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**F/YR22/0084/O**

**Applicant: Mr Mark Stone  
Ifex Engineering**

**Agent : Mr Ian Gowler  
Gowler Architectural**

**Land North Of 96A To 100, Westfield Road, Manea, Cambridgeshire**

**Erect up to 26 x dwellings (outline application with all matters reserved)**

**Officer recommendation: Refuse**

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

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## **1 EXECUTIVE SUMMARY**

- 1.1 The application seeks outline planning permission with all matters reserved for the erection of up to 26 dwellings on land off Westfield Road, at the edge of Manea.
- 1.2 The application is unacceptable in principle because the proposed site relates more to open countryside than the built area of Manea and is out of keeping with the pattern of development and character of this part of the village which is predominantly countryside with frontage development. The development would not contribute positively to the character and local distinctiveness of the area.
- 1.3 No information has been submitted with regards to assessment upon ecology/biodiversity and given the nature of the site, such information is necessary to enable the local planning authority to assess the impact on biodiversity including whether there are any protected species present.
- 1.4 The proposal does not make provision for any affordable housing or contributions towards the infrastructure needs arising from the development.
- 1.5 The application is therefore recommended for refusal.

## **2 SITE DESCRIPTION**

- 2.1 This is an irregular shaped site measuring approximately 1.52 hectares and is situated to the northern side of Westfield Road, Manea, which is the main entrance road into the village when approaching from the southwest. The site lies very close to the outer edge of the village where the pattern of development is largely linear residential in nature with small pockets of backland development to the immediate rear of the built frontages. Notably 9 dwellings have previously been approved at the part of the site closest to Westfield Road (see history below). Some of these dwellings are completed and at least one other appears to be under construction. Access is gained off Westfield Road.

- 2.2 The proposed site boundary fans out beyond the area of approved development into the open countryside to the rear where the land is bordered to the east by the extensive depth of garden to the rear of 94 Westfield Road and to the southwest in part by the rear boundaries to other residential gardens and also open land. There are commercial storage buildings to the southwest alongside which access can be gained to a public footpath which runs in a northeast direction to the rear of the proposed site, following the route of Darcey Lode Drain. Beyond this to the west are open agricultural fields. The larger part of the site to the rear of the frontage comprises a green field bordered by trees and hedgerows. The trees to the rear eastern boundary on the border with No. 94 (and within the garden of No. 94) are mature and noteworthy for their size and appearance. Trees to the front of the site (within the approved development area) are protected by Tree Preservation Order 5/2001. The northwest corner of the site falls within Flood Zone 3 which is at highest risk of flooding. The remainder of the site is within Flood Zone 1 which is land at lowest risk of flooding. There is an underground high voltage electric cable which runs diagonally across the site from southwest to northeast.

### 3 PROPOSAL

- 3.1 This is an outline planning application for up to 26 dwellings with all detailed matters, including access, reserved for subsequent consideration. An indicative site plan has been submitted showing vehicular and pedestrian access off Westfield Road and the plan notes that the access is as approved under F/YR07/1204/F and F/YR18/1074/F but shall be widened to 6.0 metres. Not all of the land within the applicant's ownership forms the proposed site. There is a substantial area of the field which abuts the northern boundary abutting Darcey Lode drain which does not form part of the site and is labelled grass field outside of development on the indicative plan.

Full plans and associated documents for this application can be found at:

[F/YR22/0084/O | Erect up to 26 x dwellings \(outline application with all matters reserved\) | Land North Of 96A To 100 Westfield Road Manea Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR22/0084/O)

### 4 SITE PLANNING HISTORY

- 4.1 The front part of the site, up to a point roughly level with the rear boundary to 96A Westfield Road, has been granted planning permission to build 9 dwellings. The key applications being;

F/YR07/1204/F – 8 dwellings approved

F/YR18/1074/F – 1 dwelling approved (plans varied by F/YR21/1435/VOC)

### 5 CONSULTATIONS

- 5.1 **Manea Parish Council – Object.** *Although the site is within the Manea Parish Council designated plan, 26 dwellings are too many. The site is greenfield and there are concerns about sewage and foul water disposal.*
- 5.2 **CCC Highways –** No objections and access, layout, drainage and parking will be determined at the reserved matters stage. Footways will need to be 2 metres

wide as per the Highways Development Management General Principles document (May 2021). The width of the access road can be reduced to 5m subject to adequate tracking.

