
F/YR19/0550/O

Applicant: Mr P Jolley

**Agent : Mr Brent Ellis
Peter Humphrey Associates Ltd**

Land South Of 6, Eastwood End, Wimblington, Cambridgeshire

Erect up to 3 x dwellings (outline application with all matters reserved) and construction of footpath

Officer Recommendation: Refuse

Reason for Committee: Number of letters of support from separate sources contrary to the Officer recommendation.

1. EXECUTIVE SUMMARY

- 1.1. The proposal is a resubmission of three previous applications for the construction of three dwellings on the site. The first two applications were refused under delegated authority, whilst the third and most recent was withdrawn following presentation to the Planning Committee where the recommendation was for refusal.
- 1.2. The application is again made in outline for the construction of 3 new dwellings.
- 1.3. The land is located in an elsewhere location as defined in the development plan, where development is to be restricted to support specific, countryside appropriate uses.
- 1.4. The scheme proposes the introduction of approximately 300m of new footpath to provide a link to the nearby settlement of Wimblington by way of mitigation of sustainability issues relating to the site, which would require the relocation of the existing roadside hedges along substantial sections of Eastwood End.
- 1.5. The scheme is contrary to the settlement hierarchy set out in the development plan, and therefore the principle of residential development on the site is contrary to planning policy.
- 1.6. The existing site contributes positively to the rural character of the area and its links to agriculture, and the development of three new properties would have a detrimental impact on that character.
- 1.7. The ecological impacts of the proposed hedgerow replacement are significant and are advised against, however mitigation could be developed that would ensure no net loss in biodiversity.
- 1.8. The highways impact of the proposals is considered to be acceptable.
- 1.9. The sustainability benefits from the provision of the footpath link to Wimblington are relevant to the consideration of the application, however given the need to remove and replant significant lengths of hedgerow in order to provide space for the footpath link to be provided and the additional harm caused to the character and appearance of the area from their removal, those benefits do not outweigh the harm caused by the proposals.

2. SITE DESCRIPTION

- 2.1. The application relates to a part of an agricultural field within the open countryside that fronts the eastern side of Eastwood End to the east of the A141 Isle of Ely Way to the east of Wimblington. Eastwood End has a mix of agricultural land and residential properties located along it. The application site

sits between 4b and 6 Eastwood End, and benefits from a hedgerow along its frontage approximately 2-2.5m high. This part of Eastwood End demonstrates a rural character.

- 2.2. The application site is located on land designated as Flood Zone 1, the area at lowest risk of flooding.
- 2.3. The following table indicates pedestrian walking distances to the nearest essential facilities. All are across the A141, a busy highway forming the bypass around Wimblington and Doddington. Crossing the A141 from Eastwood End and heading into Wimblington as a pedestrian the only assistance is a central pedestrian refuge to the north of the junction of Eastwood End and the A141 near to the junction with King Street.

Facility	Pedestrian distance to 6 Eastwood End
Post Office	850m
Pub (Anchor Inn)	800m
Primary School	1km
Church	1.2km
General Store	950m
Medical Centre	1.1km

3. PROPOSAL

- 3.1. The proposal is the construction of up to 3 dwellings on the site.
- 3.2. This application is a resubmission of 2 recent refusals and a withdrawn application for 3 dwellings on the site and is in outline form with all matters reserved. The application includes a site plan with indicative layouts for three large properties on spacious plots, and a footpath link to the A141 to the west.

4. SITE PLANNING HISTORY

F/YR18/0646/O	Erection of up to 3no dwellings (outline application with all matters reserved) and construction of footpath.	Withdrawn 30/1/19
F/YR18/0442/O	Erection of up to 3x dwellings (outline application with all matters reserved)	Refused 6/8/18
F/YR17/1095/O	Erection of up to 3no dwellings (outline application with all matters reserved)	Refused 15/1/18
F/YR10/0260/F	Formation of a service layby	Granted 1/6/10
F/YR10/0195/TE1	Erection of a 6 metre high telemetry aerial kiosk and ancillary works	FNREQ 29/4/10

5. CONSULTATIONS

5.1. Wimblington Parish Council

“This application was originally supported. However, after discussion Councillors did not agree to the current hedge being removed in this revised application. Should the original hedge have to be removed to allow room for the footpath, the only hedge which could replace the original must be a native fruiting hedge with no height restriction being attached.”

