
F/YR20/0363/F

Applicant: Mr Savage

Agent: Morton & Hall Consulting Ltd

Land North West of Cedar Lodge, The Old Dairy Yards, Westfield Road, Manea Cambridgeshire

Erect 1 x 4-bed single storey dwelling including improvements to access

Officer recommendation: Refusal

Reason for Committee: Number of representations contrary to the Officer Recommendation

1. EXECUTIVE SUMMARY

- 1.1. The proposal is for the construction of a single dwelling on the land, including the widening of the access road adjacent to its junction with Westfield Road, Manea.
- 1.2. The application site has an extensive planning history relating to the construction of a dwelling on the land, including 6 previous refusals of planning permission, and 4/4 dismissed appeals in relation to those refusals.
- 1.3. The application has been amended following its original submission to remove the majority of alterations to the road surface, and to reduce the number of proposed dwellings from two to one. This has been done to address the comments of the Public Rights of Way Officer regarding the legally defined width of the footpath and the need to establish this prior to undertaking works to Old Dairy Yards. As a result, the scheme will have a limited impact on the character of the area.
- 1.4. The proposed dwelling to be located on the land is of an acceptable design and does not result in harm to neighbouring residential amenity.
- 1.5. The proposal to access the site along Old Dairy Yards has previously been considered at appeal and was found to result in adverse impacts on highway safety sufficient to justify refusal of the scheme. The current proposal does not overcome that harm previously identified and therefore the proposal is contrary to policy LP15 of the Fenland Local Plan (2014).

2. SITE DESCRIPTION

- 2.1. The application site is an empty plot of former paddock land located to the north west of Cedar Lodge and is accessed via Old Dairy Yard, a single-track lane that also constitutes the route of Public Footpath No 2 running north west from Westfield Road.

- 2.2. The site itself is empty, surrounded on three sides by timber picket fencing and on the boundary with Cedar lodge by solid timber boarding over which is a tall evergreen hedge. Two existing gateways are present, one at the south eastern corner, and one to the north.
- 2.3. Old Dairy Yards is a narrow lane (approximately 3m) leading from Westfield Road, and serves the dwellings to the north and north west of the site and has a distinct character of a narrow village lane.

3. PROPOSAL

- 3.1. The proposal is for the construction of a single dwelling on the land, single storey in height and incorporating the widening of the entrance to The Old Dairy Yards to 5m for a distance of 10m in from its junction with Westfield Road.
- 3.2. The current proposal initially involved widening of the carriageway, however this has been removed from the proposal with the reduction to a single dwelling following the comments of the Public Rights of Way Officer regarding the legal width of the PROW.
- 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=Q8D44NHE01U00>

4. SITE PLANNING HISTORY

F/YR18/0132/O (Appeal 19/00007/REF)	Erection of a dwelling (outline application with matters committed in respect of access and scale) Land North West of Cedar Lodge, The Old Dairy Yards, Westfield Road, Manea	Refused (Appeal Dismissed)	22.08.2018 (17.06.2019)
F/YR15/0432/O	Erection of a dwelling Land North West of Cedar Lodge, The Old Dairy Yards, Westfield Road, Manea	Refused	24.08.2015
F/YR14/0757/O (Appeal 15/00010/REF)	Erection of a dwelling Land North West of Cedar Lodge, The Old Dairy Yards, Westfield Road, Manea	Refused (Appeal Dismissed)	13.11.2014 (24.07.2015)
F/YR09/0666/F (Appeal 10/00004/REF)	Erection of a 3/4-bed detached bungalow Land North West of Cedar Lodge, The Old Dairy Yards, Westfield Road, Manea	Refused (Appeal Dismissed)	14.12.2009 (05.08.2010)
F/YR07/0902/O (Appeal 07/00065/REF)	Erection of a bungalow Land North West of Cedar Lodge The Old Dairy Yards Westfield Road Manea	Refused (Appeal Dismissed)	11.10.2007 (26.03.2008)
F/YR06/0570/O	Erection of 2 dwellings and garages Land North West of Orlando The Old Dairy Yards Westfield Road Manea	Refused	28.06.2006

F/94/0278/F	Erection of a 5-bed house with detached double garage The Old Dairy Yards Westfield Road Manea	Withdrawn	17.02.1995
F/0719/89/F	Erection of a house with integral double garage The Old Dairy Field Westfield Road Manea	Granted	30.01.1990
F/1085/87/F	Erection of a bungalow and integral double garage The Dairy Yards Off Westfield Road Manea	Granted	21.01.1988

5. CONSULTATIONS

5.1. **Manea Parish Council** 26/5/2020 (in relation to application as originally submitted)

No objection in principle, but Highways Authority needs to be satisfied the road has sufficient capacity for the proposal.

5.2. **FDC Environmental Health**

No objections, conditions requested regarding unsuspected contamination

5.3. **Cambridgeshire County Council Highways Authority** 28/10/2020 (most recent comments following reduction of the number of proposed dwellings) *“The proposal shows a layout similar to that previously dismissed by the Planning Inspectorate. The scheme does not overcome the highway safety issues identified by the Planning Inspector.”*

5.4. **Cambridgeshire County Council Public Rights of Way** (in relation to application as originally submitted)

The proposed access to the site is along Public Footpath No. 2, Manea. To view the location of the footpath please view our interactive mapping online which can be found at

<http://my.cambridgeshire.gov.uk/myCambridgeshire.aspx>.

*Whilst the Definitive Map Team has **no objection** to this proposal, the applicant should be aware of the presence of the public footpath, its legal alignment and width which may differ from what is available on the ground. If you require a copy of the Definitive Map & Statement, this can be viewed at the County Council’s offices in person or requested online for a fee at www.cambridgeshire.gov.uk/highwaysearches.*

The County Council does not own the footpath. The highway rights over the footpath are simply vested in the County Council as the Highway Authority. The County Council does not know who the owner of the subsoil is. The applicant will need to satisfy themselves as to who the owner of the footpath is.

