
F/YR22/0012/F

Applicant: Mr W Ho

**Agent : Mr George Thorpe
Swann Edwards Architecture Limited**

Agricultural Building East Of 723, Whittlesey Road, March, Cambridgeshire

Erect 1 x dwelling (2-storey 5-bed) involving the demolition of existing agricultural building

Officer recommendation: Refuse

Reason for Committee: Referred by Head of Planning on advice of Committee Chairman

1 EXECUTIVE SUMMARY

- 1.1 The application is for the erection of a 2-storey 5-bedroom dwelling involving the demolition of an existing agricultural building
- 1.2 The site is part of an agricultural field which borders a ribbon of development along Whittlesey Road in Turves. The site consists of an agricultural building surrounded by open fields and accessed by way of an agricultural track that cuts diagonally between 723 Whittlesey Road and Hamble House
- 1.3 The site is located visibly beyond the extent of the existing built form of the village and would therefore appear as an encroachment into agricultural land and be out of keeping with the core shape and form of the village as well as being visually unacceptable in design terms and consequently forming a discordant feature in the area. In addition, the design and layout of the development is such that it is likely to cause overlooking into the private amenity spaces of Nos. 715 and 717 Whittlesey Road
- 1.4 The site is located in lies outside the continuous built form of the settlement and within Flood Zone 3. The area of search for the sequential test would therefore be district wide and clearly sequentially preferable sites would exist. In addition, inadequate biodiversity details have been submitted which is likely to prejudice wildlife interests
- 1.5 The recommendation is therefore for the application to be refused.

2 SITE DESCRIPTION

- 2.1 The application site is located to the west of a ribbon of development on Whittlesey Road in Turves. The site backs onto this single line of development fronting Whittlesey Road and consists of a Nissen style building finished in brick and asbestos roof. Access to the site is by way of an existing agricultural track that cuts diagonally between 725 Whittlesey Road and Hamble House to the south.

- 2.2 The proposal site is part of Dodds Farm which, like the rest of the village of Turves, is located within Flood Zones 2 and 3 as defined by the Environment Agency maps.

3 PROPOSAL

- 3.1 The application proposes the erection of 1 x dwelling (2-storey 5-bed) involving the demolition of the existing agricultural building. The dwelling would consist of a living room, kitchen/dining room, utility and study on the ground floor and five bedrooms on the first floor.
- 3.2 The dwelling would be finished in facing brick, timber fenestration and a tile roof.
- 3.3 Full plans and associated documents for this application can be found at:
<https://www.publicaccess.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=QZ0VV9HE06P00>

4 SITE PLANNING HISTORY

F/YR19/0006/PNC04, Change of use from agricultural building to a 2-storey 4-bed dwelling (Class Q (a) and (b)), Prior Approval Refused February 2019

F/YR15/0855/PNC04, Change of use from agricultural building to a 2-storey 4-bed dwelling (Class Q (a) and (b)) Prior Approval Granted December 2015

5 CONSULTATIONS

- 5.1 **Natural England:** Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
- 5.2 **Environmental Health:** *The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed scheme as it is unlikely to have a detrimental effect on local air quality and the noise climate.*

I note on the previous application submitted for this site, F/YR19/0006/PNC04, a contaminated land report was submitted with the application dated 26 November 2018, that indicated that there was no known former contaminative use of the site, and the unsuspected contamination condition was recommended by this service. I have contacted Swann Edwards to confirm if the contamination land report is still valid and if there is any known activity on the site that could be a source of potential contamination since 2018. The agent advised that there has been no known potential source for contamination and thus the report should still be valid. Therefore, I would recommend the 'Unsuspected Contaminated Land' condition to be imposed in the event planning consent is granted.