5.2. FDC Environmental Health

No objections

5.3. Cambridgeshire County Council Local Highways Authority

The scheme is acceptable in principle. The design will require relocation of the existing speed signs and incorporation of a 25mm upstand kerb to delineate the footpath from the highway. The footway to the south will require third-party land in order to be delivered.

No highways objection subject to conditions securing the provision of visibility splays and full engineering details of the proposed 1.5m wide footway and its construction.

5.4. Cambridgeshire County Council Historic Environment Team

No objection to development from proceeding but consider that the site should be subject to a programme of archaeological investigation prior to commencement if permission is granted.

5.5. Wildlife Officer

Strongly advise that alternative solutions are considered to avoid the loss of the existing hedgerow.

Notwithstanding that, subject to recommendations regarding replacement of the hedgerow with a suitable alternative, provision of nesting boxes, and avoidance of barriers impenetrable to hedgehogs there will be no net loss of biodiversity.

5.6. Local Residents/Interested Parties

7 responses have been received from 7 separate sources stating support for the proposal.

14 responses have been received from 7 separate sources stating a range of objections to the scheme.

The letters of support identified the following matters.

- The proposal will enhance the area and make it a sought-after location
- The site is an infill location
- The road should be restricted to 30mph
- There is a crossing for the A141 nearby
- Will make the area more sustainable and support local services
- New footpath will enhance safety of the area
- The Hook and Eastwood End are now important parts of Wimblington
- Removal of the existing hedgerow would only be a short-term problem
- Eastwood End is part of the growth area of Wimblington

5.7. The letters of objection identified the following matters.

- Proposal to remove hedges and replace them with pavements will destroy the character of the lane
- The hedges are protected under the hedgerow regulations
- The footway specification is excessive in relation to the number of dwellings proposed and more appropriate to a much larger scale development.
- Alternative methods to improve road safety are available
- The hedgerows support a range of wildlife
- Proposal would remove the last open aspect of this part of Eastwood End and views across the surrounding fields

- Addresses of the supporters of the application are not from the immediate vicinity
- There is no room and no need for a footpath
- Revised plans are worse than previous applications
- Eastwood End is outside the development area of Wimblington and should have its countryside character retained
- Proposal leaves no agricultural access to the field beyond
- The visibility splays cross the neighbouring hedges, not the highway boundary
- Overdevelopment of an inappropriate location
- School and doctor's surgery are struggling to fit everyone in
- Potential for impact on residential amenity and privacy of neighbouring properties

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)

Para 2: NPPF is a material consideration

Para 8: 3 strands of sustainability

Para 11: Presumption in favour of sustainable development

Para 78: Housing should be located where it will enhance or maintain the vitality of rural communities.

Para 170: Contribution to and enhancement of the natural and local environment.

Para 175: Harm to habitats and biodiversity.

7.2. National Planning Practice Guidance (NPPG)

Determining a planning application

7.3. National Design Guide 2019

7.4. 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

LP12 – Rural Areas Development Policy

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

8. KEY ISSUES

- **Principle of Development**
- **Character of the Area**
- **Impact on Amenity**
- **Highway Safety**
- **Flood Risk**

- **Ecology**

9. BACKGROUND

- 9.1. Three previous applications have been made for development of the site along similar lines to the current proposal. Two of these applications were refused planning permission on the grounds of the site being an unsustainable location and the harm to the character of the countryside.
- 9.2. The third application was submitted following an indication that the Parish Council supported the proposal subject to the provision of a footpath to connect the site to Wimblington. The application was withdrawn prior to final consideration by the Planning Committee of a detailed footpath layout as the recommendation remained for refusal.