- 5.3 **Lead Local Flood Authority** – Remove objections based on latest information, subject to conditions.
- 5.4 **CCC Development Policy** – Set out that developer contributions shall be required towards provision of early years, primary and secondary school expansion, contribution towards library and S106 monitoring. The indicative total contribution required is £564,906 (officer note: almost all of this is towards school expansion).
- 5.5 **Environment Agency** – No comments to make
- 5.6 **Natural England** – Refer to standing advice re SSSI impact zones
- 5.7 **Anglian Water** – *The proposed development is in the catchment of the Manea Town Lots Water Recycling Centre which does not have capacity to treat the flows from the development site. AW are obliged to accept the foul flows from development with planning permission and would therefore take the necessary steps to make sure there is sufficient capacity should permission be granted.*
- The sewerage system has available capacity to take the flows via gravity conveyance to the public foul water sewer in Westfield Road. If the developer wishes to connect to the public sewer, notice will need to be served on AW under S106 of the Water Industry Act 1991.*
- The preferred method of surface water disposal is via a Sustainable Drainage System. From the details submitted, this does not relate to AW operated assets therefore advice should be sought from the Lead Local Flood Authority (LLFA) or Internal Drainage Board (IDB).*
- 5.8 **Cambs Police** – *Consider this to be a low risk area to vulnerability to crime. There is no mention of security and crime prevention in the Design and Access Statement and whilst this proposal is at an early stage, such details should be discussed at the earliest opportunity. Our office would be happy to discuss Secured by Design etc prior to further details being submitted.*
- 5.9 **Cambs Fire and Rescue** – Provision needs to be made for fire hydrants either by condition or by S106 agreement.
- 5.10 **NHS Cambs and Peterborough CCG** – There is no information in the submitted Health Impact Assessment towards GP and health care provision for new residents. The existing GP practice in Manea and those in surrounding area do not have capacity to accommodate additional growth resulting from the proposed development. The CCG has assessed the needs for primary health care arising from the development and the capacity in the local surgery and concludes that a contribution of £15,338.40 towards the provision of Primary Healthcare Hubs with co-ordinated mixed professionals.
- 5.11 **FDC Housing Strategy** – *On developments where 10 or more homes will be provided, policy LP5 of the Fenland Local Plan seeking 25% affordable housing will apply. We would therefore seek 7 affordable homes in this instance with a tenure split of 70% affordable rented tenure and 30% shared ownership. FDC is*

*aware that some developers have struggled to secure Registered Providers to take on affordable housing on smaller sites. It has therefore been decided that for applications submitted between 1 April 2016 and 31 March 2022 that a financial contribution rather than on site provision could be secured on developments where there are less than 37 dwellings. The mechanism for calculating the contribution would be as provided in the Local Plan policy.*

- 5.12 **FDC Environmental Health** – No objections subject to an unsuspected contamination condition and a Construction Management Plan in order to protect amenity of local residents.
- 5.13 **FDC Environmental Services** – *It is unclear if the road would be adopted but it would need to be suitable to accommodate a 26-tonne refused vehicle and indemnity would be required if the access is not adopted. A swept path plan would be needed, shared bin collection points for properties served by private drives and refuse and recycling bins provided as an integral part of the development.*
- 5.14 **Local Residents/Interested Parties**

### **Objectors**

15 letters of objection have been received from neighbouring/nearby residents (10 from Westfield Road, 4 from Smart Close and 1 from Dunvegan Close). The objections are summarised as follows;

- Density/over development. The original development for 8 dwellings is sufficient for this area of the village. Although Manea is a growth village the number of dwellings in the proposal must be taken into account
- Drainage – village sewer system not capable of further waste from proposed housing. The developer should be made to seek an alternative sewage solution. A full survey of the field area should be undertaken to the junction with Fallow Drove to fully understand the layout and eliminate all flooding to lower sitting properties. The Environmental Agency and Middle Level should be consulted.
- Environmental concerns
- Flooding – further development of greenfield sites is increasing flood risk to existing properties. Neighbours in Smart Close have experienced flooding on several occasions (officer note: Smart Close is the permitted new development to the front area of the site)
- Traffic or highways – increase in amount of traffic coming in and out of the village causing further road deterioration. Many people speed along Westfield Road and more vehicles going into and out of this access will result in accidents. One objector raises issues of parked cars on Westfield Road, inconsiderate drivers and how further development will make this worse and that he has been knocked off his bicycle in this area.
- Noise pollution due to more traffic. Given the slow progress to build the approved dwellings, this development could take years leading to noise and disruption
- Visual impact – much of the interest in the village is due to its quiet rural location. The houses in this part of Westfield Road are in a linear fashion and this development would not follow the same format. This urbanisation will have significant detrimental impact on the character of the area

