
F/YR20/1103/O

**Applicant: Mr Dennis Betts
D R Betts Bespoke Joinery**

**Agent : Mr Ted Brand
Brand Associates**

Land South East Of, 43 Whittlesey Road, March, Cambridgeshire

Erect up to 1 no dwelling (outline application with all matters reserved)

Officer recommendation: Refused

Reason for Committee: Number of representations contrary to Officer recommendation

1 EXECUTIVE SUMMARY

- 1.1 The application seeks outline planning permission for a dwelling in association with an existing business; all matters (Access, Appearance, Landscaping, Layout and Scale) are reserved.
- 1.2 Policy LP3 seeks to steer development to the most sustainable locations. The site is identified within Policy LP3 of the Fenland Local Plan 2014 and the settlement hierarchy as an 'Elsewhere' location. Development elsewhere will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. Whilst it is acknowledged that a dwelling would likely be desirable to address the security concerns and operational needs set out by the applicant, there is no demonstration that this would be 'essential', as is required in order to satisfy the test set under LP3 and LP12 and as such it fails to comply with these policies.
- 1.3 The application site is located within Flood Zone 3, the highest risk of flooding. Without demonstration of an essential/functional need, the sequential and exception tests would need to be passed in order for the proposal to be considered acceptable in flood risk terms. No formal sequential test has been submitted; hence the proposal fails in this regard and due to the District wide search area it is highly unlikely that a formal assessment would indicate that there are no alternative sites available at a lesser risk of flooding.
- 1.4 The site together with the adjoining fields and open space either side of the bypass provide a contribution to the visual quality and openness of this area, and any development on this site would diminish its open and undeveloped nature, exacerbated by the sites prominent position on the A141, resulting in a significant detrimental impact on the character and visual amenity of the area.
- 1.5 The application is therefore recommended for refusal.

2 SITE DESCRIPTION

The application site is garden land serving 43 Whittlesey Road, this is a roughly triangular shaped area laid to grass, there are trees and a hedge forming the western boundary, a hedge to the east, herras fencing to the south and open to the north to the existing dwelling. The proposal indicates use of the existing access off Whittlesey Road (though this is not committed) which currently serves the existing business and dwelling, this is a concrete access over the ditch leading to a tarmac drive which snakes through the site and to the area subject to the application.

3 PROPOSAL

The application seeks outline planning permission for a dwelling in association with an existing business; all matters (Access, Appearance, Landscaping, Layout and Scale) are reserved.

3.1 Full plans and associated documents for this application can be found at:

<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=QJOZ5LHE0D800>

4 SITE PLANNING HISTORY

F/YR09/0012/O	Erection of a detached house	Refused 11/2/2009
		Dismissed on Appeal 28/9/2009
F/YR08/0851/O	Erection of a detached house	Refused 28/10/2008
F/YR06/0709/F	Removal of Condition 17 of planning permission F/YR01/0964/F (Erection of a 4-bed detached house with detached garage block and erection of workshop) relating to persons in direct association with the joinery business	Granted 17/7/2006
F/YR03/0056/F	Erection of 3-bay domestic garage with domestic store over	Granted 7/3/2003
F/YR01/0964/F	Erection of a 4-bed detached house with detached garage block and erection of workshop	Granted 22/2/2002

5 CONSULTATIONS

5.1 Town Council

Recommend approval.

5.2 Cambridgeshire County Council Highways

The existing access onto Whittlesey Road is suitable for shared use.

The proposal will not result in any material harm to the highway network.

I have no highway objections.

5.3 Environment Agency

Environment Agency Position

We consider that the main source of flood risk at this site is associated with watercourses under the jurisdiction of the relevant Internal Drainage Board (IDB). As such, we have no objection to the proposed development on flood risk grounds.

Advice to LPA

In accordance with paragraph 158 of the National Planning Policy Framework, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk. Our national flood risk standing advice reminds you of this and provides advice on how to do this.

The IDB should be consulted with regard to flood risk associated with watercourses under their jurisdiction and surface water drainage proposals. In all circumstances where flood warning and evacuation are significant measures in contributing to managing flood risk, we expect local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

5.4 Environmental Health (FDC)

The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposal as it is unlikely to have a detrimental effect on local air quality or the noise climate. Mapping history shows any previous use of the application site is unlikely to have resulted in the presence of ground contamination.