10. ASSESSMENT

Principle of Development

- 10.1. Policy LP3 considers that Eastwood End is a remote community and as such is an Elsewhere location in terms of LP3, where development will be restricted to that which is demonstrably essential to the effective operation of local agriculture or a range of other rural uses. The proposal does not accord with the criteria identified in that policy for development in Elsewhere locations. Wimblington is a growth village where LP3 states that development and new service provision either within the existing urban area or as a small village extension will be appropriate albeit of a considerably more limited scale than the Market Towns. Nevertheless previous planning and appeal decisions have concluded that Eastwood End is a separate settlement to Wimblington and therefore the more restrictive approach for development in Elsewhere locations is to be applied to this site.
- 10.2. Policy LP3 is the Council's Spatial Strategy that reflects the sustainable credentials of settlements. As regards the above mentioned decisions and appeal decisions the isolated nature and poor access to services (other than by motor vehicles) is a key consideration. As sustainability is the 'Golden Thread' running through the NPPF, developments that are poorly located are contrary to Local and National Planning Policy and guidance. The proposal to introduce a new footpath to join the application site to the A141 is noted, however this does not overcome the main barrier to non-vehicular access to services, which remains the need to cross the A141 itself and the distance to the relevant services. Therefore it is not considered that the proposal is acceptable in principle.
- 10.3. An appeal decision in relation to a refused application for planning permission within Eastwood End for a single dwelling was received in July 2018. This appeal decision considered among other things the matter of whether Eastwood End was to be considered within the Elsewhere category under policy LP3. The Inspector concluded that it did fall within this classification but noted that the location did make it possible to undertake some trips by sustainable means.
- 10.4. An appeal decision elsewhere within the district in relation to development of new dwellings within an Elsewhere location set out the approach to considering development in such locations, with the key steps of that approach being as follows:

The site is classed as an 'Elsewhere' location.

 - Policy LP3 restricts development in such areas to support specific uses (such as agricultural, horticultural etc).

- Policy LP12 Part A is not relevant as it deals specifically with village settlement classes and not 'Elsewhere' locations.
- Policy LP3 is consistent with paragraph 78 of the National Planning Policy Framework (2019) as the settlement hierarchy identifies opportunities for growth in smaller settlements.
- Paragraph 79 of the National Planning Policy Framework (2019) does not fall for consideration in relation to sites that are not considered to be 'isolated'.
- Modest social and economic benefits are not of sufficient weight to override policy LP3.

10.5. In conclusion with regard to the principle of the development, the location of the application site is not supported by the policies of the Fenland Local Plan except in specific circumstances relating to defined uses appropriate to countryside locations. No evidence has been provided to indicate that the scheme meets the requirements of those exceptions, and there are no material considerations that outweigh the restrictive policy.

Character of the Area

- 10.6. Policy LP16 seeks to deliver high quality environments across Fenland District, with sub paragraph (d) requiring development to make a positive contribution to the character of an area and its setting. The development of the application site would result in the urbanisation of a 120m stretch of open countryside in what is a mix of residential and farmland. This length of open countryside is not considered to be small in scale relative to the scale of existing development and is an important feature within the street scene in establishing its rural character, linking the residential properties that are present to the agricultural land beyond.
- 10.7. The proposed plans show provision of a footpath along the east/west stretch of Eastwood End connecting the site to the A141, including repositioning of the hedgerow adjoining it further to the south on third party land. The proposed plans show complete removal of approximately 110 metres of hedgerow along the frontage of the site and a new hedgerow planted to the east, allowing provision of a 1.5m wide footpath along the site frontage. The result of these works to replace the hedgerows would substantially alter the character of the existing area, introducing a more urban feel to what is currently a rural lane.
- 10.8. Overall, the plans demonstrate that whilst it would be possible to replace the existing hedgerows along the side of the road, the construction of new dwellings on the land would result in a significant detrimental impact on the current rural, open character of the area, in particular through the urbanisation of this part of Eastwood End and the loss of visual connection between this part of Eastwood End and the agricultural uses beyond the site.

