
F/YR18/1095/O

Applicant: Mr & Mrs K Smith

**Agent : Mr G Edwards
Swann Edwards Architecture Limited**

The Laurels, High Road, Bunkers Hill, Wisbech

Erection of up to 3 no dwellings involving demolition of existing dwelling and outbuildings (outline application with all matters reserved)

Reason for Committee: 6 letters of support have been received which are at variance to the Officer recommendation, which is also contrary to the recommendation of the Parish Council.

1 EXECUTIVE SUMMARY

The proposal is for up to three dwellings, (Outline application with all matters reserved), within the area known as Bunkers Hill which is considered to be an 'elsewhere' location in policy LP3 of the Fenland Local Plan.

As an elsewhere location residential development is only supported where it is essential for agriculture, forestry or other countryside activities and as no such justification is given in respect of this scheme the proposal must be viewed as contrary to Policy LP3.

Furthermore consolidating development and introducing a footway is likely to result in additional urbanising impact harming the character of this part of this part of High Road, Bunkers Hill and is therefore considered contrary to Policy LP12 and LP16.

The site is also within a Flood Zone 3 location and the development is required to pass the Sequential and Exception Tests. Although it is anticipated that the agent will be seeking to provide sequential test information the application came forward without such details. That said as the site is considered to be an 'elsewhere location' the sequential test would need to demonstrate that there are no other more sequentially preferable sites within the district as a whole; it is evident that this could not be achieved and as such the scheme is rendered contrary to Policy LP14, the Cambridgeshire Flood and Water SPD and Paragraphs 158 and 160 of the NPPF.

The recommendation is therefore to refuse the application.

2 SITE DESCRIPTION:

- 2.1 The site lies to the west of High Road, Bunkers Hill and south of Rat Row a single width track that serves circa 8 premises, with two of these having a frontage to High Road. It comprises the property known as The Laurels which is a small fen cottage situated to the southern section of the site adjacent to The Sycamores which is a two storey dwelling sited along the common boundary with The Laurels.

- 2.2 The site is bounded by low level hedging and the garden associated with the property is largely overgrown, there is a grass/earth verge to the Willock Lane frontage and an impressive tree to the . There is evidence of an access in the northern corner of the site. Whilst there are two large dwellings situated to the west and south-west of the application site these occupy a secondary position within the street scene and do not influence the strong linear features of the Bunkers Hill settlement.
- 2.3 Bunkers Hill is a small hamlet of dwellings situated some 1.4 km from the centre of the village of Wisbech St Mary (centre derived to be the primary school); the route to the village school is served in part by footpaths, however a 400 metre stretch within what is largely a 60 mph zone, does not benefit from a footway which reduces the accessibility of the main village on foot.
- 2.4 The site is within a flood zone 3 location.

3 PROPOSAL

- 3.1 This application seeks outline planning for the erection of up to three dwellings on the site of the original detached two-storey cottage; all matters are reserved for later consideration albeit an illustrative layout has been provided which details how the site could be developed
- 3.2 A footway to the front of the site, running alongside the highway known Rat Row, is shown as part of the illustrative scheme.

Full plans and associated documents for this application can be found at:
<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=summary&keyVal=PIT571HE01K00>

4 SITE PLANNING HISTORY

F/96/0470/O	Erection of 3 dwellings	Refused 30/10/1996
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5 CONSULTATIONS

- 5.1 **Parish Council:** Recommend Approval
- 5.2 **Cambridgeshire County Council Highways Authority:** *The application is an all matters reserved application for the demolition of a single dwelling and the erection of three plots. From a policy compliant point of view a 1.8m wide footway should be secured along the site frontage up to plot 3 linking to the existing pedestrian infrastructure out on High Road. I am happy for this to be secured via a condition or a general arrangement plan can be submitted as part of this application which can be referred to in a condition. At reserve matters stage the applicant should ensure that the accesses are sealed and drained away from the public highway for the minimum length of 6m. Defer for amended plans or re-consult for condition recommendations.*
- 5.3 **Environment Agency:** *[Raise] no objection to the proposed development but [...] make comments [re] the National Planning Policy Framework Flood Risk Sequential Test. In accordance with the National Planning Policy Framework (NPPF) paragraph 158, development should not be permitted if there are*

reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the Local Planning Authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the NPPF [...]. By consulting us on this planning application we assume that your Authority has applied and deemed the site to have passed the NPPF Sequential Test. Please be aware that although we have raised no objection to this planning application on flood risk grounds this should not be taken to mean that we consider the proposal to have passed the Sequential Test.