Given the close proximity of the application site to that of the adjacent A141 road, the applicant should ensure the design and fabrication of the proposed dwelling is committed to achieving a high quality sound and well-insulated environment suitable for the intended occupier.

5.5 Middle Level Commissioners

No comments received.

5.6 Local Residents/Interested Parties

Six supporting comments have been received (one from Elm Road, Plowright Close, The Causeway, The Birches, all March and two from the same property at Kingsley Street, March), in relation to the following:

- There would be no additional detriment to the area, not mass build
- Sustainable location
- Not out of place, unobtrusive and good use of land without infringement on neighbours
- Common sense that a tradesman close to workshop, carrying on well-established business
- No detrimental features
- No disruption to and would expand small community

6 STATUTORY DUTY

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)

National Planning Practice Guidance (NPPG)

National Design Guide 2019

Context -C1

Identity – I1

Built Form – B2

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

LP5 – Meeting Housing Need

LP6 – Employment, Tourism, Community Facilities and Retail

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

Delivering and Protecting High Quality Environments in Fenland SPD 2014

DM3 – Making a Positive Contribution to Local Distinctiveness and Character of the Area

Cambridgeshire Flood and Water SPD 2016

March Neighbourhood Plan 2017

H2 – Windfall Development

H3 – Local Housing Need

8 KEY ISSUES

- **Principle of Development**
- **Design considerations and visual amenity of area**
- **Residential Amenity/Health and wellbeing**
- **Flood Risk**
- **Highways/parking**

9 BACKGROUND

Planning permission has been refused twice for a dwelling on this site and dismissed on appeal. Reasons for refusal related to the development resulting in a dwelling in the countryside, with no special justification. The Inspector, within her appeal decision concurred with these reasons and found that the *'physical separation of the area from the town by the Isle of Ely Way and the unwelcoming pedestrian environment mean that occupiers of the proposed house would be more likely to access local services by car'* and that a dwelling in this location would *'diminish the area of openness which is characteristic of this part of the countryside'* resulting in harm to the character of the surrounding countryside.

10 ASSESSMENT

Principle of Development and Demonstration of essential need

- 10.1 Policy LP3 seeks to steer development to the most sustainable locations. Whilst addressed as March, the site is physically divorced from the main settlement by the A141, as was found by the Inspector on the previous appeal. The application site is therefore located outside the settlement of March and as such is identified within Policy LP3 of the Fenland Local Plan 2014 and the settlement hierarchy as an 'Elsewhere' location.
- 10.2 Development elsewhere will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services and any such development will be subject to a restrictive occupancy condition.
- 10.3 The overarching aim of the NPPF 2019 is to ensure that sustainable development is achieved and to this end discourages residential development without access to services and facilities.
- 10.4 The site, whilst not physically isolated, lacks services, and as such there would be a necessity for future occupants to travel for day to day services and facilities, as acknowledged within the previous appeal decision. Whittlesey Road has narrow verges, no footpaths and is unlit which would dissuade residents from using sustainable transport modes to access services and facilities such as walking or cycling, particularly during hours of darkness or in poor weather conditions. In addition, to reach services in March, the busy A141 would need to be crossed; it is acknowledged that there is an underpass. However, the journey to this is via Marina Drive, without footpaths and unlit, the underpass has also recently been flooded and inaccessible, there are no other formal crossing points. The application site is not located within a sustainable location and only where there is an essential need for a development in such a location may this be acceptable, the test for which is set out in Policy LP12:
- 10.5 Policy LP12 – Part D of the Fenland Local Plan is relevant for considering proposals for new dwellings in areas away from the market towns and villages. To determine such proposals, an applicant should provide supporting evidence as part of the application to prove a demonstrable need, including information regarding the following areas listed as items a-e;

a) The existing functional need for the dwelling

The planning statement submitted with the application asserts that the proposed dwelling is required for Roberts Betts and his family on the site of

the family joinery business, as his father who resides at 43 Whittlesey Road has retired but does not wish to move.

The statement goes on to say that it is important for a working family member to be available on site to deal with out of hours deliveries and meetings and for security and overtime as necessary.