The existing agricultural building, which appears to be formed of corrugated asbestos cement sheeting, should be removed by a licensed asbestos removal contractor. However, if the amount of sheeting is such that a licensed waste removal facility is prepared to receive a minimal amount of such material without the need for a contractor to remove it, then this requirement can be waived. If a Licensed Asbestos Removal Contractor is required to be engaged, then an Asbestos Removal Work Plan should be submitted to and approved by Fenland District Council, before any work on the removal of the building is commenced. The applicant is to advise Fenland District Council which course of action is to be taken in either event.

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

5.4 **March Town Council:** *Recommend Approval*

5.5 **Local Residents/Interested Parties**

Five letters of objection have been received from residents of Whittlesey Road, Turves on the following grounds;

- the building appears to be of heritage value
- the development would have an adverse impact on wildlife
- Would obstruct views into the field
- Would cause overlooking/loss of privacy
- Would result in overshadowing
- the scheme would result in an overdevelopment of the site
- concerned about the presence of asbestos and its health effects
- impacts on an easement
- would be out of character with the area
- contrary to policy
- devaluation of property

The loss of views and property devaluation are not material planning considerations, however the remaining issues raised will be considered in the assessment of the application, later in this report.

6. **STATUTORY DUTY**

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

7. **POLICY FRAMEWORK**

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
National Design Guide 2019

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP4 – Housing

LP5 – Meeting Housing Need

LP9 – March

LP12 – Rural Areas Development Policy

LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland

LP16 – Delivering and Protecting High Quality Environments across the District

LP19 – The Natural Environment

March Neighbourhood Plan 2017

H2 – Windfall Development

H3 – Local Housing Need

Delivering and Protecting High Quality Environments in Fenland SPD

8. KEY ISSUES

8.1 The key issues relating to the proposal are:

- Background
- Principle of Development
- Design Appearance and Impact on the Area
- Residential Amenity
- Access, Parking and Highway Safety
- Ecology
- Flooding

These are considered in turn below.

9. BACKGROUND

9.1 Prior approval F/YR15/0855/PNC04 was granted for the change of use of the existing agricultural building into a 4-bedroom dwelling under the Class Q Permitted Development route in 2015. In 2019 a further prior approval, F/YR19/0006/PNC04, was refused for the same development largely due to the clarifications arising out of the growing body of case law relating to change of use of agriculture buildings under Class Q. This decision was not appealed.

9.2 However, the applicant contends that, notwithstanding the most recent prior approval refusal on the site, the principle of residential use has already been established by the initial application (F/YR15/0855/PNC04) which was granted. In addition, the applicant suggests that the refusal can be overcome by means of the submission of a structural survey which demonstrates that the building is structurally capable of the conversion. No such survey has been submitted and no permission exists for any kind of development on the site and thus there is no fallback position. Therefore, the proposal must be assessed merely as the erection of a dwelling on an agricultural field involving the demolition of an existing agricultural building.

10 ASSESSMENT

Principle of Development

10.1 Fenland Local Plan Policy LP3 seeks to promote sustainable growth by directing development to areas that have the appropriate facilities. This policy defines Turves as a small village where development would be considered on its merits but will normally be of a very limited nature and normally be limited in scale to residential infilling or a small business opportunity. This policy further restricts the scale of infilling so that development in these villages does not result in the skewing of the settlement hierarchy. In addition, Local Plan Policy LP12 seeks to manage development in rural areas to ensure that it contributes to the sustainability of that settlement and does not harm the wide-open character of the countryside.

10.2 According to LP12, any proposal will need to satisfy, among others, the following criteria:

- (a) The site is in or adjacent to the existing developed footprint* of the village (except for those villages listed in the settlement hierarchy in Policy LP3 as

being 'Small' or 'Other' villages, where only infill sites will normally be considered favourably):

Turves is a small village as defined by Policy LP3 and the proposal site is located on the eastern edge of the village, beyond the existing ribbon of development which would be contrary to the provisions of LP12. Owing to its location beyond what is visibly the extent of the built form within this village, the development could not be considered as an infill development.

