
F/YR20/0416/O

Applicant: Messrs J Humphrey & Spooner

Agent: Swann Edwards Architecture Limited

Land south east of The Poplars, Bevis Lane, Wisbech St Mary, Cambridgeshire

Erect up to 2x dwellings (outline application with matters committed in respect of access)

Reason for Committee: Number of letters of support received contrary to Officer recommendation

1. EXECUTIVE SUMMARY

- 1.1. The application site is located outside the built form of the settlement of Wisbech St Mary. It comprises part of an agricultural field, and an area of land ancillary to the adjacent residential dwelling, used for the growing of fruit and vegetables.
- 1.2. The proposal is made in outline for the construction of up to two dwellings on the land, one served from the existing vehicular access to the neighbouring dwelling and the second utilising the existing vehicular access point into the site.
- 1.3. Permission has previously been refused and the subsequent appeal dismissed for the erection of a dwelling on part of the land.
- 1.4. There is a level of local support for the proposal with a significant factor in that support being the indication that one of the dwellings is intended as a retirement home for one of the applicants, however the personal circumstances of the applicant are not material to the consideration of the application.
- 1.5. The development would not be served by pedestrian links to the main core of the settlement and the services that are available there and is therefore considered to be unsustainable, reliant on the private car and a danger to pedestrian safety.
- 1.6. There is insufficient evidence accompanying the application to demonstrate that the proposal will not result in harm to biodiversity through the loss of existing natural features providing suitable habitat for protected species.
- 1.7. The scheme would be contrary to the locational policies of the Local Plan and would result in a detrimental impact on the appearance of the surrounding area through the loss of the verdant character identified by the Inspector.
- 1.8. The application is consequently recommended for refusal.

2. SITE DESCRIPTION

- 2.1. The application site is located on the outskirts of the settlement of Wisbech St Mary to the south of the dwelling known as The Poplars, and consists of two main parts. The first part is amenity land associated with the adjacent dwelling to the north west of the site mainly grassed with some fruit trees and vegetable garden

features, and the second part is more open agricultural land, separated from the first part by a line of mature trees running east-west across the middle of the site.

- 2.2. The southern part of the site boundary along its frontage with Bevis Lane has been changed substantially since the previous planning application, with the trees that previously formed this boundary cut down to stumps noted as being removed on the proposed plans. Those trees were noted in the appeal decision on the site as providing “*a pleasant tree-lined approach to the village, and a verdant landscape character within generally open arable fields.*” The northern part of the site boundary is formed from mature trees screening the amenity land from public views.
- 2.3. The land is designated as flood zone 1, the zone of lowest flood risk.

3. PROPOSAL

- 3.1. The proposal is made in outline, and is for the construction of two dwellings on the land, with only matters of access for approval at this stage.
- 3.2. Indicative site layout plans are provided with the application, showing removal of the hedgerow separating the two parts of the site, with one of the dwelling gaining access via the existing driveway leading to The Poplars, with a section of the hedgerow/trees forming the boundary of that property also being removed to facilitate access. The second dwelling would be served by a new private access direct from Bevis Lane, with the plan detailing the removal of the tree stumps across the front of the site.
- 3.3. Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=Q953CTHE0D800>

4. SITE PLANNING HISTORY

19/0170/PREAPP	Erect 1 dwelling	Not favourable 27/1/20
18/0075/PREAPP	Erection of 5 dwellings	Not favourable 11/6/18
18/0032/PREAPP	Erection of 4-bed detached dwelling	Not favourable 13/3/18
F/YR17/1189/O	Erection of a dwelling (outline application with all matters reserved)	Refused 30/1/18 Appeal dismissed

5. CONSULTATIONS

Parish Council:

- 5.1. Recommend approval
- 5.2. **Ward Member Cllr Bligh**
Support.
- Could be seen as outside the main settlement, however there are houses all along Bevis Lane and consider these are within the village.
 - Can't see any negative impact from granting permission
 - Settlement is a growth village and must allow infill on the edges to stop the centre becoming too full.

FDC Environmental Health

- 5.3. No objections

Cambridgeshire County Council Highways Authority:

- 5.4. New highway crossover should be set out as per standard CCC specification, and the new private access should be sealed and drained away from the highway.
Visibility splays of 2.4m by 215m should be detailed at both accesses in both directions.
Vegetation along the site frontage should be shown as cut back to the highway boundary.
The lack of footway provision is likely to result in occupants being dependent on private vehicles. Walking along a 60mph road is unsuitable for pedestrians.