- Wildlife concerns – negative impact. Some of the land may have ecological value. The land is home to breeding reed buntings and barn owls and trees home to bats and other animals
- Would set a precedent – carving up greenfield sites would set a precedent which will negatively affect the village. Would set a precedent to build on the other land running down to Darcey Lode
- Local services e.g., health and schools will be unable to cope. A great many properties are already approved for a small village and there is a disproportionate number considering local amenities and public services. Power cuts are a weekly occurrence.
- Overlooking/loss of privacy. Owners of 96A and 94 raise issues of loss of privacy to their rear gardens
- Contrary to policy and site not put forward for allocation in the local plan
- The owner of 94 Westfield Road has not been consulted and has endured 12 years of building work next to his home (and increased flooding into his garden and litter caused by previous builders). Also raised are the impact of neighbours wishing to trim trees back which lie within the boundary of No. 94 and how the health of these trees may be impacted in terms of health and strength.
- The “void” space at the end of the field leads us to believe that a further phase of development would follow if this application is approved
- Neighbour who lives in Smart Close was advised by solicitors when he bought his house that only 9 dwellings would be developed, and I pay a management fee along with 8 other properties. I was told that only people from 5 other properties would drive past my house. I was told that Smart Close would be an unadopted close with no streetlights. Another neighbour in Smart Close states that his property was promoted on the basis that no further development would take place and the developer did not advise of his intentions to submit a further application for more development which will adversely affect the views across the fen.
- Concerns about well being
- If approved, no site traffic should be allowed to go through Smart Close and only Monday to Friday normal working hours
- If this were approved there should be a condition restricting height to no more than two storeys.
- The builders should be made to complete the development within 5 years
- The view from the public right of way will be impeded
- There are over 100 extant planning permissions for dwellings in Manea
- No thinning work is need to the TPO oak tree and the development will put further pressure on this tree

### **Supporters**

11 letters of support have been received from residents of Manea (3 from Westfield Road, 2 from The Conifers and one each from Scholars Close, Station Road, High Street, Coxway, Glebe Close and Old Dairy Yard) as summarised below;

- It is a good area for development and is a gap that lends itself to building
- It is not in a flood plain
- The village definitely needs some affordable family housing and preferably not rammed in between existing housing which makes the village look disjointed. Unlike some other developments, this one would be an asset rather than detrimental to us
- Overall, it looks well laid out and well thought out design especially as there is a very nice area laid out as a park that could be used by all the villagers

- It will be similar to the existing houses in and around Glebe Close whilst still leaving plenty of open spaces so the area does not look overdeveloped
- Manea needs more housing to support the village infrastructure
- There appears to be a good balance of family homes, some of which will be more affordable than some of the very big houses built around the village
- For many years this land has become overgrown and an eyesore and seems a very good way of tidying up a piece of wasteland
- I like the idea that provision has been made for wildlife
- I support this local respected developer. I am sure he will do a good job as I know his work has always been of a good standard over the years
- We have had some negative comments concerning the neglected and overgrown state of the land as people have mistakenly thought that it is my land
- A full drainage strategy and flood risk has been done which makes me confident that all water run-off is being dealt with in the correct manner
- We need more family housing so we do not lose existing services such as schools, shops, clubs and public house

## **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 - Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Para. 10 - So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development

Para. 12 - The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making.

Para. 47 - Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Para 60. – Delivering a sufficient supply of homes where needed

Para 64 – Delivery of affordable homes – only for major development except in rural areas where a lower threshold of 5 dwellings might be set

Para 130 – Good design

Paragraph 130 specifically states that amongst other things, developments will function well and add to the overall quality of the area, are sympathetic to the local character and history including the surrounding built environment and landscape setting and establish or maintain a strong sense of place.

Para 174(b) – decisions should recognise the intrinsic character and beauty of the countryside

### **7.2 National Planning Practice Guidance (NPPG)**

### **7.3 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  
 LP5 – Meeting Housing Need  
 LP12 – Rural Areas Development Policy  
 LP13 – Supporting and Managing the Impact of a Growing District  
 LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland  
 LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland  
 LP16 – Delivering and Protecting High Quality Environments across the District  
 LP19 – The Natural Environment

#### **7.4 FDC Delivering and Protecting High Quality Environments in Fenland SPD (2014)**

### **8 KEY ISSUES**

- **Principle of Development**
- **Character and appearance**
- **Flood risk and drainage**
- **Transport/Traffic**
- **Residential Amenity**
- **Ecology/biodiversity/trees**
- **Affordable housing and Infrastructure**
- **Other Issues**

### **9 ASSESSMENT**

#### **Principle of Development**

- 9.1 The spatial strategy and settlement hierarchy for Fenland is set out in policy LP3 of the Fenland Local Plan 2014 (the Local Plan). Manea is designated as a growth village whereby development and new service provision either within the existing urban area or as small village extensions will be appropriate, albeit of a considerably more limited scale than is appropriate to the market towns.
- 9.2 The proposed site does adjoin the edge of the settlement of Manea and so in principle a small village extension adjoining the settlement would meet policy LP 3 in principle and therefore in the broad terms set out in policy LP 3, the proposal would be acceptable.