- (b) And; It would not have an adverse impact on the character and appearance of the surrounding countryside and farmland;

Even though the development would be read together with the dwellings on Whittlesey Road, it would in any case be out of character with the village and appear as an encroachment onto the agricultural field.

- (c) And; The proposal is of a scale and in a location that is in keeping with the core shape and form of the settlement, and will not adversely harm its character and appearance;

As indicated above, the development would be out of keeping with the core shape and form of Turves Village

- 10.3 Based on the above assessment, the proposed development would be contrary to Local Plan Policies LP9 and LP12 and thus the principle of residential development in this location would not be considered as acceptable.

Design Appearance and Impact on the Area

- 10.4 Paragraph 126 of the National Planning Policy Framework 2021 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. This is further reflected in Local Plan Policies LP12 and LP16 which seeks to deliver and protect a high-quality environment for those living and working within the district. Both national and local policies seek to ensure that development is only permitted if, among other criteria, it makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting, responds to and improves the character of the local built environment, reinforces local identity and does not adversely impact, either in design or scale terms, the street scene, settlement pattern or the landscape character of the surrounding area.
- 10.5 The application proposes a large two storey dwelling which would be finished in brick and a tile roof and would have multiple windows, a projecting two storey element to the front elevation and a two-storey projecting element to the rear. The east elevation would see a recessed balcony provided within a superstructure supporting both the balcony and the roof structure of the dwelling. Whilst the general scale of the proposed development would largely be in keeping with that of the ribbon of development in front of the site along Whittlesey Road, the overall design with its excessive use of glazing, discordant front projection and recessed balcony and superstructure would not appear cohesive visually and therefore at odds with the surrounding area, where the design of the dwellings is relatively traditional.
- 10.6 The development proposed would be prominent in views from the north when entering Turves and would also be visible from Whittlesey Road to the south with views through the access to the site and over the adjacent bungalow to this.

- 10.7 The proposal due to its design and appearance, exacerbated by its location to the rear of the dwellings fronting Whittlesey Road and encroachment into the countryside, would therefore conflict with Local Plan Policy LP16, the Delivering and Protecting High Quality Environments in Fenland SPD and the National Planning Policy Framework 2021

Residential Amenity

- 10.8 Local Plan Policy LP16 to ensure that development does not adversely impact on the amenity of neighbouring users owing to noise, light pollution, loss of privacy and loss of light.
- 10.9 The proposal is for a scheme that is tantamount to backland development which would be oriented in a north-south direction. Whilst most of the proposed windows would cause no direct overlooking, the principal and only window in bedroom 4 would provide an opportunity for overlooking into the private amenity spaces for No.s 715 and 717 Whittlesey Road. These properties are only separated from the proposal site by a 2m high timber fence which would not be high enough to screen views from the said window.
- 10.10 Vehicular access to the site is by way of a track/drive set between Hamble House and 723 Whittlesey Road which is currently an agricultural access to Dodds Farm. The proposed dwelling may result in an intensification of the use of the track which is likely to cause noise and disturbance for the mentioned properties. However, given the potential agricultural use of the site it is not considered that this impact would be so demonstrably severe as to justify a reason for refusal.
- 10.11 It is therefore considered that the proposed development, owing to design, layout and location in relation to neighbouring properties, would result in harm to the residential amenities of the adjacent occupiers, contrary to Local Plan Policy LP16.

Access, Parking and Highway Safety

- 10.12 Fenland Local Plan Policy LP16 states that new development will only be permitted if it can be demonstrated that safe and convenient pedestrian and vehicle access to and from the public highway as well as adequate space for vehicle parking, turning and servicing would be achieved.
- 10.13 Vehicular access to the site would be by way of an existing agricultural track. The access is used for agricultural machinery and equipment but its use for domestic purposes would be considered as a betterment. There is also adequate parking for more than 2 cars on the hardstanding in front of the proposed dwelling as well as an appropriate turning facility within the site. Therefore, vehicles can enter and leave the site in forward gear.
- 10.14 The scheme would accord with Local Plan Policy LP16.