North Level IDB

- 5.5. No comment

5.6. Local Residents/Interested Parties:

9 letters have been received from residents in the area, consisting of 3 stating no objection, 6 stating support and none objecting to the proposal

The letters of support cite the following reasons:

- Development along the lane would make it more part of the village
- Site is close to the village and its amenities
- There has always been access to the sites in question
- There are houses to both sides of the proposed development
- Applicants have always supported the village and its amenities
- Further development may increase investment in local facilities
- Additional residents along the lane may discourage fly tipping
- Good for mutual security by having more residents on the lane
- One of the applicants has lived in the village for his whole life, and is a third generation resident
- The land is in flood zone 1

Members should note that the personal circumstances of the applicant are not material to the consideration of the application.

It is noted that 1 of the letters confirming no objection stated that this was on the basis that the proposed dwellings are not altered from the outline plan.

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

Para 127: Well-designed development

Para 130: Permission should be refused for development of poor design that fails to take opportunities for improving the character and quality of an area.

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

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**
- **Visual Impact & Character**
- **Appeal Decision**
- **Highway Safety**
- **Ecological Impacts**
- **Other Matters**

9. BACKGROUND

- 9.1. Outline planning permission was sought on part of the current site in 2017 for the development of the land by construction of a single dwelling. That application was refused on two grounds, namely that the development was out of keeping with its rural location and the loss of the frontage planting would result in unacceptable changes to the character of the area, and that the proposed dwelling would have to rely on private modes of transport to access goods and services due to the lack of any footpath links to the main settlement resulting in an unsustainable form of development.
- 9.2. Following the refusal of planning permission, the decision was appealed with the Planning Inspectorate. The decision of the Planning Inspector in January of 2019 was that the appeal be dismissed, finding harm to the character and appearance of the area by the felling of the trees along the site frontage, that the site failed to accord with policy LP12 as it did not lie adjacent to the developed footprint of the village, and that the proposal would conflict with sustainable transport aims due to the lack of a footway serving the site along Bevis Lane.
- 9.3. Three pre-application enquiries have been made following the original refusal. Two of these were resolved prior to the receipt of the planning appeal decision, with the third sought after the receipt of that decision. The first and last enquiries sought the development of a single dwelling on the land, whilst the second related to the development of five dwellings. All three of the enquiries were indicated as not being favourable for development of the land for similar reasons as the refusal of the previous planning application.

10. ASSESSMENT

Appeal Decision

- 10.1. As noted in paragraph 9.2, the appeal decision relating to the refusal of permission for a single dwelling on the southern part of the site was dismissed, on three grounds, namely the harm to the character of the area from the cutting down of the frontage trees, the detachment of the site from the built up part of the settlement as defined in policy LP12, and the unsustainable nature of the site due to the lack of a footpath connecting it to the village.
- 10.2. The appeal decision is a material consideration in relation to the current application, however it should be noted that the proposal differs in several key areas from that previous appeal. These are:
 1. The current application site now incorporates the land to the north west, that was previously a key consideration in the Planning Inspector's decision to dismiss the appeal due to it separating the site from the developed footprint of the village.
 2. The trees that were noted by the Planning Inspector as making a contribution to the character and appearance of the area have subsequently been cut down to leave only stumps remaining. They are noted on the plans as being removed and there is no preservation order that would require their retention or replacement.
 3. The current scheme proposes the construction of two dwellings, not one.
- 10.3. Notwithstanding those differences, the appeal decision noted that the site was located within a generally verdant landscape of open, arable fields with a pleasant, tree-lined approach to the village. It went on to conclude that the harm caused to this landscape and its character by the proposal was of sufficient scale to justify dismissal of the appeal.
- 10.4. The appeal decision remains a material consideration, however the impacts of the current proposal differ in their detail and require assessment in their own right.

