

F/YR16/1181/O

**Applicant: Mr P Davies  
Poors Allotments Charity**

**Agent : Mr G Edwards  
Swann Edwards Architecture Limited**

**Land North West of Cobble House, Gull Road, Guyhirn, Cambridgeshire**

**Erection of up to 4 dwellings (Outline application with all matters reserved)**

**Reason for Committee: This application is before committee due to the support from the Wisbech St Mary Parish Council.**

## **1 Executive Summary**

The proposal is for up to 4 dwellings, (Outline with all matters reserved) on agricultural land on the edge of Guyhirn considered a Small Village in policy LP3 of the Fenland Local Plan. LP3 states that development in Small Villages will be considered on its merits but will normally be limited in scale to residential infilling. This proposal is for up to 4 dwellings in an area of open countryside part of a stretch of 320 metres to the east of Gull Road. It is not considered to be infill development or that of limited scale. The applicant owns the remaining stretch of land and if approved is considered likely to lead to further development pressure. The principle of development of this site is therefore considered contrary to Policy LP3 the Council's Settlement Hierarchy and Spatial Strategy resulting in unsustainable development contrary to the golden thread that runs through the NPPF. The site has some value as open countryside. Due to the low level of the land and the raising of finished floor levels required by the Applicant's own Flood Risk Assessment, development of this land by 4 houses together with the precedent this would set for land to the north, is considered likely to result in an urbanizing impact to the settlement form of the village of Guyhirn, and results in linear development leading to visual harm to the character of this part of Guyhirn and the open countryside and therefore considered contrary to Policy LP12(c d and e) and LP16(d).

The site is on land substantially lower than the existing road and is within Flood Zone 3, land at the highest risk of flooding. The applicant has submitted a sequential test however it is considered that planning permissions as yet undeveloped exist within the settlement of Guyhirn some on land within Flood Zone 1. Therefore it is considered that the sequential test is failed and the proposal is therefore contrary to Policy LP14 of the Fenland Local Plan and the Cambridgeshire Flood and Water SPD and para 100 of the NPPF.

## **2 SITE DESCRIPTION**

This application relates to a site on the eastern side of Gull Road and has an area of 0.3ha and is currently agricultural land. The site fronts Gull Road and is part of a 320 metre stretch of open countryside. The site is within flood Zone 3, an area considered to be at highest risk of flooding. The land sits down lower than the

existing road. The applicants Flood Risk Assessment identifies the existing ground levels at the site are generally at minus 0.60m aOD whilst Gull Road fronting the development site varies between 1.24m and 1.50m aOD. There is therefore a significant drop in levels. The site abuts the side of Cobble House to the south. There are houses on the western side of Gull Road.

### 3 PROPOSAL

3.1 The application is in outline form with all matters reserved. However the applicant has included indicative details which refers to 4 bedroom properties and includes double garages with ample parking. The application includes the following supporting documents:

- Design and Access Statement,
- Flood Risk Assessment
- Sequential and Exceptions Test
- Summary of Community involvement with 5 letters of objection and 10 of support.

3.2 The Applicants Flood Risk Assessment refers to the following:  
It is necessary to mitigate against this remote risk of flooding and floor levels have been raised 1.60m above land level to 1.00m aOD. Safe refuge will be available at first floor level.

3.3 Full plans and associated documents for this application are available at:  
<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=OILHY8HE01K00>

### 4 SITE PLANNING HISTORY

F/YR13/0648/F	Land South East Of 6 Gull Road Guyhirn Cambridgeshire (Land edged blue on the current application).	Refused	19/12/2013
---------------	--	---------	------------

### 5 CONSULTATIONS

**5.1 Environment Agency does not object but requests the following condition be attached**

: The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:

- The dwellings will be a minimum two storeys.
- Finished floor levels are set no lower than 1m above existing ground level.
- Flood Resilience and resistance measures will be incorporated into the proposed development as stated in the FRA.
- Demountable defences shall be provided at a height of 600mm to cover all ground floor doors.