The business in question does not fall within those stated in Policy LP3, namely '*agriculture, horticulture, forestry, outdoor recreation, transport or utility services*'. Nevertheless, in order to comply a proposal is subject to a strict test which requires evidence that such development is demonstrably essential for the effective operation of such a use.

In order for functional need to be established it is required to be demonstrated that it is essential for the proper functioning of the business for one or more workers to be available day and night, should an unexpected situation occur or if there is an emergency that would threaten the viability or existence of the business without immediate attention. No such evidence has been provided this is the case and is unlikely to be achievable given the use of the existing business.

In addition it has previously been determined by a Planning Inspector that an additional dwelling could not be justified on the basis of retirement needs, since this amounted to a personal circumstances claim which could not outweigh the policy conflict (APP/A2525/A/08/2070481).

The site is not in an isolated location and as such there is a level of surveillance afforded to the existing business, furthermore no evidence has been provided that security could not be achieved by other means, such as CCTV or alarm systems. Nor has any evidence of crime in the area been provided to indicate whether this is an issue.

Whilst it is acknowledged that a dwelling would likely be desirable to address the security concerns and operational needs set out by the applicant, there is no demonstration that this would be 'essential', as is required in order to satisfy the test set under LP3.

b) The number of part time and full-time workers(s) to live in the dwelling

No information has been provided regarding this.

c) The length of time the activity has been established

No information has been provided regarding this.

d) The availability of other suitable accommodation on site or in the area

No information has been provided regarding this.

e) How the proposed size of the dwelling relates to the viability of the enterprise

No information has been provided regarding this; however, the application is outline only with all matters reserved; the scale of the proposed dwelling would be considered at Reserved Matters stage.

10.6 In light of the above the proposal clearly fails to demonstrate compliance with Policies LP3 and LP12 of the Fenland Local Plan 2014.

Design considerations and visual amenity of area

- 10.7 The application is for Outline planning permission with all matters reserved, hence the detailed matters in relation to layout and appearance cannot be considered at this stage. Notwithstanding this, the site together with the adjoining fields and open space either side of the bypass provide a contribution to the visual quality and openness of this area, any development on this site would diminish its open and undeveloped nature, exacerbated by the sites prominent position on the A141. This would result in a significant detrimental impact on the character and visual amenity of the area, contrary to Policy LP2 and LP16 (d) of the Fenland Local Plan 2014 and DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014. The Inspector, within the previous appeal decision, found that a dwelling in this location would '*diminish the area of openness which is characteristic of this part of the countryside*' resulting in harm to the character of the surrounding countryside.
- 10.8 There are a number of trees on the western boundary of the site which contribute to the character of the area and appear to be on third party land, given the application is in Outline form only it would be necessary to consider the impact of the proposal on these trees at Reserved Matters stage, should this application be successful, and a condition regarding this could be imposed.

Residential Amenity/Health and wellbeing

- 10.9 The application is for Outline planning permission with all matters reserved, hence the impact on the residential amenity of adjoining properties cannot be fully assessed.
- 10.10 The site is relatively large and as such there is scope to provide acceptable relationships between the proposal and surrounding dwellings and to provide a minimum of a third of the plot for private amenity space, as required by Policy LP16 (h). The proposal would result in the loss of amenity space serving 43 Whittlesey Road; however, this would remain on a substantial site with sufficient private amenity space afforded.
- 10.11 The site is in close proximity to the A141, with potential to experience a level of noise and disturbance, Environmental Health have advised that the proposal should be designed and constructed to ensure a high-quality sound and well-insulated environment is achieved. A noise impact assessment, incorporating necessary mitigation measures, would usually be required as part of the application, to evidence that a suitable scheme can be achieved, however given that all matters are reserved in this case it is considered that this could be dealt with by way of a condition, should this application be successful.

