
F/YR19/0357/O

Applicant: Mr B Aldridge

**Agent : Mr Lee Bevens
L Bevens Associates Ltd**

Land South East Of 182, Wype Road, Eastrea, Cambridgeshire

Erection of 2 x 4-bed single storey dwellings (outline application with matters committed in respect of access, layout & scale)

Reason for Committee: 6 or more letters of support received contrary to Officer's recommendation. Furthermore, the applicant is a relation of Cllr Laws.

1 EXECUTIVE SUMMARY

The application seeks outline planning permission (with matters committed in respect of access, layout & scale) for residential development of the site for up to 2 dwellings.

The site considered to fall outside the developed footprint of Eastrea – 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 2 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. 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 Eastrea contrary to Policy LP12(c d and e) and LP16(d).

Finally, the site lies immediately adjacent to a working farm and the noise impacts arising from daily operations of the farm are not fully understood or how this may impact upon future occupiers of the development. As such the introduction of the development may place unreasonable constraint(s) or threaten the operation and viability of the adjacent business contrary to Policy LP16(o).

Whilst the site offers no technical issues e.g. in respect of highways, contamination or biodiversity, the significant harm resulting from the visual impact and potential noise conflicts of 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 0.49Ha of high grade agricultural land located to the south of Eastrea and immediately adjacent to No. 182 Wype Road – known as 'Eastrea Hill Farm'. Residential properties are found opposite heading north back towards the core of Eastrea. Open countryside extends adjacent south and east. A low hedgerow runs across the frontage of the site and belt of semi-mature trees line the northern site boundary.

2.2 The site and location is considered to be rural in character.

2.3 The site lies in Flood Zone 1 (low risk)

3 PROPOSAL

3.1 The application seeks outline planning permission for the erection of 2 single-storey dwellings. Matters of access, layout & scale are committed meaning that the final appearance and landscaping are reserved for future submission under reserved matters.

Access

3.2 The development proposes a single point of access to be shared between the 2 properties. A small section of hedge is required to be removed to accommodate the access which is 5.5m wide and surfaced in a bound material and drained away from the highway.

Layout and scale

3.3 The development proposes to sit the 2 dwellings back from the highway by c.25m and orientates them to face the highway. Private driveways leading to single detached garages serve each property with Plot 1 garage forward of the principal elevation and Plot garage set between the properties. Each property is served by a large front and rear garden.

3.4 Both properties are proposed to be up to 6m in height with garages 5m in height.

3.5 The application includes the following supporting documents:

- Location plan, Block plan and indicative Street view plan ref: CH19/LBA/500/OP-1-100 B
- Design and Access Statement
- Initial biodiversity checklist

3.6 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	Date
F/YR19/0112/O	Erection of a 2no 4-bed single storey dwellings (outline application with matters committed in respect of access layout & scale) Land South East Of 182 Wype Road Eastrea Cambridgeshire	Withdrawn	12/03/2019
F/YR13/0710/F	Formation of a vehicular access Land South East Of 182 Wype Road Eastrea Whittlesey Camb	Granted	11/12/2013
F/0546/87/O	Residential development on front land Wype Road Eastrea PT O.S.5859	Refused	13/08/1987
WU/72/75/O	Residential development Wype Road Eastrea	Refused	30/06/1972

5 CONSULTATIONS

5.1 Whittlesey Town Council

Recommends refusal and advises;

“The Town Council raised concerns about CCC Highways footpath crossing point; members discussed village boundary and recommend refusal related to problems highlighted by CCC Highways.”

5.2 FDC Environmental Protection

Raises no objection in respect of contaminated land.

Following a site visit; notes that working activities on the adjacent farm were taking place at the time, with the workshop doors open, and that agricultural vehicles including sprayers were present.

Raises serious concerns the current agricultural associated operations are likely to have an adverse impact on future residents of the proposed development should planning consent be granted.

Notes the issue of the access/egress route for vehicles abuts the proposed development site without any screening from existing structures, and considers that no amount of attenuation from a typical close boarded fence on the proposed development site perimeter will be effective, especially as there would still be a degree of direct line of sight over the top given the type of agricultural associated vehicles in use.

