
F/YR20/0167/O

Applicant: Mr Alan White

**Agent : Mr David Broker
David Broker Design Services**

Land north of The Barn, High Road, Bunkers Hill, Cambridgeshire

Erect up to 5x dwellings involving the formation of a new access (outline application with matters committed in respect of access)

Reason for Committee: Parish Council recommendation and number of representations contrary to the officer recommendation.

1. EXECUTIVE SUMMARY

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| <p>1.1. The proposal is for the construction of five new dwellings adjacent to the existing edge of Bunkers Hill, to the south west of Wisbech St Mary in the open countryside. Bunkers Hill is not listed as a settlement within policy LP3 and is therefore an 'Elsewhere' location where development is normally restricted to that supporting existing countryside uses.</p> <p>1.2. The application site is located on land that falls within flood zone 1, 2 and 3, however the application is not accompanied by a sequential test indicating that the development could not be accommodated on alternative land within the District at a lower risk of flooding.</p> <p>1.3. The application site has previously been refused permission for residential development, albeit under the policies of the previous development plan, in 2013.</p> <p>1.4. The scheme indicates a linear form of development extending out into the countryside beyond the existing limits of the settlement, and the regular form that would result from the limitations of the application site would result in a development at odds with the character of its surroundings.</p> <p>1.5. The proposed access to the site is not supported by detailed plans of its geometry, and the visibility splays shown are drawn incorrectly, and thus fail to demonstrate that the appropriate visibility can be achieved.</p> <p>1.6. The application is recommended for refusal.</p> |
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2. SITE DESCRIPTION

- 2.1. The application site is part of an open field adjacent to the highway in the Bunkers Hill hamlet. The land was previously separated from the public highway by a hedgerow, however this has recently been removed with only sporadic planting remaining within the line of that former hedgerow. The hedgerow was located on a raised section of land separating the field from the highway, with the field itself located on lower ground.

- 2.2. The field itself is surrounded on the remaining sides by mature hedgerow/tree planting and a post and rail fence to the north boundary with a close boarded fence separating the land from the dwelling to the south.
- 2.3. The field itself lies partly within flood zone 1, but with the majority of the site within flood zones 2 and 3, zones of higher flood risk.

3. PROPOSAL

- 3.1. The proposal is an outline application for the construction of up to five dwellings on the land, with a new vehicular access directly onto High Road to the north west of the site, and a separate pedestrian footway leading to Willock Lane to the south.
- 3.2. Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=map&keyVal=Q6B58VHE06P00>

4. SITE PLANNING HISTORY

F/YR13/0910/F	Erection of 3x 2-storey 4-bed dwellings with detached car port (Plot 1), attached car ports (Plots 2 and 3)	Refused 7/2/14
F/YR13/0048/F	Erection of 3x 2-storey 4-bed dwellings with detached car port (Plot 1), attached car ports (Plots 2 and 3)	Withdrawn 11/3/13

5. CONSULTATIONS

- 5.1. **Parish Council:** Recommend approval.
- 5.2. **FDC Environmental Health:** No objections.
- 5.3. **North Level Internal Drainage Board:** No comments to make.
- 5.4. **Cambridgeshire County Council Highways Authority:** The visibility splays where they cross third party land should be included within the application site, the splays should terminate at the nearside kerb edge. The access should be 5m wide by 10m deep, sealed and drained.
- 5.5. **Environment Agency:** No objection. Note that although the EA raises no objection on flood risk grounds that should not be taken to mean that the application is considered to have passed the Sequential Test.
- 5.6. **Local Residents/Interested Parties:** 11 responses have been received in relation to the proposal, 7 in support and 4 raising objection.
- 5.7. The letters of support identify the following reasons:
- New homes will help to support and sustain the hamlet
 - Development on both sides of the road will act as a traffic calming measure.
 - Further development will hopefully allow the footpath to be extended to Wisbech St Mary.
 - The land has not been used for agricultural purposes for many years.