Review of Flood Risk Assessment (FRA) [EA] have no objection to the proposed development but strongly recommend the mitigation measures detailed in the submitted Flood Risk Assessment (FRA) (November 2018, GCB Swann Edwards, Geoff Beel Consultancy) and the following mitigation measures detailed within the FRA:

- Finished floor levels are set no lower than 300mm above existing ground level.*
- Flood resilience measures will be incorporated into the proposed development as stated in the FRA*

Advice also provided to Applicant regarding Flood Resilient Measures, Flood Warning and Foul Drainage

5.4 FDC Scientific Officer (Land Contamination): *Note and accept the submitted information and have 'No Objections' to the proposed development. The proposal is unlikely to have a detrimental effect on local air quality or the noise climate. As the proposal involves the demolition of an existing structure the unsuspected contamination condition is applicable.*

5.5 North Level Internal Drainage Board: *Board has no objection in principle however formal land drainage consent will be required to form the proposed new access over the riparian roadside drain*

5.6 Local Residents/Interested Parties

Objectors: One letter of objection has been received which may be summarised as follows:

- Density and overdevelopment: consider a single bungalow with garden would be more appropriate; three houses with limited surround space is overdevelopment. No gas in area; if oil heating used storage tanks required and there is little room behind properties
- Drainage: properties would need septic tanks and drain fields, limited space for these
- Loss of view/outlook
- Noise: parties and loud music in the limited area behind each house
- Overlooking/loss of privacy/shadowing and loss of light
- Parking arrangements: plans show 2 spaces per property - once other family members get cars where will they park - hopefully not on the roadside in Willock Lane
- Plans show trees/greenery against back fence - concerned about potential size as these grow because of root structure and blocking light
- Query electricity supply, would hope that this is underground

Supporters: Six letters of support have been received which may be summarised as follows:

- New houses would clean up our street, property has been run-down and overgrown for some time
- New families will get the opportunity to move into the village in order to benefit local businesses and facilities
- Properties will sustain the village so that it does not become stale and the diversity of residents is key to the success of the village going into the future
- Housing will be provided close to public transport which stops out the front of the site and the bus stop opposite
- Additional housing will secure the extension of the footpath link to village which will be safer for children to get to facilities in the village
- Will smarten up the area.

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).

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework

Para 11 – Presumption in favour of sustainable development

Para 47 – Decisions should accord with the development plan

Para 102 – Promoting sustainable transport

Chapter 14 - Meeting the challenge of climate change, flooding & coastal change.

Para 170 – Conserving and enhancing the natural environment

7.2 National Planning Policy Guidance

7.3 Fenland District Wide Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development;

LP2 – Facilitating Health and Wellbeing of Fenland Residents;

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside;

LP4 – Housing;

LP12 – Rural Area 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 Dist

7.4 Cambridgeshire Flood Water Supplementary Planning Document (SPD)

8 KEY ISSUES

- **Background**
- **Principle of Development**
- **Character of area and design considerations**
- **Residential amenity**
- **Flood risk and the sequential test**
- **Highways and access**
- **Natural environment**

9 BACKGROUND

9.1 The design and access statement which accompanies the proposal states that there is no planning history associated with the site however it is noted that there was an earlier application in 1996 for a similar scheme which was refused on the following grounds:

- Considered contrary to policy as it would represent development in the countryside not essential for agriculture etc.
- Housing development outside a development area boundary
- Form of residential development inappropriate to the site within a small housing group in the open countryside.
- If permitted development would detract from the rural appearance and character of the area and set a precedent for similar proposals which the LPA would find increasingly difficult to resist.
- Proposed access to the site is inadequate and below the standard required by reason of inadequate width and pedestrian access.
- Manoeuvring of vehicles likely to be generated by the proposed development would have an adverse effect of the safety and free flow of traffic on the adjoining public highway.

