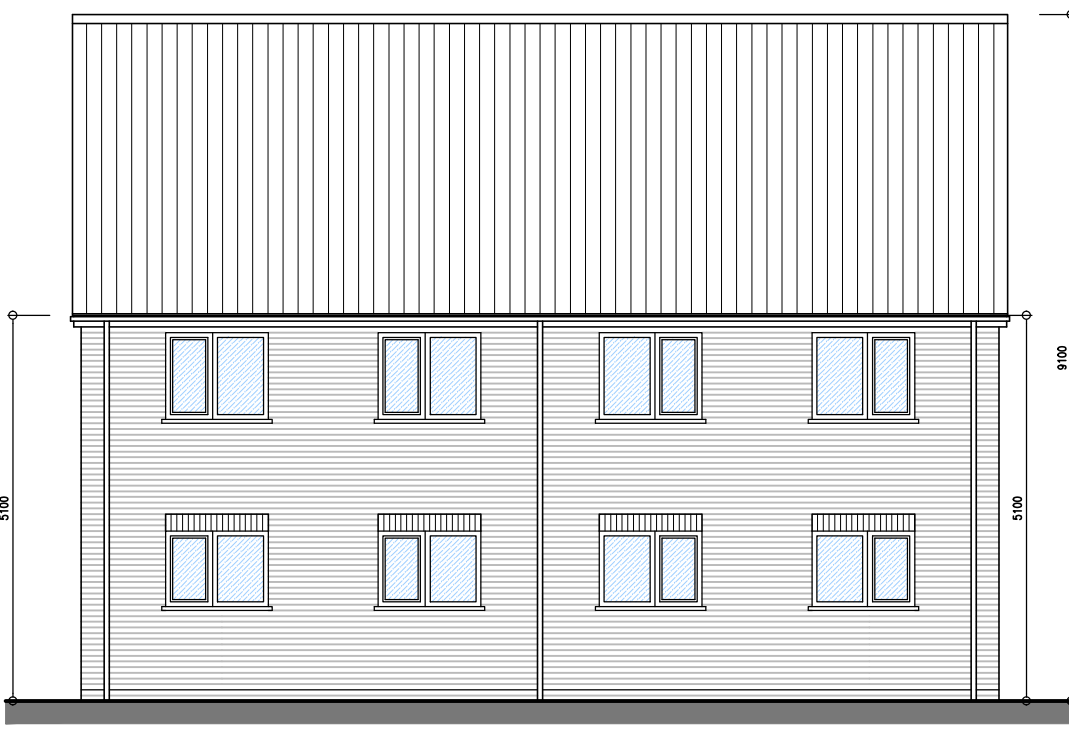




Proposed Front Elevation  
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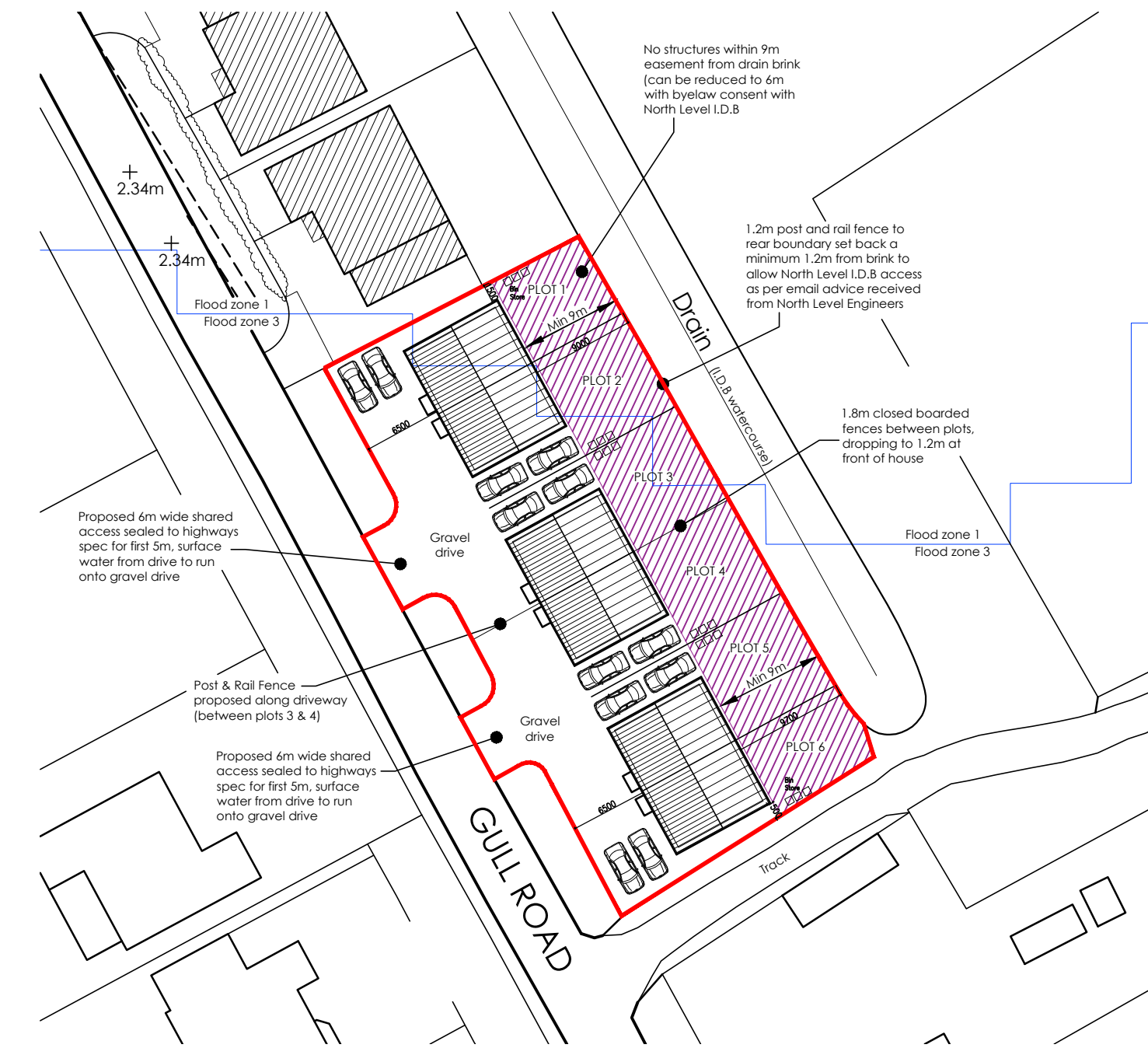
