
F/YR20/1017/O

Applicant: Ms Julie Thompson

**Agent: Mr Chris Walford
Peter Humphrey Associates Ltd**

Land South East of Dove Cottage, Gull Road, Guyhirn, Cambridgeshire

Erect up to 4 x dwellings and the formation of 3 x vehicular accesses involving the demolition of an existing outbuilding (outline application with all matters reserved)

Officer recommendation: Refuse

Reason for Committee: Parish Council comments contrary to officer recommendation.

1. EXECUTIVE SUMMARY

- 1.1. The application seeks outline planning permission for the construction of up to four dwellings on land to the east of Gull Road, Guyhirn and includes the creation of three vehicular access points to the site. All matters of detail are reserved for later approval.
- 1.2. The site has previously formed part of four separate applications for residential development, all of which have been refused.
- 1.3. The current application site is largely located within flood zone 1, with a small part of the south west corner where an access is indicated located within flood zone 3. The dwellings proposed are not located within the area of flood zone 3 and therefore the sequential test is not required.
- 1.4. Guyhirn is identified as a Small Village within the settlement hierarchy where development is limited to being small scale residential infilling.
- 1.5. The scale of development proposed is beyond that envisaged for the settlement and does not constitute residential infilling. It is therefore contrary to policy LP3, which sets out the settlement hierarchy and the scale of development appropriate to each level of settlement within it.
- 1.6. The application would result in the development of a currently undeveloped site that forms an important part of the relationship between the existing settlement and the countryside. Such development would result in harm to the character and appearance of the surrounding countryside and would therefore be contrary to policy.
- 1.7. The proposal is therefore recommended for refusal.

2. SITE DESCRIPTION

- 2.1. The application site is 72m by 26m and is located on the eastern side of Gull Road, 485m to the north of its junction with High Road. The application site is a narrow piece of land lying between the agricultural fields to the east and Gull Road to the west. It is considered to constitute part of the countryside. The site's western boundary is marked by mature and dense hedging. The southern boundary adjoins a similar piece of land between the site and a group of three pairs of semi-detached dwellings and the northern site boundary adjoins Dove Cottage.
- 2.2. Opposite the site and across Gull Road is a further row of detached dwellings. Although the western side of Gull Road is characterised by ribbon development, its eastern side remains more open with the exception of sporadic development to the north and the three pairs of semi-detached dwellings to the south noted above.
- 2.3. The application site lies considerably below the level of the road in this location, with the carriageway level at 2.6m above ordnance datum (AOD), and the site levels at approximately 0.6m AOD. The submitted plans do not indicate if the general land levels on the site are intended to be raised as a result of the proposal.
- 2.4. The application site is located mainly within flood zone 1 except for a small section at its southern end, which is located within flood zone 3.

3. PROPOSAL

- 3.1. The application is made in outline with all matters reserved for later approval. It proposes the construction of up to four dwellings on the land and an indicative layout plan is submitted alongside the application shows a linear form of development with four detached properties each with their own parking and turning provision, with three separate vehicular entrances off Gull Road serving the development.
- 3.2. A flood risk assessment is submitted alongside the proposal, which indicates that finished floor levels would need to be set approximately 1.1m above the current level of the land on the site, approximately 0.9m below the carriageway level of the adjacent highway. No landscaping details are submitted for consideration at this time.
- 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=QINIJGHE06P00>

4. SITE PLANNING HISTORY

F/YR18/0956/O	Erection of up to 7no dwellings and the formation of 4no vehicular access involving the demolition of existing outbuildings (outline application with matters committed in respect of access)	Refuse	07.12.2018
F/YR18/0595/O	Erection of up to 8 x dwellings and the formation of 4 x access involving the demolition of existing outbuildings (outline application with matters committed in respect of access)	Refused	23/8/2018
F/YR12/0546/O	Erection of 2 dwellings	Refused	13/9/2012
F/0435/79/O	Erection of a dwellinghouse	Refused	14/7/1979

5. CONSULTATIONS

5.1. **Cambridgeshire County Council Highways Authority**

No objections subject to a standard reserved matters condition.

Given previous decisions a condition requiring a footway along the development frontage would be unreasonable.

Consideration should be given to footways, street lighting, speed limits and traffic calming however if further development continues to be permitted in this area.

5.2. **Cambridgeshire Fire and Rescue Service**

Should the Planning Authority be minded to grant approval, adequate provision should be made for fire hydrants.

5.3. **Wisbech St Mary Town Council**

Council recommended approval.

5.4. **FDC Environmental Health**

No objections. Request standard unsuspected contamination condition

5.5. **Environment Agency**

No objection. Strongly recommend the mitigation measures identified in the Flood Risk Assessment are adhered to.

5.6. **Ward Councillor Mrs S Bligh**

“Linear development proposed, which is in keeping with most of Gull Road. Predominantly in flood zone 1. A previously granted application has set a precedent due to their similarities. No adverse issues relating to visual or residential amenity with that application. Note comments regarding a drain and seek solutions similar to those approved under the recent nearby referenced application.

Fully support the application.”