Ecology

- 10.15 Paragraph 180 of the NPPF (2021) states that when determining planning applications, local planning authorities should apply the principle that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Through Local Plan Policy LP19, the Council, working in partnership with all relevant stakeholders, will conserve, enhance and promote the biodiversity and geological interest of the natural environment throughout Fenland.

- 10.16 The applicant submitted an ecology report for Bats and Breeding birds in view of the proposal to demolish agricultural buildings and in-line with Natural England's Standing Advice. The report has confirmed there are no statutory protected sites within 1km of the site and thus the development is unlikely to have any effects owing to its relatively small scale, distance to protected sites, insignificant increases in recreational pressures and limited predicted impacts beyond the area of works.
- 10.17 The proposed works will require the demolition of the building on site, which has the potential to materially modify or destroy potential bat roosting locations, if present. Some droppings were found in the building and thus the report concludes that further surveys would be needed to determine if any bat species are present, the nature of their use of the building(s) and any roosting locations. This information has not been submitted.
- 10.18 The report also concludes that there would be a low scale loss of bird nesting habitat through the demolition of the building on site and clearance of vegetation. Appropriate mitigation has been proposed and precautionary working practices to be employed ideally outside of the bird nesting season.
- 10.19 In addition, the surrounding habitat of the site is considered suitable for hedgehogs. To maintain potential hedgehog routes within the site and between the site and further habitats, it is recommended that any fencing installed is porous and provides access openings for hedgehogs.
- 10.20 The submitted report recommends further surveys to determine the types of bats on the site and how they can be provided for within the development. Central government guidance (Circular 06/05: biodiversity and geological conservation) states: "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision." Since the submitted ecological survey concludes that further information needs to be submitted, it is considered that allowing this development prior to receiving this information would prejudice wildlife interest's contrary to Local Plan Policy LP19 and paragraph 180 of the National Planning Policy Framework (2021)

Flooding

- 10.21 Paragraph 159 of the NPPF (2021) states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. In the same vein, Local Plan Policy LP14 recommends the adoption of sequential approach to flood risk from all forms of flooding.
- 10.22 The proposal site is located within Flood Zone 3 as defined by the Environment Agency (EA) maps. The applicant submitted a Flood Risk Assessment by Ellingham Consulting Ltd in support of the proposed development which was considered by the EA and no objections have been raised.
- 10.23 However as the development is a new build it is required to pass the sequential test as set out within the NPPF and also the Cambridgeshire Flood and Water SPD. As the site is outside the continuous built form of the settlement the area of search for the sequential test is district wide. Clearly there are numerous sites

across the district which would be at a lower risk of flooding and therefore sequentially acceptable. The development therefore fails the sequential test.

10.24 If the sequential test were to be passed, the exception test would also be required to be passed, setting out the wider sustainability benefits of the development. No sustainability benefits, over and above the delivery of a dwelling have been provided. The SPD makes clear that the delivery of housing in itself would not normally be considered a sustainability benefit.

10.25 It is therefore considered that the application fails both the sequential and exception tests and a such is contrary to the relevant local and national policies in respect of flooding.

