

Applicant: Mrs Smith

**Agent : Mr Liam Lunn-Towler
Peter Humphrey Associates Ltd**

**Land North East Of Tudor Lodge And Sunset, Station Road, Wisbech St Mary,
Cambridgeshire**

Erect a dwelling (outline application with all matters reserved)

Officer recommendation: Refuse

**Reason for Committee: Number of representations received contrary to Officer
recommendation**

1 EXECUTIVE SUMMARY

- 1.1 This submission seeks outline planning permission for a single dwelling to be served off an existing access track situated between Sunset and Sunnyside, Station Road, Wisbech St Mary
- 1.2 The site and the wider area has been the subject of various planning proposals for residential development, either as new build or conversion and these have been resisted given that they constituted development which encroached on the open countryside, excepting a recent proposal to deliver a pitch to serve the individual needs of a gypsy and traveller family which has been implemented.
- 1.3 The proposal constitutes an unjustified encroachment into open countryside which would have an adverse impact on its character and appearance.
- 1.4 Access to the site is through an unmade and narrow track of excessive length which will be to the detriment of accessibility and waste collection.
- 1.5 There has been insufficient justification to deviate from the earlier assessments made in response to the delivery of residential accommodation in this location and as such the scheme continues to be in conflict with relevant local plan and SPD policies, and it is therefore recommended that the application is refused

2 SITE DESCRIPTION

- 2.1 The site comprises an area of grassed land situated immediately to the north-east of Tudor Lodge and Sunset which are both residential dwellings fronting onto Station Road. Both these dwellings have lengthy rear gardens circa 100 metres. The common boundary with these garden areas are formed with a low level post and rail fence supplemented with tree planting; a further grassed area lies to the north-east of the proposed site. The north-western boundary is formed by an established conifer hedge.

2.2 It was noted at the time of site inspection that a gated access with associated brick piers has been constructed along the existing access road immediately in line with the south-western boundary of the site. This access arrangement supplements further gates and piers which mark the boundary of the site to the north-east of that currently under consideration which has a mobile home in situ as per the planning permission issued in 2020. Also on this site is a former coal yard building.

2.3 The site is within a flood zone 1 location.

3 PROPOSAL

3.1 This submission seeks outline planning approval for a single dwelling, all matters are reserved for later consideration. An illustrative layout is submitted as part of this proposal this shows a detached dwelling with associated parking and garden area and indicates that the north-eastern boundary will be formed by a 1.8 metre close boarded fence supplemented by trees and shrubs. The accompanying application form specifies the proposed development as '1 No. 4-bed 2-storey dwelling'.

3.2 Access will be derived from the existing access road which leads from Station Road, this is some 150 metres long and of single width with no passing places along its full extent.

3.3 Full plans and associated documents for this application can be found at:
<https://www.fenland.gov.uk/publicaccess/simpleSearchResults.do?action=firstPage>

4 SITE PLANNING HISTORY

F/YR19/1048/F	Siting of a residential caravan (retrospective) Land Rear Of Sunset Station Road	Grant	06.05.2020
F/YR19/0576/F	Change of Use of building to single-storey 2-bed dwelling including erection of a single storey extension Land Rear Of Sunset Station Road	Refused	27.08.2019 Dismissed at appeal 06 Jul 2020
F/YR18/0674/O	Erection of a dwelling (outline application with all matters reserved) Land Rear Of Sunset Station Road	Refused	07.09.2018
F/YR17/1197/O	Erection of up to 4 no dwellings (outline application with all matters reserved) Land Rear Of Sunset Station Road	Refused	04.12.2018
F/YR17/0368/PNC	Change of use of an agricultural building to 1-storey 1-bed dwelling (Class Q(a) and (b))	Refused	22.06.2017
F/YR05/1439/O	Erection of a dwelling – Land west of Coal yard, Station Road	Refused	31.01.2006

5 CONSULTATIONS

- 5.1 **Parish Council:** *'At the meeting of Wisbech St. Mary Parish Council on 11th January 2021, the Council recommended REFUSAL based on access concerns and back land development.'*
- 5.2 **Cambridgeshire County Council Highways Authority:** *'I have no highway objections to the development in principle. When access is committed at outline stage, I would like to see the access widened (if possible, within land constraints) and sealed and drained.'*
- 5.3 **Environment & Health Services (FDC):** *'There are concerns that this ground of this site, or part of it, may be contaminated as a consequence of it's former use as a coal yard. This issue was highlighted in a response by Environmental Health to Planning Application Ref. No. F/YR17/1187/O, dated 2 January 2018. In a subsequent application. Ref. No. F/YR18/0674/O, this matter wasn't addressed.'*

As far as Environmental Health are aware, this site may still be contaminated. A Phase I investigation suggested that a Phase II Intrusive Investigation should take place to identify any contaminants and submit a strategy for remediation of the site.