There is no legally defined and recorded width for this footpath, and we are not able to advise what it would be. As the dimensions are not known, we cannot

guarantee that you would be able to improve the footpath to secure a road and footway that may be required by the Local Planning Authority (LPA). An applicant therefore would proceed with any development that might affect the highway at their own risk.

It may be necessary to undertake minor works just to improve the surface of the track of the public footpath, but it would remain a public footpath, should you wish to improve the surface in the future permission would need to be obtained from the highway authority first.

The footpath must remain open and unobstructed at all times. Building materials must not be stored on the Public Right of Way and contractors' vehicles must not be parked on it. Should you need to temporarily close it for safe works, you should apply to the Streetworks Team online at <https://www.cambridgeshire.gov.uk/residents/travelroads-and-parking/roads-and-pathways/highway-licences-and-permits/cambridgeshire-permit-scheme-for-streetworks/>.

5.5. **Ward Councillor**

"The applicant of the land is a small building company who are keen to get this resolved as it's a small development that if/when given permission will give them security of work for their small team of builders should a further "lock down" be implemented during the next few months, meaning they will be able to retain the workforce and their skill set whilst other sites may be closed.

Being the local FDC councillor I am aware of this proposed development which I believe will enhance the local area, the builders are known to me on a business footing so this I am sure makes me "predetermined" so with this in mind I did not vote when the application was in front of Manea Parish Council and will not also take any part of the debate or vote should this matter come to committee.

Having been turned down previously I hope that the architect has now been able to satisfy all concerns ref highways etc and this will now be passed or if not placed in front of the Planning Committee."

5.6. **Local Residents/Interested Parties**

Seven responses in support of the proposal have been received to the revised plans from properties on The Old Dairy Yard, Kirton Close, Westfield Road, Coxway, Valentine Close, and High Street, Manea. Only one of the responses gives a reason for the stated support, with the remaining six being of a proforma style with space for residents to provide their own address details. The sole reason given for support is that the site is in a residential area and Manea is classed as a growth village.

6. **STATUTORY DUTY**

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).

7. **POLICY FRAMEWORK**

National Planning Policy Framework (NPPF)

Para 2: NPPF is a material consideration in planning decisions.

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 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 131: Great weight should be given to outstanding or innovative designs.

National Planning Practice Guidance (NPPG)

Determining a planning application

National Design Guide 2019

Context

Identity

Built Form

Movement

Nature

Homes and Buildings

Resources

Lifespan

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

LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland

LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland

LP16 – Delivering and Protecting High Quality Environments across the District

8. KEY ISSUES

- **Principle of Development**
- **Access and highway safety**
- **Impact on the character of the area**

9. BACKGROUND

- 9.1. The application site has a significant recent planning history, with six planning applications for development of the land being submitted and refused since 2006. Four of those decisions were appealed and all were dismissed. Two earlier applications (1987 and 1989) were granted but not commenced.
- 9.2. Of the two most recent appeals (2015 and 2019) the first was dismissed on the grounds of the harm caused to pedestrian safety from the proposal to utilise the existing access road along Old Dairy Yards as there was no provision for segregated vehicular and pedestrian usage. The more recent proposal included the widening of the road and was considered to overcome the safety issue, however the applicant failed to demonstrate that the proposed road widening was deliverable.

10. ASSESSMENT

Principle of Development

- 10.1. 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.
- 10.2. Manea is a Growth Village, one of four such settlements within this level of the hierarchy where the principle of development is considered to be acceptable albeit on a more limited scale than in the Market Towns.
- 10.3. The site itself is an open piece of former paddock land located between two existing dwellings, with a substantial existing planted screen to the south east. The site is of sufficient size to accept the construction of a dwelling and the provision of private amenity space without unacceptable impacts on the adjacent dwellings and land.

Access and highway safety

- 10.4. 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.
- 10.5. The proposal has been amended from its initial submission (which proposed the construction of two dwellings on the land) and in addition to the removal of a proposed dwelling from the scheme, the segregated pedestrian footway has been removed from the proposal. This follows the comments of the County Council Public Rights of Way Officer, which stated that there was no legally defined width for the public footpath that runs along Old Dairy Yards. As the width of the footpath is not legally defined, this would have needed to be established prior to any works being undertaken to its surface in order to widen and/or provide a segregated pedestrian pathway. Given the potential time required to undertake such a process (which could be as long as 12 months) the applicant instead chose to remove the majority of the proposed widening works from the scheme.
- 10.6. The 2015 appeal decision on the site stated that Old Dairy Yards has an effective surface width between 2.8m and 3.0m along its length, with no passing places. It also stated that the verges along the lane would not safely allow vehicle over-running. It goes on to state that for pedestrians using the PROW, there is no alternative but to step onto the verge to let vehicles pass, and that even the construction of a single additional dwelling would increase the regularity with which pedestrian use of the PROW would be compromised. The Inspector concluded that the proposal would result in harm to highway safety and dismissed the appeal.
- 10.7. Given the similarities between that dismissed appeal and the current scheme (the proposed single-track shared-surface roadway to serve vehicular and pedestrian traffic making use of the existing track width), it must be concluded that the conflict identified by the Planning Inspector between pedestrian and vehicular use of the lane in the appeal is also present in the current application. This conclusion is supported by the comments of the Highways Authority, noted above in section 5.3, who advise that the scheme does not overcome the issues previously identified by the Planning Inspector.