Flood Risk

- 10.12 The application site is located within Flood Zone 3, the highest risk of flooding. Policy LP14 requires all development proposals to adopt a sequential approach to flood risk from all types of flooding to ensure that development is steered away from those areas at highest risk.
- 10.13 Dwellings are considered to be 'more vulnerable' within the flood risk vulnerability and flood zone compatibility table, as such both sequential and exception tests apply to this development. Due to the lack of a functional need for a dwelling in this location evidenced at paras 10.1-10.6 above, the sequential and exception tests would need to be passed in order for the proposal to be considered acceptable in flood risk terms. The comments from Middle Level Commissioners

provided at Appendix A of the Planning Statement, in relation to the fact they consider 'The Fens' to be a special case, are noted. However, the application is required to be assessed under current national and local policy.

- 10.14 The Flood Risk Assessment submitted, notes at 3.3 that the sequential and exception tests would need to be applied by the Local Planning Authority. However, the Cambridgeshire Flood and Water Supplementary Planning Document clearly states (para 4.4.6) that it is for the applicants to undertake the sequential test. The submitted Planning Statement at para 3.3 asserts that the sequential and exception tests are not necessary.
- 10.15 The site is considered to be located in a 'elsewhere' location, being outside the settlement of March and as such the search area in respect of the sequential test is District wide. No formal sequential test has been submitted; hence the proposal fails in this regard and due to the District wide search area it is highly unlikely that a formal assessment would indicate that there are no alternative sites available at a lesser risk of flooding.
- 10.16 In light of the above the proposal is considered to be contrary to Policy LP14 of the Fenland Local Plan and paragraphs 155-163 of the NPPF 2019.

Highways/parking

- 10.17 Access to the site has not been committed and cannot therefore be considered, the application indicates that the existing access from Whittlesey Road would be utilised, however there is scope for access via Marina Drive to the south, as was proposed under the previous applications for a dwelling on this site.
- 10.18 Parking provision would be considered at reserved matters stage, should this application be successful.

11 CONCLUSIONS

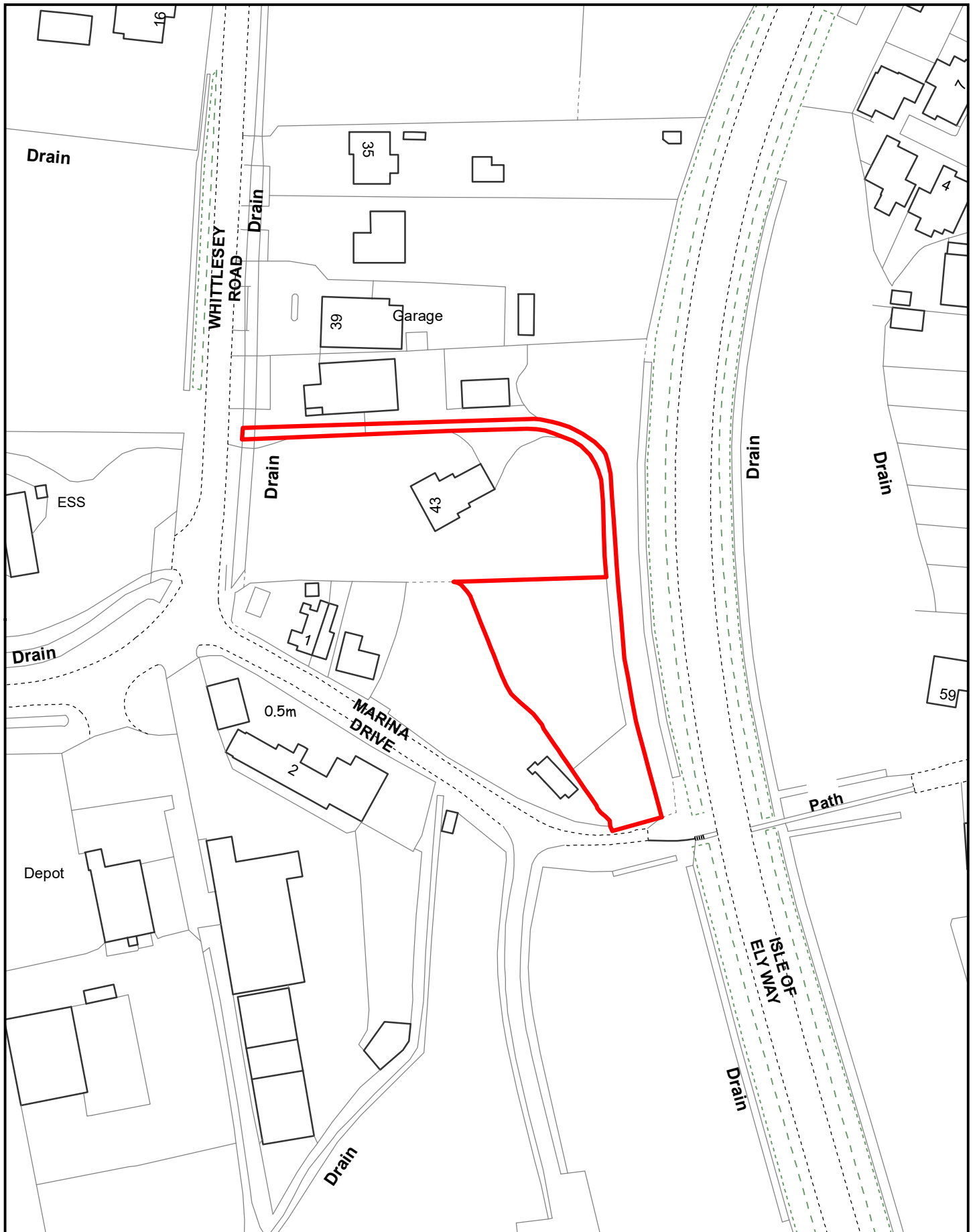
- 11.1 Policy LP3 seeks to steer development to the most sustainable locations. The site is considered within Policy LP3 of the Fenland Local Plan 2014 and the settlement hierarchy as an 'Elsewhere' location. Development elsewhere will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. Whilst it is acknowledged that a dwelling would likely be desirable to address the security concerns and operational needs set out by the applicant, there is no demonstration that this would be 'essential', as is required in order to satisfy the test set under LP3 and LP12 and as such it fails to comply with these policies.
- 11.2 The application site is located within Flood Zone 3, the highest risk of flooding. Without demonstration of an essential/functional need, the sequential and exception tests would need to be passed in order for the proposal to be considered acceptable in flood risk terms. No formal sequential test has been submitted; hence the proposal fails in this regard and due to the District wide search area it is highly unlikely that a formal assessment would indicate that there are no alternative sites available at a lesser risk of flooding.
- 11.3 The site together with the adjoining fields and open space either side of the bypass provide a contribution to the visual quality and openness of this area, and any development on this site would diminish its open and undeveloped nature, exacerbated by the sites prominent position on the A141, resulting in a significant detrimental impact on the character and visual amenity of the area.