On that basis, I would recommend that a condition is attached to any consent granted in respect of this proposal, which could address this issue, possibly before an application for full planning consent is made.

There are no issues with noise being created by this proposal and no known noise sources which could adversely impact upon this site.

There are no concerns that this proposal will impact upon the local air quality.

Consequently. I have no objections to the granting of consent to this proposal but recommend the attachment [of a condition to secure a Phase 2 Intrusive Contaminated Land Investigation] '.

- 5.4 **North Level Internal Drainage Board:** *'North Level District IDB has no comment to make with regard to the above application.'*
- 5.5 **Local Residents/Interested Parties:** Two letters of objection have been received from adjoining householders which may be summarised as follows:
- Access: *'The single right of way track cannot accommodate two vehicles passing and cause a holdup on station road' this will create problems [..] especially with workmen coming up and down and delivery drivers with large lorries with building supplies.*
 - Concerned about potential damage to drive, trees and grass verge
 - Agricultural land
 - Backfill
 - Does not comply with policy
 - Light Pollution
 - Local services/schools - unable to cope
 - Loss of view/Outlook
 - Out of character/not in keep with area
 - Outside DAB
 - Proximity to property
 - Wildlife Concerns

- Would set a precedent: 'We feel this development would open the gate to further development in open countryside
- Would further devalue the nearby properties
- Note that the access is not within the ownership/control of the applicant and as owners of the land they would not agree to the widening of the access noting that they own the first 11 metres
- Comment that several of the letters of support have no objection but note that the writers are nowhere near the property with only two within the vicinity, one from the resident at Sunnyside cottage which is fenced off from the area and one from the owner of Hillfield House whose access is actually on Church Road not Station Road.

Six letters of support have been received from residents of Wisbech St Mary – Station Road (x 3), High Road (x 1), Sandbank (x 1) and Church Road (x 1) these may be summarised as follows:

- *'As a resident of 30 years plus standing have no objection to a dwelling being built of land at The Old Coal yard'*
- *'The above mentioned planning application may be classed as backfill. The site is in flood zone 1 in a growth village'.*
- *'FDC recently approved of backfill building for Fen Falconry, FDC have also approved planning for holiday homes behind Trafford House, and also a large home behind Station Farm, all backfill along Station road'*
- *'I see no reason why Mrs Smith cannot be allowed to build on the site having lived in the parish for 50+'*
- *'No objections to one house being built on the land'*
- *'No issue with the land being lived on'*
- *Land is 'very well lit up at night across the field at the back of my property which does make me feel safer'.*
- Site has good access to the pavement opposite giving good access to village facilities
- Requests that they are consulted on any future applications serviced by this road or facing their garden
- *'I live at the Old Coal Yard, Station Road, I support K Smith in a house elderly women who I could help care for [...] it's a lovely area, my children go to school in the village, lovely neighbours'.*
- *'Think it would be lovely for K Smith as very quiet and very nice people around area'.*

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

7.1 National Planning Policy Framework (NPPF)

Paragraph 2 - Applications must be determined in accordance with the development plan unless other material considerations indicate otherwise
 Paragraph 10 - Presumption in favour of sustainable development
 Paragraph 12 - Applications must be determined in accordance with the development plan unless other material considerations indicate otherwise

Para. 47 – All applications for development shall be determined in accordance with the development plan, unless material considerations indicate otherwise
Para. 55 - Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects
Para. 78 – rural housing
Chapter 11 - Making effective use of land
Para. 155 – Flood risk

7.2 Fenland Local Plan 2014 (FLP)

LP2 – Facilitating Health and Wellbeing of Fenland Residents
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
LP12 – Rural Areas Development Policy
LP14 – Flood Risk and Renewable Energy
LP15 – Transport Network
LP16 – Delivering and Protecting High Quality Environments

7.3 Delivering and Protecting High Quality Environments in Fenland SPD 2014

7.4 National Design Guide (NDG)

C1 – Understanding and relate well to the site, its local and wider context
I1 – Responding to existing local character and identity
H1 – Healthy, comfortable and safe internal and external environment
H2 – Well-related to external amenity and public spaces

8 KEY ISSUES

- **Principle of Development**
- **Justification**
- **Character and Visual amenity**
- **NPPF Para. 78 considerations**
- **Residential amenity**
- **Village Thresholds**
- **Access and servicing**
- **Flood risk**

9 BACKGROUND

- 9.1 As can be noted in the history section above, this site and the wider area have been the subject of a number of planning applications for residential development; these have proposed the conversion of the former coal storage building together with the redevelopment of this site for single and multiple dwellings.
- 9.2 All earlier submissions have been resisted as representing an unwelcome and unjustified intrusion into the open countryside. Although more recently consent has been granted for the stationing of a mobile home on the site to the north-east (within the former coal yard area) to provide a gypsy and traveller pitch; this submission having been found policy compliant as greater weight was given to the occupancy status of the residents as allowed for under Policy LP5 – Part D.
- 9.3 It is also noted that during the consideration of this application it became apparent that the applicant did not own all of the land with the first part of the access road being within different ownership and a section of the access being unregistered; this has been addressed in accordance with the relevant

procedures and the application is now deemed a valid submission which is capable of determination.