Principle of Development

- 10.5. Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the District, setting out the scale of development appropriate to each level of the hierarchy. Wisbech St Mary is a Growth Village, one of four such settlements within the hierarchy where development within the existing urban area or as small village extensions is expected to take place over the plan period.
- 10.6. Policy LP12 of the Fenland Local Plan (2014) addresses the matter of development within or adjacent to villages under Part A of that policy, noting that *"development will be supported where it does not harm the wide open character of the countryside"*, alongside a set of other criteria. These include the proposal not having an adverse impact on the character and appearance of the surrounding countryside and farmland, being of a scale and in a location that is in keeping with the core shape and form of the settlement, not harming its character and appearance, not extending linear features of the settlement, and retaining natural boundaries of the site.
- 10.7. Policy LP12 part A (a) also requires that for development to be supported it must be in or adjacent to the existing developed footprint of the village. The policy

defines the developed footprint as *“the continuous built form of the settlement, and excludes gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where the land relates more to the surrounding countryside than to the built-up area of the settlement.”*

- 10.8. On that basis the side garden and driveway of The Poplars to the north is excluded from consideration as part of the continuous built form of the settlement. This is exacerbated by the lack of connection between the site and the settlement in terms of suitable infrastructure to allow future residents to walk safely to facilities within the settlement. The proposal therefore conflicts with policy LP12 and as such the principle of the development is unacceptable.

Visual Impact & Character

- 10.9. Policy LP16 of the Fenland Local Plan (2014) requires development proposals to deliver and protect high quality environments throughout the district. Proposals must demonstrate they make a positive contribution to the local distinctiveness and character of the area, enhancing their local setting and both responding to and improving the character of the local built environment whilst not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area.
- 10.10. Policy LP12 of the Fenland Local Plan requires that developments do not have an adverse impact on the character and appearance of the surrounding countryside and farmland, are of a scale and in a location that is in keeping with the core shape and form of the settlement, do not extend linear features of the settlement or result in ribbon development, whilst retaining natural boundaries such as trees and hedgerows and respecting ecological and biodiversity features of the land.
- 10.11. As noted at paragraphs 2.3 and 9.2 above, the trees along the southern part of the site frontage that were identified in the appeal decision as making a significant contribution to the character of the area have been cut down to stumps, which are noted on the submitted plans as being removed. This has had the effect of significantly opening up views across the open countryside in this area across the southern part of the site and changing its character from the tree lined approach to the village considered previously to one of open countryside views.
- 10.12. Notwithstanding that loss, the site is still considered to be part of, and make a significant contribution to, the verdant character of the area identified by the Planning Inspector in the previous appeal decision.
- 10.13. Those changes also give the line of mature trees that runs through the site in an east/west direction greater significance as a natural boundary feature that forms a key part of the countryside character in this location. The indicative plan showing removal of this hedgerow for a length of over 50m will have a significant detrimental impact on the character of the area and would also harm the biodiversity contribution of the site (see later).
- 10.14. Furthermore, the proposal for the site includes for the construction of up to two new dwellings. This would result in a significantly greater impact on the character of the area than the previously refused one dwelling.
- 10.15. On that basis, the proposal would fail to accord with the requirements of policy LP12, as it would have a detrimental impact on the character and appearance of the surrounding countryside and farmland.

10.16. The development of the site would also result in the extension of the built up frontage of the settlement along Bevis Lane, and would fail to be in keeping with the core shape and form of the settlement, extending development in a linear form along Bevis Lane resulting in ribbon development contrary to the requirements of paragraphs (d) and (e) of policy LP12.

Highway Safety

10.17. Policy LP15 of the Fenland Local Plan (2014) requires development to provide a 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.

10.18. Policies LP12 and LP15 of the Fenland Local Plan require sites to show that they can be served by sustainable infrastructure provision.

10.19. The application site is currently served by a single agricultural access into the southern half, which is an agricultural field. The proposal is for the northern half to gain access via the existing driveway to The Poplars.

10.20. The comments of the Local Highways Authority are noted above, in particular that the existing plans fail to demonstrate an access of a suitable design and with adequate visibility splays. It is noted that amendments to the plans may be able to overcome these issues, however given the principle issues in relation to the proposal it is not considered appropriate to require amended plans unless it is likely that such plans would result in a recommendation of approval. Should members resolve to grant permission for the proposal, amendments to the plans should be required prior to issuing any decision.

10.21. It is also noted that the Local Highways Authority advise that the site is not served by any pedestrian infrastructure connecting it to the settlement. This was a factor that contributed to the dismissal of the appeal on the site and this issue has not been overcome by the current proposal.

Ecological Impacts

10.22. Policy LP19 of the Fenland Local Plan (2014) states that the Council will conserve, enhance and promote the biodiversity and geological interest of the natural environment throughout Fenland, protecting designated sites, refusing permission for developments that cause demonstrable harm to a protected habitat or species, and ensure opportunities are taken to incorporate beneficial features into new developments.