Impact on Amenity

- 10.9. Policy LP16(e) considers the impact upon neighbouring amenity. This application does not seek determination of siting or scale, reserving those matters for later approval, and therefore it is not possible to assess impact on the amenity of neighbours from the proposed dwellings. The plots on the indicative plans are quite spacious and therefore it appears capable of accommodating the dwellings satisfactorily. The proposal is therefore considered to be capable of complying with policy LP16(e) subject to the reserved matters details.

Highway Safety

- 10.10. The highway safety concerns in relation to the proposal are twofold, first the proposed footpath and its impact on the use of the carriageway, and second the safety of vehicular access to the site and visibility splays relating to that access.
- 10.11. With regard to the first of these points, the highways authority have noted in their response to the latest set of plans detailing the footpath, that through the use of a 25mm upstand kerb to mark the edge of the proposed footpath, it will be possible to provide an acceptable footpath whilst still allowing the road to be used by vehicular traffic. Such an arrangement has been used elsewhere and given the relatively low levels of traffic on Eastwood End it is considered to be an acceptable method of providing the footpath. It should be noted that even through this method of provision, the hedgerow and ditch adjoining the southern boundary of the road will require repositioning further to the south.
- 10.12. The second of these matters relates more to the specific arrangements for vehicular access to the site. There is an existing access point into the site at the northern corner adjacent to 6 Eastwood End. This access point is to be re-used to provide vehicular access to one of the dwellings proposed, with a second access indicated in the central part of the site serving the remaining two dwellings.
- 10.13. The relocation of the boundary hedge within the site ensures that appropriate visibility splays can be provided in relation to the central access, however in relation to the access at the north of the site the plans indicate reduction of the hedgerow between the site and 6 Eastwood End to provide the visibility splay required. The neighbour has indicated that this hedgerow is not owned by the applicant and would therefore require their agreement in order for the visibility splays to be provided. The matter of ownership however is a civil matter and therefore not one that is sufficient to justify refusal of the scheme, particularly in view of the fact that the current application does not include the formal approval of the means of access at this stage.

Flood Risk

- 10.14. The site is within Flood Zone 1 an area at lowest risk of flooding. The proposal is therefore considered to pass the sequential test and accords with Policy LP14 of the Fenland Local Plan.

Ecology

- 10.15. The main impact of the proposal from an ecology perspective relates to the removal of the hedgerows currently adjoining Eastwood End and the associated impacts on species that utilise the hedgerow.
- 10.16. Policy LP19 of the Fenland Local Plan (2014) addresses the matter of the natural environment, and states that the council will seek to conserve, enhance and promote the biodiversity interest of the natural environment throughout Fenland.
- 10.17. The comments of the Wildlife Officer make it clear that the removal of the hedgerows is solely down to the intention to provide a footpath link from the site to the A141 to the west, and beyond to Wimblington. The comments also advise strongly that from an ecological perspective, alternative solutions for footpath provision should be investigated.
- 10.18. It is also noted that the comments received from Wimblington Parish Council in relation to the original proposal identified no objection to the scheme, however following the revisions to the scheme the Parish Council comments now state that it does not agree to the removal of the existing hedge.