10 ASSESSMENT

Principle of Development

- 10.1 The site is considered to be an elsewhere location as it has no direct relationship with the village of Wisbech St Mary, presenting as it does as a small hamlet detached from the main village and its services. Against this backdrop the scheme should be assessed against policy LP3 and accordingly there would be no presumption in favour of the additional units, unless they were essential for the purposes of agriculture, forestry etc.
- 10.2 It is noted that within the submission that the agent asserts that the LPA does not have a 5-year land supply; it also refers back to the past iteration of the NPPF and as such it is assumed that this is an issue with the timing of the submission of the scheme rather than a policy challenge. Nonetheless there is nothing to suggest that the scheme should not be considered against current planning policies as contained within the FLP.
- 10.3 Such considerations extend to character and form, residential amenity, site features, highways and access and flood risk; these issues aligning with Policies LP14, LP15, LP16 and LP19

Character of area and design considerations

- 10.4 Although the agent has asserts that the site falls within the built form of Wisbech St Mary it is considered that Bunkers Hill is a distinct pocket of development set away from the village core.
- 10.5 It is acknowledged that there are dwellings immediately to the rear of the site; these being Walpole Hall and Stamford Bridge. The former of these dwellings appears on the 2003 GIS imagery which also shows foundations of Stamford Bridge and both these dwellings predate the current local plan.

- 10.6 Notwithstanding the presence of these large dwellings and others accessed from Rat Row it is considered that the built form along High Road is largely frontage development, linear in form, with The Laurels maintaining this character.
- 10.7 It is considered that introducing 3 dwellings at depth within the plot will detract from the character of the area and would be at variance to the street scene and that the cumulative impact of the three units would be of significant detriment to the character of the hamlet which is largely unplanned in its form and character. On this basis the scheme is felt to be contrary to Policy LP16 of the FLP and should be resisted

Residential amenity

- 10.8 The comments of the neighbouring occupier are noted in terms of the impact that development of this site at the level proposed would have on residential amenity in terms of the built form and associated impacts. It is considered that a scheme could be developed without detriment to residential amenity and that the noise impacts associated with the occupation of three residential units would not be so significant as to render the scheme unacceptable in residential amenity terms.
- 10.9 The site is to the north of The Sycamores, which shares a common boundary, and is at some distance from Walnut Cottage, which is situated to the opposite side of the junction with Rat Row; as such there are no issues of overshadowing likely to arise. Furthermore the site is of sufficient dimensions to deliver appropriate levels of amenity space, subject to detailed design and as such no adverse residential amenity impacts are envisaged and compliance with policies LP2 and LP16 is achievable.

Flood risk and the sequential test

- 10.10 The site is within a flood zone 3 location and the entire site is within this designation. Whilst a flood risk assessment accompanies the submission there is no corresponding sequential test or exception test included within the submission as such the scheme does not comply with Policy LP14 of the FLP.
- 10.11 The agent has been alerted to the above and it is anticipated that they will seek to address this information deficit. Notwithstanding this there is a variance of opinion as to the area of search to be adopted in evidencing compliance with the sequential test. In that the agent has indicated that the area of search should be the parish of Wisbech St Mary; however as Bunkers Hill is considered to be outside the settlement of Wisbech St Mary and an elsewhere location it is considered that the area of search should extend to the district as a whole. In this regard it is clear that there is no potential for the site to achieve compliance with the sequential test. Furthermore it is acknowledged that there are a number of extant planning permissions within Wisbech St Mary which it is considered would render it impossible to satisfy the sequential test even if a smaller 'search area' was accepted.

Highways and access

- 10.12 The Local Highways team have raised no objection to the proposal subject to the scheme securing the delivery of a 1.8 metre wide footway along the site frontage up to plot 3 linking to the existing pedestrian infrastructure out on High Road. They also make recommendations with regard to access construction, noting that these requirements may be secured by condition.

- 10.13 The agent has amended the plans to reflect the highway requirements however it is clear that the delivery of such a footway will have implications for the character of the location as it will give undue prominence to what is essentially a rural road. Furthermore delivering a footway along a short section of highway which is devoid elsewhere of footways will do little to enhance connectivity other than to the intended householders.
- 10.14 The scheme has the potential to achieve compliance with Policies LP15 and LP16 with regard to highway safety and parking.