11. CONCLUSIONS

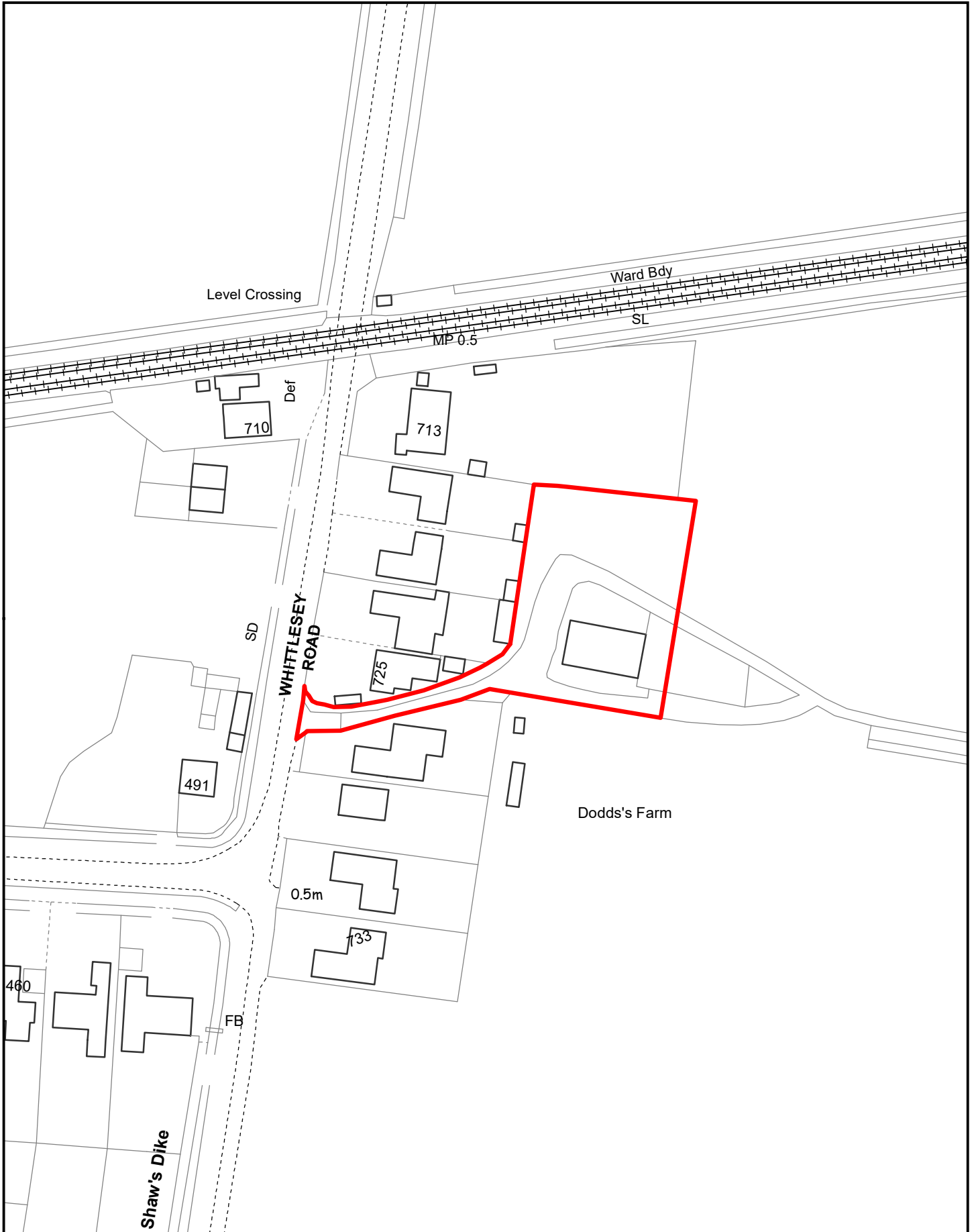
11.1 Based on the assessment above, the principle of a new dwelling on the site is not considered as acceptable in terms of the relevant Local Plan policies, being outside the built form of the settlement, not respecting its core shape and form and representing an encroachment into the agricultural land outside the village; the design and appearance exacerbating this and creating a discordant feature in the area; the adverse impacts on neighbouring amenity as a result of loss of privacy owing to overlooking; the lack of information to allow full assessment of the impacts on wildlife and the failure to meet either the sequential or exceptions tests from a flood risk perspective.