- 10.19. Notwithstanding the above, the Wildlife Officer identifies several areas where planning conditions could address the loss of biodiversity caused through the hedgerow removal, including a range of nesting boxes provided on the development, avoidance of impenetrable barriers such as fences, translocation or replanting of hedgerows using appropriate native species, and the introduction of a further native species hedgerow to the rear boundary of the site. Subject to the satisfactory implementation of all these matters their advice is that there will be no net loss in biodiversity on the site.
- 10.20. In similar terms, the Parish Council confirms that if the hedgerow removal were considered necessary then a suitable replacement (in line with the above comments of the Wildlife Officer) would be accepted.
- 10.21. Policy LP19 states that the Council will *“refuse permission for development that would cause demonstrable harm to a protected habitat or species, unless the need for and public benefits of the development clearly outweigh the harm and mitigation and/or compensation measures can be secured to offset the harm and achieve, where possible, a net gain for biodiversity”*.
- 10.22. In this instance, there is demonstrable harm arising from the loss of the hedgerows. Given the countryside location being contrary to the settlement hierarchy of the development plan there is no identified need for the development. The provision of the footpath would be of public benefit, although its scope would be naturally limited by its likely level of use and the limited number of members of the public likely to use it. The Wildlife Officer’s comments make it clear that there are mitigation measures that could be employed to address the harm caused and that if implemented fully there would be no net harm to the biodiversity of the area. On that basis, the impact of the scheme on ecological matters is considered to be acceptable.

11. CONCLUSIONS

- 11.1. The application site is located in an area where market housing is not supported by the development plan. The development would result in a detrimental impact on the character of the area through urbanisation of the environment and result in the loss of existing mature hedges.
- 11.2. The site is located in an area of low flood risk, and the ecological impacts of the proposal can be mitigated through appropriate works that could be required by planning condition. The proposal would result in the provision of a footpath link between Eastwood End and the settlement of Wimblington to the west.

