
F/YR19/0294/O

Applicant: Mr Fennelow

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

Land North Of 3A-15, High Road, Gorefield, Cambridgeshire

Erection of up to 5no dwellings (outline application with matters committed in respect of access)

This application is a minor application.

Reason for Committee: The Officer's recommendation is contrary to the Parish Council's and the 9 letters of support received for the scheme

1 EXECUTIVE SUMMARY

The application seeks outline planning permission (with only access committed) for residential development of the site for up to 5 dwellings.

The site considered to fall outside the developed footprint of Gorefield – defined as a 'Small Village' under policy LP3 of the Fenland Local Plan. LP3 states that development in Small Villages will be considered on its merits but will normally be limited in scale to residential infilling. This proposal is for up to 5 dwellings in an area of open countryside (having regard to the definition of developed footprint under LP12) and is not considered to be infill development or that of limited scale. The principle of development of this site is therefore considered contrary to Policy LP3.

Furthermore, the development would erode the rural, open character of the countryside, instead introducing a ribbon development resulting in an urbanising impact and failing to respect the core settlement form of Gorefield contrary to Policy LP12(c d and e) and LP16(d).

Finally, the site lies in Flood Zone 2 (medium risk). Whilst the applicant has submitted a sequential test it is considered that the scope of the test is too restricted and the application therefore fails to demonstrate that the development could not be secured on an alternative site at a lower risk of flooding contrary to Policy LP14 of the Fenland Local Plan and the Chapter 4 of the Cambridgeshire Flood and Water SPD and para 100 of the NPPF.

Whilst the site offers no technical issues e.g. in respect of highways, contamination or biodiversity, the significant harm resulting from the development is considered to substantially outweigh the modest benefits that the development could achieve.

The recommendation is to refuse the application.

2 SITE DESCRIPTION

- 2.1 The site comprises 0.48Ha of high grade agricultural land located to the east of Gorefield. The site fronts onto High Road and directly opposite a line of primarily single-storey dwellings which continue along the south of High Road into the

settlement of Gorefield. Open countryside extends beyond the site to the north and east and is currently being farmed for cereal crop. Immediately west is the garden land of 40 High Road. Further west are 3 more dwellings separated by garden land and agricultural accesses. A farm yard stretches across the rear of these properties and extends to the planned estate of Churchill Road to the east.

2.2 The site lies in Flood Zone 2 (medium probability of flooding).

3 PROPOSAL

3.1 The application seeks outline planning permission for the residential development of the site for up to 5 dwellings.

3.2 The application is in outline with only access committed. Matters of layout, scale, appearance and landscaping are reserved for future consideration. Notwithstanding this, the applicant has provided an illustrative layout and elevations plan to indicate how the dwellings could be arranged within the site and could appear on the street scene.

3.3 The indicative plan denotes a linear row of 5 dwellings extending along the frontage with individual accesses onto High Road. The elevational plans denote 2-storey dwellings comprising a mixture of chalet-style and traditional 2-storey units.

3.4 The application includes the following supporting documents:

- Flood Risk Assessment
- Existing site plan (Survey Drawing) ref: SE-1093 100
- Location plan, Indicative Site and Street view plan ref: SE-1093 1000 B
- Design and Access Statement
- Initial biodiversity checklist
- Flood Risk Sequential Test statement

3.5 Full plans and associated documents for this application can be found at:

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

4 SITE PLANNING HISTORY

Reference	Description	Decision
18/0143/PREAPP	Erection of 9 dwellings at Land North of 1 - 11 High Road, Gorefield.	Planning application not encouraged by Officers

5 CONSULTATIONS

Parish Council

5.1 Supports the proposal considering it will be an asset to the street scene at the entry to the village.

Environment Agency

- 5.2 Raises no objection and advises following the standing advice for development in flood Zone 2 in respect of;
- surface water management
 - access and evacuation
 - floor levels
 - flood resilience measures

FDC Scientific Officer (Land Contamination)

- 5.3 Raises no objection – considers it is unlikely to have a detrimental effect on local air quality and the noise climate, or be affected by ground contamination.