**5.2 CCC Highways**

The Local Highway Authority has the following comments:

- No highways objections to a 4 plot arrangement as detailed.

- A footway can be delivered within the Highway width and therefore a condition can be imposed to secure details and implementation.
- Welcomes a 40mph speed limit due to Road Safety requirement due to the frontage activity that will be taking place outside the development post implementation. By constructing footways either side of the carriageway and development either side of the road it will increase the level of activity for both pedestrians and vehicular traffic within this area. This extension of the speed limit is as previously mentioned supported by Cambridgeshire Police. If the revised TRO and footway cannot be agreed with the developer the access is unacceptable being fundamental to the development as a whole.

### **5.3 Local Residents/Interested Parties**

**5.4 Wisbech St Mary Parish Council** supports the application.

**5.5 North Level IDB** has no objection.

### **5.6 Objectors**

Objections were received from 4 neighbours referring to the following:

- the proposed building sites opposite Waycot and adjoining properties will be raised up to road level. Due to our bungalow being built on a previously acceptable lower site level we would be severely overlooked by high houses and lose present open view,
- With new building sites being raised above existing property this Increases the flooding risk will be increased to lower sited properties;
- Access
- Agricultural land
- Density/Over development
- Devaluing property
- Does not comply with policy
- Drainage and flooding
- Environmental Concern
- Loss of view/Outlook
- Parking arrangements
- Proximity to property
- Traffic or Highways
- Wildlife Concerns
- The village is unsustainable as it lacks any services or facilities,
- The occupiers of Cobble House (which is set at a lower level) object due to the proposed height of the dwellings indicated will result in Cobble house being overlooked.

## **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)**

Paragraph 2: Applications must be determined in accordance with the development plan unless other material considerations indicate otherwise

Paragraph 14: Presumption in favour of sustainable development.

Paragraph 17: Seek to ensure high quality design and a good standard of amenity for all existing and future occupants.

Paragraph 47: Supply of housing

Paragraph 64: Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Paragraphs 100-104: Development and flood risk.

Paragraph 109: Minimising impacts on biodiversity

Paragraphs 203-206: Planning conditions and obligations.

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

Determining a planning application

Flood Risk and Coastal Change

## **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

LP5 – Meeting Housing Need

LP12 - Rural Areas Development

LP14 – Managing the risk of Flooding in Fenland

LP15 – Facilitating a more Sustainable Transport Network in Fenland

LP16 – Delivering and Protecting High Quality Environments across the District

LP19 – The Natural Environment

## **7.4 Cambridgeshire Flood and Water SPD**

This document gives guidance on the implementation of a Sequential and Exceptions test.

## **8 KEY ISSUES**

- **Principle of Development**
- **Headings**
- **Health and wellbeing and residential amenity**
- **Economic Growth**
- **Highway Safety**
- **Flood Risk**

## **9 BACKGROUND**

The site to the north was refused by Planning Committee for failure to pass a sequential test and on poor access grounds.

## **10 ASSESSMENT**

### **10.1 Principle of Development**

Paragraph 14 of the NPPF makes it clear that '*at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.*' The application site is on the edge of the village of Guyhirn classed as a Small Village within Policy LP3 of the Fenland

Local Plan. LP3 states that development in small villages will be considered on its merits but shall normally be limited in scale to residential infilling situated within an otherwise built up frontage.

- 10.2 Guyhirn as a small village had a threshold of 25 additional dwellings and has a commitment of 47 therefore far exceeding its threshold under Policy LP3 and LP12. However the applicant has successfully undertaken a Community Involvement exercise considered to accord with Policy LP12.
- 10.3 This proposal is for up to 4 dwellings in a linear piece of open countryside 120 metres in length, part of a longer stretch 320 metres in total in the same ownership of the applicant. Therefore this proposal is not part of an area of otherwise built up frontage. A previous application for land to the north was refused. Therefore the linear form of this site and its position in a large element of open countryside which is not an area of otherwise built up frontage, together with the possible likelihood of precedent of development alongside, the proposal is not considered to be of small scale. The principle of development of this site is therefore considered contrary to the Council's Spatial Strategy, Policy LP3 and as such represents unsustainable development.