12. RECOMMENDATION

Refuse; for the following reasons:

1	The application, owing to its location in relation to the existing village, would not be considered as an infill development and by virtue of its location would be out of keeping with the core shape and form of the settlement extending beyond what is visibly the physical extent of the village and thereby appearing as an intrusion into the countryside contrary to Local Plan Policies LP3 and LP12.
2	The development proposed would, by virtue of its design and appearance, combined with its backland location appear as a unattractive and discordant feature at odds with the prevailing character of development and adversely impacting upon the character and appearance of the area. This would be contrary to Policy LP12 and LP16 of the Fenland Local Plan (2014)
3	The proposed development, owing to design, layout and location in relation to neighbouring properties, is likely to harm to the residential amenities owing to overlooking into the private amenity spaces (rear gardens) of Nos. 715 and 717 contrary to Local Plan Policy LP16.
4	Inadequate information has been submitted to allow the LPA to objectively assess the impacts of the proposed development on bats that may be using the area, the site, the building to be demolished and allowing the development would prejudice the wildlife interests contrary to Local Plan Policy LP19 and Paragraph 180 of the NPPF(2021)
5	Policy LP14 of the Fenland Local Plan, section 14 of the National Planning Policy Framework (2019) and Cambridgeshire Flood and Water Supplementary Planning Document (2016) require development proposals to adopt a sequential approach to flood risk from all forms of flooding. Owing to the 'elsewhere' location and the lack of specific need for development at the application site relating to an existing use, the Sequential Test must be considered across the whole District. The submitted Sequential Test fails to fully identify land available within the whole of the district that is available to accommodate the proposed quantum of

<p>development, and the test is therefore considered to be failed. In addition, the exception test is also required to be passed and the application offers no sustainable community benefits over and above the delivery of the dwelling itself. Consequently, the application is contrary to policy LP14 of the Fenland Local Plan (2014), Section 14 of the National Planning Policy Framework (2021) and the Cambridgeshire Flood and Water Supplementary Planning Document (2016).</p>



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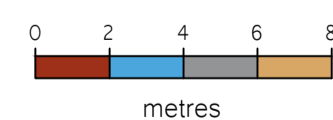
- General Notes
1. All dimensions are shown in 'mm' unless otherwise stated.
 2. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
 3. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and specifications.
 4. Any discrepancies are to be brought to the designers attention.



SITE PLAN KEY

- Indicates proposed dwelling
- Indicates proposed trees and hedges
- Indicates un-surveyed buildings taken from OS map
- Existing existing barn to be demolished
- Indicates existing site access

