
F/YR21/0734/O

Applicant: Mr P Day

**Agent: Mr David Broker
David Broker Design Services**

Land Rear Of, 222 Lynn Road, Wisbech, Cambridgeshire

Erect up to 9 x dwellings involving the demolition of existing buildings (outline application with all matters reserved)

Officer recommendation: Refuse

Reason for Committee: Town Council comments contrary to officer recommendation

1. EXECUTIVE SUMMARY

- 1.1. The proposal is for the construction of up to 9 dwellings on the land, with all details of the proposed scheme reserved for later approval.
- 1.2. The application site is located within the built-up part of the town of Wisbech, on land currently used for commercial purposes.
- 1.3. The application is not accompanied by formal arboricultural or ecological surveys and therefore fails to adequately identify the constraints relevant to the site.
- 1.4. The indicative plans showing the layout proposals fail to accord with the requirements of the Highways Authority, and would require amendment in order to be considered acceptable. On that basis the scheme has failed to demonstrate it is capable of accommodating the level of development proposed and is contrary to policy LP15.
- 1.5. The indicative layout provided along with the application indicates a relationship that would fail to accord with the high standards of residential amenity required by policies LP2 and LP16 of the Fenland Local Plan (2014)
- 1.6. The application is therefore recommended for refusal.

2. SITE DESCRIPTION

- 2.1. The application site is located within the town of Wisbech, to the east of the town centre. It is an existing commercial premises and consists of three distinct parts – the first of these parts is the existing Superseal sales building and workshop. These are located to the front of the site and along the western boundary.

- 2.2. The central section of the site consists of a 'showpark' with several conservatory type buildings constructed on the land as examples of the products offered by Superseal.
- 2.3. The final section is the land in the eastern part of the site, which is currently undeveloped.
- 2.4. There are several mature trees set around the boundaries of the site, including a Walnut tree located on its northern boundary that is the subject of a Tree Preservation Order.
- 2.5. The site is surrounded by residential development on all sides. The application site is classed as being within flood zone 2.

3. PROPOSAL

- 3.1. The proposal is an outline application for the development of up to 9 dwellings on the land. All matters are reserved for later approval, although the application indicates access is to be gained from Lynn Road.
- 3.2. Full plans and associated documents for this application can be found at:
<https://www.publicaccess.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=QVGIXLHE06P00>

4. SITE PLANNING HISTORY

F/YR20/0707/O	Erect up to 14 dwellings (outline application with all matters reserved) involving the demolition of existing buildings	Withdrawn	
F/YR04/0004/O	Erection of 16 flats together with parking and landscaping	Granted	31/3/2004

5. CONSULTATIONS

5.1. Wisbech Town Council

That the application be supported, subject to the Local Highway Authority being satisfied that access to the proposal is via the B198.

5.2. Cambridgeshire County Council Lead Local Flood Authority

*At present we **object** to the grant of planning permission for the following reasons:*

1. Discharge Rate

The applicant is proposing to discharge at a rate of 5.0 l/s, which is significantly greater than the greenfield equivalent. It is acknowledged that the system is discharging to an Anglian Water sewer, however with the introduction of the Design and Construction Guidance document, the rates at which surface water can discharge from a site are accepted to be lower. This is due to the treatment on sites reducing the total suspended solids, meaning there less sediment entering the downstream systems, reducing the risk of accumulation within the pipe network. Until it is demonstrated that the rate cannot be reduced to the greenfield equivalents, or as feasibly close to this as possible, we are unable to support this application.

2. Surface Water Treatment

The applicant is proposing to use permeable paving over the parking areas of the site, which is supported by the LLFA as this provides interception source control and a level of treatment. However the access road is not receiving a suitable level of pollution control, as there does not appear to be a means of treating surface water from this surface. It should be noted that discharge from low trafficked road should receive two levels of treatment, in line with the CIRIA SuDS Manual (C753). Until the applicant has provided a suitable level of treatment in line with Chapter 26 of the CIRIA SuDS Manual, we are unable to support this application.