- The site provides self-build opportunity.
- 5.8. The letters of objection identify the following issues:
- Additional traffic accessing High Road with blind bends and a 60mph speed limit. Accidents have already occurred with traffic trying to exit side roads and other vehicles avoiding them.
 - The proposed 5 new dwellings are totally out of character with the existing dwellings in Bunkers Hill, which is a small hamlet with bespoke dwellings.
 - Hedgerow and trees have already been removed prior to the application being submitted.
 - Proposed footpath does not address the lack of pedestrian link to Wisbech St Mary.
 - The houses will adversely affect the landscape.
 - A barn has been demolished, resulting in the loss of habitat for barn owls, and an adverse impact on the wildlife in the area.
 - Construction of the dwellings will entail significant disruption to the existing dwellings and their residents.
 - Road facing housing development is out of character for Bunkers Hill.
 - Approving the application would be premature given the consideration of proposed sites as part of the Local Plan review.

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

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 12: Conflict with an up-to-date plan should not usually be granted

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

Para 155: Development should be directed away from areas at highest risk of flooding.

Para 157: Need to apply the sequential and exceptions tests.

Para 158: Development should not be permitted if there are reasonably available sites in areas at lower risk of flooding.

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

Para 175: Harm to habitats and biodiversity.

National Planning Practice Guidance (NPPG)

Determining a planning application

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

8. KEY ISSUES

- **Principle of Development**
- **Visual Impact & Character**
- **Flood Risk & Sequential Test**
- **Highway Safety**
- **Other Matters**

9. BACKGROUND

- 9.1. The application form notes that the proposal has not been the subject of any pre-application contact with the Local Planning Authority, however the site history notes two previous applications on the site dating back to 2013 under the previous development plan. One of those applications was withdrawn, and the other refused on the grounds of resulting in ribbon development beyond the established settlement, the location of the site within flood zones 2 and 3 despite alternative sites being available at lower flood risk, and the formal appearance of the development detracting from the character of the existing buildings in the vicinity.

10. ASSESSMENT

Principle of Development

- 10.1. Policy LP3 defines the settlement hierarchy within the district. Bunkers Hill falls outside any of the defined settlement categories and as such is considered to be an 'Elsewhere' location where development *"will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services"*.
- 10.2. Policy LP12 details further the requirements for supporting evidence in relation to proposals for new accommodation within such locations, however as the proposals are not submitted on the basis that they meet the above criteria, no such evidence accompanies the application.
- 10.3. On that basis, the principle of the proposed development does not accord with the relevant policies of the development plan. This approach is supported by recent appeal decisions in relation to proposals within the District, in particular schemes at Kings Delph (F/YR18/0515/F), Westry (F/YR17/1114/O) and Four Gotes (F/YR18/0725/O).

Visual Impact & Character

- 10.4. Policy LP16 of the Fenland Local Plan sets out the requirements for development proposals with regard to delivering and protecting high quality environments throughout the district. In particular it notes that proposals will be required to make a positive contribution to the local distinctiveness and character of the area, enhancing its local setting, and responding to and improving the character of the local built environment, whilst reinforcing local identity and not adversely impacting on the street scene, settlement pattern or the landscape character of the area.
- 10.5. Planning policy within the development plan discourages development proposals that would result in ribbon style development. The Design and Access Statement states that the proposal is intended to *"reinforce the linear*

character of the hamlet.” The linear nature of the proposal when combined with its location beyond the existing developed extent of Bunkers Hill would result in ribbon style development. As it stands, the site is of a particularly open character in this location, and this makes a significant contribution to the overall rural character of the area and the relationship of the countryside to Bunkers Hill in this location. Development along the frontage of the field in this location would therefore result in demonstrable harm to the character and appearance of its surroundings and the character of Bunkers Hill at odds with policy LP16 noted above, and National Design Guidance.

- 10.6. In addition to the above, Bunkers Hill is also distinctive due to the sporadic nature of its development, in particular on the east side of High Road where the application site is also located. The shape of the application site and its extent, combined with the proposed number of dwellings forming part of the scheme would result in a regular form of development at odds with this distinctive character that by its nature would therefore be contrary to the requirements of policy LP16 of the Fenland Local Plan (2014).

