

**Applicant: Mr J Punton
Wisbech Construction Ltd**

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

Land North West of Sunnyside, Cox's Lane, Wisbech, Cambridgeshire

Erect 4 x 2-storey 5-bed dwellings with double garages

1 EXECUTIVE SUMMARY

- 1.1 The application site is located in the countryside beyond the extent of the town of Wisbech within flood zone 1, and the proposal is for the construction of four new two-storey dwellings with attached double garages.
- 1.2 The location is classified as 'elsewhere' within policy LP3 of the Fenland Local Plan, where development must meet one of a strict set of criteria if it is to gain policy support. No such indication is made.
- 1.3 The access to the site is off Cox's Lane, a single-track road with no passing provision in the vicinity of the site and no segregated footway to serve pedestrians, the nearest path being to the north of Bartons Road to the north of the site.
- 1.4 The junction of Cox's Lane with Barton Road is sub-standard, and the highways authority has indicated that the scheme as submitted would result in highway safety concerns sufficient to warrant refusal of the scheme.
- 1.5 The proposed layout of the site is of a linear style, more suited to a central urban area and is not sympathetic to the more organic and sporadic development pattern in the vicinity of the site. The scheme would therefore be harmful to the character of the area within which it is to be located.
- 1.6 The proposal is therefore recommended for refusal.

2 SITE DESCRIPTION

- 2.1 The application site is an open section of former orchard land in the countryside beyond the settlement of Wisbech. There is an existing drain running along the site frontage. At the time of the officers site visit the land to the rear remains an orchard. The established hedgerow along the site frontage appeared to have been removed relatively recently and herras fencing erected.
- 2.2 The property to the south east of the site has no windows overlooking the site, and its double garage is located most closely to the shared boundary.
- 2.3 To the north west is another residential dwelling, with its double garage and driveway located adjacent to the application site boundary. Four windows ranging from ground floor through to first floor units overlook the site.
- 2.4 The application site is located within flood zone 1.

3 PROPOSAL

- 3.1 The proposal is for the construction of four dwellings on the site, each with five bedrooms and an attached double garage, with generous gardens located to the rear.

- 3.2 Each of the plots would be provided with a private access driveway over the drain to the front of the site, with a 9m easement provided at the front of the site from the line of the drain.
- 3.3 The site would be surrounded by 1.8m high fencing, which would also separate the gardens of the dwellings from each other. This fencing would reduce to 1.2m high within the front gardens of the properties.

4 SITE PLANNING HISTORY

- 4.1 No relevant site history

5 CONSULTATIONS

5.1 Wisbech Town Council

Object, on the basis that

- *The proposal would constitute overdevelopment of the site*
- *The nature of the proposed development (more suited to urban areas) is out of keeping with the existing properties in the vicinity of the application site*
- *Cox's Lane is inadequate to serve residential development of the scale proposed by this application.*

5.2 Cambridgeshire County Council Highways Authority

The site is located off Cox's Lane which is a single-track road, without footways or street lighting and the national speed limit applies.

To the north-west of the site is a 90-degree bend which has poor forward visibility. The single-track width and poor forward visibility lead to vehicle conflicts, verge damage (there is evidence of verge damage at several points along Cox's Lane) and risks to pedestrian and cycle safety.

Beyond the bend the lane leads to the junction with Barton Road and the approach to meet Barton Road is not perpendicular to it with a poor approach angle.

I have also viewed the visibility of approaching vehicles from the west and this is compromised by the inside of the bend in a westerly direction and the vegetation on the near side. There appears to be insufficient highway to improve the visibility at this junction so I am concerned that an increase in traffic will cause an intensification of use of a junction with sub-standard visibility.

There are no footways on Cox's Lane, and I have concerns for pedestrian safety along it (particularly at the 90-degree bend where forward visibility is reduced) and at Barton Road. At the junction with Barton Road pedestrians will be encouraged to cross at the junction (with restricted visibility as mentioned) in a diagonal direction to link with the footway on the opposite side of Barton Road as there is no footway on the south side of Barton Road.

The number of dwellings that are served along a single-track road is much higher than would normally be expected for new development.

There are no realistic options to accept deliveries with the proposed layout other than from the Cox's Lane and with a single-track width this would prevent other vehicles to pass or further verge damage to create additional width.

The quoted 2.4m x 43m visibility splays are for a 30mph road but national speed limit applies at this location.

The vehicle crossovers for the site do not include 45-degree splays. This is normally acceptable but on narrow sections coupled with a drain to cross there is risk of vehicles damaging the opposite verge or slipping off the crossing during a turn. I would expect that a different design with wider accesses (perhaps grouping pairs of accesses) would overcome these concerns.

It might be possible to mitigate some of the problems identified, for example by providing a footway and informal crossing point on Barton Road but as submitted I object to the planning application.

5.3 North Level Internal Drainage Board

No objections. Consents will be required for the proposed surface water discharge and the alteration of the watercourse to provide the accesses.

5.4 Local Residents/Interested Parties

11 responses have been received in relation to the proposal.