Natural environment

- 10.15 There are two significant trees situated along the frontage of the site, with the Sycamore to the southern corner being the subject of TPO 07/92. The scheme makes provision for the protection of these trees through the use of protective fencing.
- 10.16 A biodiversity checklist accompanies the submission along with a general statement regarding the biodiversity considerations pertinent to the site. It is considered that, subject to a safeguarding condition regarding vegetation removal outside bird breeding season etc, the scheme has the potential to accord with policies LP16 & LP19 of the FLP.

11 CONCLUSIONS

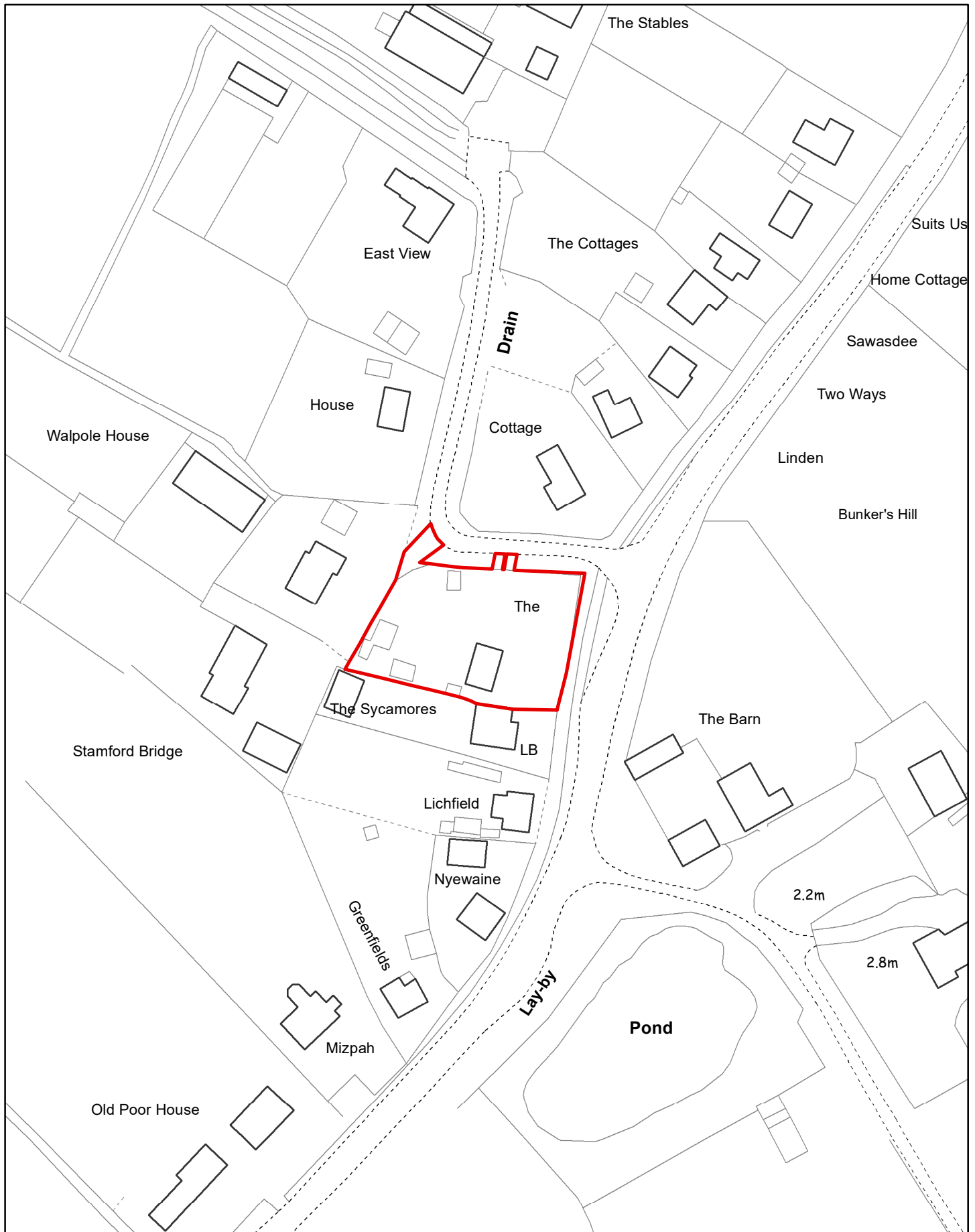
- 11.1 Bunkers Hill is a small hamlet of residential units with a strong linear emphasis addressing High Road, it is significantly detached from the main village core and as such the site is considered to be an unsustainable location that for the purposes of Policy LP3 is an elsewhere location. Against this backdrop and in the absence of any justification to the contrary the scheme does not achieve compliance with Policy LP3. In addition the consolidation of development resulting in the increase in dwellings on the site and the introduction of a footway along the site frontage would further detract from the rural characteristics of this hamlet to the detriment of the area and this is considered contrary to Policy LP16.
- 11.2 Furthermore the scheme fails to demonstrate that there are no sequentially preferable sites