Impact on the character of the area

- 10.8. 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.
- 10.9. In considering the impact of the scheme on the character of the area, it is relevant to consider the most recent appeal decision. That appeal related to a proposal that involved the widening of the carriageway and the removal of significant amounts of verge/hedgerow. One of the refusal reasons related to the detrimental impact of those works on the character of the area. The Planning Inspector in that instance concluded that although the alterations would result in a clear change in the visual appearance of the road, this would not adversely affect local distinctiveness.
- 10.10. In light of that decision it is reasonable to conclude that the current proposal, which involves significantly less alterations, would not result in harm to the character of the area or its local distinctiveness to a degree sufficient to justify refusal.

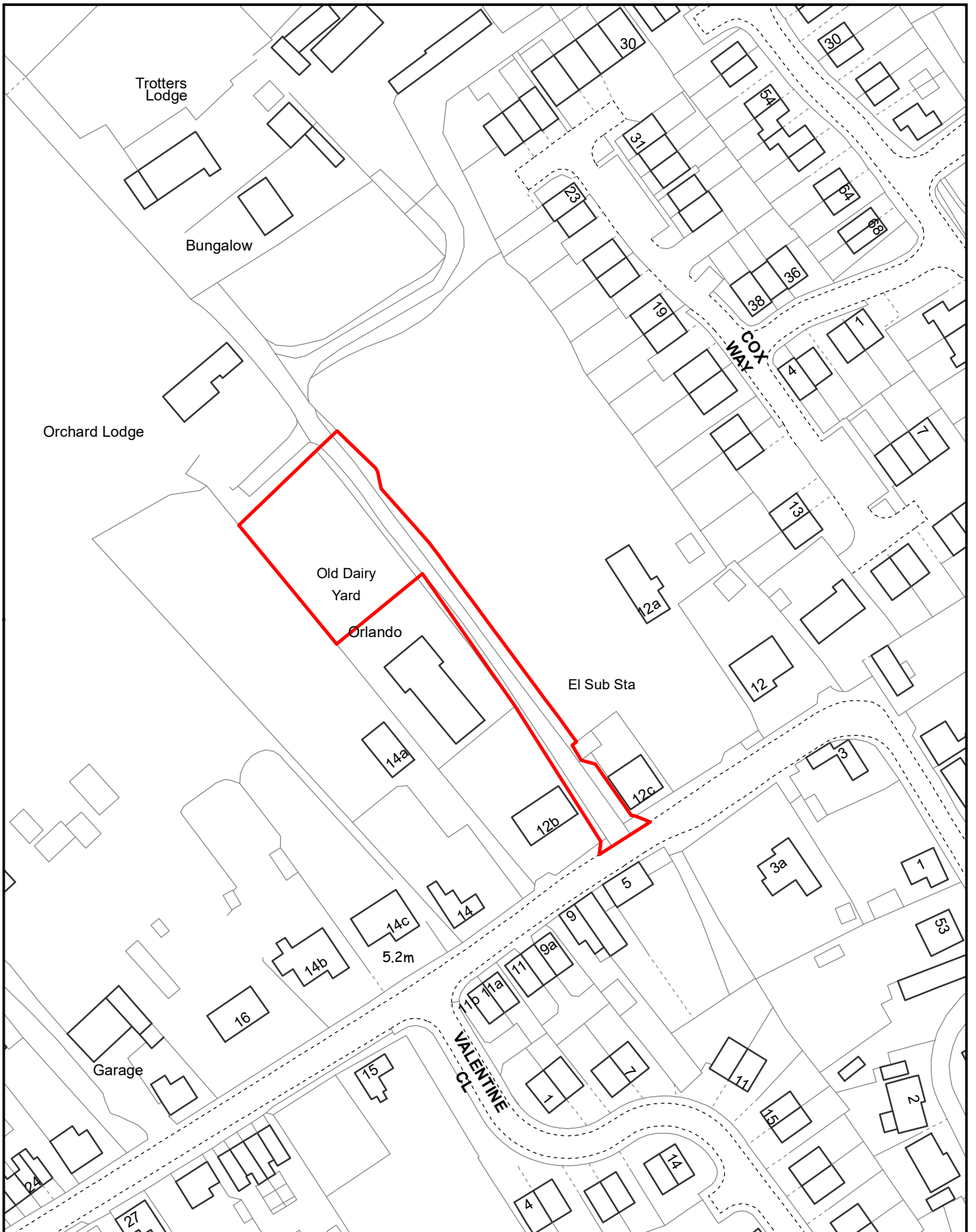
11. CONCLUSIONS

- 11.1. The proposed scheme is for the construction of a single dwelling in a growth village, on a site that is capable of accommodating such a dwelling without resulting in adverse impacts on the amenity of the neighbouring dwellings.
- 11.2. The amended proposal now in front of members removes any changes to the width of The Old Dairy Yards except for the changes to the first 10 metres and therefore the only impact from this development will be the physical changes to the site itself.
- 11.3. These changes will have no significant impact on neighbouring dwellings through overlooking or overshadowing and are therefore acceptable.
- 11.4. Due to unresolved issues relating to the ability to widen Old Dairy Yards to overcome highway safety concerns however, the applicant does not now intend to make any changes to the width of the roadway and therefore the proposal does not overcome the conclusion of the Planning Inspector in 2015 whereby it was concluded that the addition of an extra dwelling along Old Dairy Yards would result in adverse impacts on highway safety contrary to the requirements of policy LP15 of the Fenland Local Plan (2014).

12. RECOMMENDATION

REFUSAL, for the following reason:

The proposal is for the construction of a single dwelling accessed via Old Dairy Yards, which is also a Public Right of Way. Old Dairy Yards makes no provision for segregation between pedestrians and vehicular traffic and the addition of another dwelling gaining vehicular access along this lane would result in a harmful impact in relation to highway safety. The proposal is therefore contrary to policy LP15 of the Fenland Local Plan (2014).