10 ASSESSMENT

Principle of Development

- 10.1 The settlement of Wisbech St Mary is identified as being a Growth Village under Policy LP3 of the FLP (2014), however this site has consistently been found to have a greater affinity with the open countryside and as such is deemed an elsewhere location where development should be resisted as non-compliant with Policy LP12. Notwithstanding the locational issues Policy LP16 is also pertinent with this policy seeking to achieve high quality environments in keeping with the character of the area and providing appropriate levels of residential amenity for future residents. In addition, matters of highway safety and flood risk require consideration under Policies LP15 and Policy LP14 respectively.
- 10.2 Due regard must also be given to the planning history of the site to ensure consistency of decision making.

Justification

- 10.3 A policy assessment is put forward within the design and access statement with the agent noting that the development is '*recessed from the highway to the rear of existing properties*' and going on to state that '*the overall form and position contains the proposed within the same mass as the two nearby properties*'. It is not entirely clear as to what the agent is seeking to express in this statement. Similarly, comments made regarding 'promoting positive integration' are again not overtly clear.
- 10.4 The submission goes on to outline that the '*the existing concrete paddock's west boundary acts as a barrier between the proposed outline and the agricultural land, therefore, not adversely harming the countryside character. In addition, the scheme would be surrounded by existing tree's and shrub's, thus, removing the intervention out of sight.*' Furthermore, the agent asserts that the 'proposal does not extend the settlement, as is the close association of the proposed to nearby properties, with a clear end'. It would appear a perverse argument to put forward that just because you will not see the incursion it will not have occurred, and clearly this is not in the spirit of the policy. In addition the comments made regarding the concrete paddock's west boundary acting as a barrier between the site and the agricultural land do not appear correct as the only evidence of concrete would be the former coal yard site which appears physically distinct, and some 40 metres distant from the current application site.
- 10.5 Further assertions that the land was once in industrial use are equally challenged as the 'coal yard' activities would appear historically to have been undertaken within the compound to the north-east now occupied by the mobile home and existing coal yard storage building. Historic aerial imagery, dating back to 1997, also shows the site as presenting as grassland with the coal yard complex clearly a separate land use.
- 10.6 Matters of access are also considered with the D & A statement indicating that there is footpath on Station Road opposite the site access, however the quality and extent of the access track are not specifically addressed.

- 10.7 It is also indicated that the provision of further trees will promote biodiversity and that given the scale of the dwelling and its relationship with the existing built form the scheme will neither impact on local distinctiveness or on the amenity of nearby dwellings.

Character and Visual amenity

- 10.8 The prevalent character of Station Road is of frontage development, whilst 3 examples of development adopting a different character have been identified in one of the consultation responses received these do not serve to justify the current proposal with a key tenet of planning policy being that each application should be dealt with on its own merits. These developments have also been highlighted in a consultation submission as precedent for 'backfill' however it should be noted that the recently approved dwelling at Fens Falconry was required in conjunction with a business use and the holiday lets at Trafford House represented a conversion of an existing barn and were supported as compliant with the Fenland District Wide Local Plan 1993 (as amended). The dwelling behind Station Farm again appears to pre-date the current local plan having been initially granted outline planning permission in 1989.
- 10.9 The prevailing planning policy clearly states that development should be in keeping with the core shape and form of the settlement within which it is located and should not adversely impact on existing character and amenity. The application site under consideration presents largely as open countryside on the periphery of the established settlement and as such the development illustrated would not accord with the existing character
- 10.10 Introducing a dwelling on the site will be at odds with the existing character of the area, this view aligns with that taken by the Planning Inspector in his consideration of the appeal submitted in respect of F/YR19/0576/F. Whilst the scheme which was considered under this appeal was a conversion and extension of the existing barn on the site, to the north-west of the site currently under consideration, it does serve to demonstrate that development within this area was found not to reflect the overall character and form of the area or indeed Policy LP12.