3. Rainfall Data

The submitted calculations are using FSR rainfall data. However, FSR rainfall data is now outdated and there are more accurate data sets in FEH 1999 and 2013 models. This due to recording of rainfall over a longer period of time, as well as updated calculations behind the model. Therefore, FEH rainfall data is now required on all applications to ensure the hydraulic modelling is an accurate representation of the proposed network.

5.3. Cambridgeshire County Council Highways Authority

No objections in principle.

Changes to details will be required if the road is to be constructed to an adoptable standard. These changes may have a fundamental effect on the layout of the development.

- Access road should have a footway along its full length
- A turning head should be provided suitable for a refuse/emergency vehicle to turn
- If the road is to be offered for adoption, then full horizontal alignment will require auto-tracking and tracking plans to be provided.
- Footpath should continue along the site frontage and align better with the existing path to the east and west.

5.4. FDC Environmental Health

Recommend conditions regarding unsuspected contamination and construction management.

5.5. Environment Agency

We have no objection to the proposed development but wish to make the following comments.

5.6. PCC Wildlife Officer

Recommend refusal on the grounds that the application is accompanied by insufficient information to confirm that the impacts of the proposal on biodiversity features are acceptable.

5.7. Cambs Fire & Rescue

Should the Planning Authority be minded to grant approval, the Fire Authority would ask that adequate provision be made for fire hydrants, which may be by way of Section 106 agreement or a planning condition.

5.8. Local Residents/Interested Parties

Three objections have been received (from residents of Lerowe Road and Fenland Road) citing the following points as being relevant to the scheme.

- Impact on wildlife
- Development not in keeping with surrounding properties
- Potential privacy impacts
- Amenity impacts from vehicular movements
- Works undertaken to the trees as a result

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 7: Purpose of the planning system is to contribute to the achievement of sustainable development

Para 117: Promote effective use of land

Para 118: Opportunities and benefits of the reuse of land

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.

Para 157: Need to apply the sequential and exceptions tests.

Para 170: Contribution to and enhancement of the natural and local environment.

Para 175: Harm to habitats and biodiversity.

7.2. National Planning Practice Guidance (NPPG)

Determining a planning application

7.3. National Design Guide 2019

Context

Identity

Built Form

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

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

LP17 – Community Safety

LP19 – The Natural Environment

8. KEY ISSUES

- **Principle of Development**

- **Highway Safety**
- **Biodiversity Impact**
- **Flooding and Flood Risk**
- **Amenity**

9. BACKGROUND

- 9.1. A previous outline application was submitted on the land for the erection of up to fourteen dwellings. This application was scheduled to be considered by the Planning Committee but was withdrawn prior to the meeting. No pre-application contact was made following the withdrawal of the previous application and the submission of the current scheme.

10. ASSESSMENT

Principle of Development

- 10.1. The application site is located within the built-up part of the settlement of Wisbech. Wisbech is identified as one of only two Primary Market Towns within the district under the terms of policy LP3 of the Fenland Local Plan, and as such is considered one of the main locations for new development. New residential development within the town of Wisbech is therefore supported as a matter of principle, and more site-specific considerations must be assessed.

Highway Safety

- 10.2. 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.
- 10.3. The comments of the Highway Officer indicate that the principle of development of the site is acceptable.
- 10.4. The application is made in outline, with all matters reserved and the agent has confirmed that any detailed construction or layout plans would be the subject of a reserved matters application. Notwithstanding this, the requirement of the outline planning application is to demonstrate that the amount of development proposed can be accommodated within the application site and the comments of the Local Highways Authority indicate that the indicative layout provided would require alteration in order to be considered acceptable, for instance the provision of a formal turning head.
- 10.5. On that basis, the proposal is considered to have failed to demonstrate that the amount of development proposed is acceptable, as the road layout shown is not suitable for the site and would require amendments. There is no evidence to demonstrate that an amended layout would be able to address the identified concerns whilst allowing the number of dwellings proposed to be accommodated on the site.