In conclusion, considers that the existing agricultural business is likely to have a detrimental effect on the use and enjoyment of any future residential properties if planning consent for the proposed development is granted. Therefore, cannot support the application from an environmental health standpoint.

5.3 CCC Local Highways Authority (LHA)

Following receipt of amended site layout plan ref: CH19/LBA/500/OP-1-100 revision B raises no highway objections subject to conditions securing;

- Access provided prior to first occupation
- Turning and parking to be retained
- Footpath extension as shown to be delivered prior to first occupation

Local Residents/Interested Parties

5.4 Objectors

4 letters of objection received from 4 occupants of the adjacent farm raising concerns over the impact of future farm operations on the residential properties. The concerns centre around the potential for the residential development to impose restrictions on future farm operations e.g. through noise disturbance which may lead to loss of employment from the site. The farm currently operates 7 days a week.

5.5 Supporters

10 letters of support received raising the following points;

- Would make the village look inviting
- Would support local business
- Would assist in meeting a local need for bungalows
- Does not cause visual harm

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 high quality design and 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

LP15: Facilitating the creation of a More Sustainable Transport Network in Fenland

LP16: Delivering and Protecting High Quality Environments across the District

LP19: The Natural Environment

7.4 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**
- **Layout, & Scale**
- **Biodiversity & Ecology**
- **Residential amenity & existing businesses**
- **Resident Comments**

9 BACKGROUND

Recent appeals

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

9.2 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](#):

9.3 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

10.1 Policy LP3 of the Fenland Local Plan, 2014 ('the FLP') identifies Eastrea 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 an agricultural access and yard to the north and extends to open countryside to the south. As such, the development is not considered to meet the definition of 'residential infilling' and in fact relates more to the open countryside than to the settlement 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 and relates more to the open countryside, it could be linked fairly simply to the settlement by the proposed extension to the existing footpath 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.

Impact on the character and appearance of the area

10.5 The site comprises agricultural land. Whilst it is noted that linear development exists along the north eastern side of Wype Road leading northwards, the site itself has a completely different character comprising agricultural land with wide open views extending west through to east across the countryside and farmland.

- 10.6 Consequently, the development would result in a linear form of development extending away from the settlement of Eastrea. Chapter 15 of the NPPF sets out that planning decisions should contribute to and enhance the natural and local environment, for example; through protecting valued landscapes and recognising the intrinsic character and beauty of the countryside.
- 10.7 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.
- 10.8 It is considered that development of this site would fail to respect the core shape and form of the settlement instead would reinforce a 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. A similar conclusion was drawn on the 2 appeal sites noted under paragraph 9.2 above.
- 10.9 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 and character of the area 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

- 10.10 The applicant has amended the site layout plan to accommodate the requirements of the Local Highways Authority (LHA), including the location of the footpath extension opposite.
- 10.11 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 and including the footpath extension in compliance with LP15.
- 10.12 Whilst the Town Council's concerns are noted, these are unclear and in any case, the LHA has confirmed that they are satisfied with the arrangement and therefore it would be unreasonable for the LPA to object to the proposal on highways grounds in the absence of any technical reason.
- 10.13 In conclusion therefore, the application satisfies Policy LP15 and LP16 in respect of access design and highways impacts.

Layout & Scale

- 10.14 The proposed layout within the site would achieve satisfactory private amenity space for each property and ample room to enter, park and exit and the forward facing dwellings would accord with the alignment of properties found to the north within the settlement.
- 10.15 The properties being a maximum of 6m (5m for the garages) would also accord with built form within the vicinity.

10.16 As such, the scale and layout would generally accord with the character of the built form within the settlement notwithstanding the issues noted with their open countryside location.

Biodiversity & Ecology

10.17 The site is currently open countryside and actively used for arable agriculture. Whilst the development would result in the removal of a small section of front hedgerow to accommodate the shared access, the general site is unlikely to yield any suitable habitats for protected species. Furthermore, the future landscaping and appearance details secured under reserved matters could incorporate biodiversity enhancement features e.g. bird and bat boxes, native planting and boundary treatments suitable for small mammals to cross under.