- 11.4 The application is for Outline planning permission with all matters reserved, hence the impact on the residential amenity of future and adjoining occupants and the suitability of the access cannot be fully assessed.

12 RECOMMENDATION

Refuse for the following reasons:

1	<p>To promote sustainable development in rural areas, Policy LP3 of the Fenland Local Plan 2014 seeks to restrict development in areas outside of settlements to that which is demonstrably essential for the effective operation of land-based enterprise. This demonstration is determined through the criteria as set out under Policy LP12 Part D.</p> <p>The proposal is not in relation to such an enterprise and the application fails to adequately demonstrate an essential, functional need for a full-time worker to be readily available at most times on the site. This is contrary to the criteria of LP12 Part D and therefore conflicts with Policy LP3 of the Fenland Local Plan 2014 as the proposal would result in the provision of an unwarranted dwelling in an otherwise unsustainable location.</p>
2	<p>Policy LP16 (d) of the Fenland Local Plan 2014 and Policy DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014 seek to ensure that development makes a positive contribution to the local distinctiveness and character of the area, that the character of the landscape, local built environment and settlement pattern inform the layout and scale and that proposals do not adversely impact the streetscene or landscape character of the surrounding area.</p> <p>The site together with the adjoining fields and open space either side of the bypass provide a contribution to the visual quality and openness of this area, any development on this site would diminish its open and undeveloped nature, exacerbated by the sites prominent position on the A141. This would result in a significant detrimental impact on the character and visual amenity of the area, contrary to the aforementioned policies.</p>
3	<p>The Cambridgeshire Flood and Water SPD 2016, Policy LP14 of the Fenland Local Plan 2014 and paragraphs 155-163 of the National Planning Policy Framework (NPPF) 2019 require development proposals to adopt a sequential approach to flood risk from all forms of flooding and seek to steer development to areas at the lowest risk of flooding. The application site is located in Flood Zone 3, the highest risk of flooding, there is no essential/functional need for a dwelling in this location and as such the sequential and exception tests would be applicable. The sequential test to establish if there are any sequentially preferable sites has not been undertaken and is unlikely to be passed due to the elsewhere location of the site and search area being District wide. As such the proposal fails to comply with the aforementioned policies.</p>