#### **Character and Appearance**

- 9.3 Policy LP12 Part A of the local plan sets out that for villages, new development will be supported where it contributes to the sustainability of that settlement and does not harm the wide-open character of the countryside. Additionally, any proposal will need to satisfy the applicable policies of the local plan (including the settlement hierarchy) as well as criteria a – k, summarised as follows;

- (a) The site is in or adjacent to the existing developed footprint of the village (except small or other villages where only infill sites will normally be considered favourably)
- (b) It would not result in the coalescence with any neighbouring village
- (c) It would not have an adverse impact on the character and appearance of the surrounding countryside and farmland
- (d) 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
- (e) It would not extend linear features of the settlement, or result in ribbon development
- (f) The site retains and respects natural boundaries such as trees, hedgerows, embankments and drainage ditches
- (g) The site retains and respects ecological, heritage and biodiversity features
- (h) It would not result in the loss of important spaces within the village
- (i) It would not result in the loss of high-grade agricultural land, or if so, comprehensive evidence is provided to justify the loss
- (j) It would not put people or property in danger from identified risks; and
- (k) It can be served by sustainable infrastructure provision such as surface water and wastewater drainage and highways

9.4 Policy LP2 of the Local Plan concerns the facilitation of health and wellbeing of Fenland's residents. Development proposals should positively contribute towards creating a healthy, safe and equitable living environment. One of the criteria towards achieving this concerns creating sufficient and the right mix of homes to meet people's needs, and in the right location (officer underlining)

9.5 Policy LP16 concerns the delivery and protection of high-quality environments across the district. Proposals for all new development shall meet the criteria set out in this policy. Criteria (d) states:

"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, provides resilience to climate change, reinforces local identity and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the surrounding area."

9.6 The pattern of development at this part of Westfield Road is predominantly frontage development. Where recent development has been approved to the site frontage (now Smart Close) the edge of that development has not extended out into the countryside beyond either the rear garden boundaries of the properties to the west (including 96A Westfield Road) or the built edge of properties to the east off Dunvegan Close. Indeed, the pattern of development to the north side of Westfield Road is development that tapers in depth towards the western edge of the village. The pattern of development to the south of Westfield Road is similarly frontage development at this location, with open fields to the rear.

9.7 It is considered that the character of the site to the rear, comprising a large green field bordered by mature hedgerows and trees, relates more to the open countryside than the built-up area of the village. This rural character is experienced when walking along the public footpath which follows the route of Darcey Lode to the rear of the site.



- 9.8 The development would appear as a small estate extending into the countryside to the rear of the built-up area. It is not in keeping with the pattern of development here and would not, due to its scale and location preserve the character or appearance of this part of Manea which comprises largely frontage development forming a taper into the open countryside beyond. The proposed development would have an urbanising effect upon what is land with a rural and tranquil nature. It is therefore contrary to policy LP12 criteria (c) and (d).
- 9.9 Similarly, the proposal is contrary to policy LP 16 (d) because it does not make a positive contribution to local distinctiveness or the character of the area and would erode the local setting by reducing the open rural interface with the frontage development as the village ends and the countryside begins. The development fails to recognise the intrinsic character and beauty of the countryside as set out in paragraph 174 (b) of the NPPF.
- 9.10 It is not considered that the above issues could be overcome with a particular design of housing because the issues concern the location and also scale of the development within a predominantly countryside setting and are therefore unacceptable in principle.

### **Flood Risk and Drainage**

- 9.11 The site lies predominantly within flood zone 1. The northeast rear most corner of the site lies within flood zones 2 and 3. The indicative site plan shows that this area of the site would not be built on and that 26 dwellings could be accommodated on the site without having to build within flood zones 2 and 3. The applicant proposes to manage surface water through the use of an attenuation basin and permeable paving.
- 9.12 The Environment Agency has raised no comments on the application. The applicant submitted further information to support the submitted FRA and Drainage Strategy and based on this, the LLFA has removed its objection subject to conditions being imposed on any permission granted. Were permission being recommended, details concerning drainage could be adequately dealt with via conditions and could comply with policy LP14 of the local plan.

### **Transport/Traffic**

- 9.13 Policy LP 2 of the local plan requires development proposals to provide and maintain effective, sustainable and safe transport networks to ensure access to all essential services.
- 9.14 Policy LP12 Part A (k) requires any proposal to be served by sustainable infrastructure provision which includes highways.

Policy LP 15 (C) requires that developments be designed to have regard to criteria which include promotion of sustainable transport modes (e.g. walking and cycling) and specifically that proposals which include new public highway should ensure that such new highway complements and enhances the character of the area, possibly through the preparation of a public realm strategy for larger development schemes.