NPPF Para. 78 considerations

- 10.11 For the sake of completeness due regard has been given to paragraph 78 of the NPPF which postdates the earlier consideration of proposals for this site. Para 78 of the NPPF allows for the introduction of housing where it will '*enhance or maintain the vitality of rural communities*' with key emphasis on allowing villages to grow and thrive, especially where such housing will support local services. It is explicitly identified in Para 78 that '*where there are groups of smaller settlements, development in one village may support services in a village nearby*'.
- 10.12 Some weight may be given to Para 78 in that the site is reasonably well related to the settlement core however Wisbech St Mary could not be deemed 'a small settlement' and there are numerous other opportunities available from which additional housing may be delivered. In real terms the contribution that one dwelling on this site would make to the housing stock of the village when viewed against the actual harm that would arise with regard to character is such that a dwelling in this location should be resisted.

- 10.13 Furthermore, allowing the development would significantly undermine Policy LP12 and would be inconsistent in terms of decision making noting the extensive planning history quoted earlier in this report.

Residential amenity

- 10.14 Whilst it has been shown on a layout plan that the site can accommodate the development as proposed and the scheme is unlikely to raise issues in terms of residential amenity in terms of adjoining occupiers this does not outweigh the character concerns.
- 10.15 In addition the level of amenity that the dwelling would afford its future occupiers is questionable given that pedestrian access into the village would be via an unmade track and the bin collection point indicated to serve the property would be some 150 metres from the property boundary.
- 10.16 Policy DM4 of Delivering and Protecting High Quality Environments in Fenland SPD 2014 concerns the provision of adequate, well designed facilities for the storage, sorting and collection of waste that are user friendly and appropriate to the amount and type of development proposed. In particular Policy DM4 requires criterion (f) of Local Plan Policy LP16 to be satisfied as well as its own criterion (c). DM4 requires storage areas should be accessible by refuse vehicles, or bin /boxes to be moved to an accessible collection point. The RECAP Design Guide SPD as mentioned above recommends this distance should not exceed 25m.
- 10.17 This has been highlighted as an issue with particular reference to the RECAP guidelines on earlier proposals for the site and whilst this did not manifest itself as a reason for refusal in the most recent submission/approval for a mobile home it was clearly noted that *'Whilst the length of the track is such that the standards outlined in the RECAP guidance are exceeded this would not be so significant as to render the scheme unacceptable in terms of residential amenity when balanced against the substantial weight that may be given to the provision of accommodation to meeting an unmet need for Gypsy and Traveller accommodation within the district.'*
- 10.18 There are no such considerations in play within the current proposals accordingly weight may be given to this deficiency in terms of failure to comply with Policy LP16 (f).

Village Thresholds

- 10.19 Policy LP3 provides that the majority of housing growth will be in and around the market towns. Paragraph 3.3.10 of the Local Plan states this is to steer most new development to those larger places that offer the best access to services and facilities. This can help reduce the need to travel, as well as making best use of existing infrastructure.
- 10.20 Policy LP12 Part A also provides that if proposals within or on the edge of a village, in combination with other development built since April 2011 and committed to be built, increase the number of dwellings in a growth village by 15% then the proposal should have demonstrable evidence of clear local community support for the scheme and if, despite a thorough pre-application consultation exercise, demonstrable evidence of support or objection cannot

be determined, then there will be a requirement for support from the relevant Parish Council.

- 10.21 The threshold for Wisbech St Mary has been breached with the current figures, as of 18th January 2021, allowing for 85 new dwellings and the number of dwellings built or committed being at 151 as such any application requires demonstrable community support in accordance with the Policy.
- 10.22 This application has not been the subject of pre-application community consultation and therefore contravenes Policy LP12. Whilst it would normally be expected for the scheme to be accompanied by evidence of support due regard must be given a Planning Inspectorate appeal decision which indicated that the threshold considerations and requirement for community support should not result in an otherwise acceptable scheme being refused and against this backdrop the absence of community support does not render the scheme unacceptable in planning terms.
- 10.23 Although it must be acknowledged that the Parish Council, as per their earlier responses in respect of similar proposals on this site continue to recommend that the scheme be refused.

Access and servicing

- 10.24 This proposed dwelling would not be located in a sustainable location with no immediate access to public transport or good footpath links and would not therefore accord with Policy LP2.
- 10.25 It is noted that the LHA have raised '*no highway objections to the development in principle*' they have recommended that at detailed stage they would '*like to see the access widened (if possible within land constraints) and sealed and drained*'.
- 10.26 Noting that no further land is identified within the application site, red edged boundary, and that the applicant does not own the access track (as highlighted in the background section above), it would not appear that there would be any scope for such access improvements.
- 10.27 It is acknowledged that there is no highway safety reason to withhold consent however access to the site is through an unmade and narrow track of excessive length which will be to the detriment of accessibility and waste collection and it is appropriate for this to manifest as a reason for refusal in this instance, it is acknowledged that the scheme for a mobile home and the conversion proposal did not attract a reason for refusal in this regard, however in the consideration of these schemes there were other material considerations such as the reuse of a building and the occupancy status of the residents; furthermore the current scheme would increase the quantum of households subjected to poor levels of residential amenity.