Cambridgeshire County Council Highways Authority

- 5.4 Following receipt of amended site plan denoting access (ref: SE-1093 1000 B) advises that they have no objection subject to conditions securing;

1. Standard outline condition securing reserve matters
2. Condition securing details of 1.8m footway along the site frontage (linking all proposed accesses). Delivered prior to occupation.
3. Access to be constructed including visibility splays prior to occupation.

PCC Wildlife Officer

- 5.5 Notes that the "Initial Biodiversity Report" has not been completed by a suitably qualified ecologist or produced to any recognised environmental standard, and therefore holds little or no weight. Notwithstanding this, given the lack of suitable habitats within the application site, considers that the proposal is unlikely to result in any adverse impacts to protected species or habitats. Advises that a number of bird nesting and/ or bat roosting features and details of any fencing to allow access for small mammals is secured via condition to enhance the development for biodiversity.

Local Residents/Interested Parties

5.6 **Objectors**

3 letters of objection received raising the following concerns;

- Devaluing of property
- Loss of view/ outlook
- Speeding traffic/ busy road/ parking of contractors vehicles
- Agricultural land
- Design/Appearance/ visual impact
- Does not comply with policy
- Environmental Concerns
- Light Pollution
- Out of character/not in keep with area
- Wildlife Concerns
- Would set a precedent
- covenant in the village restricting new builds - only to be granted if the property had space in the garden ,and said proposed property could be no larger than two thirds of the vacant garden
- No need for the housing given Wisbech growth
- Access concerns – opposite existing properties, parking on the road
- Flooding

- Noise
- Proximity to property
- Residential amenity
- Shadowing/loss of light
- Waste/Litter
- Covenants restricting development

5.7 Supporters

9 letters of support received raising the following points;

- Relies on the growth of the village to support local business and services
- A suitable area to build a property in the village
- Would balance the road given the presence of dwellings on the south side
- Would hopefully slow traffic down
- Is inside the 30mph limit
- Sympathetic, well planned development along an established residential area
- In keeping with the development opposite
- Nothing historical and no easement with the field
- The small amount of homes would not overwhelm the area
- Would improve the character of the area and complete that particular part of the village

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 (NPPF)

Paragraph 2 & 47: Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise;

Paragraph 8: The three dimensions to sustainable development.

Paragraph 11: Presumption in favour of sustainable development.

Paragraph 78: Promoting sustainable development in rural areas.

Paragraph 127: Seek to ensure a good standard of amenity for all existing and future occupants.

Paragraph 102: Promoting sustainable transport

Chapter 5: Housing land supply

Paragraphs 124-130: Requiring good design

Paragraphs 170, 175: Conserving and enhancing the natural environment

Paragraphs 54-56: Planning conditions and obligations.

7.2 National Planning Practice Guidance (PPG)

7.3 Fenland Local Plan 2014 (FLP)

LP1: A Presumption in Favour of Sustainable Development

LP2: Facilitating Health and Wellbeing of Fenland Residents

LP3: Spatial Strategy, the Settlement Hierarchy and the Countryside
LP4: Housing
LP14: Climate Change and Flood Risk
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

Supplementary Planning Documents/ Guidance:

- Delivering & Protecting High Quality Environments in Fenland SPD (2014)
- Cambridgeshire Flood & water SPD (2016)
- The Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011) which includes the RECAP CCC Waste Management Design Guide SPD (2012)

8 KEY ISSUES

- **Principle of Development**
- **Impact on the character and appearance of the area**
- **Access & Highways**
- **Biodiversity & Ecology**
- **Resident Comments**