12 RECOMMENDATION: Refuse

- 1 Policy LP3 of the Fenland Local Plan 2014 and National Planning Policy Framework guidance steers new development to built-up areas that offer the best access to services and facilities. This is unless it can be demonstrated that such development is essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services, or that there is a justifiable reason for locating development in the proposed location. The area of Bunkers Hill is sufficiently detached from the village core of Wisbech St Mary to render this an unsustainable rural location and therefore the principle of development would not be consistent with this policy and national guidance. Whilst the national planning guidance seeks to support a prosperous rural economy this does not override the need to ensure that development is located in the most accessible and sustainable locations. The proposed development is located in an unsustainable location outside any settlement limits where development is not normally supported unless justified. No adequate justification

has been submitted to the local planning authority. The proposal is therefore contrary to Local Plan Policies LP3 and LP12 of the Fenland Local Plan 2014.

- 2 Policy LP16 (d) seeks for new proposals to not have an adverse impact on local character. The introduction of three dwellings on this site would be detrimental to the prevailing character of Bunker Hill which has a strong emphasis towards linear development addressing the main High Road. It is considered that the proposal would unacceptably consolidate the amount of built development in the locality, which would detract from the rural character and appearance of the area. The proposal is therefore contrary to policy LP16 (d) of the Fenland Local Plan 2014.
- 3 Policies LP2, LP14 and LP16 seek to deliver high quality environments, ensuring that people are not put at identified risks from development thereby avoiding adverse impacts. Policy LP14 (Part B) of the Fenland Local Plan (2014) requires development proposals in high flood risk areas to undergo a sequential test to demonstrate through evidence that the proposal cannot be delivered elsewhere in an area at lower risk of flooding. Policy LP2 seeks to deliver high quality environments, ensuring that people are not put at identified risks from development thereby avoiding adverse impacts in the interests of health and wellbeing. The site lies within Flood Zone 3 which is a high risk flood area. The applicant has failed to demonstrate that the development could not be delivered in an area of lower flood risk thereby failing LP14 (Part B). Consequently, the proposal also fails to satisfy policy LP2 of the Fenland Local Plan as it fails to deliver a high quality environment and unjustifiably puts future occupants and property at a higher risk of flooding