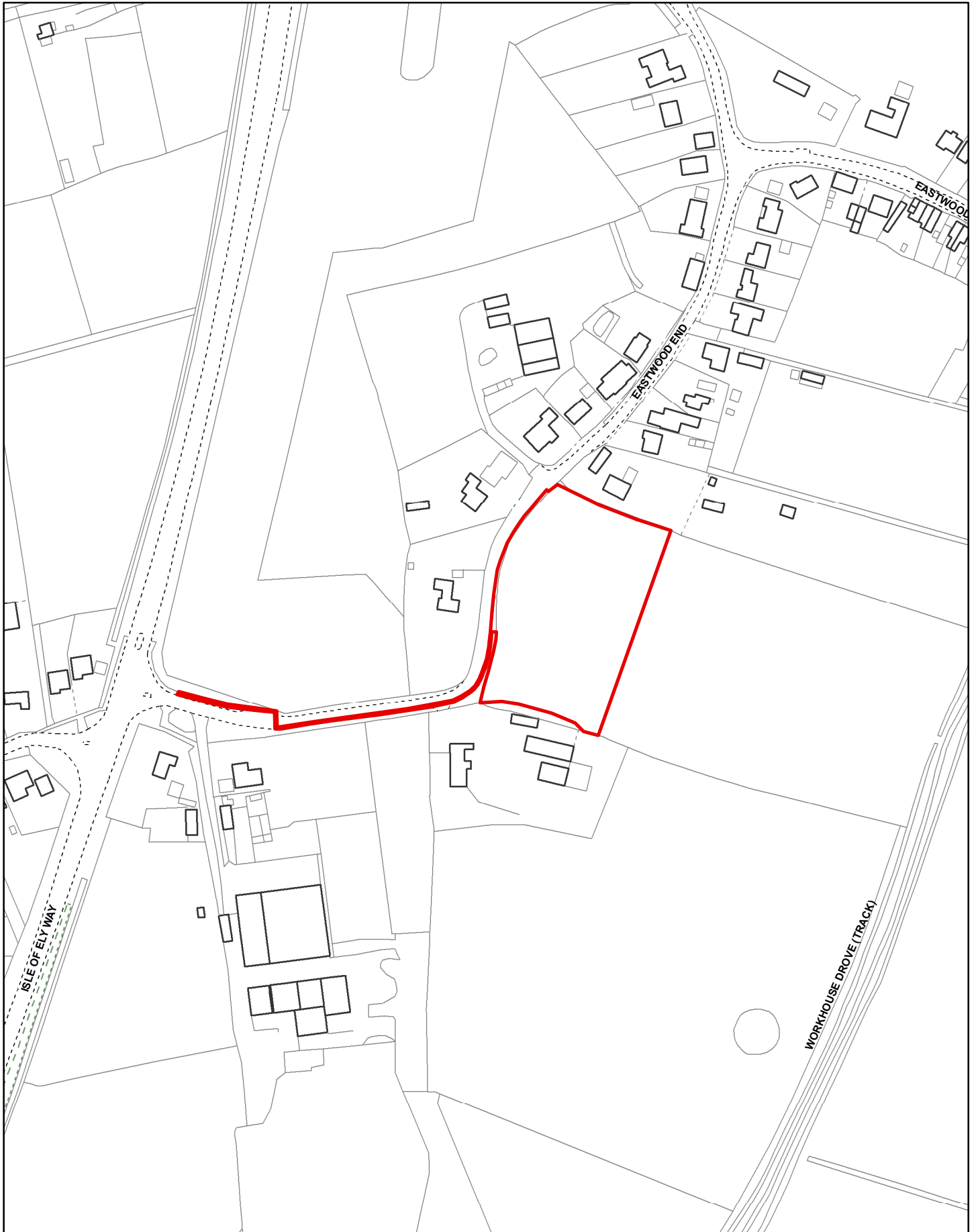
12. RECOMMENDATION

Refuse

- 1 Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy for the district, identifying the scale of development that will be appropriate for each level of the hierarchy. The proposal is for the construction of 3 dwellings in Eastwood End, which is categorised as an Elsewhere location within LP3, where development is to be restricted to that falling within a specific set of categories. Policy LP12 part D supplements policy LP3 in identifying the supporting information required of proposals for new dwellings in Elsewhere locations. No evidence has been provided to indicate that the proposed

development falls within any of these categories for consideration and therefore the proposal is contrary to policy LP3 and LP12 part D.

- 2 The development of three dwellings on this site would result in the loss of a significant area of agricultural land which along with the existing boundary hedge makes an important contribution to the character and appearance of the area. If permitted the development would result in the urbanisation of the area, through the introduction of three new dwellings and approximately 300 metres of 1.5m wide footpath, adversely impacting on its character and appearance and visual amenity. The scheme fails to respect the intrinsic beauty of the countryside in this regard and is therefore contrary to Policy LP16 (d) of the Fenland Local Plan (2014) and also conflicts with aim of Paragraph 170 of the NPPF.