10.18 In this regard, the proposal raises no concerns in respect of biodiversity impacts, and enhancement opportunities exist which could enable the development to accord with LP16(b) and LP19 of the FLP.

Residential amenity & existing businesses

10.19 The development is notably separated from existing residential properties with the exception of the adjacent farm (north). In this regard, due to the single storey scale of the dwellings it is considered that the development would be unlikely to give rise to overshadowing or overbearing impacts. Notwithstanding this, matters of appearance which would commit location and orientations of windows and rooms would be determined at reserved matters stage. At this time however, there is nothing to suggest that the design of the dwellings could give rise to unacceptable residential amenity impacts on neighbouring occupiers.

10.20 The site lies adjacent to an active farm whose access extends along and beyond the northern boundary of the northernmost plot. The northernmost proposed dwelling is located within 10-15m of the farmyard boundary.

10.21 The owner of the farm has raised concerns over allowing residential development in close proximity to the farm – noting that they operate 7 days a week. The owner is concerned that their operations could interfere with the amenity of future occupiers resulting in restrictions being placed on their future operations to mitigate this. A review of the planning history for the farm does not indicate that any operational restrictions are placed upon it at present.

10.22 The Council's Environmental Protection team has raised serious concerns over the relationship and proximity of the application site to the working farm and considers that the existing agricultural business is likely to have a detrimental effect on the use and enjoyment of any future residential properties on the site and considers that conventional boundary treatments would not likely mitigate this harm.

10.23 Policy LP16(o) is relevant to this matter and states (summarised);

“Proposals for all new development...will only be permitted if it can be demonstrated that the proposal...does not result in any unreasonable constraint(s) or threaten the operation and viability of existing nearby or adjoining businesses or employment sites by introducing “sensitive” developments.”

10.23 This accords with paragraph 180 of the NPPF and the latest planning practice guidance which states;

“Noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment.”(001 Reference ID: 30-001-20140306)

- 10.24 The application is not accompanied by any assessment of noise arising from the adjacent farm or any indication of likely hours of operation. As such it is not possible to fully understand what impacts the existing agricultural operations may have on the future occupiers of the proposed development. What is known is that the acoustic character of the site and surrounding area, given its rural location, is likely to observe little in the way of regular or constant noise meaning its background noise levels are generally low. In this regard, the operations of the farm, particularly during off-peak hours may be more noticeable and may have a subsequent observable adverse effect on future occupiers of the development.
- 10.25 It is possible that this impact could be mitigated. However, in the absence of any demonstration or evidence of the likely observable effect of noise resulting from the agricultural operations, it is not possible to determine what mitigation may be effective or how appropriate this may be, particularly given the rural character of the area. For example a large acoustic fence may cause additional visual harm to the rural character of the area and may therefore not be appropriate from an aesthetic point.
- 10.26 Therefore, in the absence of any evidence or proposals that the site could be suitably mitigated against the noise impacts arising from the adjacent farm operations, the application fails to accord with Policy LP16(o) of the FLP, Policy DM9 of the Fenland District Council Supplementary Planning Document: Delivering and Protecting High Quality Environments in Fenland (2014) and paragraph 180 of the NPPF.

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 Eastrea and the wider district. This also has social benefits. Furthermore the development would introduce 2 more bungalows to the village which some residents have indicated are much needed.
- 11.2 Weighing against the proposal however is the introduction of a development which would not be in-keeping with the pattern of the settlement, resulting in linear development and open countryside encroachment resulting in a significant, adverse impact on the spacious rural character of this area.
- 11.3 In addition, the application fails to demonstrate that locating 2 dwellings in close proximity to an established agricultural enterprise would not place burdens upon the farms necessary operations and its future viability due to noise impacts on future occupiers of the development.
- 11.4 It is considered that the significant harm identified far outweighs the modest benefits of the development.
- 11.5 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