10.23. The application is accompanied by a biodiversity checklist completed by the agent, which indicates that there is no suitable habitat on the site for protected species. This checklist includes statements that habitats such as hedgerows, woodland, trees and field margins will not be affected. This is clearly contrary to the information shown on the site plan. As a result the proposal is considered to be contrary to policy LP19 of the Fenland Local Plan (2014) as there is demonstrable harm (removal) to features capable of providing habitat to protected species without any evidence justifying their loss.

Other Matters

10.24. Several other matters were raised by the letters received in response to the application proposals.

10.25. The additional security and discouragement of fly tipping are noted, however the first is not sufficient to overcome the policy justification for refusal of the application and the second is anecdotal and not material to the decision.

11. CONCLUSIONS

- 11.1. The application site is detached from the existing built up edge of the settlement and would result in ribbon development along Bevis Lane. This was one of the reasons given for the dismissal of an earlier appeal at the site and has not been overcome by the current proposal.
- 11.2. The lack of footway provision results in poor connection between the site and the facilities within the village of Wisbech St Mary and the proposal is therefore considered to constitute unsustainable development as it is reliant on the private car.
- 11.3. Part of the application site is currently open agricultural fields flanked by a line of mature trees that would be removed to facilitate the development. These trees make a significant contribution to the character of the area and their loss would be detrimental to that character. The open nature of the views currently possible across part of the site would be lost should the development be allowed to go ahead. Overall, this would result in harm to the verdant character of the area identified previously by the Inspector, and would be contrary to the relevant policies of the development plan.
- 11.4. The application is not accompanied by an ecological survey to confirm the presence or otherwise of protected species and their habitats on the site, despite several features of the site being indicated as suitable for providing such habitat.
- 11.5. The conclusions of the previously dismissed appeal on part of the application site are still relevant to the current scheme. They identified harm to the character of the area and a lack of connectivity with the settlement of Wisbech St Mary and a conflict with the policies of the Fenland Local Plan (2014) and the NPPF. The current scheme has failed to satisfactorily overcome those reasons for dismissing the appeal and consequently the application is not acceptable.

12. RECOMMENDATION

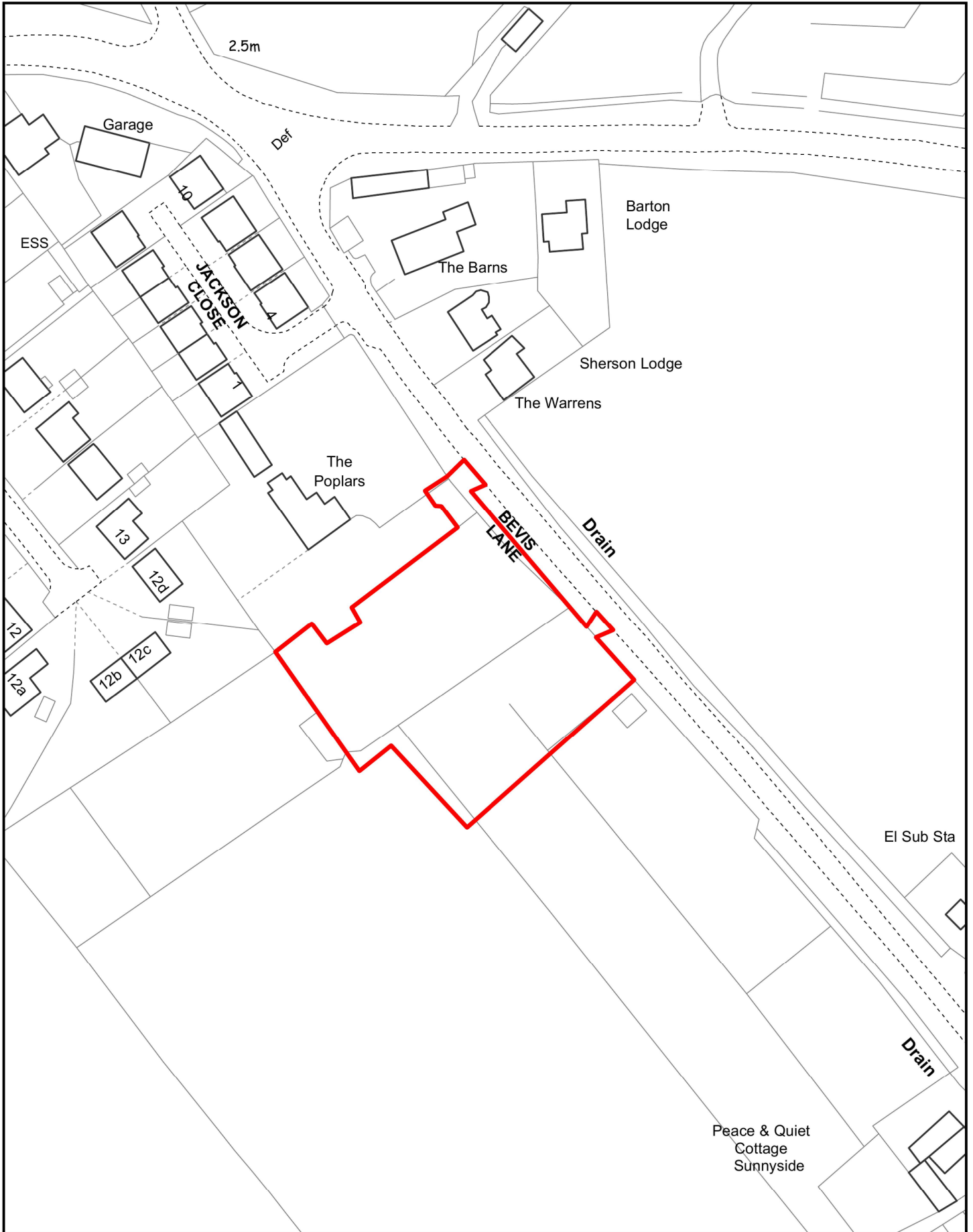
REFUSAL, for the following reasons:

- | |
|--|
| <p>1. Policy LP12(a) of the Fenland Local Plan (2014) sets out a need for sites to be within or adjacent to the existing developed footprint of the village in order to be supported. It excludes gardens and other land within a building's curtilage. The application site is separated from the existing developed footprint by such land and has poor connectivity with the settlement, and is therefore considered to be contrary to the requirements of policy LP12(a) of the Fenland Local Plan (2014).</p> |
| <p>2. Policy LP16 of the Fenland Local Plan (2014) requires developments to respond to and improve the character of the local environment and enhance their setting. Policy LP12 of the Fenland Local Plan also requires that developments do not have an adverse impact on the character and appearance of the surrounding countryside and farmland, are of a scale and in a location that is in keeping with the core shape and form of the settlement, not extend linear features of the settlement or result in ribbon development, whilst retaining natural boundaries such</p> |

as trees and hedgerows and respecting ecological and biodiversity features of the land. The proposal is for the construction of two new dwellings, and would result in the loss of a significant line of existing trees forming a natural boundary within the land, and also the loss of views over the existing farmland that make a significant contribution to the verdant character of the area. The location of the site is also not in keeping with the core shape of the village, extending the built form out into the countryside in a linear fashion along Bevis Lane, resulting in ribbon development. The scheme would therefore be contrary to the requirements of policies LP12 and LP16 of the Fenland Local Plan (2014).

3. Policy LP15 of the Fenland Local Plan (2014) requires development to provide a 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 site is not served by a pedestrian footway linking it to the village, with such infrastructure only available from the junction of Bevis Lane with High Road/Barton Road. It would therefore require occupiers to be reliant on private vehicles or would result in them walking along Bevis Lane, which is subject to the national speed limit. The proposal therefore would be in an unsustainable location in relation to the settlement and would fail to provide a safe and convenient access for pedestrians, contrary to policy LP15 of the Fenland Local Plan (2014).

4. Policy LP19 of the Fenland Local Plan (2014) states that the Council will refuse permission for sites that cause demonstrable harm to a protected habitat or species. The proposal involves the removal of a substantial number of mature trees/length of hedgerow running across the site, along with the development of an area of land comprising field margins. Both of these features provide suitable habitat for protected species however no ecological survey has been supplied alongside the application to demonstrate that protected species would not be harmed as a result of the works and the proposal would therefore be contrary to the requirements of policy LP19.