- 9.15 It must be noted that access is not being considered in detail as part of this application. However, it is obvious that the development could be served only by

a single access point coming off Westfield Road as indicated on the submitted plan.

- 9.16 The Highway Authority has not raised objections subject to suitable detail being provided at reserved matters stage, should this outline application be approved. They have set out that the access road would need to be a minimum of 5 metres wide (subject to refuse vehicle tracking) with 2-metre-wide footways to either side. This equates to an overall width of 9 metres which is equivalent to that shown on the indicative drawing.
- 9.17 The Highway Authority has made no comments about the additional volume of traffic as a result of the proposed development in this area, nor accessing Westfield Road from the proposed 26 dwellings. The comments made by the objectors are acknowledged but are anecdotal and as the LHA has not raised objections, it is not possible to sustain a recommendation of refusal purely on highway safety and traffic issues. However, there is the potential for the widening of the access (as can be reasonably predicted even though access is not being considered) to have an adverse impact on the character and appearance of the area through potential impact on the trees protected by a preservation order. This is considered further in the section on ecology/biodiversity and trees below.

### **Residential Amenity**

- 9.18 Policy LP 16 (e) requires proposals not to adversely impact on the amenity of neighbouring users such as noise, light pollution, loss of privacy and loss of light.
- 9.19 The proposed layout is indicative and is for up to 26 dwellings. It is considered that the site would be large enough to accommodate up to 26 dwellings at an appropriate scale, design and orientation that would not adversely affect the amenity of the neighbouring users with regard to noise pollution, light pollution, loss of privacy and loss of light as well as other issues such as overbearing. The neighbours will be indirectly affected by the impact on the character and appearance of the area, but this is dealt with in the assessment of the principle of the development.
- 9.20 The occupiers of the new dwellings to the front of the site would experience traffic going past the front of their properties which had not been anticipated. However, this is not reason to refuse planning permission. Most new development which utilises existing access roads through residential areas has such an impact and unless the volume of traffic or its nature is so great, this is rarely a reason to oppose new development. That the occupiers of the new houses may have been given information about the limits of development when they purchased the property and that they pay a management fee, are private legal issues and not material considerations.
- 9.21 Therefore, apart from the 'in principle' issues concerning character and appearance, it is considered that if the application were approved, amenity issues could be satisfactorily dealt with through submission of reserved matters to accord with policy LP16 (e).

### **Ecology/Biodiversity/Trees**

- 9.22 Policy LP16 (b) requires proposals for new development to protect and enhance biodiversity on and surrounding the proposal site, taking into account locally

designated sites and the special protection given to internationally and nationally designated sites in accordance with policy LP19.

- 9.23 Criteria (c) requires the retention and incorporation of natural and historic features of the site such as trees, hedgerows, field patterns, drains and water bodies.
- 9.24 The application site comprises in the main a grass field bounded by hedgerows and mature trees. Of particular note are those protected by the TPO at the site frontage, which include a large oak tree immediately adjacent to the existing access serving the new dwellings and the large trees to the boundary and at the rear of the neighbouring property 94 Westfield Road. The rear of the site is bordered by the Darcey Lode drain, a linear water feature.
- 9.25 Ecological surveys and if necessary, species surveys, are required to be carried out pre-determination. Section 40 of the Natural Environment and Rural Communities Act 2006 places a public sector duty upon local planning authorities to conserve biodiversity. Section 180 of the NPPF states that when determining planning applications local planning authorities should refuse planning permission if significant harm to biodiversity resulting from development cannot be avoided (through locating on an alternative site with less impact), adequately mitigated or as a last resort, compensated for. Such consideration requires sufficient ecological investigation to assess if there are any particular protected species present so that they can be taken into account in the consideration of the proposals.
- 9.26 Policy LP 19 of the local plan states that planning permission should be refused for development that would cause a demonstrable harm to a protected species or habitat unless the need for and public benefits of the development clearly outweigh the harm and mitigation, or compensation measures can be secured to offset the harm.
- 9.27 No ecological surveys have been undertaken and submitted with the application. It is therefore not possible, for the local planning authority to undertake its duty to conserve biodiversity due to a lack of information. The application should be refused for this reason.
- 9.28 Although access is not being considered as part of the application, it is obvious that the only means of vehicular access to serve the development would be as shown on the indicative site layout. The current access serving most of the new dwellings to the front of the site would need to be widened to a total of 9 metres and hard surfaced.
- 9.29 There are trees in this location which are protected by TPO 5/2001. In particular T1 Oak, is situated in very close proximity to the existing access. In addition, T3 Holly (labelled as T2 on the submitted plan) is also situated close to the access, in fact both trees straddle the driveway. The Council's Tree Officer has assessed the proposal and advises that the access road would be on the periphery of the root protection area (RPA) of the T1 oak and that there are other incursions into the RPAs of boundary trees which appear minor. Tree protection measures such as hand digging within the RPA supervised by the consulting arborist would need to be conditioned. The Tree Officer also comments that the T1 oak only needs crown lifting rather than crown reduction. Additional tree planting including screening to existing properties should be sought.