Flood Risk

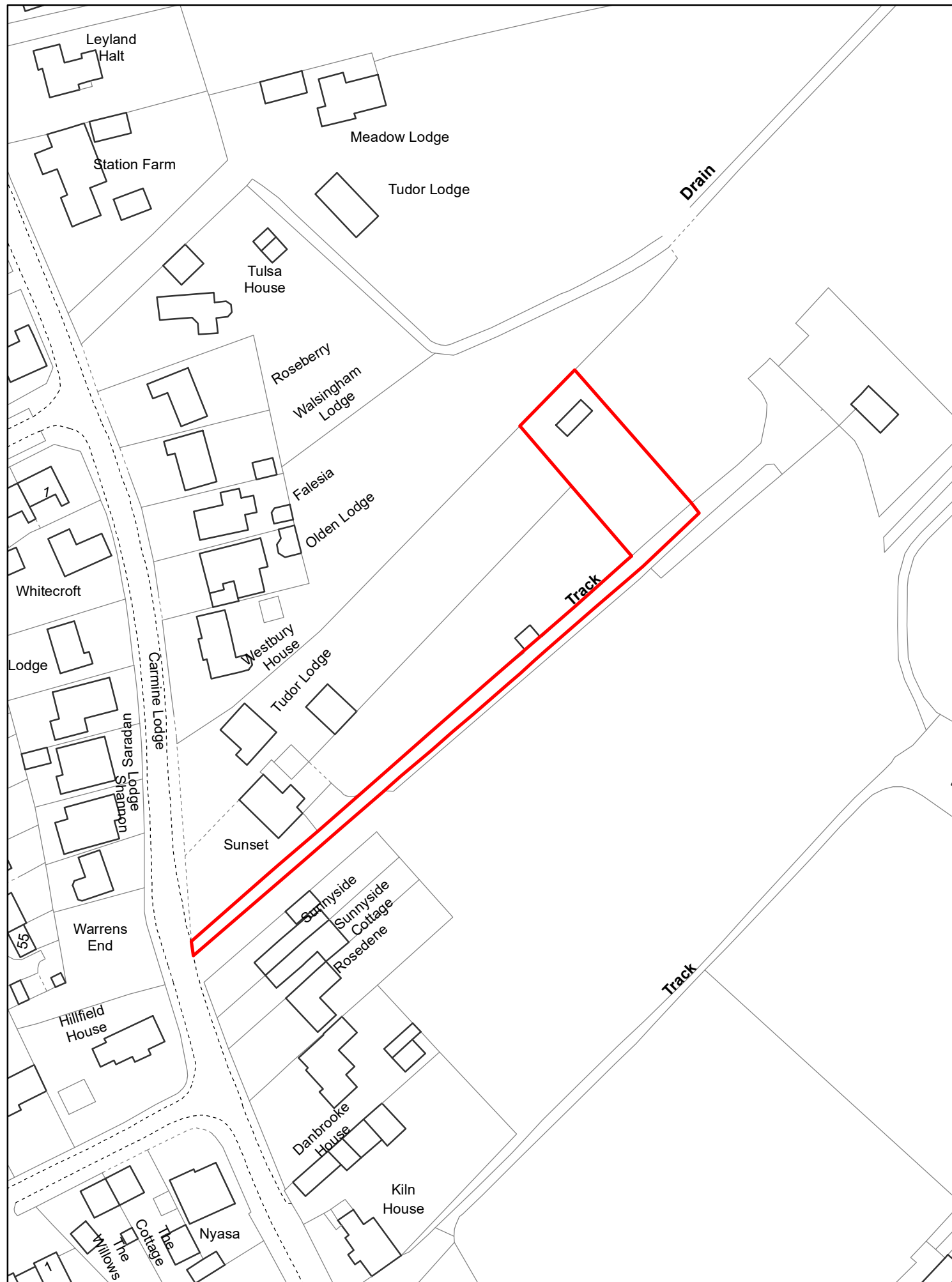
- 10.28 The site is located within Flood Zone 1 and as such there are no issues to reconcile with regard to Policy LP14 (Part B). Surface water disposal will be considered as part of the building control regulations.