Proposed Side Elevation  
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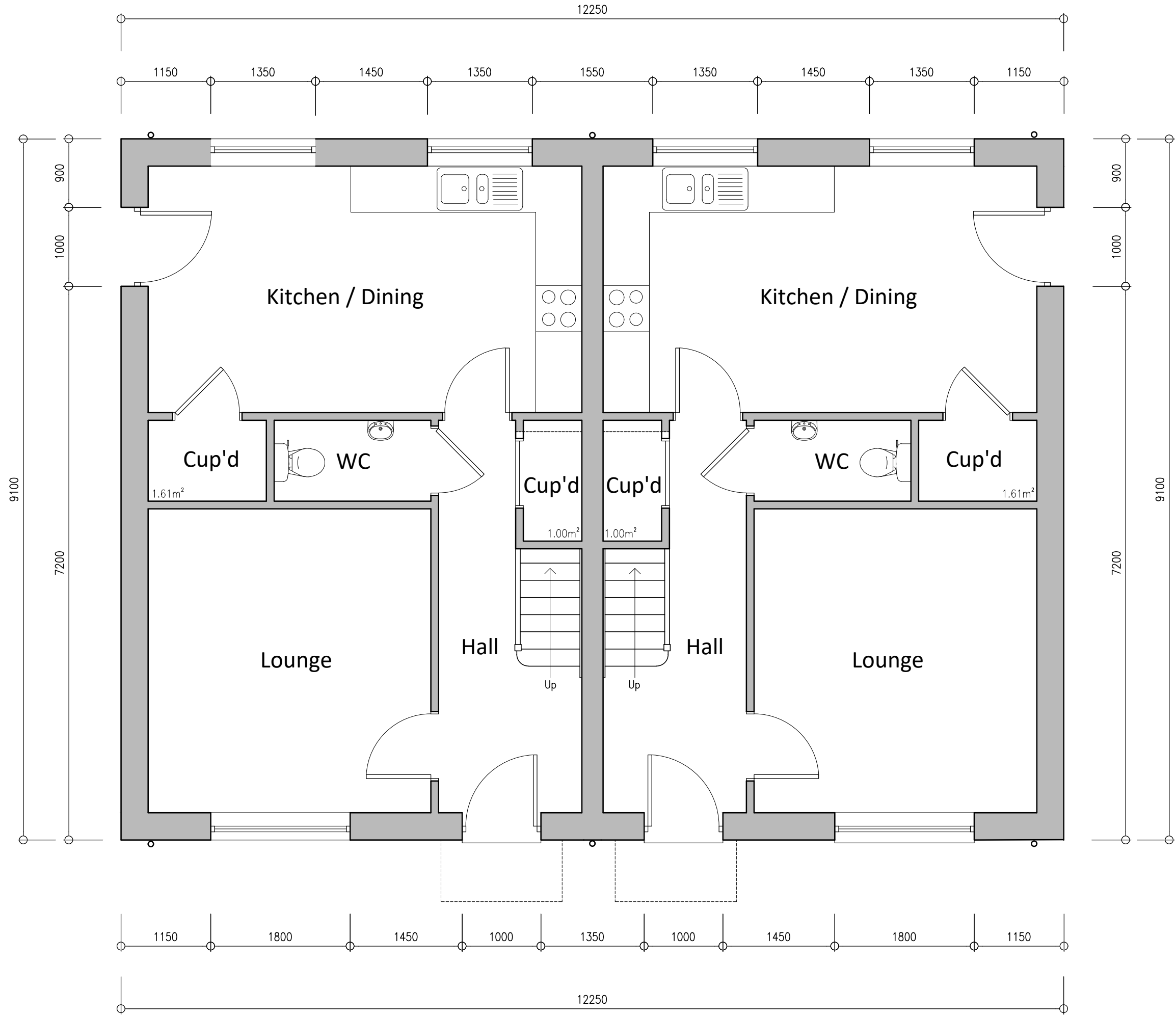