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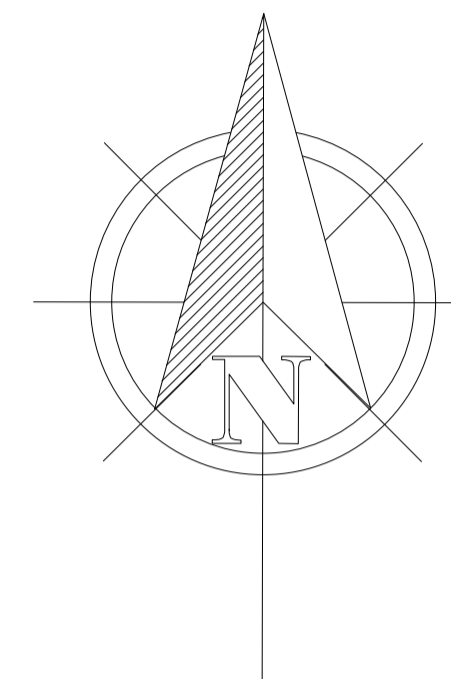
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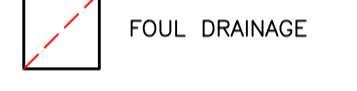


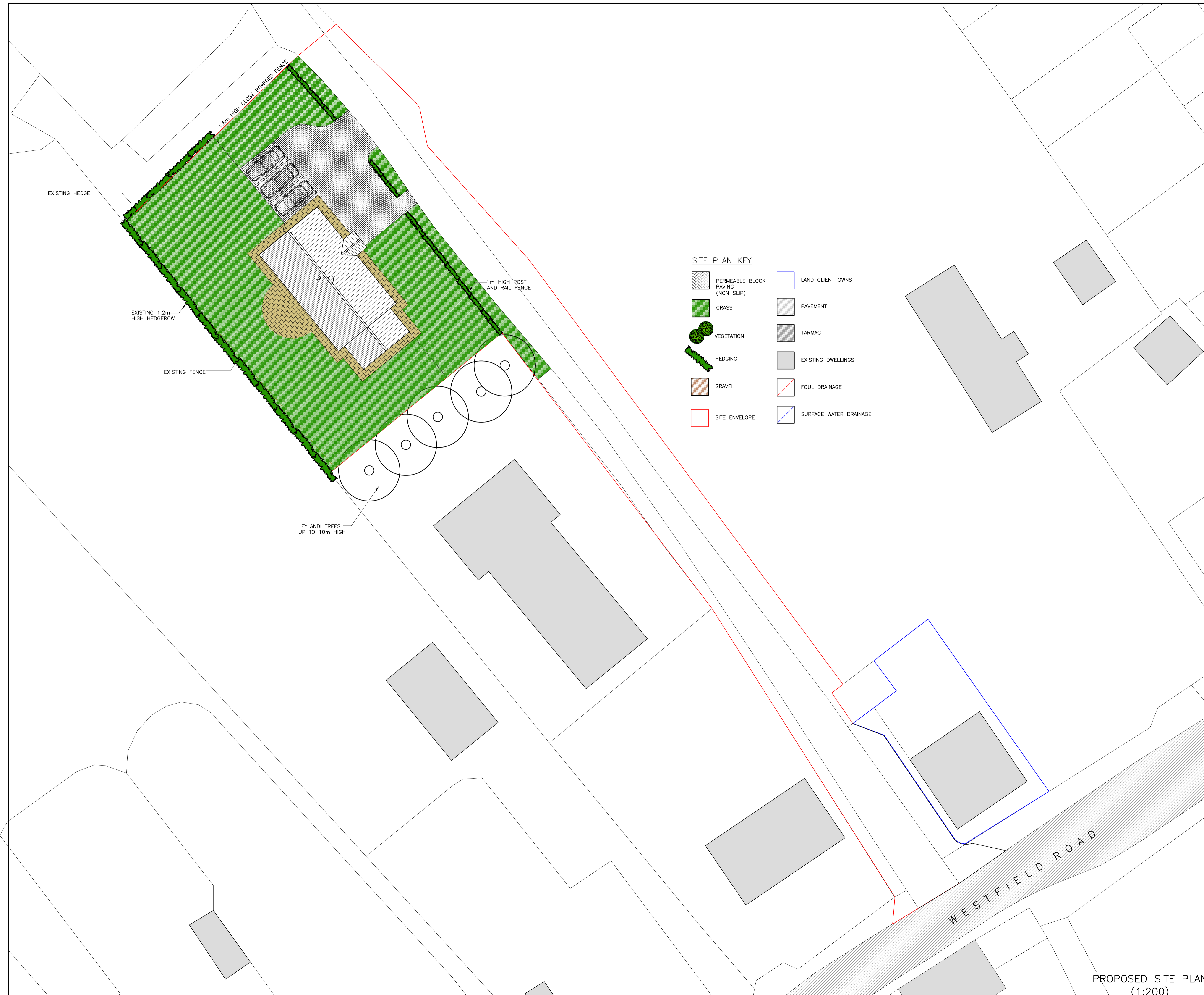
 **Fenland**
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 All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.
 The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer
 All finishes, insulation and damp-proofing to architect's details



SITE PLAN KEY


-  PERMEABLE BLOCK PAVING (NON SLIP)
-  GRASS
-  VEGETATION
-  HEDGING
-  GRAVEL
-  SITE ENVELOPE
-  LAND CLIENT OWNS
-  PAVEMENT
-  TARMAC
-  EXISTING DWELLINGS
-  FOUL DRAINAGE
-  SURFACE WATER DRAINAGE