9 BACKGROUND

Pre-application

- 9.1 The applicant undertook pre-application advice prior to the submission of the application. The pre-application was for the erection of 9 dwellings and captured a wider extent of land than with this application, extending to the easternmost boundary adjacent to 2 High Road ('Homedale').
- 9.2 In summary, officers made the following comments;
- Policy LP3 identifies Gorefield as a small village whereby very limited development e.g. development normally limited to infill may be acceptable. Officers considered it was neither infill nor 'very limited' development.
 - Officers considered development of this site would erode the character and appearance of the surrounding countryside and farmland and would result in ribbon development extending and reinforcing the linear feature of the settlement contrary to LP12.
 - The site lies in Flood Zone 2 and therefore a sequential test would be required to be satisfied.
 - Recommended Cambs County Council Highways are contacted for pre-application discussion should they wish to progress an application (contrary to officer recommendation).

Recent appeals

- 9.3 Whilst each application should be determined on its own merits, Officers have had regard to 2 recent appeal decisions which are considered to have notable similarities to this application site in terms of the interpretation of residential infilling, the effect on the character and appearance of the open countryside and flood risk.

9.4 The appeal decisions are;

Application ref: [F/YR17/1115/F](#) Gull Road, Guyhirn (4 dwellings)
Appeal ref: [APP/D0515/W/18/3209265](#):

Application ref: [F/YR17/1213/O](#) High Road, Guyhirn (4 dwellings)
Appeal ref: [APP/D0515/W/18/3204206](#):

9.5 Both cases were dismissed at appeal by the Planning Inspector within the past 3 months and are considered material to the consideration of this application.

10 ASSESSMENT

Principle of Development

Settlement hierarchy

10.1 Policy LP3 of the Fenland Local Plan, 2014 ('the FLP') identifies Gorefield as a 'small village' where a development will be considered on its merits but will normally be limited in scale to residential infilling or a small business opportunity. The FLP under its glossary 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."

10.2 The development site abuts garden land to the east and extends to open countryside to the west. As such, the development is not considered to meet the definition of 'residential infilling' and is not very limited in scale, contrary to LP3.

10.3 However, regard is had to the latest NPPF whereby Paragraphs 78 and 79 of the NPPF seek to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities through supporting services and businesses, whilst avoiding new isolated homes in the countryside. In this regard it is noted that whilst the site is detached from the main settlement it benefits from links to core of Gorefield including a footpath immediately opposite. The proposed development would therefore not be in an isolated location in the context of paragraphs 78 and 79 of the NPPF.

10.4 In this regard therefore, whilst there is conflict with the aims of LP3 in terms of the detached location of the site, this policy is somewhat superseded by paragraph 78 of the NPPF and the principle of development can be supported subject to compliance with other relevant policies of the development plan.

Flood Risk

10.5 The site lies in Flood Zone 2 and therefore at medium 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 2, the sequential test would be expected to demonstrate that there are no reasonably available sites in Flood Zones 1 which could accommodate the development - be that one whole site or several sites cumulatively capable to accommodating the 5 units.

- 10.6 Section 4.4 of the adopted Cambridgeshire Flood and Water SPD sets out that the initial approach to carrying out a sequential test should be to agree the scope of the test with the LPA i.e. agree the geographical area for the search which should be justified in the sequential test report.
- 10.7 Given that the site does not lie within or adjacent to the village (having regard to the definition under LP12 Part A (a)) and relates more to the open countryside, the applicant was advised that the scope for the sequential test would need to be the whole of the rural area (villages and open countryside), which follows the approach concurred with by the Inspector in the aforementioned appeals at paragraph 9.4.
- 10.8 The applicant has instead restricted the scope of the sequential test to the settlement of Gorefield only as they consider that the application site lies within Gorefield. Whilst the sequential test confirms that there are no other reasonably available sites in lower areas of flood risk in Gorefield, Officers do not consider that the sequential test has been adequately met due to the scope being too restrictive.