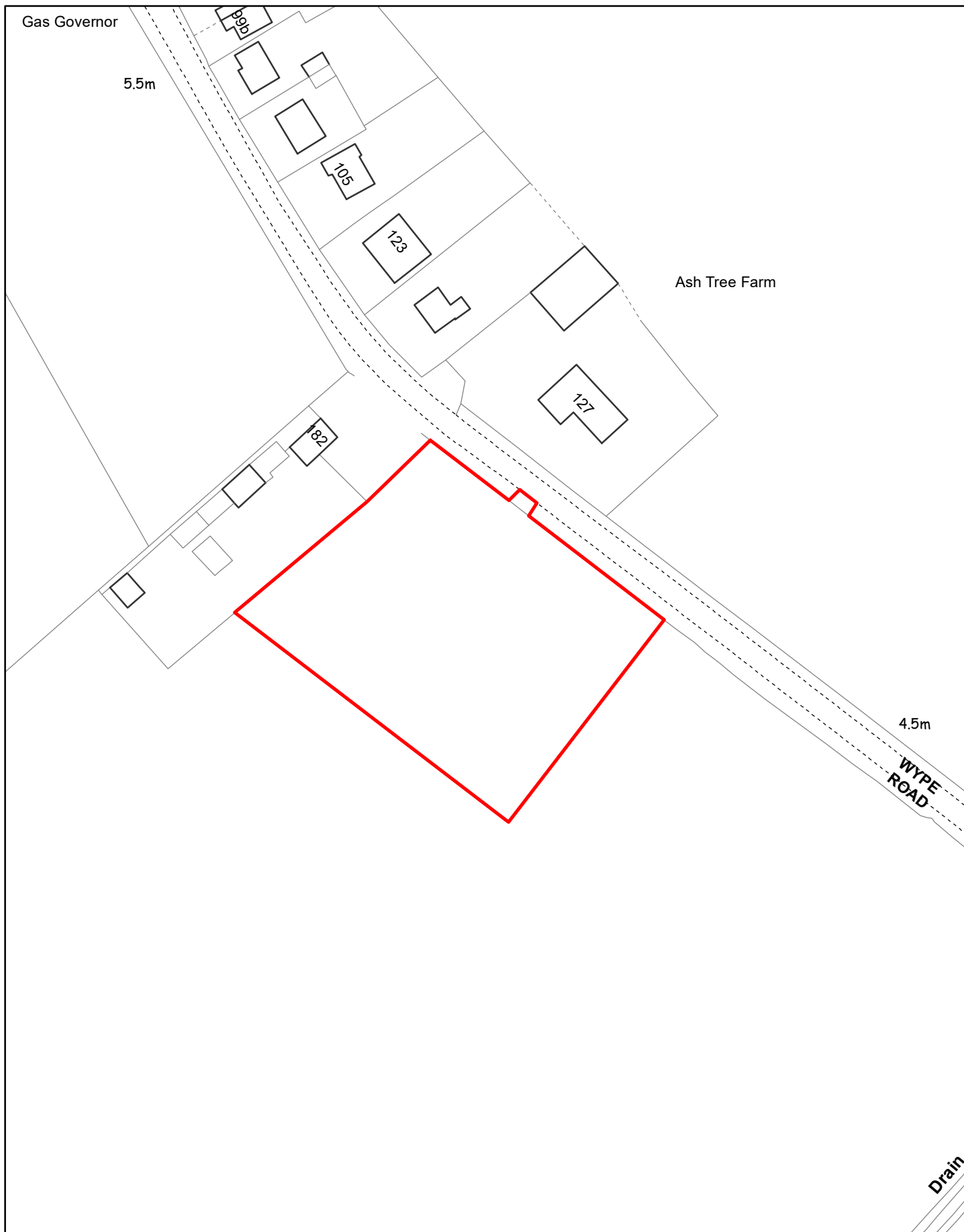
therefore, the policies within the development plan are considered up to date and robust enough to determine this proposal.