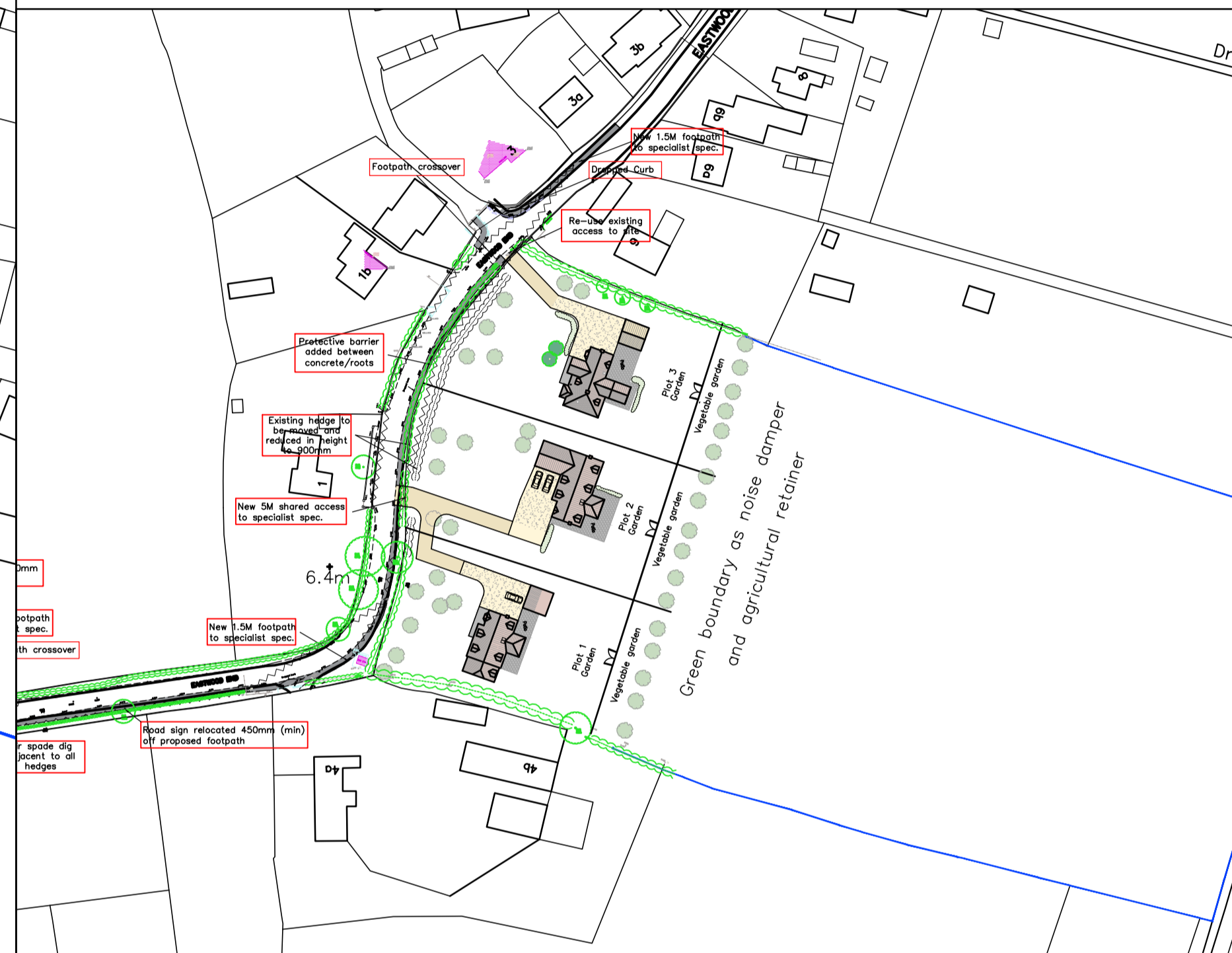
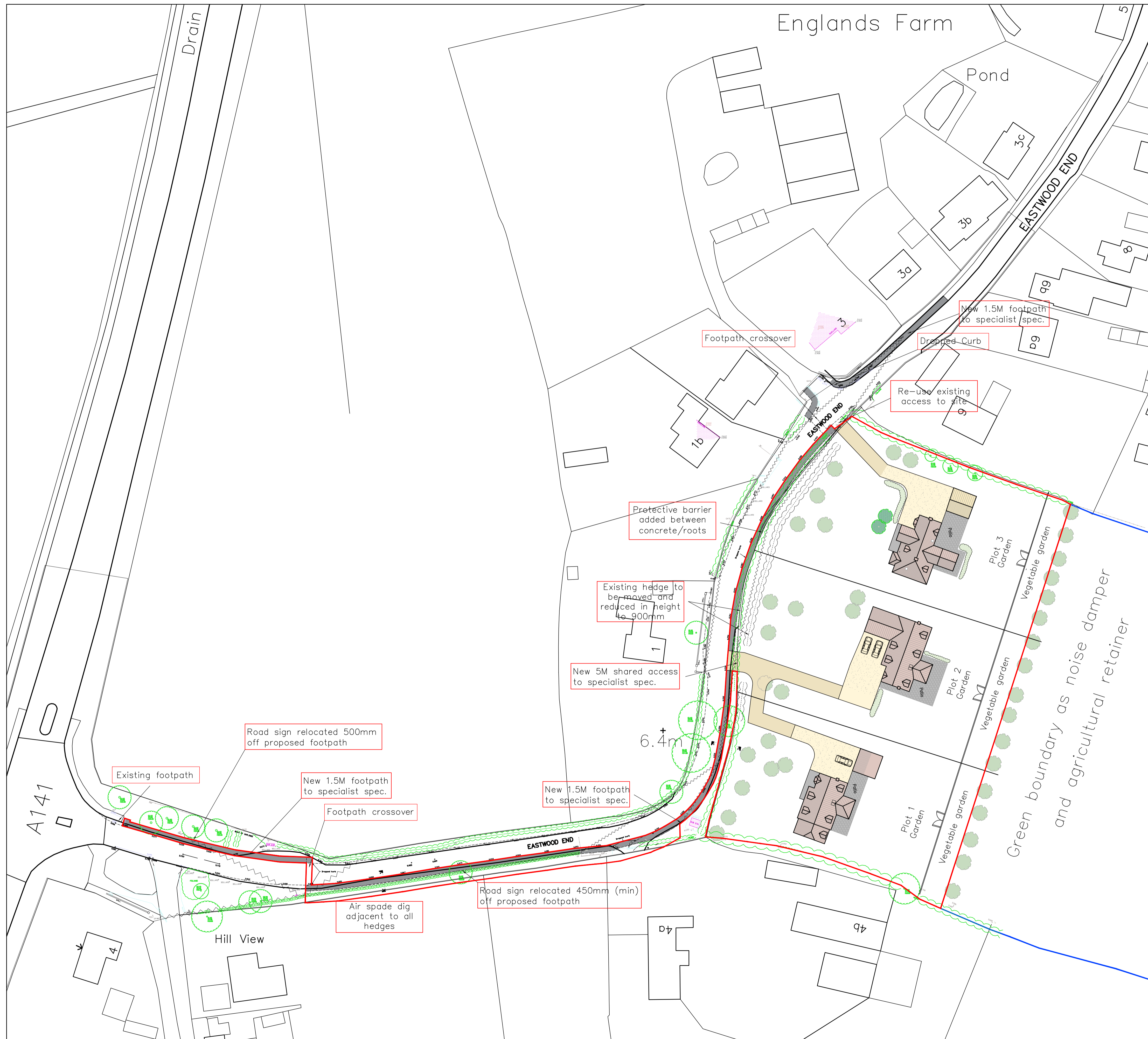
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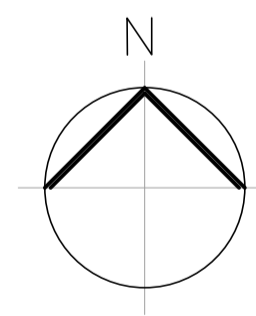
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Proposed Location Plan 1:1250



Peter Humphrey Associates Ltd.
ARCHITECTURAL DESIGN AND BUILDING

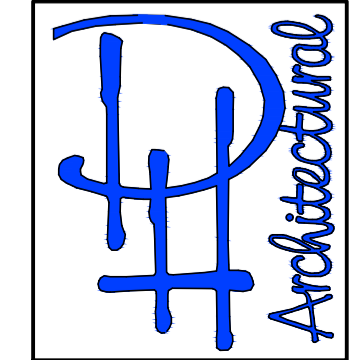
PROJECT
PROPOSED RESIDENTIAL DEVELOPMENT
LAND AT THE EAST OF 6
EASTWOOD END
WIMBLINGTON
PE15 0QQ

DRAWING TITLE
INDICATIVE LAYOUT

CLIENT
Mr Pop Jolley

DATE Oct 2019 SCALE As Shown @A1 JOB No. 5754/PL02H

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Proposed Site Plan 1:500