A	PLANNERS COMMENTS	AUG 2020
	REVISIONS	DATE

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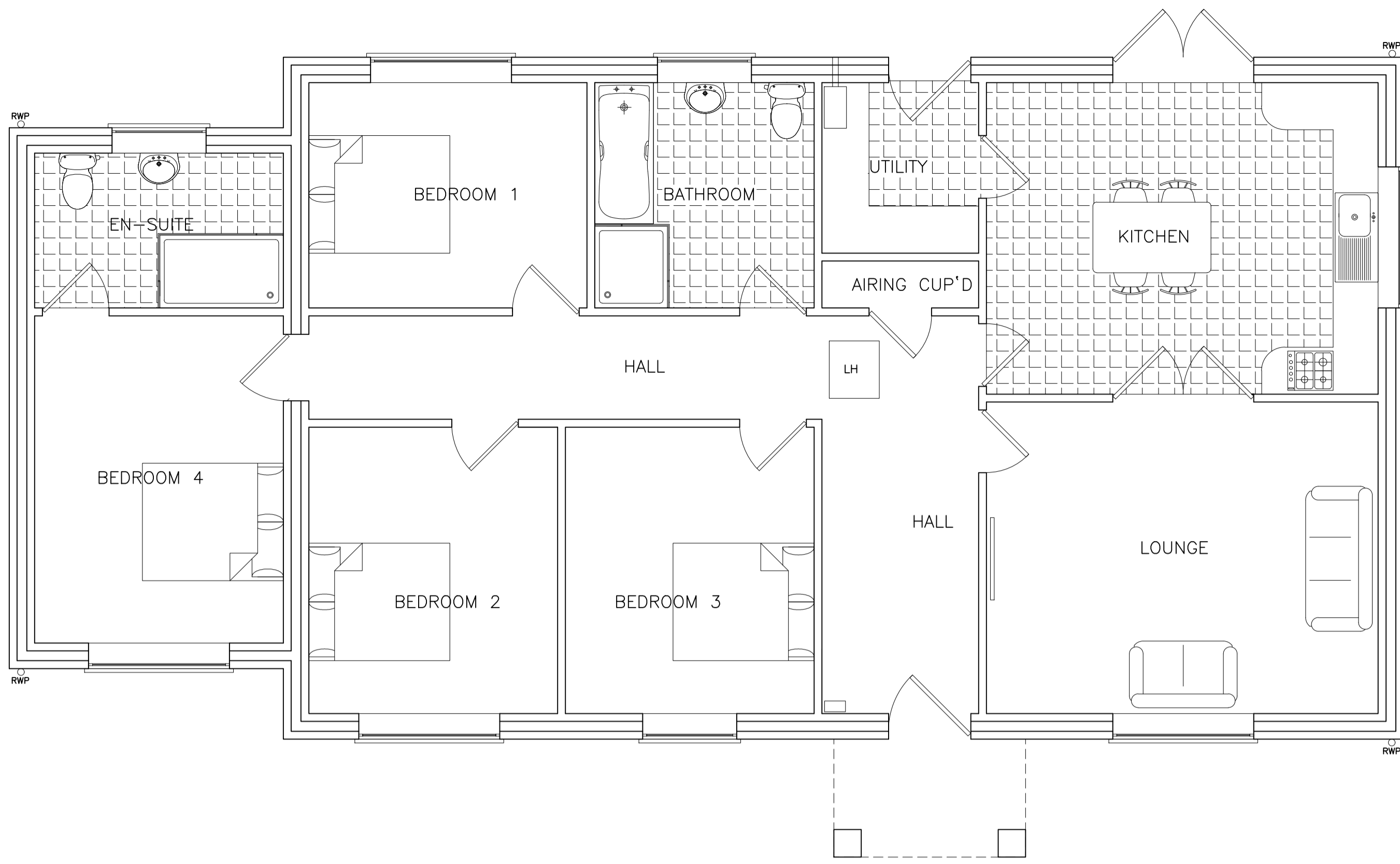
CLIENT
 Mr Savage