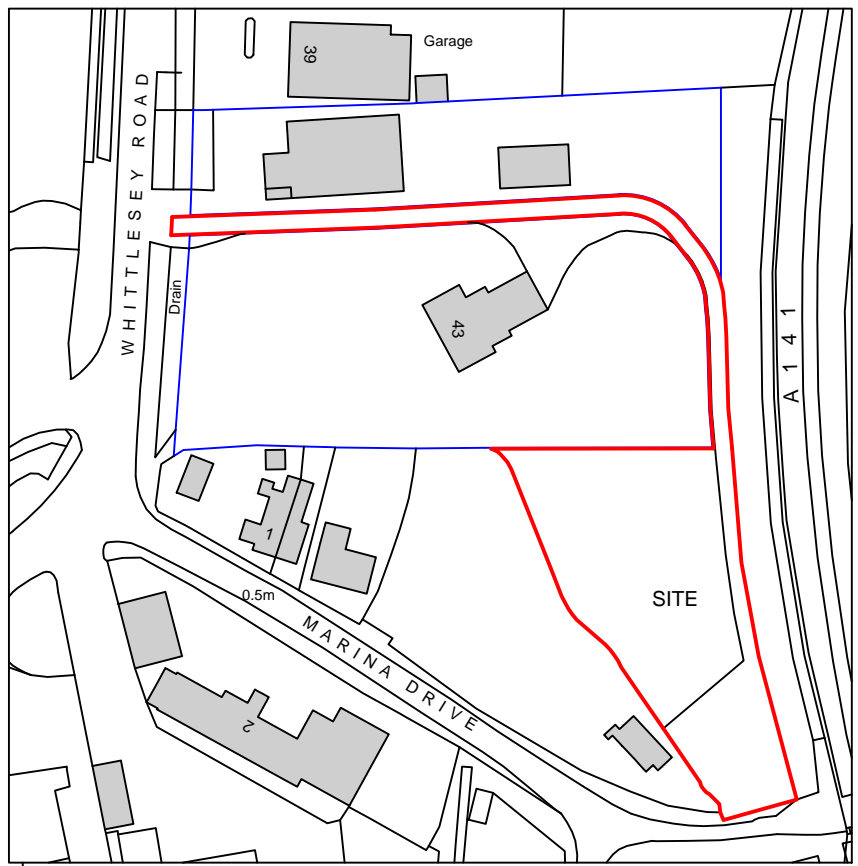
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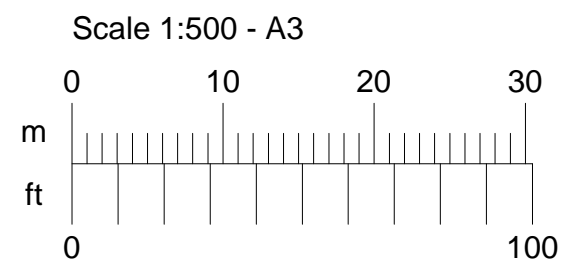


LOCATION PLAN 1:1250

KEY

- = PIPED DYKE WITH INSPECTION CHAMBERS
- x0.000 = EXISTING LEVELS AOD
- x0.000 = PROPOSED SLAB LEVELS

SITE AREA - 1943m² / 0.1943 Hectares



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REVISIONS
A - 06.10.20 - Outline planning

PROPOSED DWELLING FOR
EXISTING BUSINESS,
WHITTLESEY ROAD, MARCH,
PE15 0AG

MR BETTS

INDICATIVE SITE PLAN &
LOCATION PLAN

1:500 : NEM : JAN.19
BET.19 : 0.1 : A

DATUM
BOTTOM
STEP
0.684 AOD