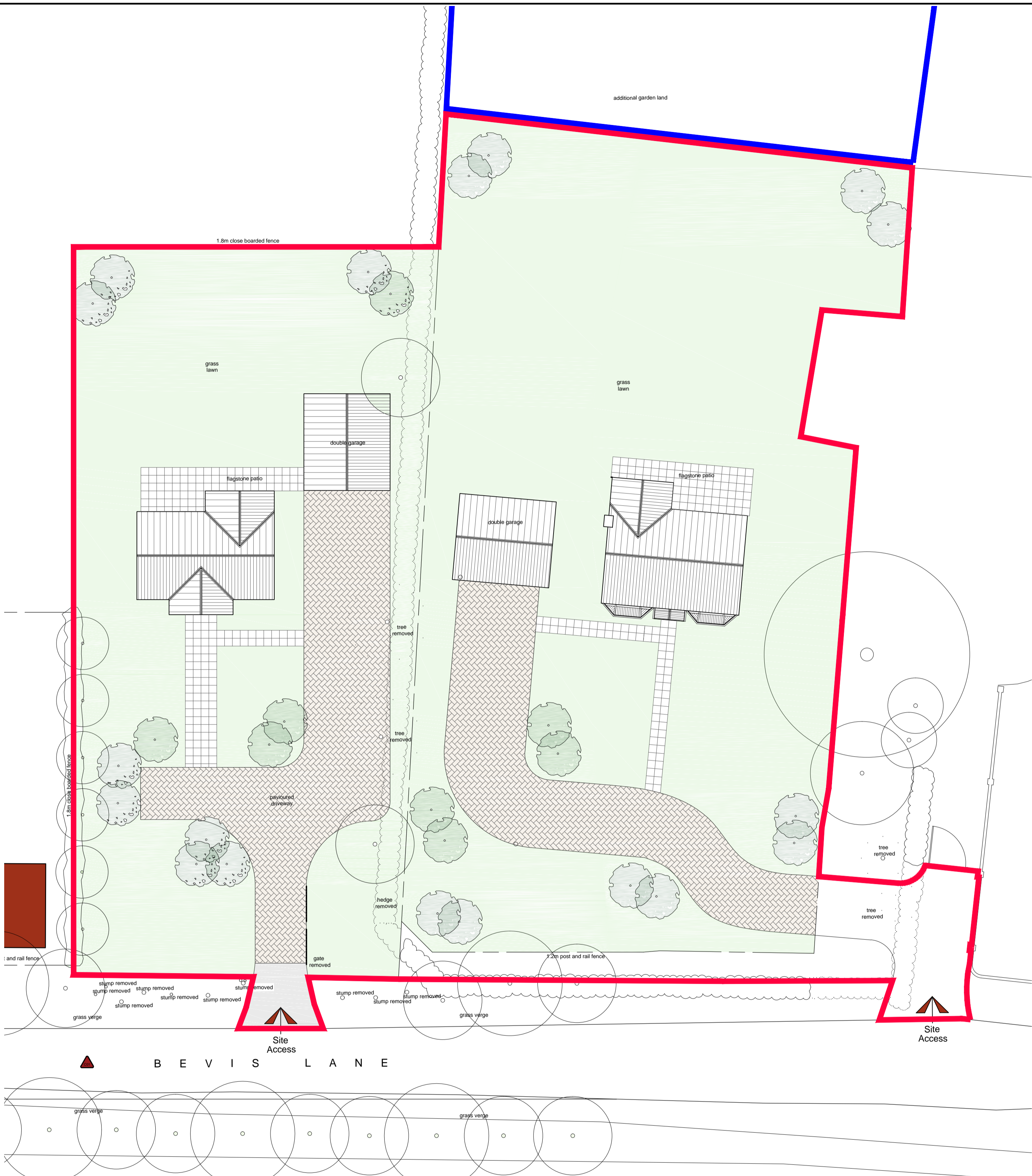
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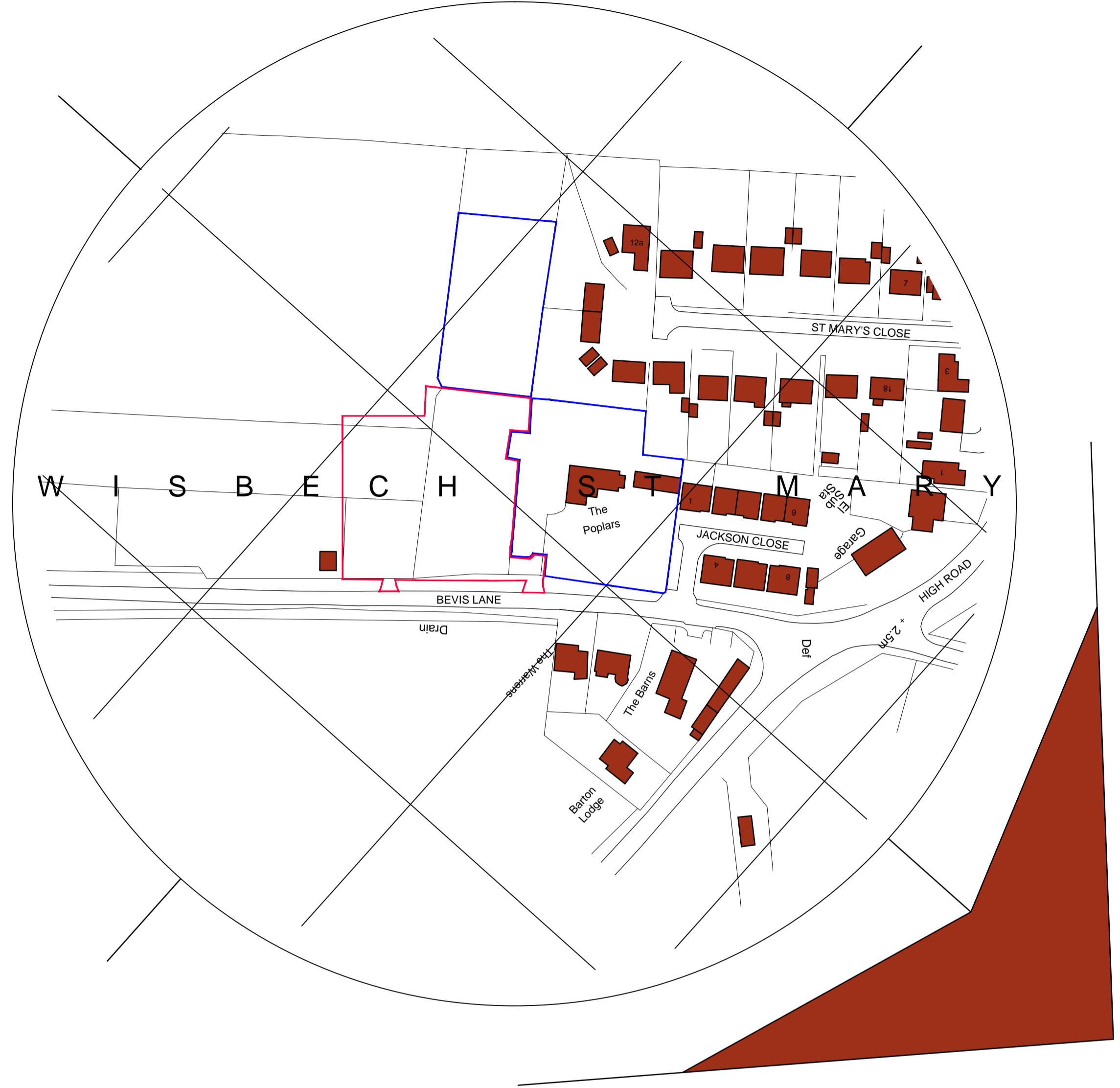
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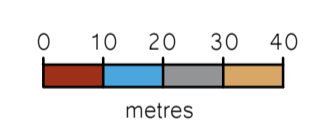




Indicative Site Plan
Scale: 1:200



Location Plan
Scale: 1:1250



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

CONSTRUCTION DESIGN & MANAGEMENT REGULATIONS 2015
 The following information must be read in conjunction with the project Risk register. This drawing highlights significant design related Health & Safety Risks present during Construction phase, and Residual Risks which remain post completion. Other Health & Safety Risks associated with Construction Activities may be present, and must be identified by the Principal Contractor prior to works commencing. Design Risks relating to specialist design items must be identified by the relevant specialist designers/ consultants as issued to the Principal Designer.

Revisions		
A	Mar 2020	Amended following clients comments
B	Mar 2020	Amended following clients comments
C	May 2020	Amended following planning comments
D	May 2020	Amended following planning comments
E	May 2020	Amended following planning comments

Status: **FOR COMMENT**

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Job Title	Date	Drawn by
Proposed Pair of Dwellings	March 2020	JL
Bevis Lane, Wisbech St Mary Wisbech		Checked by
For: Messrs Humphrey & Spooner		JB
Drawing Title	Job No.	Sheet Size
Outline Planning Drawing Site Plan	SE-1282	A1
	Dwg No.	Revision
	SS1001	E