Proposed Rear Elevation  
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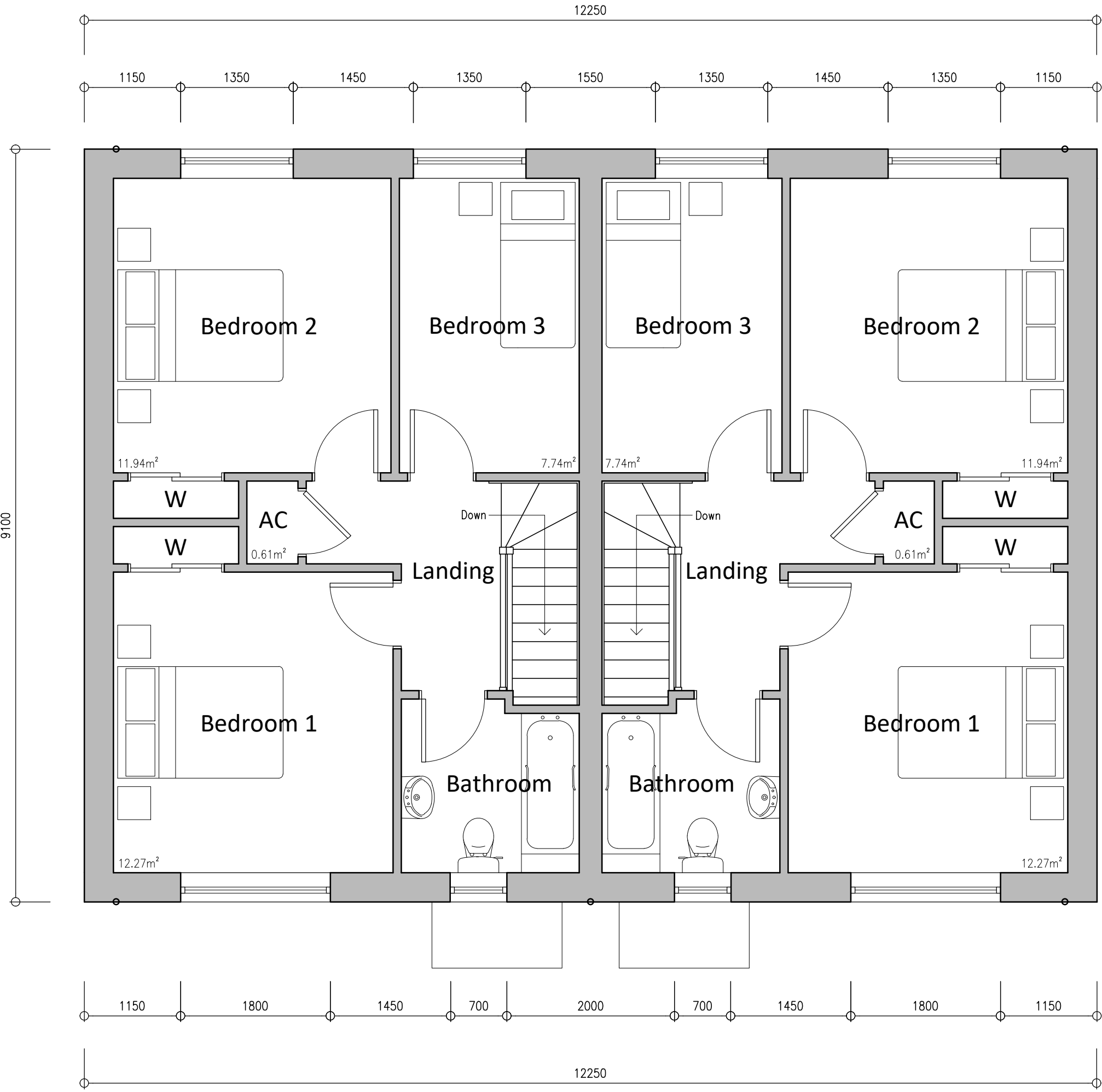
Proposed Side Elevation  
Scale 1:100