Six responses have been received stating support for the scheme from properties on Barton Road and Magazine Lane, citing the following reasons

- Lack of housing in the vicinity
- Design is good
- Not much impact on wildlife

Five objections have been received in relation to the scheme from properties along Cox's Lane, noting the following issues.

- Told categorically there would be no further building on Cox's Lane due to width
- Proposal is cramped
- Proposal is very close to adjacent dwelling boundary and will compromise privacy
- If dwellings are permitted, fewer would be a more appropriate layout
- All windows on north elevation of plot 1 should be fitted with obscure glazing and fixed shut.
- Lane is too narrow to take additional traffic
- Barton Road junction is dangerous
- Majority of supporters would not be affected as they are not residents of Cox's Lane
- Further disturbance to and destruction of wildlife habitat
- Proposal is in a flood plain
- Development should be tightly controlled due to previous work on site to clear the orchard
- Impact of construction on neighbouring amenity
- Danger to pedestrians with no footpath

6 STATUTORY DUTY

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

7

POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

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

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

Para 11: Presumption in favour of sustainable development

Para 79: Housing should be located where it will enhance or maintain the vitality of rural communities.

Para 119: Promote effective use of land

Para 120: Opportunities and benefits of the reuse of land

Para 121: Be proactive about bringing forward redevelopment sites

Para 123: Take a positive approach to alternative land uses

Para 124: Making efficient use of land (density - need & character)

Para 125: Where land is limited, avoid building at low densities

Para 126: Creation of high-quality, beautiful and sustainable buildings and places

Para 130: Well-designed development

Para 131: Incorporation of trees into development proposals

Para 134: Development that is not well-designed should be refused, especially where it fails to reflect local design policies.

National Planning Practice Guidance (NPPG)

Determining a Planning Application

National Design Guide 2019

Context

Identity

Built Form

Movement

Homes and Buildings

Resources

Lifespan

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP8 – Wisbech

LP12 – Rural Areas Development Policy

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

LP16 – Delivering and Protecting High Quality Environments across the District

8

KEY ISSUES

- Principle of Development
- Highway Safety
- Impact on Character and Appearance
- Impact on Residential Amenity
- Other Matters

9

BACKGROUND

9.1

There is no background on the site in relation to the proposal.

10 ASSESSMENT

Principle of Development

- 10.1 Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the district, setting out the scale of development appropriate to each level of the hierarchy.
- 10.2 The application site lies outside the settlement of Wisbech and as such is classed as an 'Elsewhere' location in terms of the settlement hierarchy as set out in policy LP3 of the Fenland Local Plan (2014). The land is not previously developed, and there are no other material factors that would indicate that development should take place as a matter of principle on this site.
- 10.3 On that basis therefore, the principle of development on the site is contrary to the relevant policies of the development plan, and refusal of the scheme is justified on this basis.

Highway Safety

- 10.4 Policy LP15 of the Fenland Local Plan (2014) requires development to provide a well-designed, safe, and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport.
- 10.5 The application site is located off Cox's Lane, which is a single-track road to the west of Wisbech connecting Barton Road to North Brink.
- 10.6 The comments of the highways authority are noted in this respect, in particular with reference to the junction with Barton Road to the north, which would be likely to be the main route serving the proposed development, and the lack of any pedestrian provision in terms of footpath segregating pedestrians and vehicular traffic.
- 10.7 Visibility at the Barton Road junction is sub-standard and the angle of approach from Cox's Lane to Barton Road is such that turning west from Cox's Lane is a dangerous manoeuvre. Similarly, the lack of any pedestrian provision alongside the road between the site and the north side of Barton Road results in a dangerous environment for pedestrians, a relationship that is exacerbated by the narrowness of Cox's Lane itself that requires vehicles to utilise the roadside verges to pass each other.
- 10.8 Also as noted by the highways authority, there is no scope for the widening of Cox's Lane to provide such improvements as part of the development and therefore the other alterations indicated as improving the scheme have not been requested to be reflected in the proposed plans as they would not result in a scheme that could be supported.
- 10.9 The impacts of the proposed dwellings on pedestrian and vehicular safety on Cox's Lane result in a scheme that is contrary to policy LP15 of the Fenland Local Plan and there is no realistic prospect of resolution of these matters within the scope of the current planning application.

Impact on Character and Appearance

- 10.10 Policy LP16 of the Fenland Local Plan (2014) requires development proposals to deliver and protect high quality environments throughout the district. Proposals must demonstrate they make a positive contribution to the local distinctiveness and character of the area, enhancing their local setting and both

responding to and improving the character of the local built environment whilst not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area.

- 10.11 The proposal is for the construction of four dwellings, each of which is a two-storey property of five bedrooms with integrated double garage. The site is laid out in a way that presents the properties as two pairs, with the design and layout of the dwellings being handed. The garages are located in front of the dwellings resulting in the obscuration of a portion of the front elevation of each building from the street, with a blank side gable facing the public realm. The four dwellings appear to have been designed to match the height of the new replacement dwelling to the north west of the site, however the scheme provides no comparison with the property known as Sunnyside, to the south east of the site.
- 10.12 It is considered that the development of this site would, in conjunction with existing neighbouring dwellings, represent an urbanisation of this area, which is currently of a more rural nature with sporadic development only. This impact would be exacerbated by the design, scale and layout of the development which would present a harsh, uniform frontage appearing incongruous in this rural context.
- 10.13 On that basis the scheme would be contrary to the provisions of policy LP16 of the Fenland Local Plan (2014), with no scope to address this issue within the application site boundary.