Biodiversity Impact and Trees

- 10.6. The biodiversity impact in relation to the site is considered in two parts – the impact on protected species that may make use of the site itself, and the impact on the existing biodiversity features of the site, in particular the mature trees present on the land.
- 10.7. In this regard, the application is accompanied by an initial biodiversity checklist completed by the applicant/agent. This checklist has been completed in the

negative in relation to all species and features of the site. Comments received in relation to the proposals have stated that the land is used by a range of species including hedgehogs and a range of birds including Owls, Sparrows, Song Thrushes, Starlings and Dunnocks, Kestrel, and a Sparrow Hawk. The trees on the site have the potential to support protected species, and other features of the site (rough grassland, hedgerows and scrub) would also form a suitable habitat for a range of protected species.

- 10.8. The comments of the Wildlife Officer in respect of the proposal identify a lack of information provided alongside the application in order to fully assess the impacts of the proposal on the biodiversity value and contribution of the site. Biodiversity and net gain in relation to planning applications on the site is a matter of rising significance in relation to the national planning agenda, and the lack of a formal ecological appraisal of the site should form a reason for refusal at this stage.
- 10.9. The second aspect relates to the existing trees on the land, in particular the mature Walnut on the north boundary that is the subject of a tree preservation order. No formal arboricultural assessment accompanies the planning application to identify and assess the health and contribution of the existing trees on the site, their retention category, root protection areas and so on. Such an assessment should be undertaken at the outset of the planning process in order to inform potential layouts as retained trees can significantly affect the resulting land available for development and allows features that can contribute to the quality of the scheme to be identified, protected and enhanced. Without such an assessment and with the indicative plans showing a likely requirement for significant levels of tree removal from the site it is concluded that the application has failed to demonstrate that the development proposed can be accommodated on the site without unacceptable impacts on biodiversity within the site.

Flooding and Flood Risk

- 10.10. Policy LP14 of the Fenland Local Plan and paragraphs 155-165 of the National Planning Policy Framework set out the approach to developing land in relation to flood risk, with both documents steering development in the first instance towards land at a lower risk of flooding. This is achieved by means of requiring development proposals to undertake a sequential test to determine if there is land available for development at a lower risk of flooding than the application site, and only resorting to development in those higher flood risk areas if it can be demonstrated that there are no reasonably available sites at a lower risk of flooding.
- 10.11. FDC's approach to the sequential test for flooding within Wisbech states that where a proposal is for redevelopment of a site last used for Use Classes A, B, C or D (classes defined prior to the September 2020 change to the Use Classes Order) then the council accepts that the Sequential Test will normally be passed.
- 10.12. In this instance therefore, the sequential test is considered to have been passed due to the existing use of the site and its location within Wisbech.
- 10.13. Consideration of the specific flood risks associated with the site however have resulted in an objection to the proposals being identified by the Lead Local Flood Authority. This objection is made on three grounds. First, that the drainage calculations provided in association with the application show a

discharge rate significantly in excess of greenfield rates, with no justification provided to demonstrate that a lower rate is acceptable.

- 10.14. Second, that the details provided with the application do not demonstrate a satisfactory level of surface water treatment prior to discharge from the site, and thirdly, that the rainfall data used in the submitted calculations is outdated and less accurate than other currently available data sets.
- 10.15. Overall therefore, although the application site is acceptable from a sequential perspective due to the approach to the sequential test taken within the Wisbech area, the detail provided along with the application fails to demonstrate that the surface water drainage proposals will not result in an increased flood risk within the site and the surrounding area.