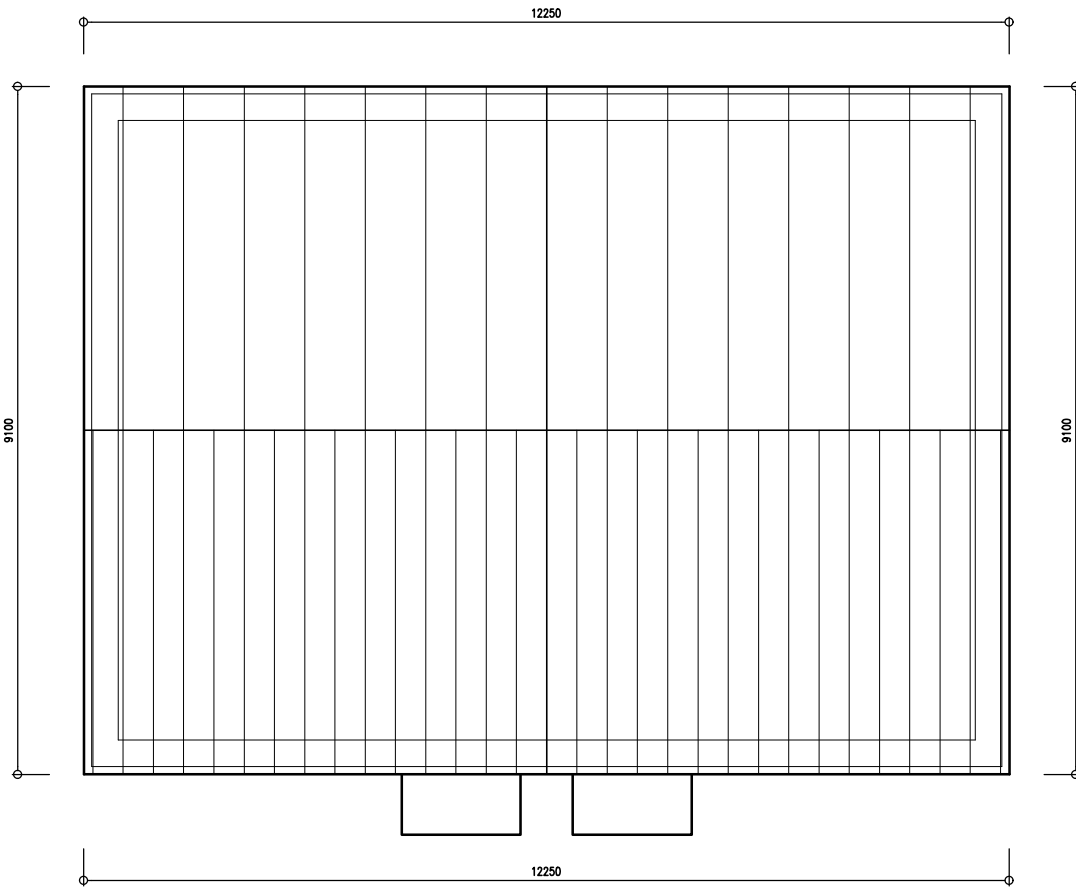
Proposed Site Plan  
Scale 1:500



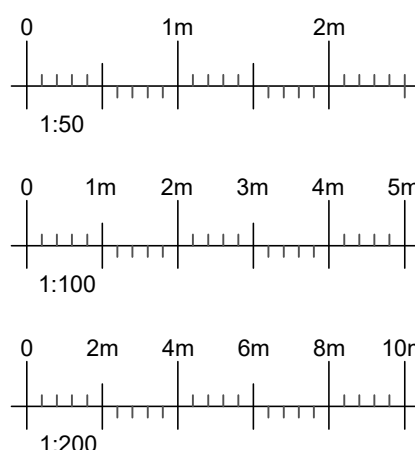
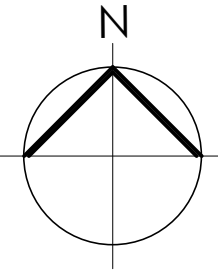
Proposed Ground Floor Plan  
Scale 1:50



Proposed First Floor Plan  
Scale 1:50



Proposed Roof Plan  
Scale 1:100



E - Updated ahead of Invalidation comments (14.07.2025)  
D - Site application boundary updated. (11.06.2025)

C - Site Plan updated, as requested by client. (06.05.2025)  
B - Site Plan updated, as requested by client. (08.12.2024)  
A - Plot layouts within the site amended, at client request. (05.12.2024)

REVISIONS

JOB NO.	PAPER SIZE	DATE
7112/02E	A1	DEC 2024

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PLANNING DRAWING(S)

DRAWING  
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