- 11.6 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 9.2 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 application site constitutes an area of open countryside located outside the developed footprint of the settlement. The 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 thereby harming its rural character. Therefore, the proposal is considered to be contrary to Policies LP3, LP12 Part A (c, d and e), 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.
- 2 The site lies directly adjacent to an established farm. The application fails to demonstrate that the introduction of a sensitive, residential use would not result in any unreasonable constraint(s) or threaten the operation and viability of the adjacent business due to adverse noise impacts contrary to Policy LP16(o) of the Fenland Local Plan (2014), Policy DM9 of the Fenland District Council Supplementary Planning Document: Delivering and Protecting High Quality Environments in Fenland (2014) and paragraph 180 of the NPPF.



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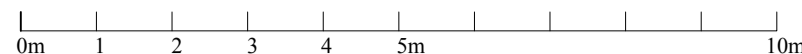
F/YR19/0357/O

Scale = 1:1,250



 **Fenland**
CAMBRIDGESHIRE
Fenland District Council

Scale: 1:100



Illustrative Street Elevation to Wype Road
(To cover scale parameters)

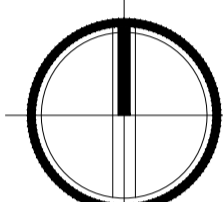
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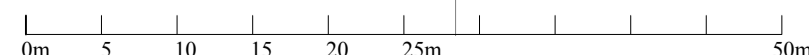


North

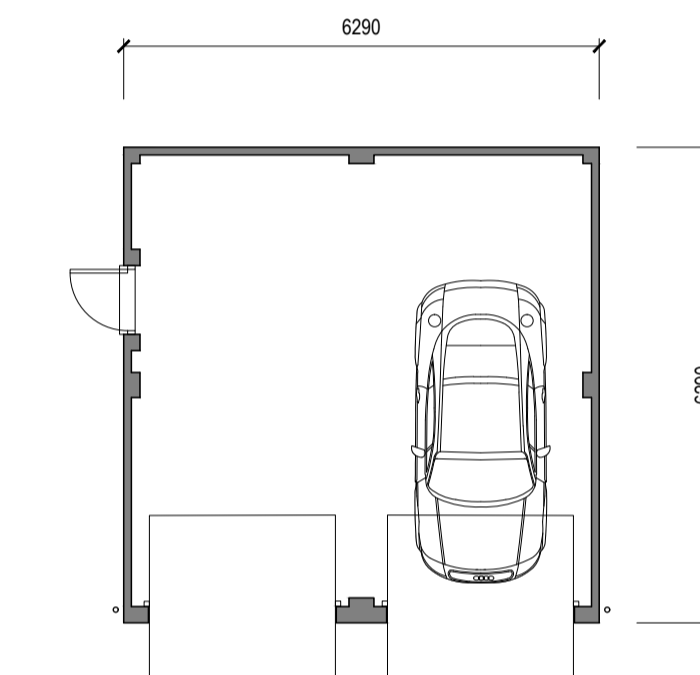


Proposed Block Plan 1:500

Scale: 1:500



Illustrative Ground Floor plan = 227 sq.m
(To cover scale parameters)



Illustrative Garage Floor Plan
(To cover scale parameters)

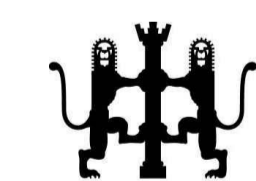


Location Plan 1:1250

Scale: 1:1250



- Rev B May 2019 Access amended to suit comments raised by Highway Officer and new footpath position amended.
- Rev A March 2019 1.8m wide footway added across the site frontage as recommended by C.C.C Highways Officer.



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DRAWING STATUS	PRELIMINARY	PLANNING	CONSTRUCTION
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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CLIENT
Mr B Aldridge

PROJECT
Land south of 182 Wype Road, Eastrea, Cambridgeshire

DRAWING TITLE
Proposed Block Plan
Location Plan
Illustrative Elevations for scale purposes
Illustrative Floor Plans for scale purposes

SCALE	DATE	DRAWN	CHECKED
1:100, 1:500 & 1:1250 @ A1	January 2019	LB	
DRAWING NUMBER	REVISION		
CH19/LBA/500/OP-1-100	B		