PROJECT
 Northwest of Cedar Lodge
 Off Westfield Road
 Manea, Cambs
 PE15 0LN

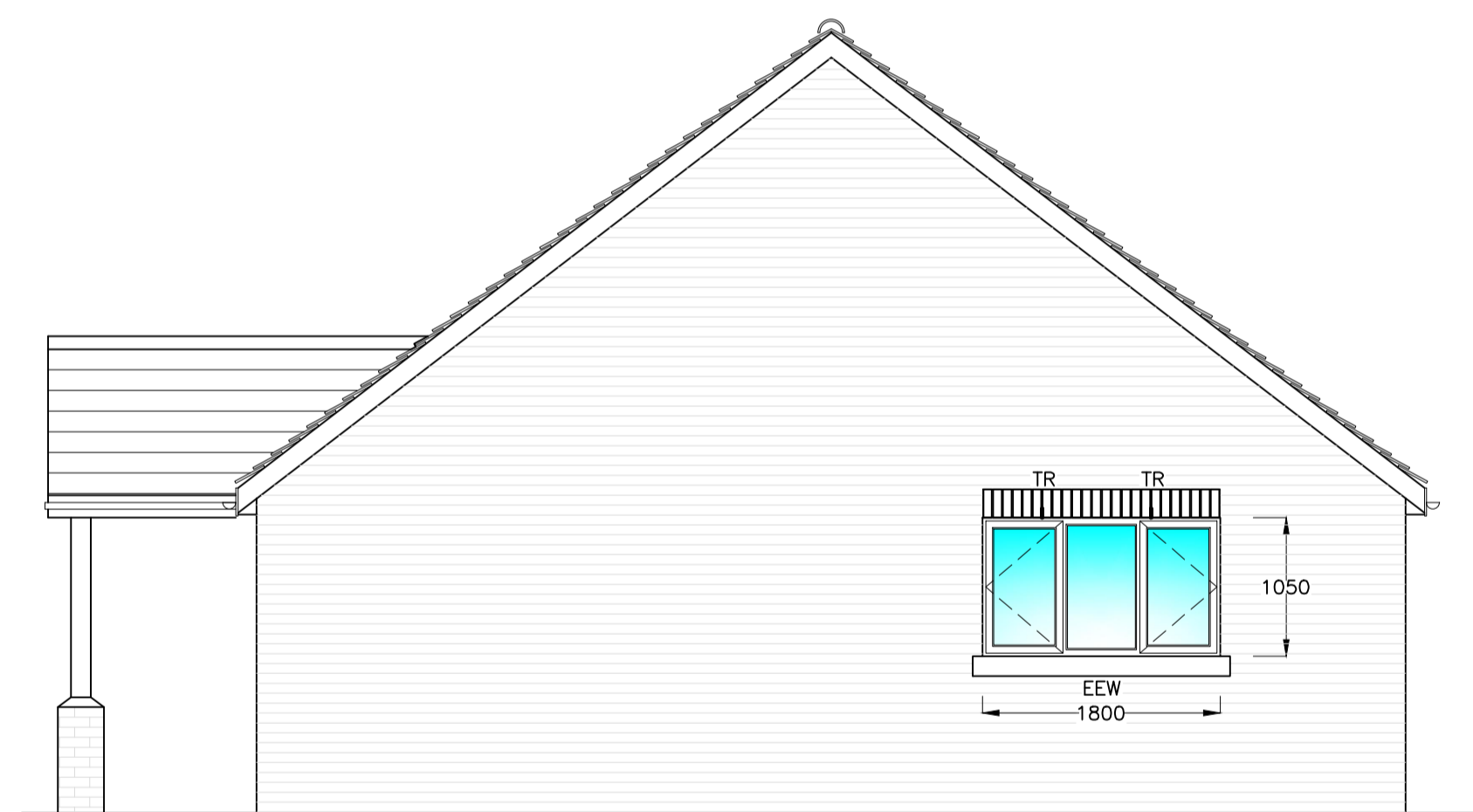
TITLE
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DRAWN J. Scotcher	DATE OF ISSUE
CHECKED	
DATE Feb 2020	DRAWING NUMBER H6511/05A
SCALE As Shown	

PROPOSED SITE PLAN
 (1:200)