- 9.30 Taking these comments into account, it is considered that the issues concerning the protected trees and other trees could be dealt with by conditions were the application being recommended for approval. As such, in terms of the visual appearance of the trees and their protection and contribution towards the landscape character of the area, the proposal would be compliant with policy LP16 (c) and (d).

### **Affordable Housing and Infrastructure**

- 9.31 Policy LP5 Part A of the local plan requires developments of 10 or more houses to provide 25 percent of the dwellings as affordable houses, the exact tenure mix to be informed by an up-to-date housing needs assessment. This should form the basis of a S106 Agreement to accompany the submission.
- 9.32 Policy LP13 of the local plan sets out that planning permission will only be granted if there is sufficient infrastructure capacity to support and meet all the requirements arising from the proposed development.
- 9.33 The Council's Local Plan and CIL Viability Assessment report of December 2019, concludes that development on greenfield sites in the south of the district should be able to bear developer contributions of 20 percent affordable housing and scope for £2000 per unit or 10 percent affordable housing with cope for approximately £5000 per unit. With no affordable housing, there is scope for £15,000 or so per unit on greenfield sites in the south of the district.
- 9.34 The National Planning Practice Guidance (NPPG) states that planning applications that fully comply with up-to-date policies that have set out the contributions from developments, they should be assumed to be viable. A decision maker can give appropriate weight to emerging policies. The Council has been applying the findings and recommendations set out in the December 2019 report to development proposals. The NPPG states that it is up to the applicant to demonstrate the need for a viability assessment at the application stage.
- 9.35 The application form states that all of the proposed housing will be for the market. No heads of terms or information has been submitted which suggests that the applicant is unwilling to enter into a legal agreement to provide affordable housing or any other developer contributions.
- 9.36 Both the County Council and the CCG have set out a justified case for obtaining developer contributions towards education and primary health care due to the shortfall of provision in the locality to serve the needs of the development. The total cost of the requested contributions could not be met from the development given the viability issues set out in the Council's report as set out above. However, the starting point would be to request 20 percent affordable housing and £2000 per unit in contributions from this proposed development. As no draft legal agreement is provided and no viability information is submitted, the application does not comply with policies LP5 Part A nor with policy LP13 and should therefore be refused for this reason.

### **Other Issues**

- 9.37 The "tidying up of land" is not reason to grant permission for development and in any event, it is not considered that the site represents untidy land.

- 9.38 The reputation of a developer whether that is positive or negative is not a material planning consideration.
- 9.39 Advice that may have been given to existing residents by solicitors or other third parties in connection with the purchase of a property, is a legal/civil matter and not a material planning consideration.
- 9.40 The application must be considered on its merits and not whether any further future development may come forward as that is not being proposed as part of this application.