As such, it is considered that the application has failed to satisfy the sequential test and therefore the proposal would be in conflict with policy LP14 of the FLP and the aims of the NPPF in steering development to lowest areas of flood risk to avoid placing people and property at an unjustified risk of flooding.

Impact on the character and appearance of the area

- 10.9 The site comprises agricultural land with views extending northwards across the countryside and farmland. Whilst it is noted that linear development exists along the south of High Road opposite the application site, the site itself has a completely different character comprising agricultural land with wide open views extending north through to east across the countryside and farmland.
- 10.10 Consequently, the development would result in a linear form of development extending away from the settlement of Gorefield and having regard to the linear development south of the site, the proposal would result in ribbon development.
- 10.11 Whilst policy LP12 (Part A)(c, d and e) applies to development in villages (which this site is not considered to fall within) , it nonetheless seeks to achieve development which respects the core shape and form of the settlement, does not adversely affect the character of an area and does not result in linear or ribbon development. Furthermore, LP16(c) requires development to retain natural features such as field patterns and criteria (d) amongst other things, to make a positive contribution to local distinctiveness and character of an area.
- 10.12 Whilst the streetscene elevations provided are only indicative, it is noted that the design, particularly of 2-storey dwellings would not relate to the single-storey, more modest dwellings opposite on the south side of High Road.
- 10.13 It is considered that development of this site would fail to respect the core shape and form of the settlement instead introducing ribbon development; extending and reinforcing the linear feature of the settlement. Consequently, the development would erode the rural character and appearance of the surrounding countryside and farmland resulting in a suburbanising effect through the loss of openness.

10.14 The development is therefore contrary to the aims of policy LP12- Part A (c, d and e) and fails to make a positive contribution to the settlement pattern contrary to policy LP16 and Policy DM3 of the Fenland District Council Supplementary Planning Document: Delivering and Protecting High Quality Environments in Fenland 2014.

Access & Highways

10.15 The applicant has provided an amended plan (SE-1093 1000 B) denoting each of the dwelling accesses following comments from the LHA in respect of demonstrating visibility. The LHA has concluded that they are satisfied that safe and effective access can be achieved with the development based on the access positions shown on the site plan in compliance with LP15.

10.16 The LHA has also requested that the LPA considers securing a footpath along the sites frontage with an uncontrolled pedestrian crossing point to link up with the existing footpath along the south side of High Road and has requested a condition to this effect.

10.17 The LHA has however advised that they would not be able to sustain an objection were this infrastructure not secured thereby inferring that it would not necessarily make the development unsafe if not provided. Furthermore, to secure the infrastructure would only seek to further urbanise the area, compounding the character harm already identified. Given that each dwelling is served by its own access, the adequate visibility achieved and the existence of a footpath opposite the site, it is concluded that this infrastructure would not be strictly required in order to make the development acceptable. Therefore having regard to the tests of planning conditions, to secure the infrastructure would not be reasonable.

10.18 One resident has raised concerns that the development may lead to people parking on the highway and causing traffic obstruction/ dangers. The LHA has raised no concerns on this basis and therefore the LPA could not reasonably sustain an objection on these grounds.

10.19 In summary, given that only the access is committed at this time, with matters of layout to be determined through reserved matters, the application satisfies Policy LP15 and LP16 in respect of access design and highways impacts.

Biodiversity & Ecology

10.20 The Council's Wildlife Officer has reviewed the application and raises no objection to the development on biodiversity grounds subject to biodiversity enhancement opportunities being incorporated into the scheme at design stage (reserved matters). It is considered that this could be controlled via suitably worded planning conditions secured under this outline application and could meet the aims of policies LP16(b) and LP19 in this regard.

Resident Comments

10.21 Whilst a number of residents' comments/ concerns have been addressed above, the following matters are considered;

Devaluing of property

10.22 The planning system does not exist to protect private interests such as value of land or property and as such no weight can be afforded to this concern.