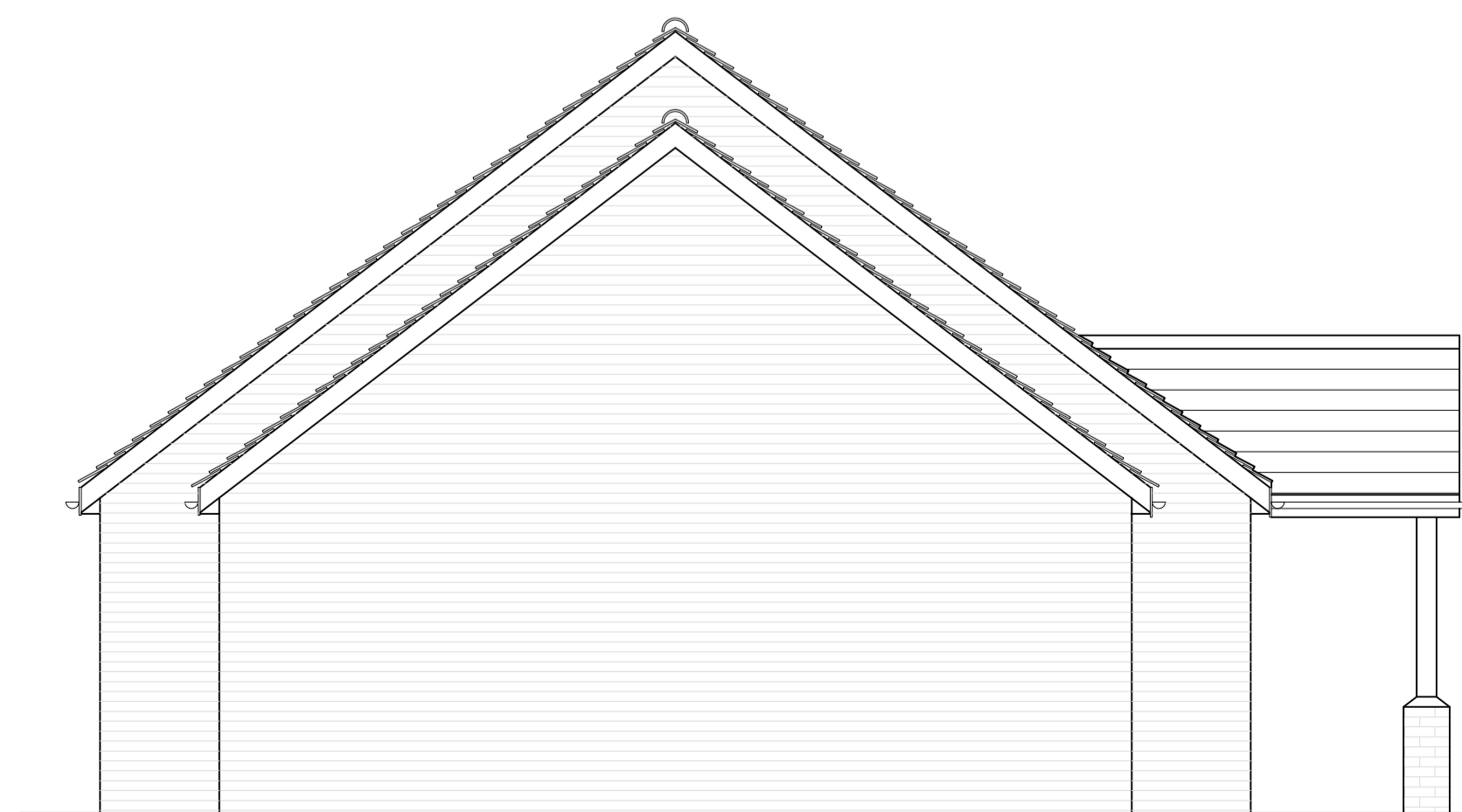
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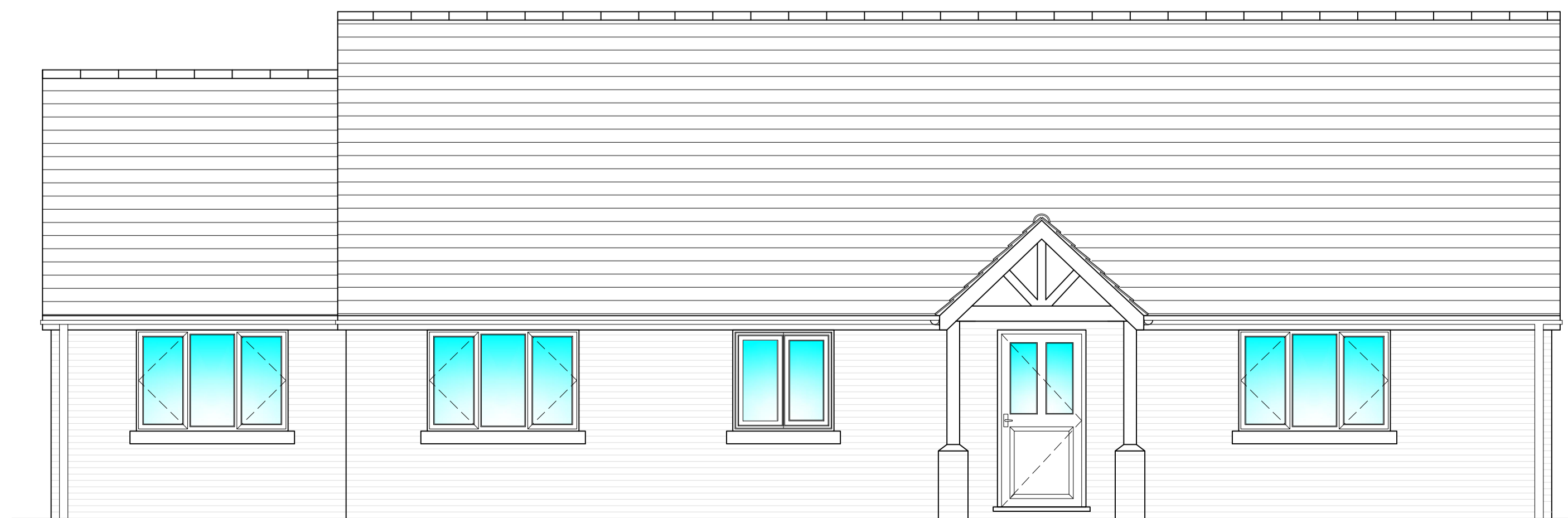
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PROPOSED REAR ELEVATION
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PROPOSED LHS ELEVATION
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PROPOSED FRONT ELEVATION
(1:50)

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The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer
All finishes, insulation and damp-proofing to architect's details