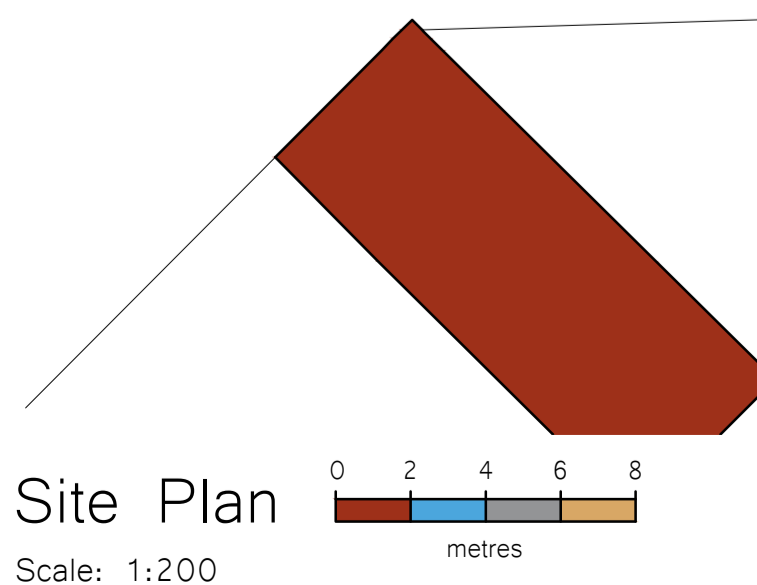
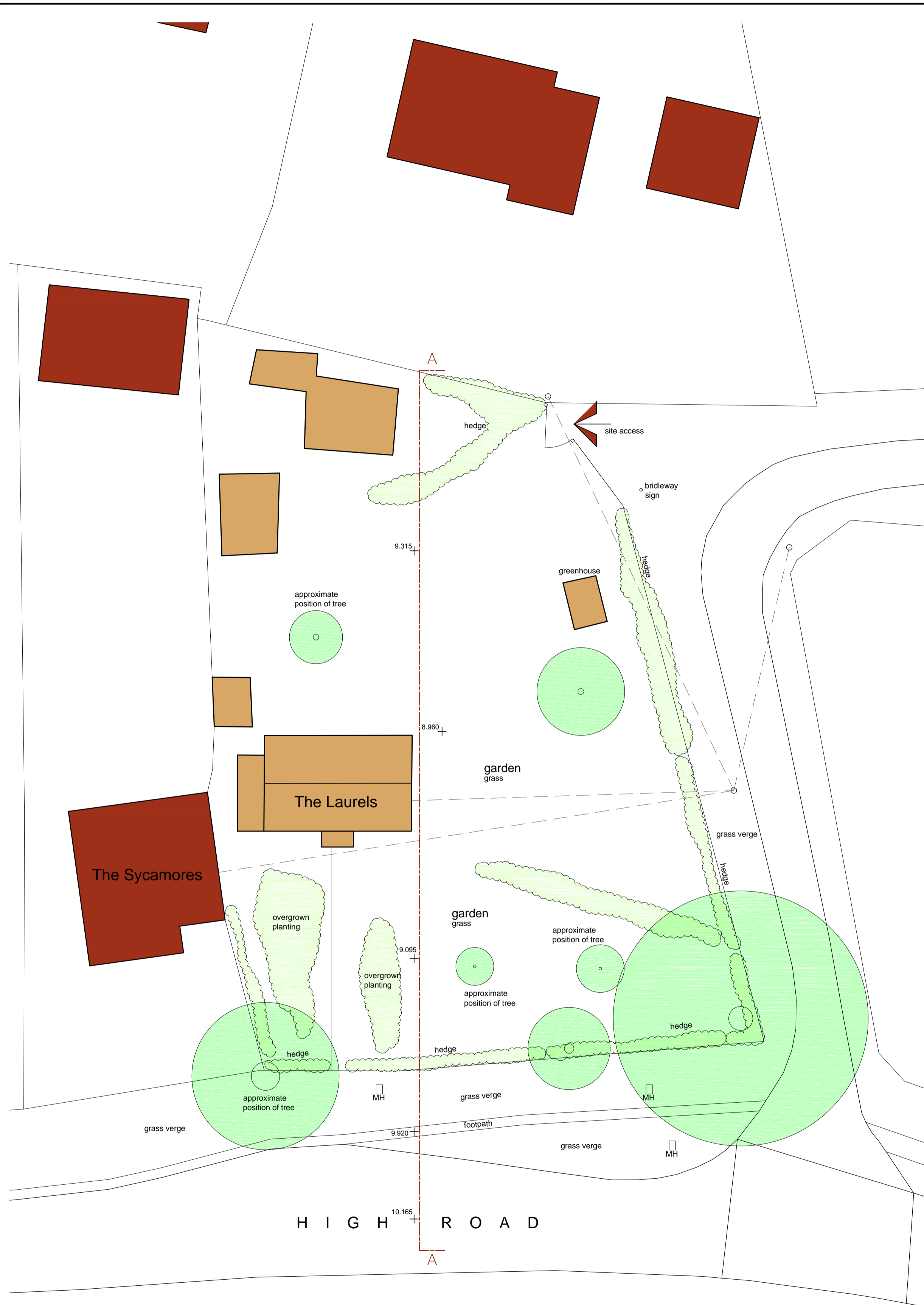
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