Agricultural land

- 10.23 Development of the site would lead to a loss of high grade agricultural land. However given the overall size of the site, this is not considered to be a significant loss of productive land and therefore is not a matter that could be sustained if refused on this basis.

Light Pollution

- 10.24 The application commits only access at this point, with matters of design to be committed at reserved matters stage. It is at this latter point that matters of lighting would be considered. As this time therefore, there is no indication that the development would lead to issues of light interference.

Would set a precedent

- 10.25 All applications are to be considered against the development plan as required by law (unless material considerations dictate otherwise). As such, should any future development proposals come forward, these would be dealt with on a case by case basis in accordance with the development plan having regard to the overall sustainability of the proposal.

- 10.26 Notwithstanding this, consistency of decision making *is* a material consideration and as noted in paragraph 9.4 above, the 2 appeal decisions considered development in similar circumstances and both were dismissed based on flood risk, meeting the settlement hierarchy aims and character harm - the same issues identified with this proposal.

No need for the housing given Wisbech's growth

- 10.27 The district has an identified need to deliver housing through the plan period up to 2031 which is achieved through larger allocated sites and unallocated (windfall) sites and as set out through Spatial strategy policy of the Fenland Local Plan. This development would assist with meeting that need notwithstanding the harm identified.

Noise

- 10.28 The residential use of the site for 5 dwellings is unlikely to yield significant adverse impacts through noise. Notwithstanding this, the Council's Environmental Protection team have legislative powers to control statutory noise nuisance where this arises.

Proximity to property/ Residential amenity/ Shadowing/loss of light/ Light Pollution

- 10.29 The indicative layout plan, which includes committed access, indicates that up to 5 dwellings can be adequately accommodated on the site without adversely affecting the amenity of existing occupiers. Notwithstanding this, such matters would be considered at design stage under reserved matters.

Waste/Litter

- 10.30 Waste produced and removed off-site during the construction of the development would be controlled under license through the Environment Agency. Furthermore, the District Council has a statutory duty to collect household waste and already operates in the area. The future layout reserved matters detail would be expected to provide details of adequate household waste collection arrangements.

Covenants restricting development

10.31 Matters of covenants are not material to the consideration of planning applications as they are controlled through different legislation.

Would hopefully slow traffic down

10.32 No evidence has been provided to indicate that the development would have an effect on current traffic flows/ speeds. The LHA raises no specific objection or support to the development on this point.

The small amount of homes would not overwhelm the area

10.33 Whilst the development is not anticipated to place any strain on existing services, the development would have an unacceptable, adverse impact on the rural character of the area which is contrary to the Council's development plan policies.

11 CONCLUSIONS

11.1 It is acknowledged that the proposal would make a modest contribution towards economic growth, both during the construction phase and in the longer term through assisting the local economy e.g. local services/facilities, thereby helping to sustain the village of Gorefield and the wider district. This also has social benefits.

11.2 Weighing against the proposal however is the introduction of development in a flood risk area without adequate demonstration that placing people and property at an increased risk of flooding is necessary in this instance. Furthermore, the development would not be in-keeping with the pattern of the settlement, resulting in ribbon development and would have a significant, adverse impact on the spacious rural character of this area.

11.3 It is considered that the harm far outweighs the benefits of the development.

11.4 The Council can currently demonstrate a 5 year supply of housing and therefore the 'tilted balance' under paragraph 11 of the NPPF is not engaged. In this regard therefore, the policies within the development plan are considered up to date and robust enough to determine this proposal.