11 CONCLUSIONS

- 11.1 The proposal constitutes an unjustified encroachment into open countryside which would have an adverse impact on its character and appearance.
- 11.2 Access to the site is through an unmade and narrow track of excessive length which will be to the detriment of accessibility and waste collection.
- 11.3 The proposal is therefore considered to conflict with relevant local plan and SPD policies, and it is therefore recommended that the application is refused

12 RECOMMENDATION: Refusal

1	The proposal does not constitute development within the existing urban area and the site lies beyond the existing line of ribbon development forming the eastern side of Station Road and therefore represents an encroachment into open countryside. The proposal would adversely affect the character and appearance of the open countryside and would not be in keeping with the existing built form of the settlement. For these reasons it is considered that the proposal conflicts with the provisions of Policies LP12 and LP16 of the Fenland Local Plan 2014.
2	Policy LP15(c) requires that development should be located and designed to maximise accessibility and increase the use of non-car modes through the provision of well designed, safe and convenient access for all. Access to the site through an unmade and narrow track of excessive length would be contrary to the provisions of Policy LP15(c) of the Fenland Local Plan 2014.
3	The length, surfacing and width of the access track to the proposed dwelling mitigates against the provision of adequate and well-designed facilities for the storage, sorting and collection of waste. The proposal would therefore be contrary to the provisions of Local Plan Policy LP16, and SPDs on waste management and protecting high quality environments in Fenland.