Amenity

- 10.16. The proposal is for the construction of nine dwellings on the land, although specific details of the dwellings themselves have not been provided. The layout submitted along with the application is indicative, and therefore could be amended at the reserved matters stage but is submitted in order to demonstrate how nine dwellings could be accommodated on the land.
- 10.17. As has already been noted, there are several elements of the proposal that fail to provide sufficient clarity to ensure an acceptable scheme can be achieved in respect of other matters. It is therefore the case that if those matters are to be satisfactorily addressed then the layout proposals for the application will also be subject to significant change.
- 10.18. Notwithstanding that point however, the indicative layout submitted alongside the application demonstrates a scheme that provides poor amenity levels for a number of the properties proposed.
- 10.19. Plots 1 & 2 are located in very close proximity to the proposed driveway serving the development, and the site is sufficiently narrow at this point to require their private amenity space to be located to the sides of the properties. This leaves the proposed dwellings being location in very close proximity to the boundary of the site and the neighbouring properties and would also result in a significantly detrimental visual feature within the street scene (the garden boundary treatment) of the proposed development in order to protect the privacy of those amenity spaces.
- 10.20. Plots 3 and 4 are located in the southern corner of the site, in close proximity to the sycamore trees located at this point. The plans note these trees are to be pollarded however no indication is given as to why this is required for the health of the trees in question, and would still result in the total overshadowing of the garden of plot 3 once foliage begins to grow back following the pollarding. The proposed parking arrangements or plots 3 & 4 are also located in such a way due to the constraints of the site as to result in likely impact on the amenity of plot 4 from plot 3's use of its driveway.
- 10.21. Plots 7, 8 and 9 are located with more amenity space however the parking provision is shown as being located where there are existing trees, which would result in both harm to the trees themselves (considered earlier) and poor quality parking provision from an amenity perspective due to dropping foliage and nesting birds.

11. CONCLUSIONS

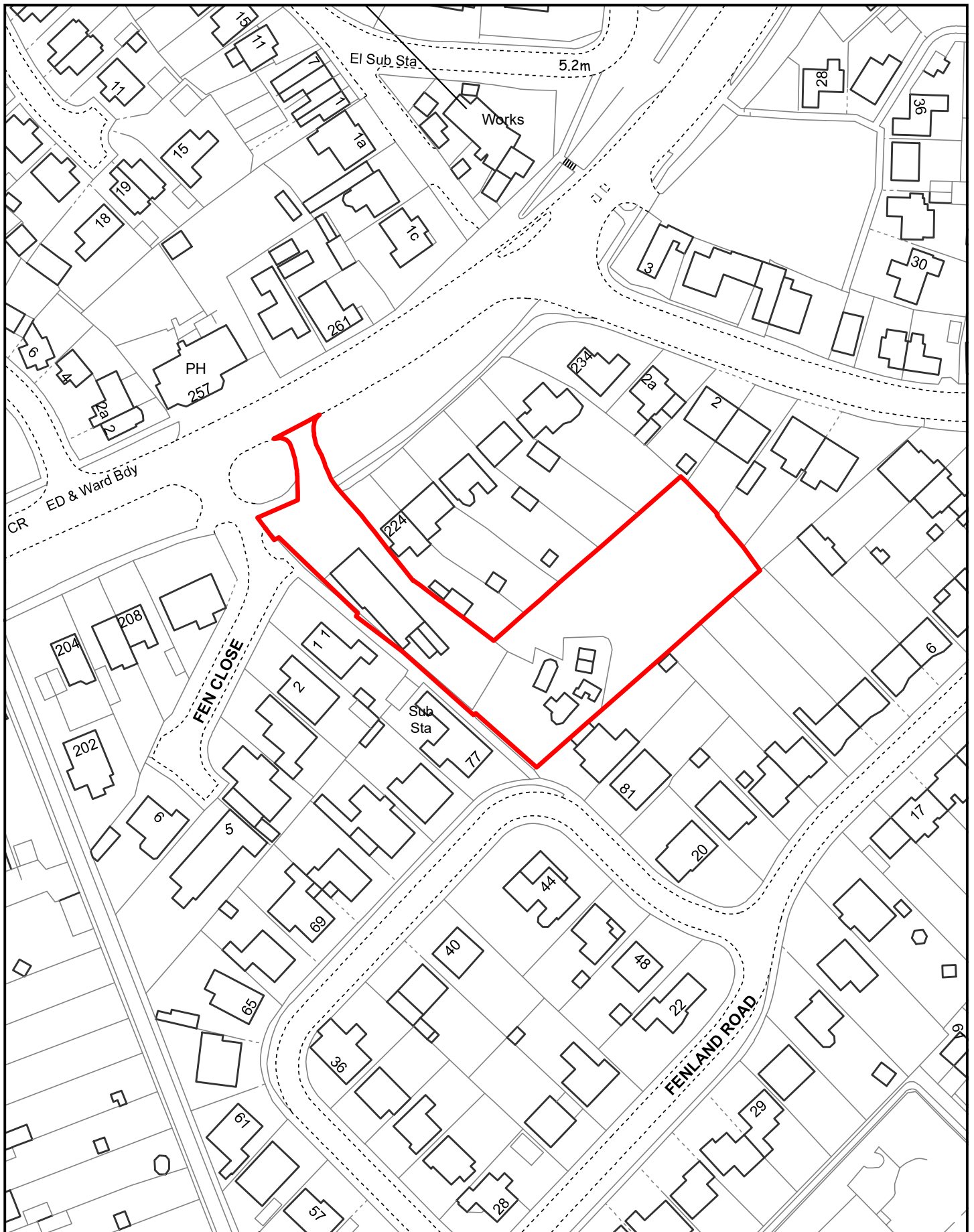
- 11.1. The application fails to demonstrate that the level of development proposed could be reasonably accommodated without causing harm to the existing features of the site and those of its surroundings. The indicative layout is not informed by an arboricultural assessment or ecological survey and the developable area of land may therefore be significantly constrained and below that indicated within the application. The proposal would therefore be contrary to policy LP19 of the Fenland Local Plan (2014).
- 11.2. The level of development proposed on the site combined with its constrained nature have a significant detrimental effect on the environmental quality of the development such that it is considered the proposal would fail to accord with the requirements of policies LP2 and LP16 of the Fenland Local Plan (2014).
- 11.3. The residential development of the site could be acceptable in principle, however the information presented at this time fails to demonstrate that the amount of development proposed (9 dwellings) could be delivered alongside an acceptable highway layout to serve the development, and as such the scheme is contrary to policy LP15 of the Fenland Local Plan (2014).
- 11.4. The drainage details accompanying the application fail to demonstrate that an acceptable strategy is in place to deal with surface water drainage from the site. The scheme is therefore contrary to the requirements of policy LP14 of the Fenland Local Plan (2014).