Impact on Residential Amenity

- 10.14 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.
- 10.15 The proposals are for a linear development layout, parallel to Cox's Lane and with the main outlook from the proposed dwellings being to the front and rear. The detailed floorplans and elevations of the buildings show no upper floor windows are proposed to the side elevation, which would protect the privacy of the neighbouring properties given the indicated existing 1.8m boundary fences to either side of the site. The western side of Cox's Lane is formed from a tall hedgerow with no development behind it, whilst the land to the rear of the site is denoted to remain as an existing orchard. There is therefore considered to be no adverse privacy impact because of the scheme.
- 10.16 Additional potential residential amenity issues related to a planning application however are the possibility of a building having an overbearing impact on its neighbours or resulting in a loss of natural light to a property. In this regard the layout of the proposed development has been carefully considered to minimise the impact on the adjoining dwellings, by placing the single-storey structures in closest proximity to the shared boundaries – namely the double garages. This approach ensures that the proposals do not result in an overbearing impact on the neighbouring dwellings and will not result in an unacceptable level of overshadowing.

- 10.17 There is an acceptable impact on the residential amenity of the neighbouring properties from the proposed development, which also makes adequate provision for the amenity of the proposed occupiers and is therefore in accordance with the relevant policies of the development in respect of this issue.

Other Matters

- 10.18 Several other issues are either relevant to the scheme or have been raised by respondents in relation to the proposal, and are considered as follows:
- 10.19 The biodiversity checklist accompanying the application states that the proposal is not located within 5m of a river, stream, ditch, canal or lake and that as a result no survey is required for water vole. As noted above the application is adjoined by a land drain that is to be culverted to facilitate access to the site and therefore a survey should have been provided (or evidence from a suitably qualified ecologist to confirm that a survey was not required). This lack of information should comprise a further reason for refusal to ensure that the information is provided if the scheme is appealed or resubmitted.
- 10.20 Some comments indicated that the authors had been informed that there would be categorically no further building on Cox's Lane. No contact officer details were given in respect of these comments however every planning application must be considered on its own merits and such a comment would not be binding on the consideration of any future application.
- 10.21 The observation regarding the supporters of the proposal living in a location less affected by the scheme is noted but is not material to the recommendation made in respect of the proposal and is instead a matter for consideration if the scheme of delegation is reviewed.
- 10.22 The impact on the wildlife habitat is noted, however the site was previously a working orchard, and no permission was required for the removal of the orchard trees as a result.
- 10.23 The proposal as noted above is located within flood zone 1, which is the zone of lowest flood risk, not a functional flood plain as asserted.
- 10.24 The previous actions undertaken on the land do not impact on the consideration of the current application and construction impacts are generally controlled through separate legislation.

11 CONCLUSIONS

- 11.1 The proposal is located beyond any of the defined settlements in the Fenland Local Plan (2014) and as such the principle of its development is opposed by the policies of the plan.
- 11.2 Notwithstanding this, there are several issues in relation to the scheme that would result in conflict with other adopted policies of the development plan, including the impact of the scheme on highways safety in the vicinity of the site, and the character of the location.
- 11.3 None of these are matters that could be satisfactorily resolved through amendments to the current proposal within the scope of the submitted scheme and therefore rather than requesting alterations, the scheme is recommended for refusal based on the plans as originally submitted.