Flood Risk & Sequential Test

- 10.7. The application site lies within flood zones 2 and 3. National and Local Planning Policy requires development to be directed to areas of lowest flood risk in preference to those within higher risk areas, unless a sequential test demonstrates that there are no such areas capable of accommodating the level of development proposed on the site. Fenland District Council sequential test protocol is that for development in elsewhere locations, such as the application site, the area of search for preferential locations will be the entirety of the district.
- 10.8. No separate sequential test has been submitted alongside the application, however two other documents do comment on the proposals from a sequential test perspective. The first of these is the Flood Risk Assessment (FRA), dated December 19 and undertaken by Ellingham Consulting Ltd. This document under its sequential test section states that *“It should be noted that the existing building includes residential accommodation and the proposed conversion provides additional living area and does not increase the number of dwellings”* despite section 2.3 of that report noting that *“The proposed development consists of five new dwellings.”* The FRA therefore is not considered to satisfactorily address the sequential test, and contains contradictory information.
- 10.9. The second document is the Design and Access Statement, however rather than undertaking a formal sequential test, this document merely identifies that the Planning Committee approved residential development within Bunkers Hill on land within Flood Zone 3 in January 2019, and references an appeal where the Inspector allowed a residential use on land in Flood Zone 3. Notwithstanding those decisions, the current application site is of distinctly different character and relationship to the existing group of dwellings forming Bunkers Hill, and therefore there is no precedent established by those decisions that must be followed in the consideration of the current application.
- 10.10. On the basis of the above, the lack of a sequential test is sufficient to result in the proposal being contrary to policy LP14 of the Fenland Local Plan (2014) and National Planning Policy set out under chapter 14 of the National Planning Policy Framework (2019).

Highway Safety

- 10.11. Policy LP15 of the Fenland Local Plan (2014) requires development to provide well designed, safe and convenient access for all.
- 10.12. The proposal includes the provision of vehicular access to the site directly onto High Road, towards the northern extent of the application site. The application form states that access is committed for approval at this stage, although it is noted that no dimensioned details of the proposed access are included with the application.
- 10.13. Concerns have been raised by residents regarding the safety of any vehicular access onto High Road at this point, given the road is only subject to restriction to the national speed limit (60mph) rather than any lower speed. Traffic survey work undertaken in 2013 indicates that the 85th percentile speed along High Road was in fact 47mph, however it must be acknowledged that this survey work is over six years old, originally having been undertaken to support the previously refused application, and therefore cannot be relied upon to give an accurate portrayal of the current situation with regard to traffic speeds in the vicinity.
- 10.14. Notwithstanding that matter, it is noted that the Local Highways Authority does not raise an objection to the principle of the development, although they do request amended details regarding the technical specification of the visibility splays, and general access arrangement that are not present despite the access being a matter committed for approval at this stage.
- 10.15. It is acknowledged that amended plans have not been requested from the applicant/agent in that regard at this time, however due to the in principle objection to the proposal identified above it was not deemed appropriate to request such alterations as they would not have resulted in a change to the recommendation.

Other Matters

- 10.16. Several other matters are identified by the responses received in relation to the application, relating to the following points.
- Sustainability of the hamlet.
- 10.17. The group of dwellings known as Bunkers Hill does not achieve classification beyond an 'Elsewhere' location in the settlement hierarchy precisely because it does not currently benefit from any services or community facilities. The comments regarding support for growing such places and the potential for them to support community facilities are noted, however such matters are considered during the categorisation of villages when developing planning policy, and the policy does not allow for such development.
- Development acts as traffic calming.
- 10.18. There is no evidence submitted to suggest that granting permission on the application site would result in a reduction of vehicular speeds passing through the settlement, and any such impact would be likely to be marginal.
- Footpath extension to Wisbech St Mary.
- 10.19. The current separation between the hamlet and Wisbech St Mary to the north east is approximately 400m. None of this section of road benefits from a

footpath. The scale of the proposal is not sufficient to justify the provision of such a footpath.