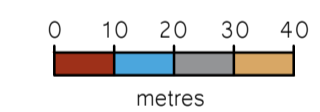
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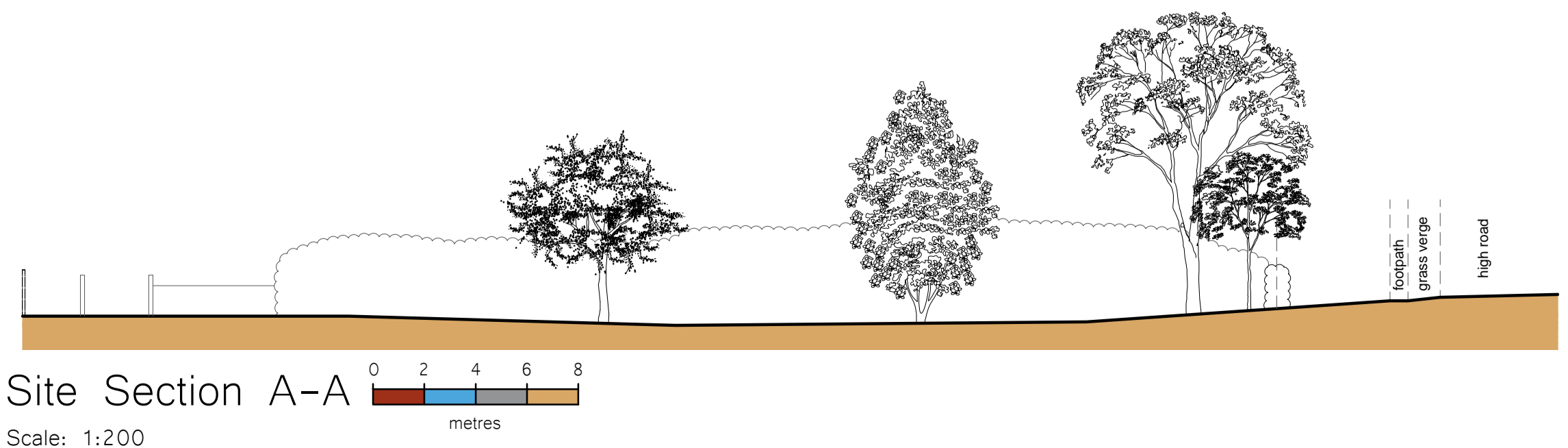