B	CLIENTS COMMENTS	AUG 2020
A	PLANNERS COMMENTS	APR 2020

REVISIONS	DATE
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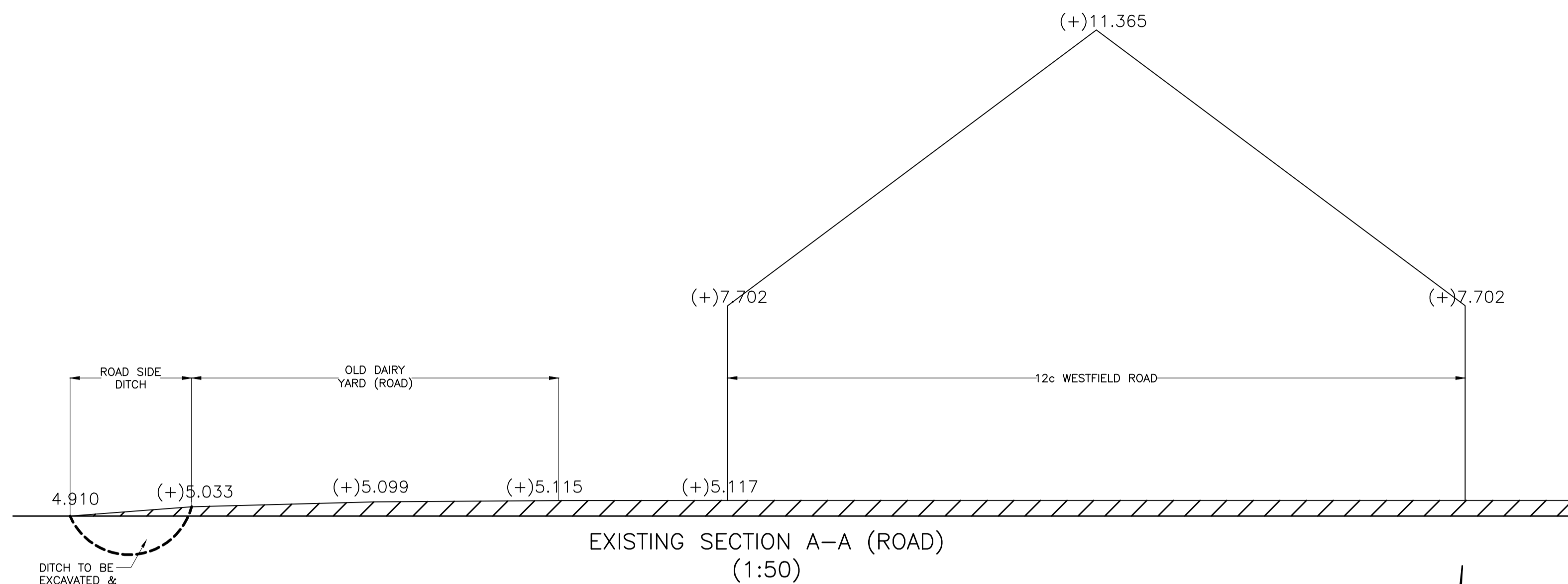
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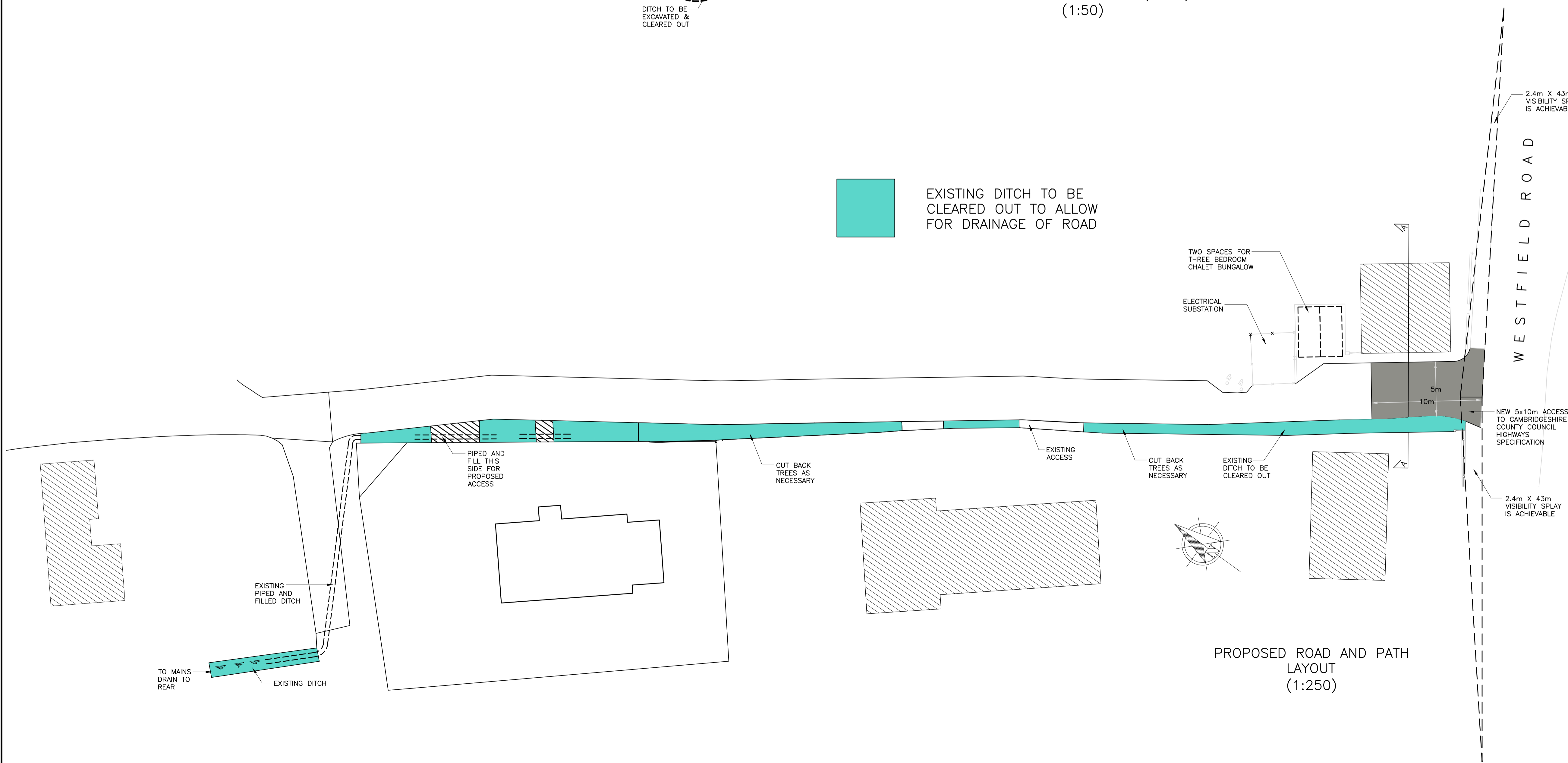
TITLE
3 Bedroom Bungalow
Plans, Elevation &
Section (PLOT 1)

DRAWN J.Scotcher	DATE OF ISSUE
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DATE Feb 2020	DRAWING NUMBER H6511/03B
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EXISTING DITCH TO BE CLEARED OUT TO ALLOW FOR DRAINAGE OF ROAD



B	CLIENTS COMMENTS	AUG 2020
A	PLANNERS COMMENTS	APR 2020
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 Mr Savage

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TITLE
 Existing Site Sections &
 Proposed Road Layout

DRAWN	J. Scotcher	DATE OF ISSUE
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DATE	Feb 2020	DRAWING NUMBER
SCALE	As Shown	H6511/04b