## 10 CONCLUSIONS

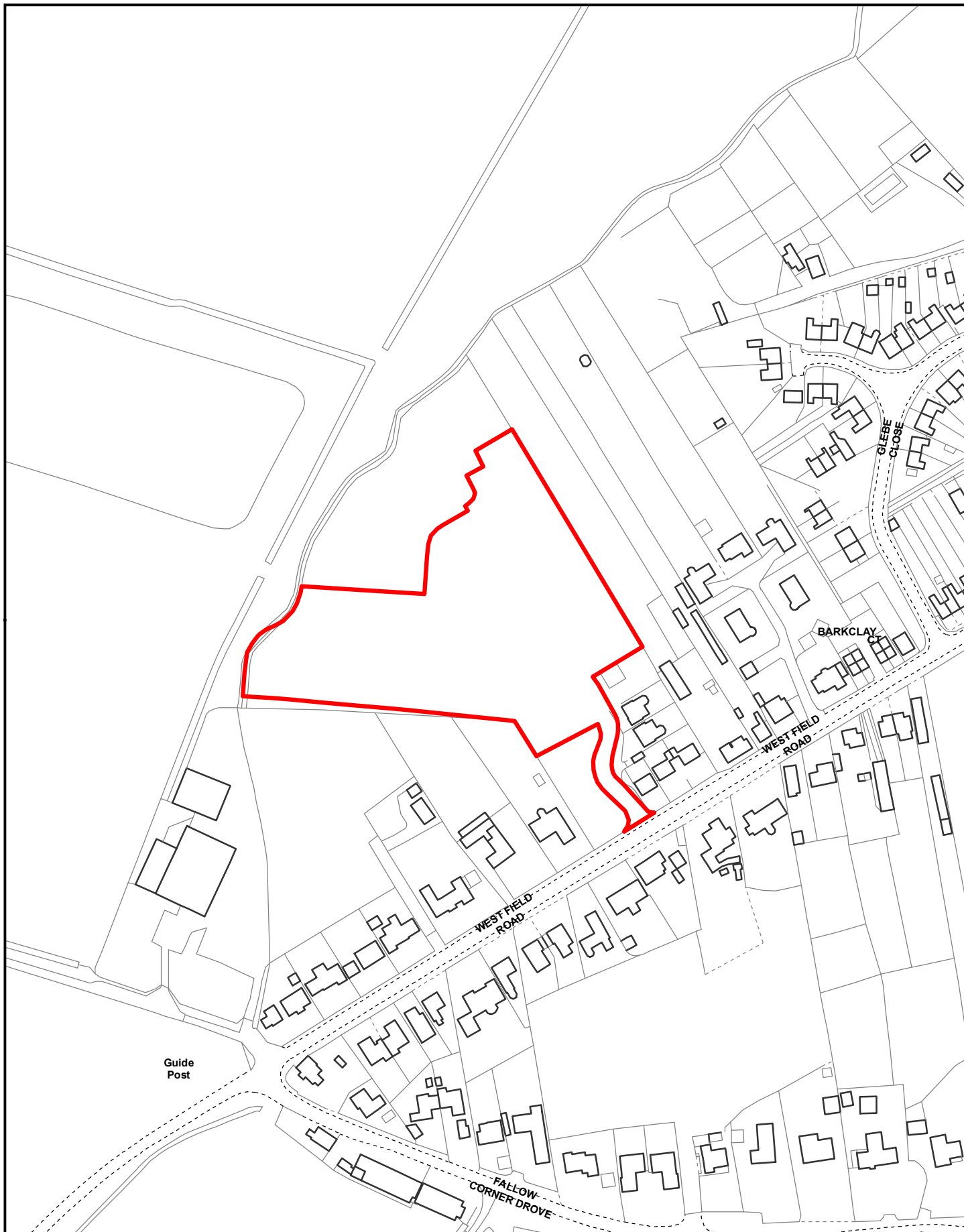
- 10.1 The application is unacceptable in principle because the proposed site relates more to open countryside than the built area of Manea and is out of keeping with the pattern of development and character of this part of the village which is predominantly countryside with frontage development. The development would not contribute positively to the character and local distinctiveness of the area.
- 10.2 No information has been submitted with regards to assessment upon ecology/biodiversity and given the nature of the site, such information is necessary to enable the local planning authority to assess the impact on biodiversity including whether there are any protected species present.
- 10.3 The proposal does not make provision for any affordable housing or contributions towards the infrastructure needs arising from the development.
- 10.4 In other respects, the development could be made acceptable by imposing conditions if permission were being recommended. However, this does not outweigh the fundamental issues and conflicts with development plan policy set out above.

## 11 RECOMMENDATION

**Refuse;** for the following reasons:

1	The site lies predominantly within the countryside and relates more to the countryside than the built-up area of Manea. The development is out of keeping with the character and pattern of development of this part of Manea and would introduce an urbanising effect to the area which is predominantly rural and tranquil in nature with limited frontage development. As such the proposal is contrary to policies LP2, LP3, LP12 (c) and (d) and policy LP16 (a) of the Fenland Local Plan, which enable only small village extensions which make a positive contribution to the character and local distinctiveness of the area. The proposal also fails to recognise the intrinsic character and beauty of the countryside in relation to paragraph 174(b) of the NPPF.
2	The site is predominantly an open green field site bordered by hedgerows, trees (including trees within the site) and a ditch to the northern boundary. No ecological surveys or evaluation have been undertaken to accompany the application. As such the local planning authority is unable to undertake its

	duty to conserve biodiversity due to this lack of information. The application is therefore contrary to policies LP16 (b) and LP19 of the Fenland Local Plan which seek to ensure that new development protects and enhances biodiversity including protected species and their habitats.
3	The proposal does not make provision for any affordable housing or contributions towards infrastructure needs that will arise from the development. As such the proposal is contrary to policies LP5A and LP13 of the Fenland Local Plan which seek to ensure that such provision is secured for new developments of this nature.