- Site not actively used for agriculture.
- 10.20. It is accepted that on the basis of the evidence available, the site has not been used for agriculture for some time, however there is no requirement in planning terms for such a use to be actively undertaken in order to safeguard land from development. The site itself makes a contribution to the character of the area as a section of open land adjacent to the built up part of the hamlet, and the proposal would result in harm to that character contrary to the requirements of the relevant planning policies.
- The site provides self-build opportunity.
- 10.21. It may be the case that granting the proposal would result in opportunity for the plots to come forward as self-build units, however as with several of the points above, the provision of such opportunity does not override the need for the site to be located in an acceptable location in principle. There are several sites elsewhere in the District that have come forward and are still being brought forward as self-build projects.
- Removal of hedgerow and trees.
- 10.22. Any removal of hedgerow or trees undertaken prior to the application being submitted is not a matter for consideration as part of the current application, but may however be subject to alternative legislation.
- Disruption during construction.
- 10.23. The construction impacts of a proposal are not material to the consideration of the principle of development, and alternative legislation exists to control those impacts.
- Premature due to Local Plan review.
- 10.24. Whilst the policies of the Local Plan are currently being reviewed, this does not supersede the existing policies of the development plan currently in place.

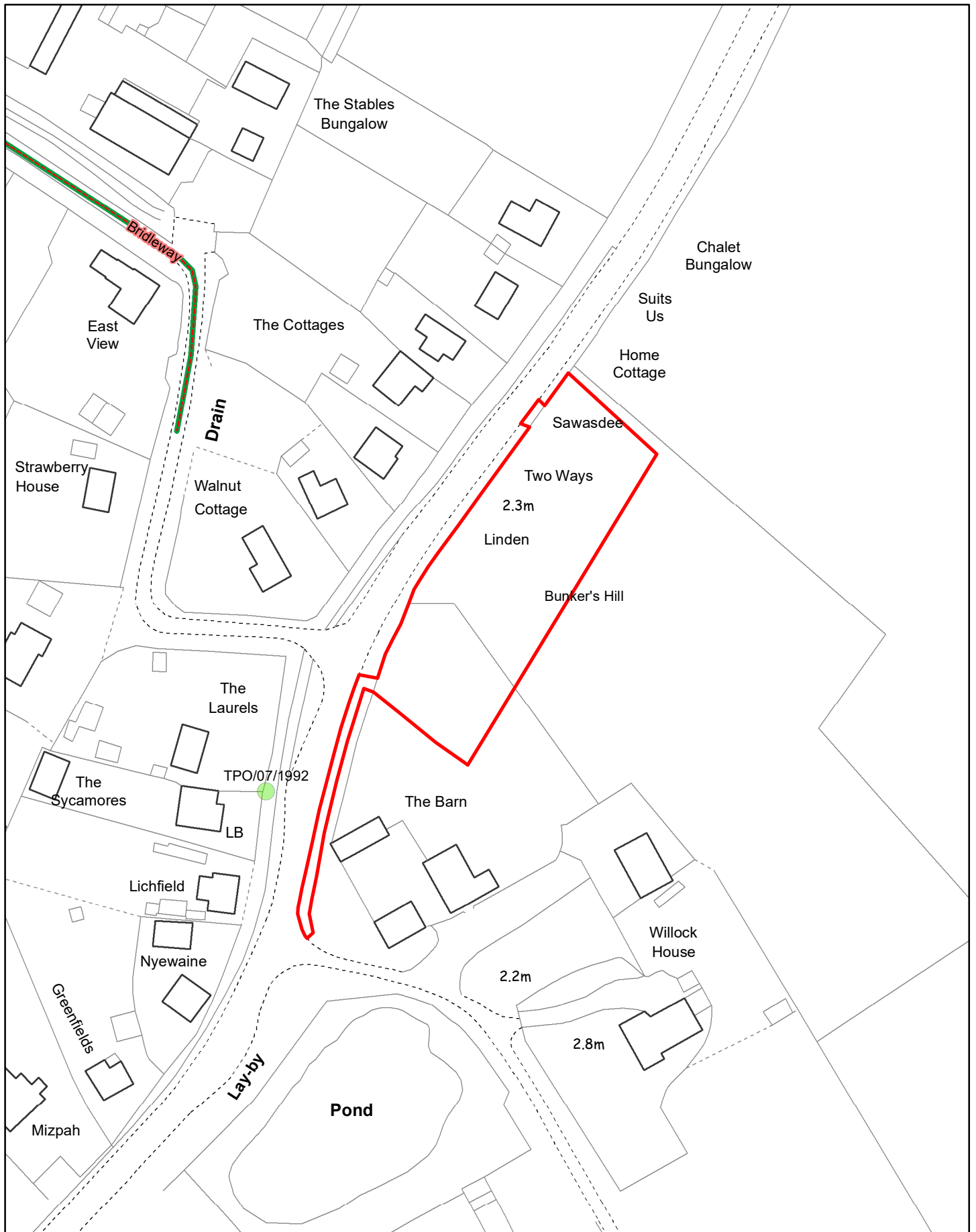
11. CONCLUSIONS

- 11.1. In accordance with the matters considered above, it is concluded that the principle of the development does not accord with the relevant policies of the development plan (in particular policy LP3), and the lack of any evaluation of the site in terms of flood risk and the sequential test also conflicts with the requirements of both local (LP14) national planning policy (NPPF chapter 14).
- 11.2. Insufficient details are provided of the proposed access geometry to the site to allow for a proper assessment of the suitability of that access for the scale of development proposed, in addition to the visibility splays associated with the point of access being incorrectly shown on the plans. The scheme therefore fails to demonstrate that it can achieve a safe and convenient access for all and would be contrary to policy LP15 of the Fenland Local Plan (2014).
- 11.3. The plans submitted with the application detail a site that would result in adverse impacts to both the overall shape and form of the hamlet and its distinctive character and the proposal would therefore be contrary to policy LP16 of the Fenland Local Plan (2014).

12. RECOMMENDATION

REFUSE, for the following reasons:

<p>1. Policy LP3 of the Fenland Local Plan (2014) sets out the settlements hierarchy within the district, with the application site location being considered as an 'Elsewhere' location where new dwellings are only to be permitted if they are demonstrably essential to the effective operation of a range of countryside type uses. The proposal is made in outline for the construction of up to five open market residential dwellings and contains no indication that the dwellings are required to support any of the uses identified. The proposal would result in the construction of several residential dwellings in an area of the district where supporting facilities for such development are not available, and as a result the scheme would be contrary to the requirements of policy LP3 of the Fenland Local Plan.</p>
<p>2. Policy LP16 of the Fenland Local Plan (2014) requires development to demonstrate that it makes a positive contribution to the local distinctiveness and character of an area, enhancing its local setting, responding to and improving the character of the local built environment whilst reinforcing local identity and not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area. The application site is located beyond the existing built up edge of the hamlet in an open field that forms a distinct visual boundary to Bunkers Hill, and is of a shape and size that would result in ribbon development extending into the countryside that would have a detrimental effect on the distinctive local character of the existing hamlet. The proposal would therefore be contrary to policy LP16 of the Fenland Local Plan (2014).</p>
<p>3. Policy LP15 requires development proposals to demonstrate that they can provide well-designed, safe and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport. The application commits access, however the submitted plans do not provide any detailed access geometry, and the southern visibility splay is incorrectly drawn and therefore fails to demonstrate acceptable visibility and a safe access can be provided. The scheme is therefore contrary to policy LP15 of the Fenland Local Plan (2014).</p>
<p>4. Policy LP14 of the Fenland Local Plan (2014) and chapter 14 of the National Planning Policy Framework (2019) require residential development to be steered towards areas of lowest flood risk unless a sequential test identifies that there are no other suitable and reasonably available sites capable of accommodating the development. The proposal is located within flood zones 1, 2 and 3, and the scheme is not accompanied by a sequential test document indicating consideration of alternative sites. The proposal would therefore result in residential development within zones of higher flood risk without any justification indicating that the development could not be accommodated in areas of lower risk, and would therefore be contrary to policy LP14 of the Fenland Local Plan (2014) and chapter 14 of the National Planning Policy Framework (2019).</p>