12 RECOMMENDATION

Refuse

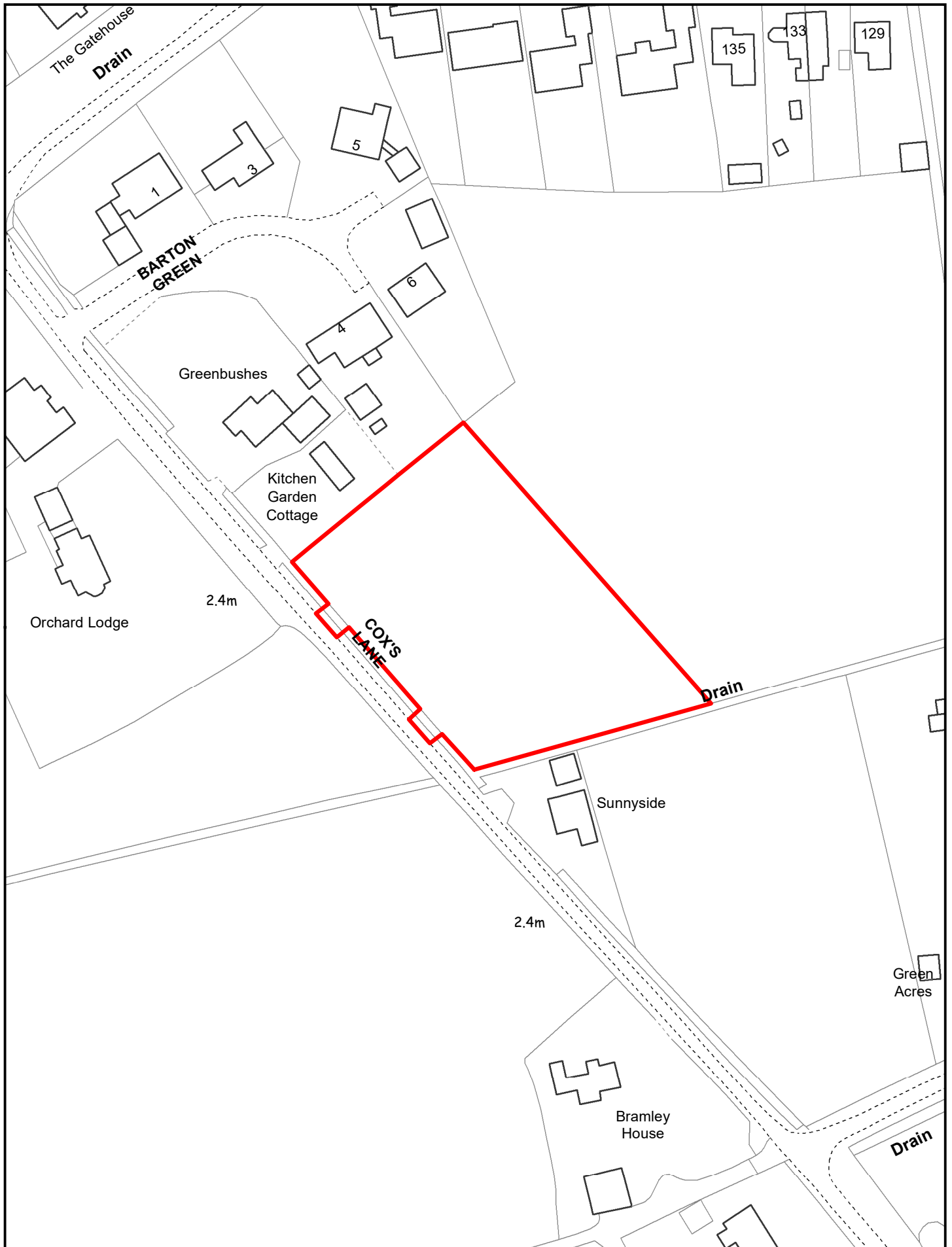
Reasons

| | |
|---|---|
| 1 | <p>Principle of Development</p> <p>Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy for the district, identifying the scale of development that will be appropriate for each level of the hierarchy. The proposal is for the construction of 4 dwellings in an Elsewhere location as defined within LP3, where development is to be restricted to that falling within a specific set of categories. Policy LP12 part D supplements policy LP3 in identifying the supporting information required of proposals for new dwellings in Elsewhere locations. No evidence has been provided to indicate that the proposed development falls within any of these categories for consideration and therefore the proposal is contrary to policy LP3 and LP12 part D.</p> |
| 2 | <p>Highway Safety</p> <p>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. The proposal would result in the provision of four new dwellings access off a single-track road with no formal passing provision for vehicles. The main junction with Barton Road to the north providing access to the wider highway network is sub-standard and the proposed increased levels of traffic using this junction would result in harm to highway safety in the area. The narrowness of Cox's Lane serving the development site combined with the lack of pedestrian footpath alongside the road would bring pedestrian and vehicular traffic into conflict and would result in a harmful impact to pedestrian safety. All these impacts would be contrary to policy LP15 of the Fenland Local Plan (2014).</p> |
| 3 | <p>Impact on Character and Appearance</p> <p>Policy LP16 of the Fenland Local Plan (2014) requires development proposals to deliver and protect high quality environments throughout the district. Proposals must demonstrate they make a positive contribution to the local distinctiveness and character of the area, enhancing their local setting and both responding to and improving the character of the local built environment whilst not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area. The development of the site for four residential dwellings would result in a significant urbanisation of this section of the countryside where development is generally of a more sporadic nature, and as such would appear incongruous within that context and result in harm to its rural character contrary to the requirements of policy LP16 of the Fenland Local Plan (2014).</p> |
| 4 | <p>Policy LP19 of the Fenland Local Plan (2014) states that the Council will conserve, enhance and promote the biodiversity and geological interest of the natural environment throughout Fenland, protecting designated sites, refusing permission for developments that cause demonstrable harm to a protected habitat or species, and ensure opportunities are taken to incorporate beneficial features into new developments. The application states that it is not within 5m</p> |

| | |
|--|---|
| | of a river, stream, ditch, canal or lake and that a protected species survey of such a feature is not required. This is inaccurate however, as a ditch is required to be culverted to provide access to the land in question. Without an appropriate survey it is not possible to determine if the proposals would result in an impact on protected species and therefore the proposal is contrary to policy LP19 of the Fenland Local Plan (2014). |
|--|---|

Informatives:

| | |
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| 095A | Compliance with SI 2012 No 2274 |
|------|---------------------------------|