Site Plan
Scale: 1:200



Revisions		Planner's Comments
A	SEP 21	

Status
FOR APPROVAL

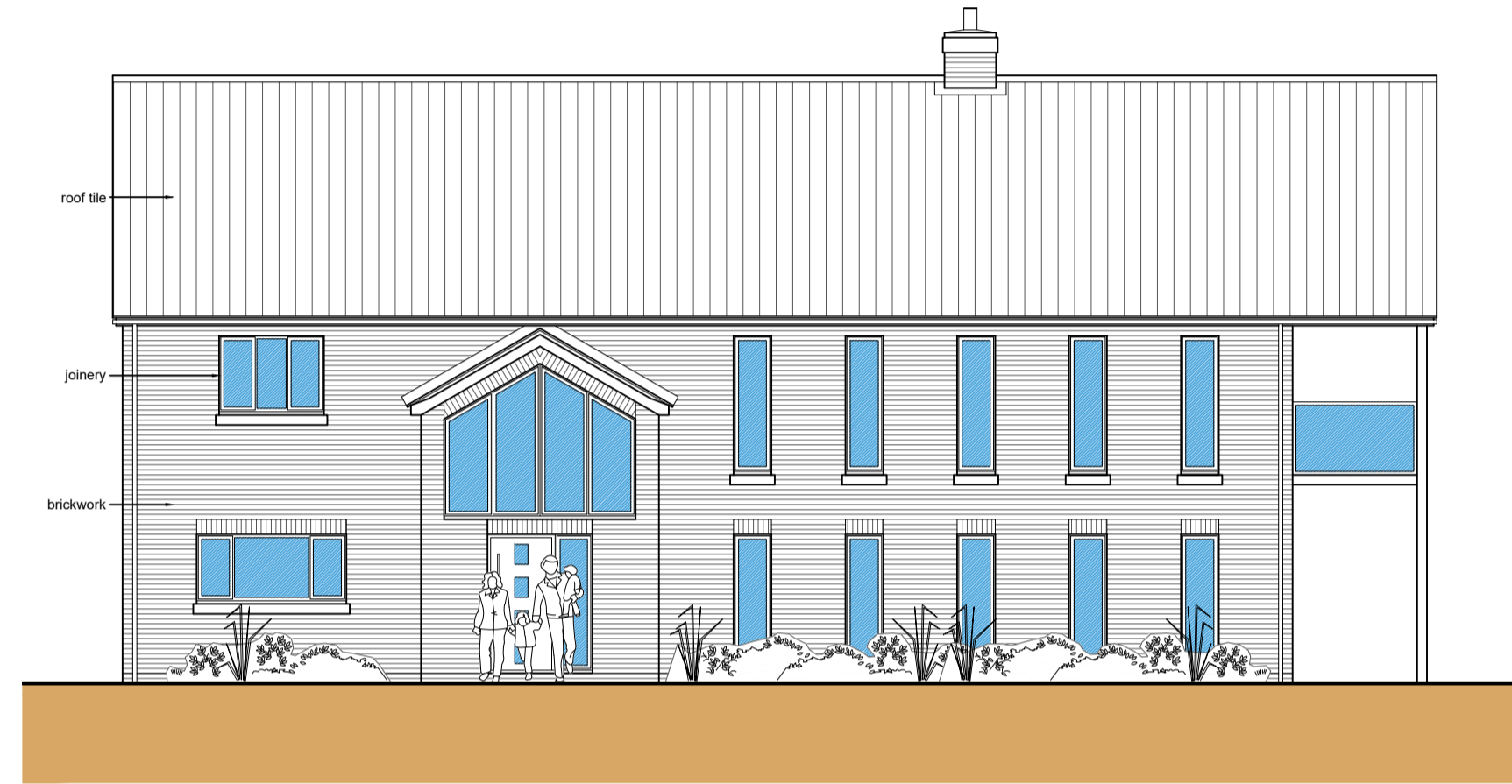
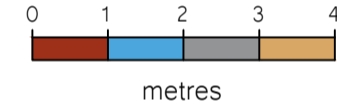
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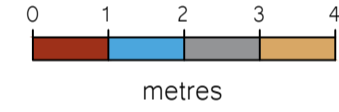
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Drawing Title Planning Drawing Site Plan	Job No. SE-1628 Dwg No. PP1001	Sheet Size A1 Revision A