5.7. **Local Residents/Interested Parties**

Three representations have been received in relation to the proposal from residents of Gull Road, Guyhirn. Two of these are identified as objections with the third stating neither objection nor support. The following points are identified within the representations.

- Devaluation of property
- Loss of privacy
- Loss of views
- Loss of habitat through hedgerow removal
- Impact on traffic and highways
- More dwellings would mean the speed limit should be reduced
- Visitors would need to park on the opposite side of the road to park safely, creating impacts on safety
- Impact on drainage
- Would set a precedent for infilling agricultural land along other parts of Gull Road, and detract from its status as a small village
- No detailed designs

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

7.1. National Planning Policy Framework (NPPF)

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

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

7.2. National Planning Practice Guidance (NPPG)

Determining a planning application

7.3. National Design Guide 2019

Context

Movement

Nature

Uses

Homes and Buildings

Resources

Lifespan

7.4. Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP12 – Rural Areas Development Policy

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

LP19 – The Natural Environment

7.5 **Delivering and Protecting High Quality Environments in Fenland SPD**

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

8. **KEY ISSUES**

- **Principle of Development**
- **Character of the Area**
- **Flood Risk**
- **Highway Safety**
- **Residential Amenity**
- **Other matters**

9. **BACKGROUND**

9.1 The application site has a significant history relevant to the consideration of the current application, with four applications having previously been refused for development of the land for residential purposes. The two most recent refusals, albeit on larger application sites, were both considered under the policies of the current development plan (see ‘Site Planning History’) and were both refused on the grounds of not being infill, harm to the character of the area, and a failed sequential test. These matters are considered separately later in the report under specific headings.

9.2 In addition, two appeal decisions relating to residential development within Guyhirn are of relevance to the consideration of this proposal. The first of these (F/YR17/1213/O) is of particular relevance as it relates to the partial development of a ‘gap’ site on the east side of Gull Road with development fronting the road. The Planning Inspector dismissed the appeal as it did not constitute infilling, would adversely impact the character of the area and failed to meet the requirements of the sequential test.

9.3 The second (F/YR17/1115/F) relates to a proposal for the construction of four dwellings off High Road to the east side of the settlement, but again with a similar relationship as a linear site parallel and adjacent to the adopted highway. Again, the Planning Inspector confirmed that the site did not constitute infill development, that the loss of the currently undeveloped land would result in harm to the character and appearance of the area, and that the sequential test had not been passed.

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. Guyhirn is a Small Village, where development will normally be of a very limited nature and limited in scale to residential infilling or small business opportunities.

10.2. The application site lies adjoining the existing settlement of Guyhirn, on the eastern side of Gull Road. Policy LP3 requires that development in such settlements as Guyhirn is of a “very limited” nature and is “limited in scale to residential infilling”. The Fenland Local Plan in its Glossary defines residential infilling as, “Development of a site between existing buildings”. The Glossary of the Planning Portal further defines this as, “The development of a relatively small gap between existing buildings”.

10.3. The application site forms an approximately 72m part of a wider gap of 125m between buildings, and the development would see the remainder of this gap left as undeveloped land. It is not considered therefore that the development represents limited residential infilling as set out in Policy LP3 and that the principal of development is therefore unacceptable. This conclusion would be consistent with the findings of the Planning Inspector when considering the other nearby site on Gull Road.

Character of the Area

10.4. 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.

10.5. As noted above, the character of the application site is typical of an edge of village location, and closely related to the agricultural use of the land beyond. It is also distinctly different to the land on the opposite side of Gull Road, which has been developed for residential purposes. The development of the application site would result in harm to its character through loss of its open nature and the link with the agricultural land beyond, contrary to the requirements of policy LP12, supported by Policy DM3 of the Delivering High Quality Environments SPD, and would have an urbanising effect on the area. Again, this is consistent with the conclusions of the Inspector when considering the similar case on Gull Road, and, also in the case on High Road.

10.6. In addition to the above general impact relating to the development of the site, the Flood Risk Assessment accompanying the proposal identifies that land levels within the site will need to be raised to mitigate against flood risk. This would see the finished floor levels of the properties constructed on the land raised up by approximately 1.1 metres above the typical existing land levels on the site. Although the application does not include matters of scale for approval at this stage, the extent of raising required is significant and would result in a distinctly different character of development to that of its surroundings that would result in harm to the street scene.

Flood Risk

10.7. The application site is largely located within flood zone 1, with a small area of the south western corner located within flood zone 3. The indicative layout plan submitted alongside the application shows that the area of land within flood zone 3 is not required for the siting of the proposed dwellings, with the land shown as providing the vehicular access to the proposed dwellings. Consequently, it is considered that the application has demonstrated that the

dwellings could reasonably be accommodated within flood zone 1 and as such no sequential test would be required under Policy LP14.

- 10.8 However, the submitted Flood Risk Assessment includes information that the site could be at risk from flooding in the event of a breach of defences. To address this the development would require floor levels above existing ground levels, as set out above, as well as other flood mitigation measures. The Environment Agency do not object to the application.