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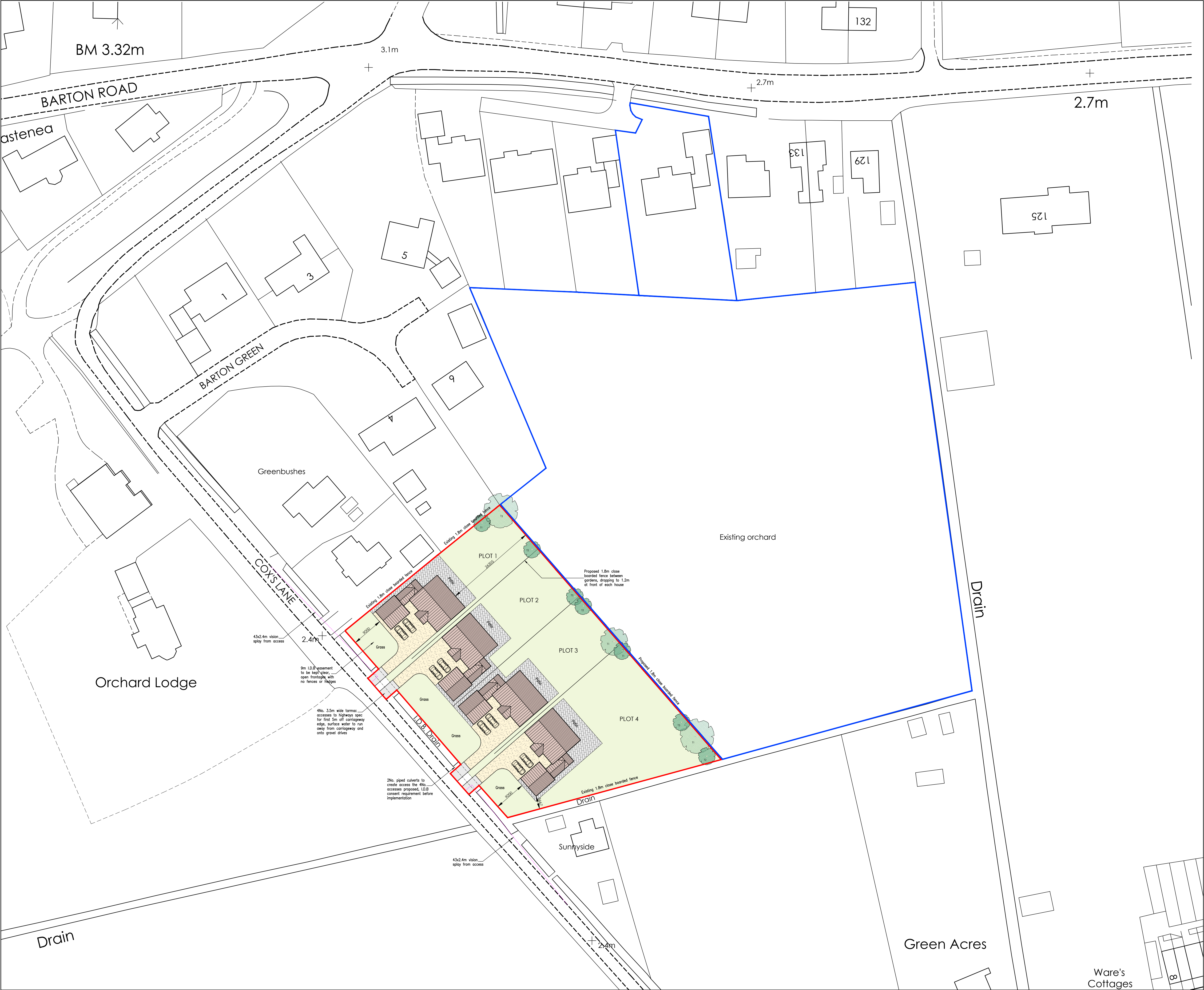
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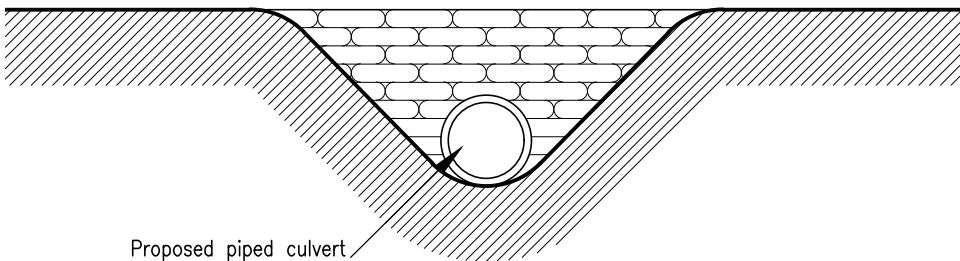
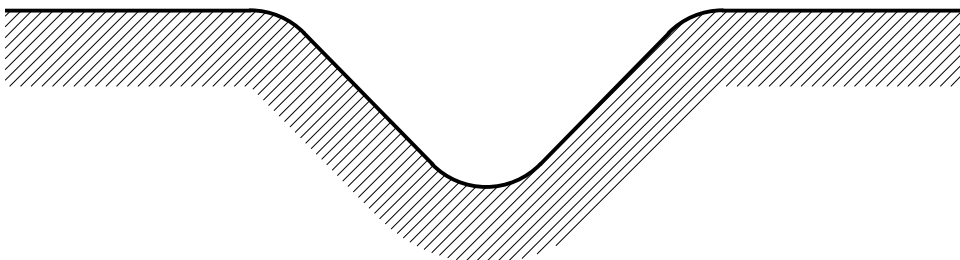
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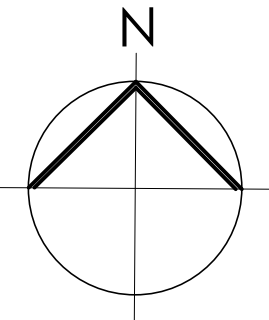
Fenland District Council