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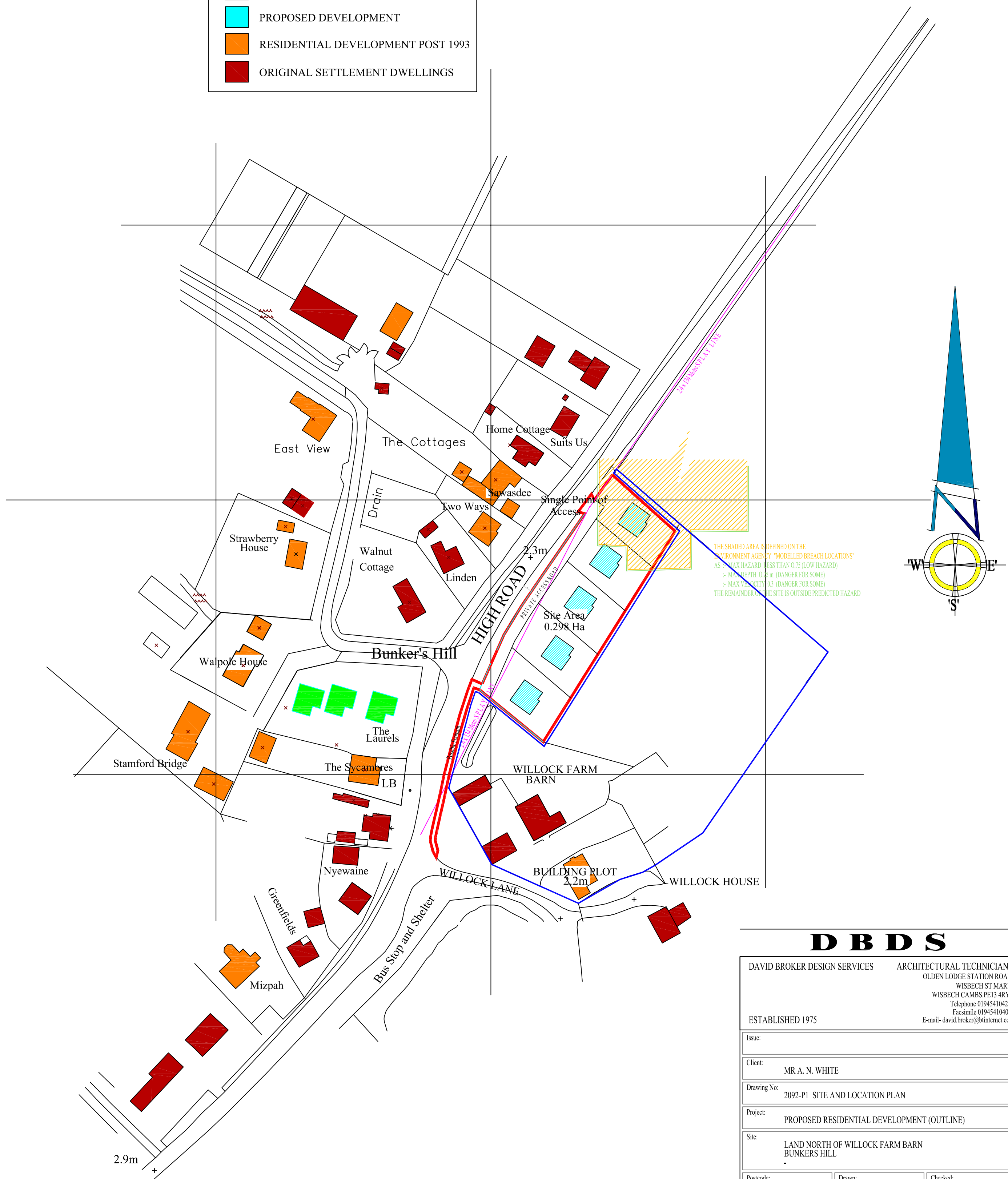
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■	RECENTLY APPROVED DEVELOPMENT
■	PROPOSED DEVELOPMENT
■	RESIDENTIAL DEVELOPMENT POST 1993
■	ORIGINAL SETTLEMENT DWELLINGS



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ESTABLISHED 1975		
Issue:		
Client: MR A. N. WHITE		
Drawing No: 2092-P1 SITE AND LOCATION PLAN		
Project: PROPOSED RESIDENTIAL DEVELOPMENT (OUTLINE)		
Site: LAND NORTH OF WILLOCK FARM BARN BUNKERS HILL		
Postcode: -	Drawn: DB	Checked: -
Print Scale: 1:1000	Date: 16-01-2020	Revision No: -