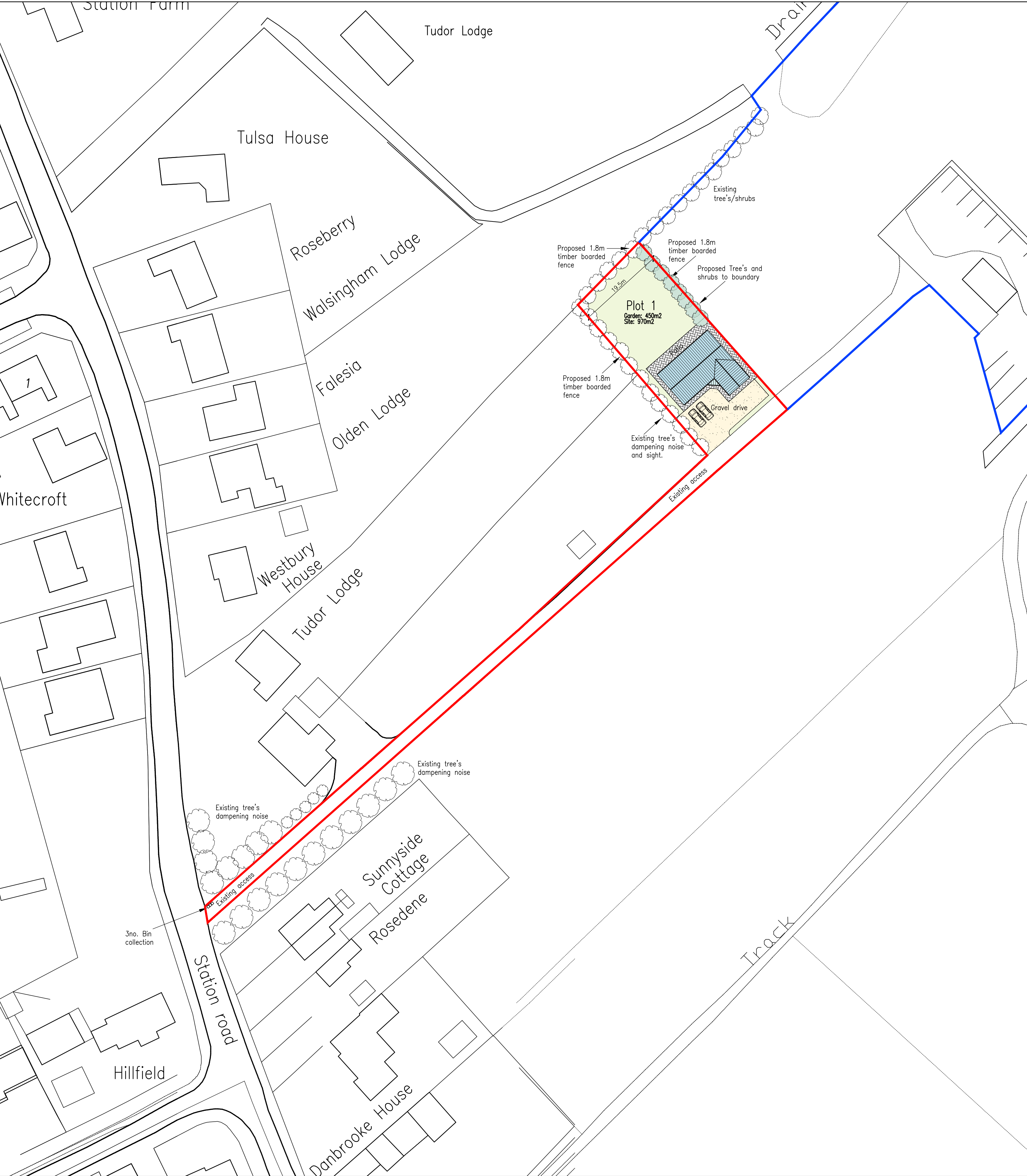
Created on: 17/12/2020

© Crown Copyright and database
rights 2020 Ordnance Survey
100023778

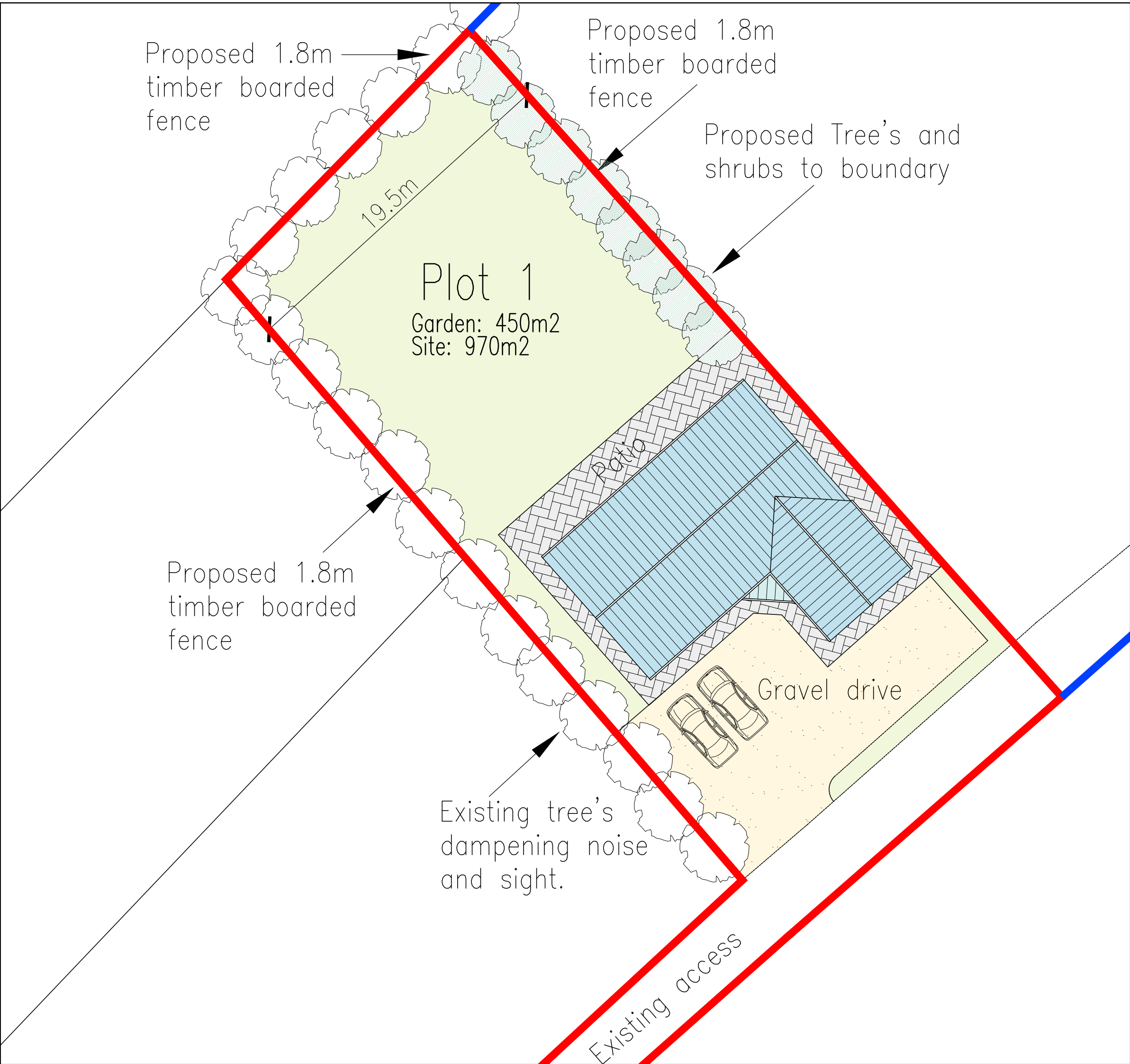
F/YR20/1232/O

Scale = 1:1,250

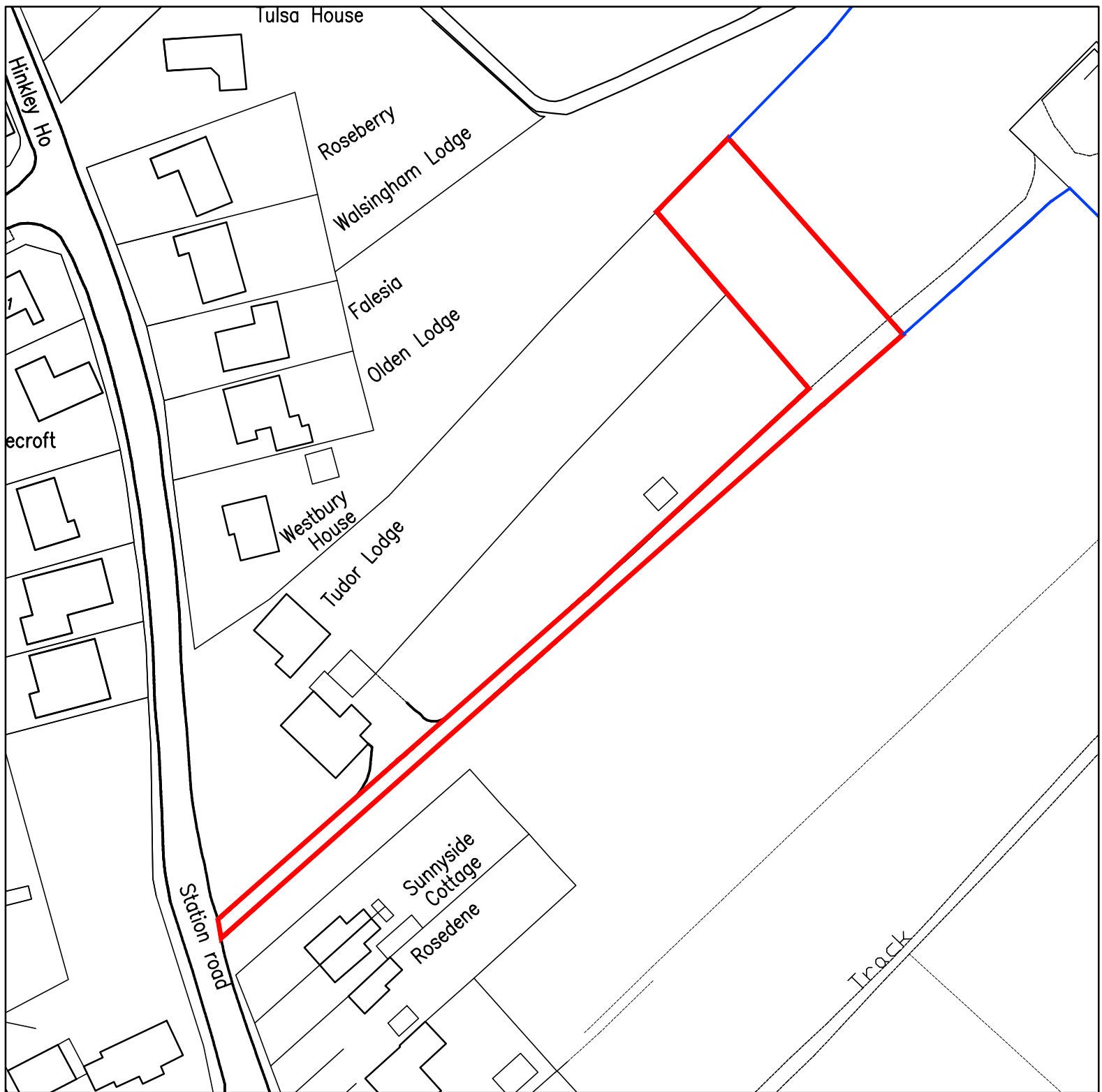




Indicative Site Plan 1:500



Indicative site plan 1:200



Location plan 1:1000

Peter Humphrey Associates Ltd.
ARCHITECTURAL DESIGN AND BUILDING

PROJECT
OUTLINE APPLICATION FOR 1 DWELLING

SITE
LAND REAR OF SUNSET
STATION ROAD
WISBECH ST MARY
PE13 4RW

DRAWING
LOCATION & SITE PLAN

CLIENT
Mrs K Smith

DATE December 2020 SCALE As Shown at A1 JOB No. 5636/PL01D

COPYRIGHT: THIS DRAWING MUST NOT BE ISSUED, LOANED OR COPIED
WITHOUT THE CONSENT OF PETER HUMPHREY ASSOCIATES



Peter Humphrey Associates
ARCHITECTURAL DESIGN AND BUILDING
TELEPHONE: 01945 466 966

E-MAIL: info@peterhumphrey.co.uk
31 OLD MARKET, WISBECH, CAMBS PE13 1NB



Building Design Awards
Building Excellence in Fenland
Category Winner 2010/11
Overall Winner 2010