Proposed Site Plan 1:500 @ A1



Proposed Culvert Section 1:50



A -
REVISIONS



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CLIENT
WISBECH CONSTRUCTION LTD

PROJECT
PROPOSED 4No. DWELLINGS

SITE
LAND NORTH-WEST OF SUNNYSIDE
COXS LANE
WISBECH
CAMBS
PE13 4TD

DRAWING
PROPOSED SITE PLAN

| JOB NO. | PAPER SIZE | DATE |
|----------|------------|-----------|
| 6412/01A | A1 | SEPT 2021 |

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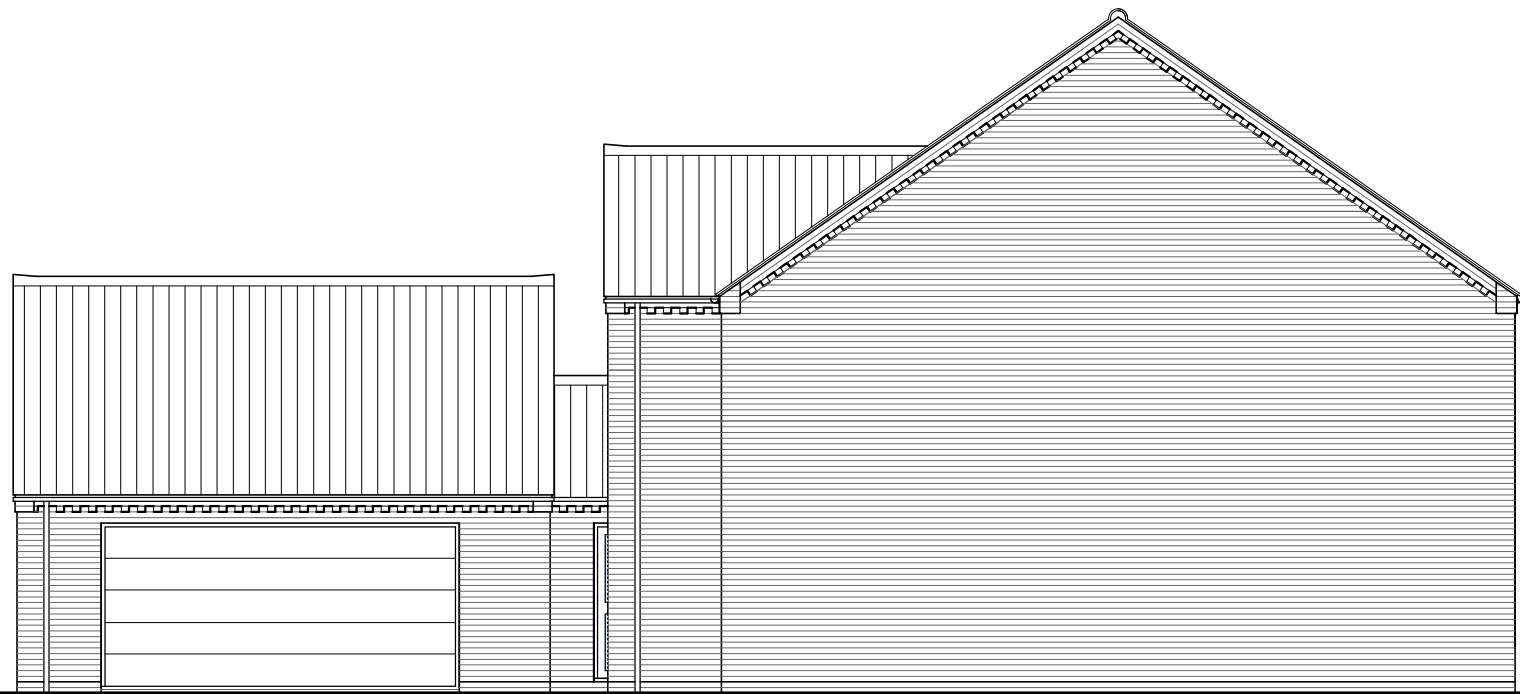
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Front Elevation 1:100