11.5 The proposal therefore fails to accord with the development plan policies and the NPPF and is considered unsustainable development. In law, the LPA is required to determine a planning application in accordance with the Development Plan unless material planning considerations indicate otherwise. Officers consider that there are no material considerations that have been presented to indicate that a departure from the development plan would be justified in this instance. Furthermore, the recent appeal decisions outlined at paragraph 9.4 indicates that the development plan policies are sufficiently robust to determine that proposals of this nature should not be supported. Therefore, Officers recommend that the application is refused for the reasons in section 12 below;

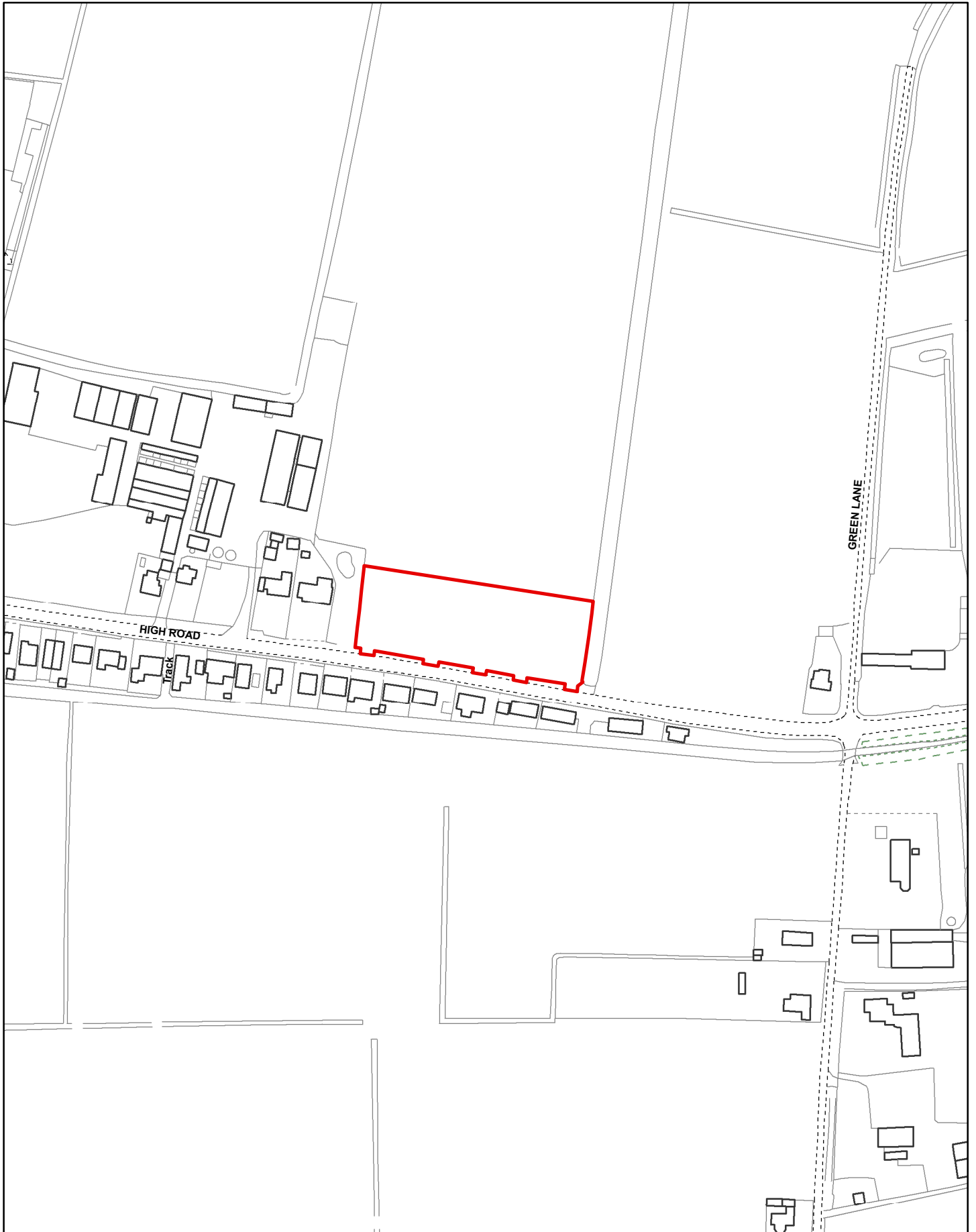
12 RECOMMENDATION

Refuse for the following reasons;

- 1 The site is located within Flood Zone 2 where there is a medium probability of flooding. The Sequential test has not been adequately applied. Consequently, the application fails to demonstrate that there are no

alternative sites in the area reasonably available 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 10 of the NPPF.