Highway Safety

- 10.9 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.
- 10.10 The application site is accessed from Gull Road, and although the proposal reserves all matters for later approval, the application indicates a number of proposed accesses along the boundary of the site with the highway to serve the individual dwellings.
- 10.11 Gull Road is a long, straight road with good visibility in both directions, and is subject to a 40mph speed limit. There are a range of properties located along it that already gain vehicular access directly onto private driveways and off-street parking.
- 10.12 The Local Highways Authority have confirmed they have no objections to the proposal, subject to the inclusion of a standard reserved matters condition on any permission granted requiring the submission of details of the proposed means of vehicular access to the highway.
- 10.13 The Local Highways Authority have also noted that it would be unreasonable to require a condition to provide a footway link across the frontage of the development site however no such link is indicated as being proposed within the application. The LHA also notes that should development continue to be permitted along the road then consideration will need to be given to provision of footways, street lighting, speed limits and traffic calming.
- 10.14 Whilst the objections received from the public consultation are noted, no objection has been raised by the Local Highways Authority. There is therefore no justification for refusal of the application on highway safety grounds, and the proposal is considered to be in accordance with policy LP15 of the Fenland Local Plan (2014).

Residential Amenity

- 10.15 Policy LP2 of the Fenland Local Plan (2014) requires development proposals to promote high levels of residential amenity, and policy LP16 requires development proposals to demonstrate that they do not adversely impact on the amenity of neighbouring users whilst providing sufficient amenity space for the proposal, with the guideline for non-flat development being one third of the plot area.
- 10.16 The comments received from members of the public with regard to the impact of the proposed scheme on the privacy of nearby properties are noted. The application is made in outline however, with all matters reserved for alter approval. Consequently, the plans provided are only indicative of any scheme that may come forward on the site with regard to the final details for approval,

and no consideration can be made regarding specific impacts on neighbouring and nearby properties.

- 10.17 What can be inferred from the plans however is the potential for such impacts to occur. The indicative scheme shows four dwellings positioned in a linear arrangement. It would be perfectly reasonable for these properties to avoid windows on their side elevations overlooking the neighbouring dwellings, meaning their main aspects would be from the front of the site across Gull Road, and out to the rear over the agricultural land located there.
- 10.18 No harm would arise from the properties overlooking the agricultural land and the indicative site plan shows that it would be possible for the dwellings to be built in excess of 30m from the dwellings on the opposite side of Gull Road, a distance that would satisfactorily protect those properties from unacceptable impacts of overlooking.
- 10.19 The proposal is therefore considered to be capable of complying with the requirements of policies LP2 and LP16 of the Fenland Local Plan (2014), with regard to its impacts on amenity, and a refusal on these grounds would not be justified.

Other Matters

- 10.20 Several other matters have been raised as objections to the proposal, which are considered as follows.
- 10.21 The devaluation of property is not a material consideration in the determination of a planning application, nor is the loss of a view.
- 10.22 The provision of dedicated visitors' spaces is not a provision within the parking standards set out in Appendix A of the Fenland Local Plan (2014).
- 10.23 The application is made in outline, with all matters reserved for later approval. Consequently, the lack of detailed design proposals for the dwellings is not justification for refusal of the outline application.

11 CONCLUSIONS

- 11.1 The proposal is for the construction of up to four dwellings on land adjacent to the existing settlement of Guyhirn. The development is not considered to be small scale infilling as set out in Policy LP3, and as such is not acceptable in principle. The development of this site would be detrimental to the character and appearance of the area, having an urbanising effect through the substantial loss of one of the undeveloped 'gap' sites which give the eastern side of Gull Road its character. The visual impact of the development would be exacerbated by the need to for the finished floor levels to be above existing ground levels by over 1 metre. While there are some examples of recent residential development on this side of the road, these are not considered to be consistent with this application and more relevant precedents have been set with the appeal decisions referred to in the report. Consequently, the application is considered to be contrary to the relevant policies of the Local Plan.

12. RECOMMENDATION

REFUSAL, for the following reason

1	<p>The application site constitutes part of a wider gap between built forms, where the open countryside meets the village. The development proposal would not constitute small scale infilling and would result in the loss of the undeveloped nature of the site and the urbanisation of the area to the detriment of its character and appearance, exacerbated by the need to build the development over 1m above existing ground levels. Therefore the proposal is considered to be contrary to Policies LP3, LP12 Part A (a, c, d and e) and LP16(d) of the adopted Fenland Local Plan (Adopted May 2014) and Policy DM3 of the Delivering and Protecting High Quality Environments contrary to Policies LP3 in Fenland SPD.</p>
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Existing Site Plan 1:500



Proposed Site Plan 1:500 (Indicative for illustrative purposes only)



Location Plan 1:1250



Peter Humphrey Associates
 ARCHITECTURAL DESIGN AND BUILDING

Project:
 Proposed Residential Development
 Gull Road
 Gylfham
 PE13 4ER

Date:
 Ms. J. Thompson
 Proposed Site Plan

Scale:
 1:500 (Site Plan) 1:1250 (Location Plan) 1:250 (Detailed Plan)

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