Plot 1 & 3 = As shown
Plot 2 & 4 = Handed



Side Elevation 1:100



Rear Elevation 1:100

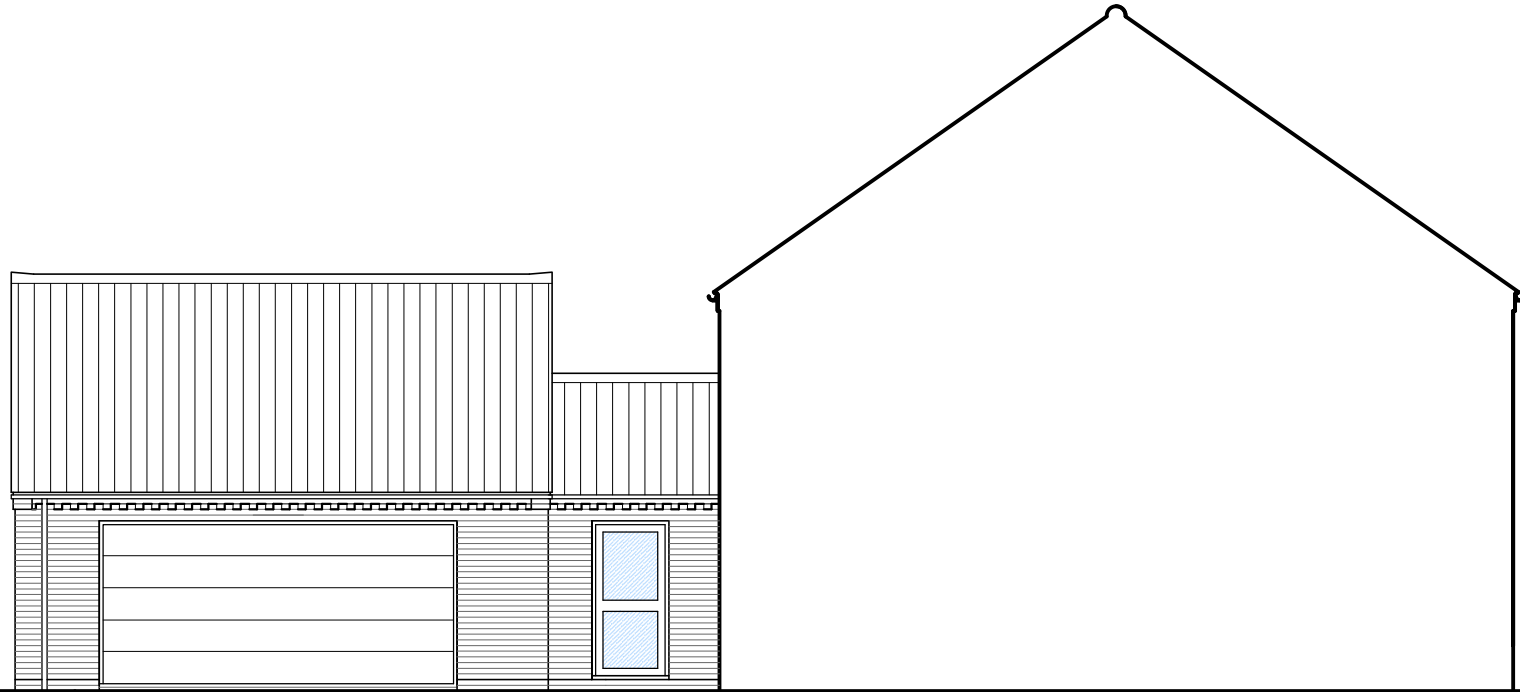


Side Elevation 1:100

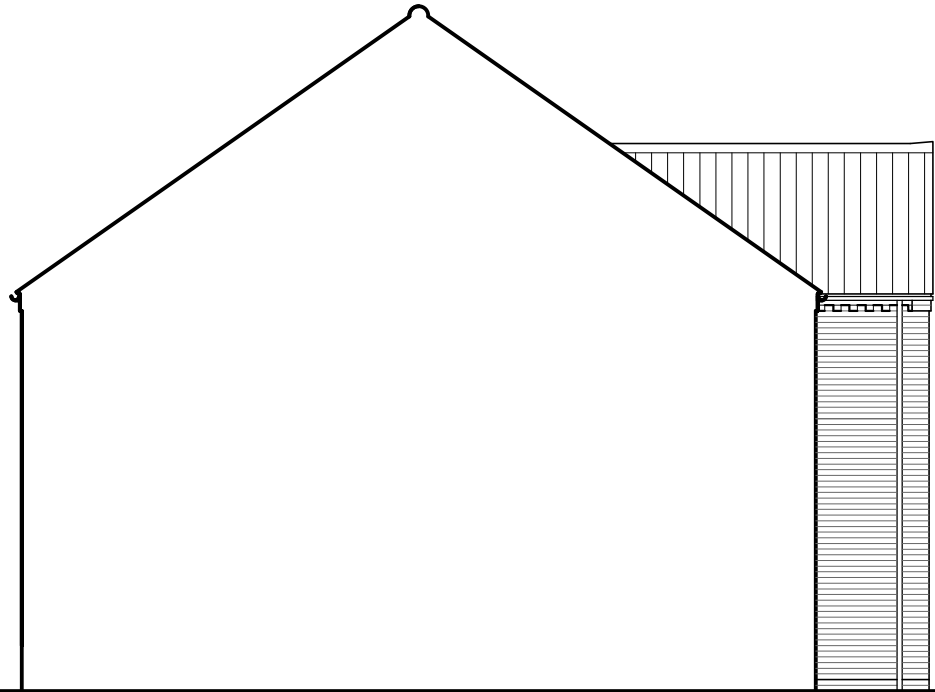


Inner Front Elevation 1:100

Plot 1 & 3 = As shown
Plot 2 & 4 = Handed

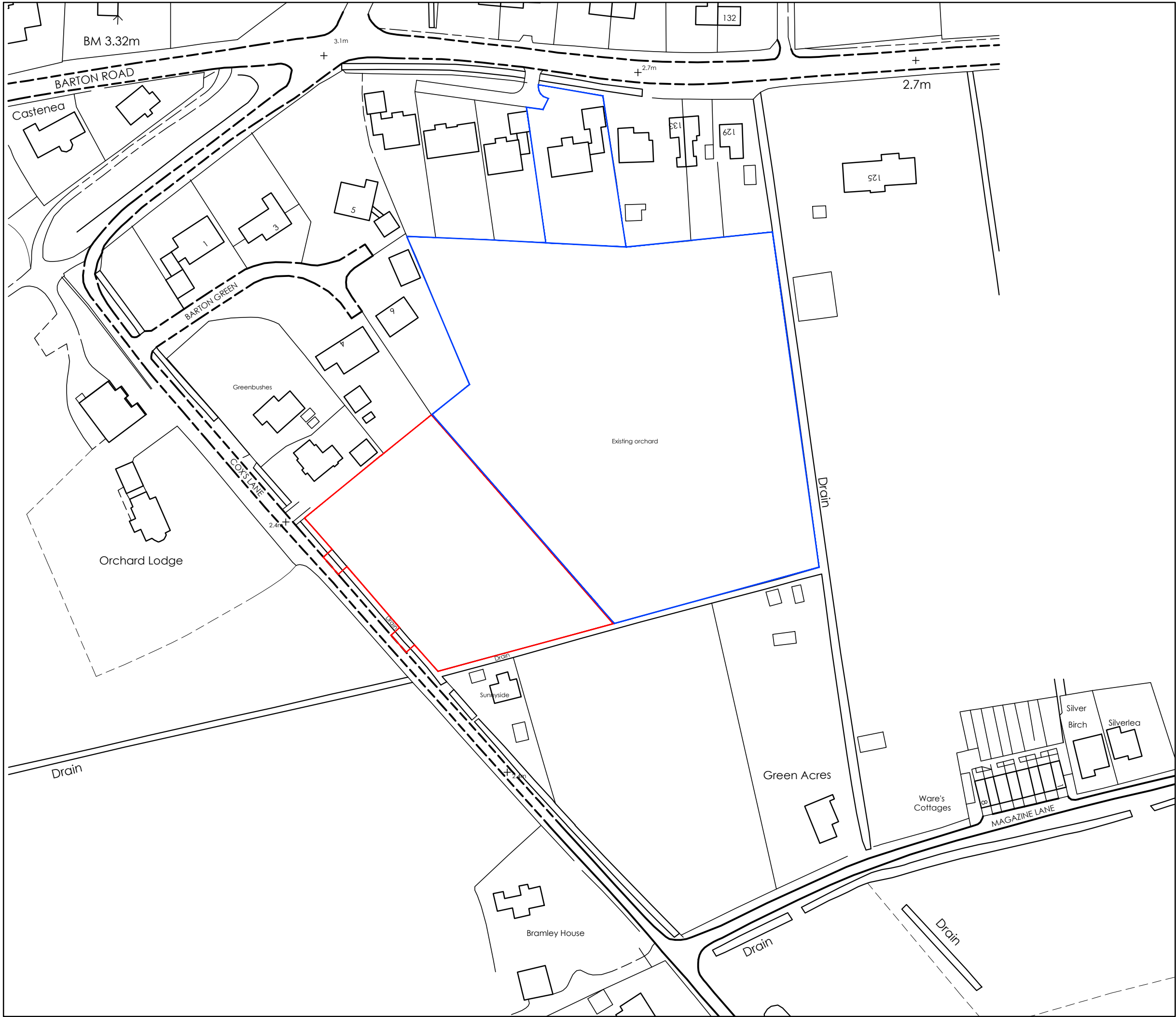


Inner Side Elevation 1:100



Inner Side Elevation 1:100

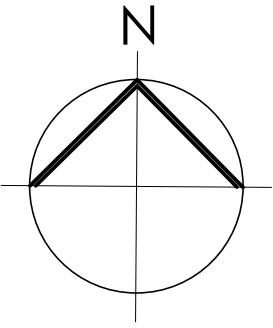
MATERIAL SCHEDULE:
Walls: Vandersanden Flemish Antique facing bricks.
Roof: Monkey Island 50 English oak roof tiles.
Windows: Cream UPVC casement with stone sills.
Main door: Black UPVC.
Garage door: Black.
Rainwater goods: Black UPVC.



Location Plan 1:1250 @ A1



Proposed Street Scene 1:200



A -
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COXS LANE
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CAMBS
PE13 4TD
DRAWING
PROPOSED DWELLING PART 2

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