- 2 The application site constitutes an area of open countryside located outside the developed footprint of the settlement. The development proposal would result in an incursion into the open countryside rather than small scale infilling and would result in the loss of the open character of the site and the urbanisation of the area. Therefore, the proposal is considered to be contrary to Policies LP3, LP12 Part A (c, d and e) and LP16(c and d) of the adopted Fenland Local Plan (2014), Policy DM3 of the Fenland District Council Supplementary Planning Document: Delivering and Protecting High Quality Environments in Fenland (2014) and paragraph 127 of the NPPF.



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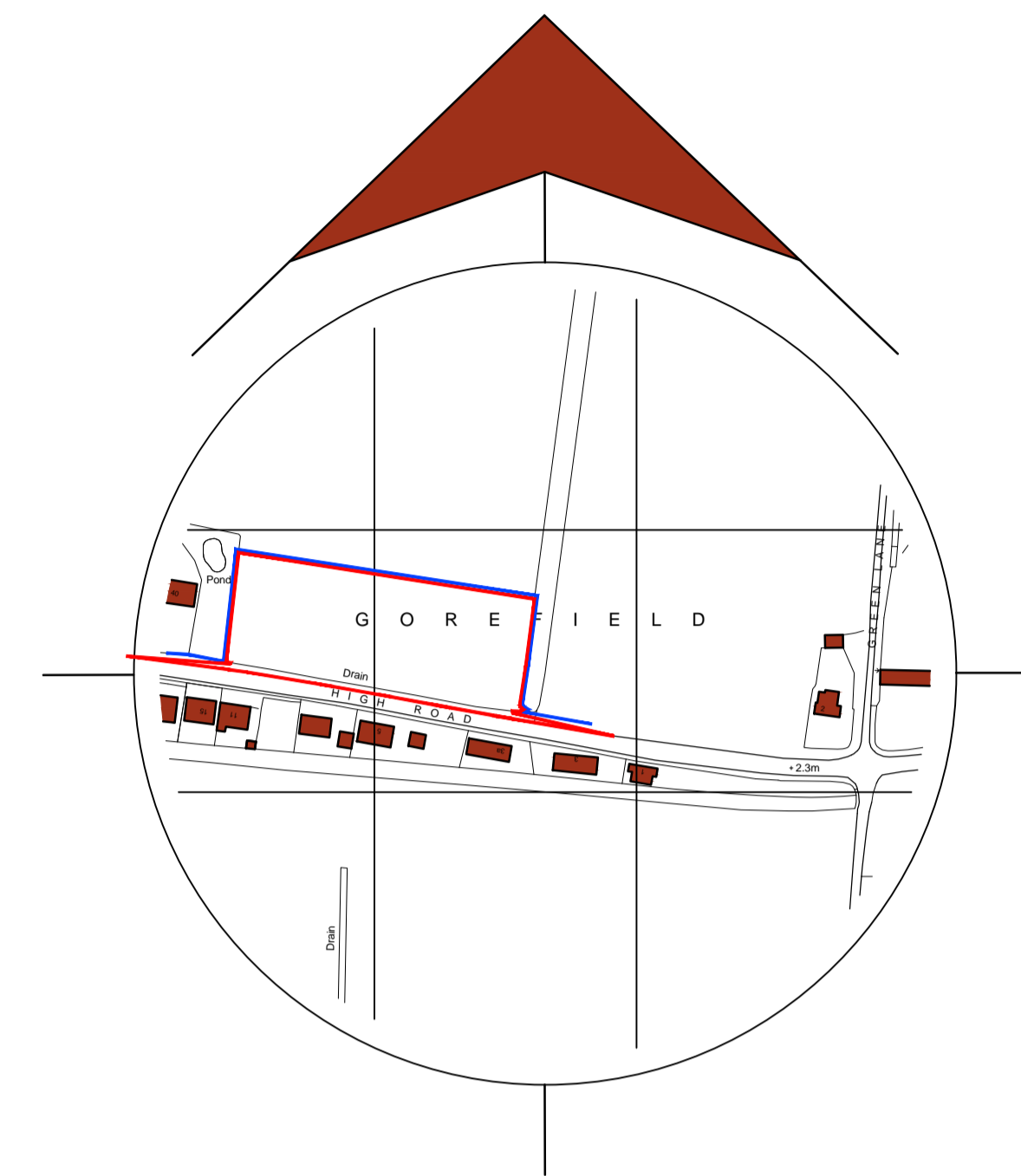
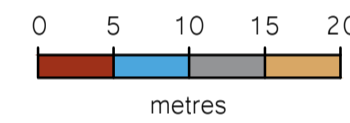
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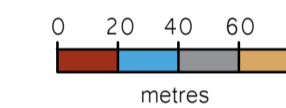
General Notes
 1. All dimensions are shown in 'mm' unless otherwise stated.
 2. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
 3. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and specifications.
 4. Any discrepancies are to be brought to the designers attention.