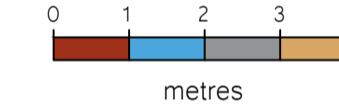
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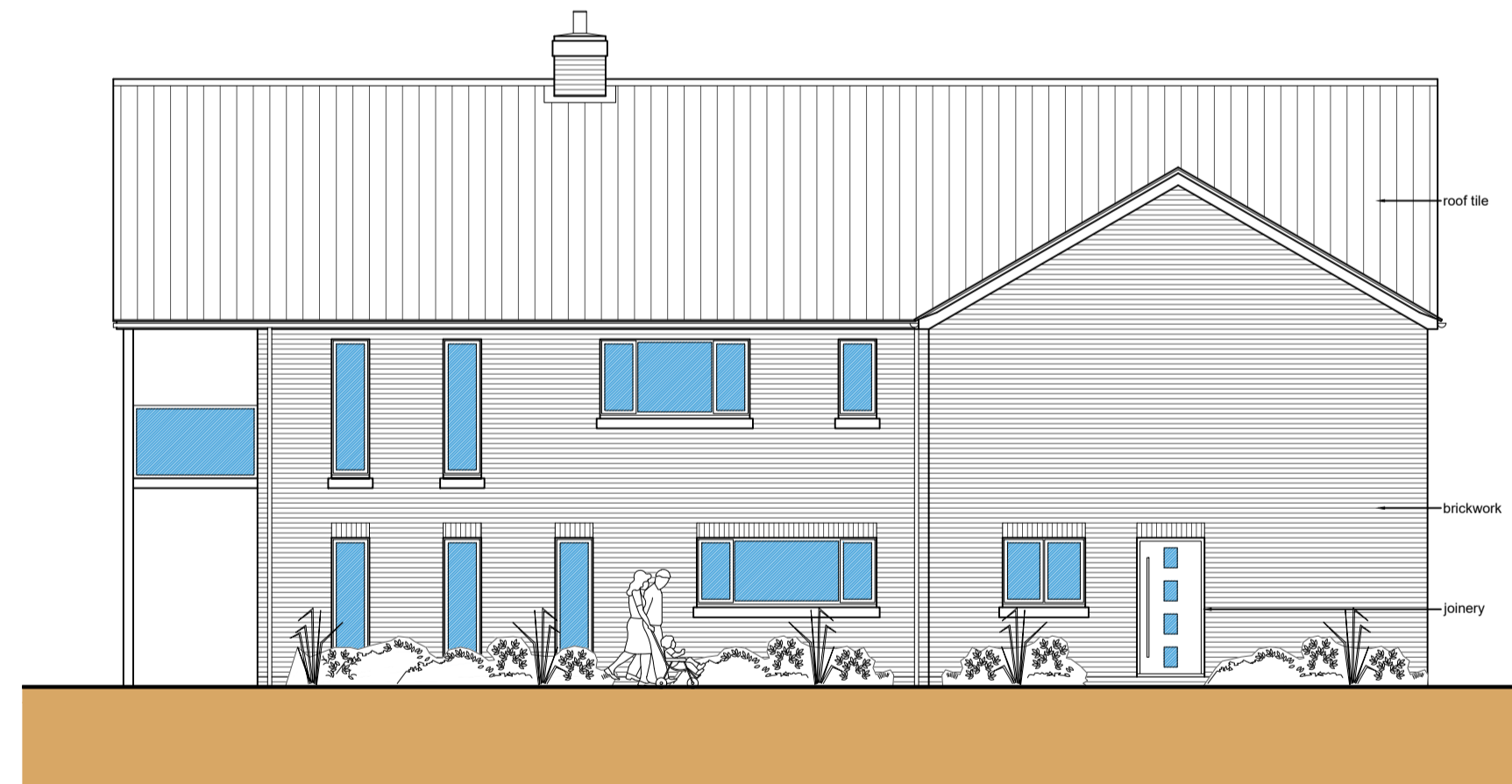
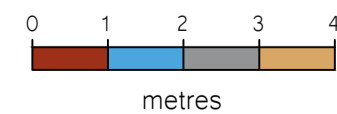
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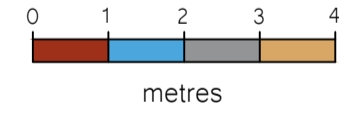
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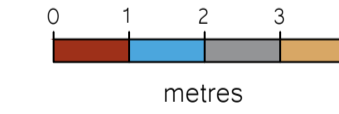
Ground Floor Plan
Scale: 1:100



Rear Elevation (N)
Scale: 1:100



Side Elevation (W)
Scale: 1:100



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Drawing Title Planning Drawing Floor Plans & Elevations	Dwg No. PP1000	Revision