Location Plan
Scale: 1:1250



Back	Inter	Fore	Rise	Fall	Reduced Level	Comments
1.870					10.000	TBM
	1.705		0.165		10.165	1
	1.950			0.245	9.920	2
	2.775			0.825	9.095	3
	2.190			0.135	8.960	4
	2.555		0.355		9.315	5
		1.870	0.685		10.000	TBM



- General Notes
1. This drawing shall not be scaled, figured dimensions only to be used.
 2. All dimensions are shown in "mm" unless otherwise stated.
 3. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
 4. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and specifications.
 5. Any discrepancies are to be brought to the designers attention.

SITE PLAN KEY

- host property - buildings unsurveyed
- site access
- unsurveyed buildings from OS plan
- existing trees
- existing hedges and planting

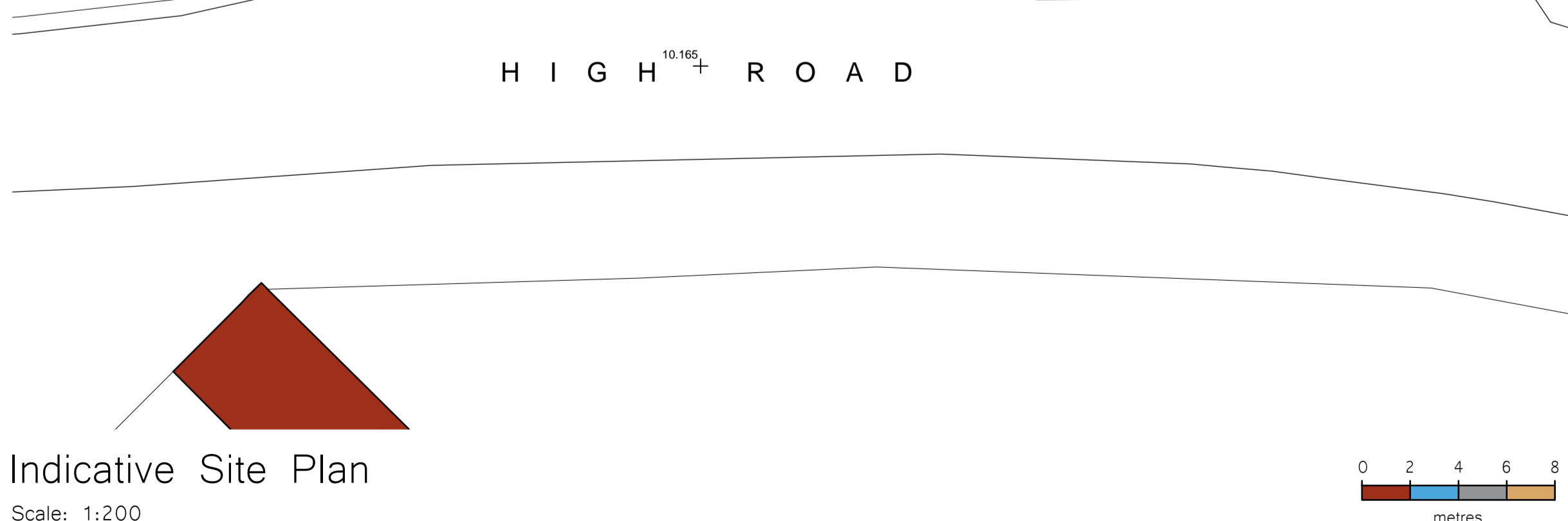
Revisions

A	Dec 2018	Location plan scale revised
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Status
FOR COMMENT

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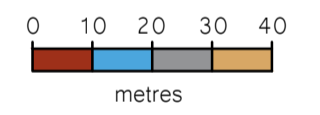
Job Title Proposed 3No. Dwellings High Road, Bunkers Hill Wisbech St Mary, PE13 4SQ for Mr and Mrs K Smith	Date September 2018	Scale As Shown Sheet Size A1
Drawing Title Survey Drawing	Job No. SE-1078	Drawn by CR
Dwg No. 01	Revision A	



Indicative Site Plan
Scale: 1:200



Location Plan
Scale: 1:1250



Method statement for protection of trees on site during construction

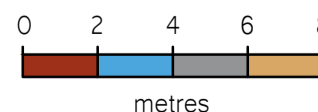
- Prior to the commencement of any construction work on site, protective fencing shall be erected around each tree or tree group. Protective fencing in accordance with above table and BS 5837 unless otherwise agreed in writing with the local Planning Authority. Please see protected areas marked on proposed site plan.
- No trenches or pipe runs for services and drains shall be sited within 4m of the trunk of any trees retained on the site, unless otherwise agreed in writing with the local Planning Authority.
- New hard surfaces or paths in accordance with minimum recommended distances for protective fencing.
- No burning shall take place in a position where the flames could extend to within 5m of foliage, branches or the trunk of any tree to be retained.

Method statement for nature conservation

- The existing remaining tree on site is to be protected as above for the duration of the construction to safeguard the habitats of any nesting birds that may be present.



Indicative Street Scene
Scale: 1:200



- General Notes
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SITE PLAN KEY

- Buildings and structures to be removed
- Site access
- Unsurveyed buildings from OS plan
- Existing trees
- Existing hedges and planting
- Proposed trees and vegetation
- Proposed grassed areas
- Proposed gravel driveways
- Proposed patios

Revisions

A	Dec 2018	Tree Protection note added and location plan scale revised
B	Jan 2019	Highways footpath added

Status

FOR APPROVAL

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Proposed 3No. Dwellings High Road, Bunkers Hill Wisbech St Mary, PE13 4SQ for Mr and Mrs K Smith	Job Title Date September 2018	Scale As Shown Sheet Size A1
Drawing Title Indicative Site Plan, Location Plan and Indicative Street Scene	Job No. SE-1078 Dwg No. 10	Drawn by M.N. Revision B