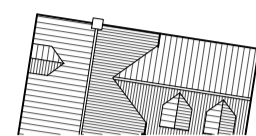
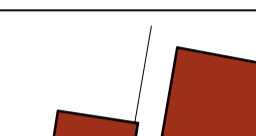
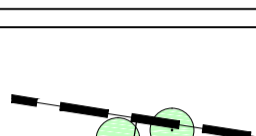
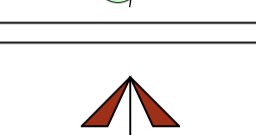
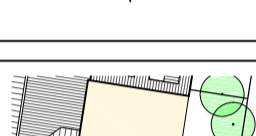
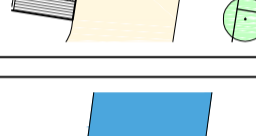


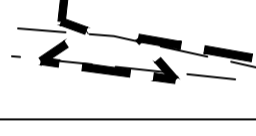
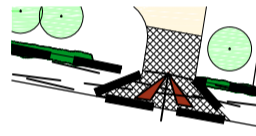
Site Plan
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Location Plan
 Scale: 1:2500

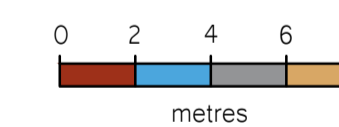


SITE PLAN KEY

-  Indicates proposed buildings
-  Indicates neighbouring buildings taken from OS map
-  Indicates proposed trees
-  Indicates site access point
-  Indicates parking spaces
-  Indicates existing open drain
-  Indicates proposed native hedging planted inside of post and rail fence
-  Indicates proposed site boundary
-  Indicates proposed sealed for 5.0m and drained access, drainage to go into site to Cambs CC Highways specification
-  Indicates proposed 2.0x43.0m vision splays



Indicative Street View
 Scale: 1:200



Revisions		
B	May 2019	Highways Revisions

Status
FOR APPROVAL

SWANN EDWARDS
 ARCHITECTURE

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

Job Title Proposed 5No. Plots High Road, Gorefield Wisbech, Cambs For: Mr Fennelov	Date February 2019	Scale As Shown Sheet Size A1
Drawing Title Informal Planning Drawing Site Plan, Location Plan & Street View	Job No. SE-1093	Drawn by G.E.
	Dwg No. 1000	Revision B