12. RECOMMENDATION

REFUSAL, for the following reasons.

1	Policies LP2 and LP16 of the Fenland Local Plan require development proposals to create high quality environments within the district that enhance the character and appearance of their surroundings. The proposal indicates a level of development that results in a scheme that fails to provide a high-quality environment. The indicative layout shows a scheme that results in the removal of a substantial amount of landscaping from the site and has a cramped relationship with the street scene, particularly around indicated plots 1-4. The indicative layout would also require amendment in order to provide satisfactory vehicular access to the properties proposed. The proposal is therefore contrary to the requirements of policies LP2, LP15 and LP16.
2	Policy LP19 of the Fenland Local Plan (2014) states that the Council will refuse permission for development that would cause demonstrable harm to a protected habitat or species, unless the need for and public benefits of the development clearly outweigh the harm and mitigation measures can be secured to offset the harm and achieve a net gain for biodiversity. The application is not accompanied by an ecological survey of the land, which incorporates features that provide suitable habitat for protected species. The application also fails to provide an arboricultural assessment to identify how a scheme could be designed to accommodate the existing mature trees on the site that provide a positive benefit to the biodiversity contribution of the site. On that basis, the application is unable to demonstrate that it would not cause harm to protected habitat or species, and no mitigation is identified to ensure that there would be no net

	biodiversity loss as a result of the development. The application is therefore contrary to policy LP19 of the Fenland Local Plan (2014).
3	Policy LP14 of the fenland Local Plan seeks to minimise the risk of flooding of development proposals. The application is accompanied by surface water drainage details that have resulted in an objection from the Lead Local Flood Authority on the grounds that the submitted information fails to adequately demonstrate how surface water drainage from the site is to be handled, and as such the application is contrary to policy LP14 of the Fenland Local Plan (2014).



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