Created on: 07/02/2022

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**F/YR22/0084/O**

Scale = 1:2,500





500 N

200 E

Drain

DARCEY LODGE

SD

Darcey Lodge

Ward Body

H1

GRASS FIELD OUTSIDE OF DEVELOPMENT

West Field

Westfield Farm

T4

T5

T6

T7

T8

T1

T2

T3

100

98

96a

94

92

WEST FIELD ROAD

El Sub Sta

WE

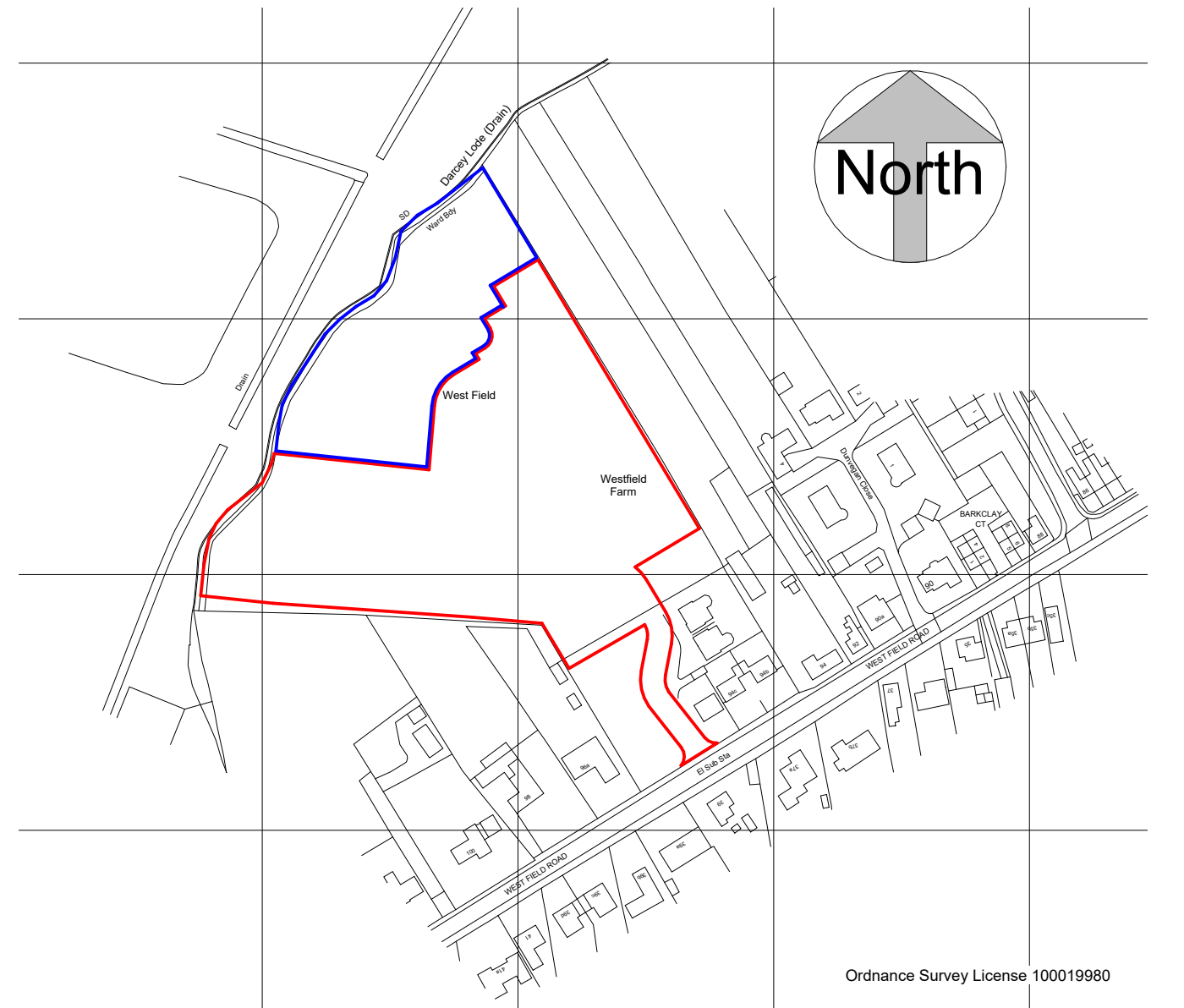
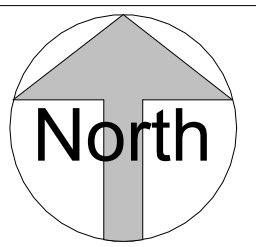
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300 N

Indicative Site Plan  
1 : 500


Notes

Any discrepancies to be brought to attention of Author as soon as possible.  
All dimensions shown in "mm" unless otherwise shown.  
Unless stated otherwise, this drawing has been assessed for risks and nothing is deemed to be outside of normal good safe working practice that would be covered by a contractors Construction Phase Health and Safety Plan.



Location Plan  
1 : 2500

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Proposed Development at Westfield Road, Manea for Mark Stone			
Planning Drawing			
date created 15/03/21	scale As indicated @ A1	drawing no. 452 - P01	rev