#### **10.4 Character and appearance**

- 10.5 LP12 includes criteria for development in villages and refers to Part A which sets development criteria for rural villages which includes the following:
- (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 it would not harm its character and appearance.
  - (e) It would extend existing linear features of the settlement
- 10.6 Policy LP16 (d) refers to development making a positive impact to local distinctiveness and the character of the area and amongst other things should not have an adverse impact on landscape character. It is also a core planning principle in the NPPF that recognises the intrinsic value of the countryside therefore consideration needs to be given to any harm caused.
- 10.7 The development of 4 large houses with elevated floor levels proposed 1.6 metres above ground level in this part of open countryside is considered to harm the character and appearance of the open countryside and would result in an unacceptable urbanisation of the character of the area.
- 10.8 Whilst there are a small number of houses located on the eastern side is Gull Road there is no 'otherwise built up frontage'. The proposal would extend a linear feature. Therefore the proposal is not considered to be in keeping with the core shape and form of the settlement and therefore harms the character and appearance of this part of the village.
- 10.9 Therefore the proposal is contrary to Policies LP12(c, d and e) and LP16(d) of the adopted Fenland Local Plan in that it results in harm to the open countryside, harms the core shape of the settlement, results in an extension of a linear feature and fails to contribute to local distinctiveness and the character of the area.

#### **10.10 Health and wellbeing and residential amenity**

Policy LP2 and LP16(e) considers the impact of development on residential amenity. The application does not submit the details of scale or layout. However it does commit to finished floor level 1.6 metres above existing ground levels. The indicative drawing shows Plot 1 approximately 20 metres from the side of Cobble house. There is no evidence of how this would impact on external ground levels, however there must be some concern that garden levels were raised the impact of overlooking on the garden areas of Cobble House set at a much lower level. Whilst these would be considered at the detailed stage it may prove difficult to develop in a satisfactory form without harming the amenity of the occupiers of Cobble House.

#### **10.11 Economic Growth**

The development is likely to result in some small economic benefit during the construction of the houses.

#### **10.12 Highway Safety**

The Local Highways Authority raises a wish for changes to be made through the planning decision via a legal agreement to set a 40mph limit to the road alongside. However the applicant has submitted photographs of the speed restriction sign outside the site which is 40mph. Therefore no further TRO is necessary.

10.13 Other matters could be dealt with at the detailed stage. As the Local Highway Authority has no other objection the proposal is considered capable of according with Policy LP15.

#### **10.14 Flood Risk**

10.15 The application is within Flood Zone 3 considered to land at the greatest risk of flooding. The applicant has submitted a Sequential Test which simply states the following:

*'There is no other land available for development in Guyhirn at a lower risk of flooding and hence the Sequential Test is met.'*

10.16 The applicant makes no reference is made to the Flood and Water SPD or advice on submission of Sequential test which states amongst other things the following:  
'Reasonably available sites will be identified from a number of sources including Sites with Planning Permissions for the same or similar developments but not yet developed.'

The sequential test submitted is therefore considered to be inadequate.

10.17 Officers agree that the search for sequentially preferable site should be the settlement of Guyhirn.. At the time of writing it is considered that there are unimplemented extant planning permissions and other available sites that could meet the development of 4 dwellings and which are all sequentially preferable. Therefore the sequential test is considered to fail due to its inadequate assessment. The proposal is therefore contrary to Policy LP14 and the Cambridgeshire Flood and Water SPD and para 100 of the NPPF.

### **11 CONCLUSIONS**

11.1 There are no objections in highway safety terms. The site is capable of accommodating a layout of 4 dwellings. However some concerns may exist regarding the ground levels. However the proposal is considered to be contrary to the Council's Spatial Strategy failing to be a small or infill site, and it also results in the development of the open countryside resulting in harm to the character of the

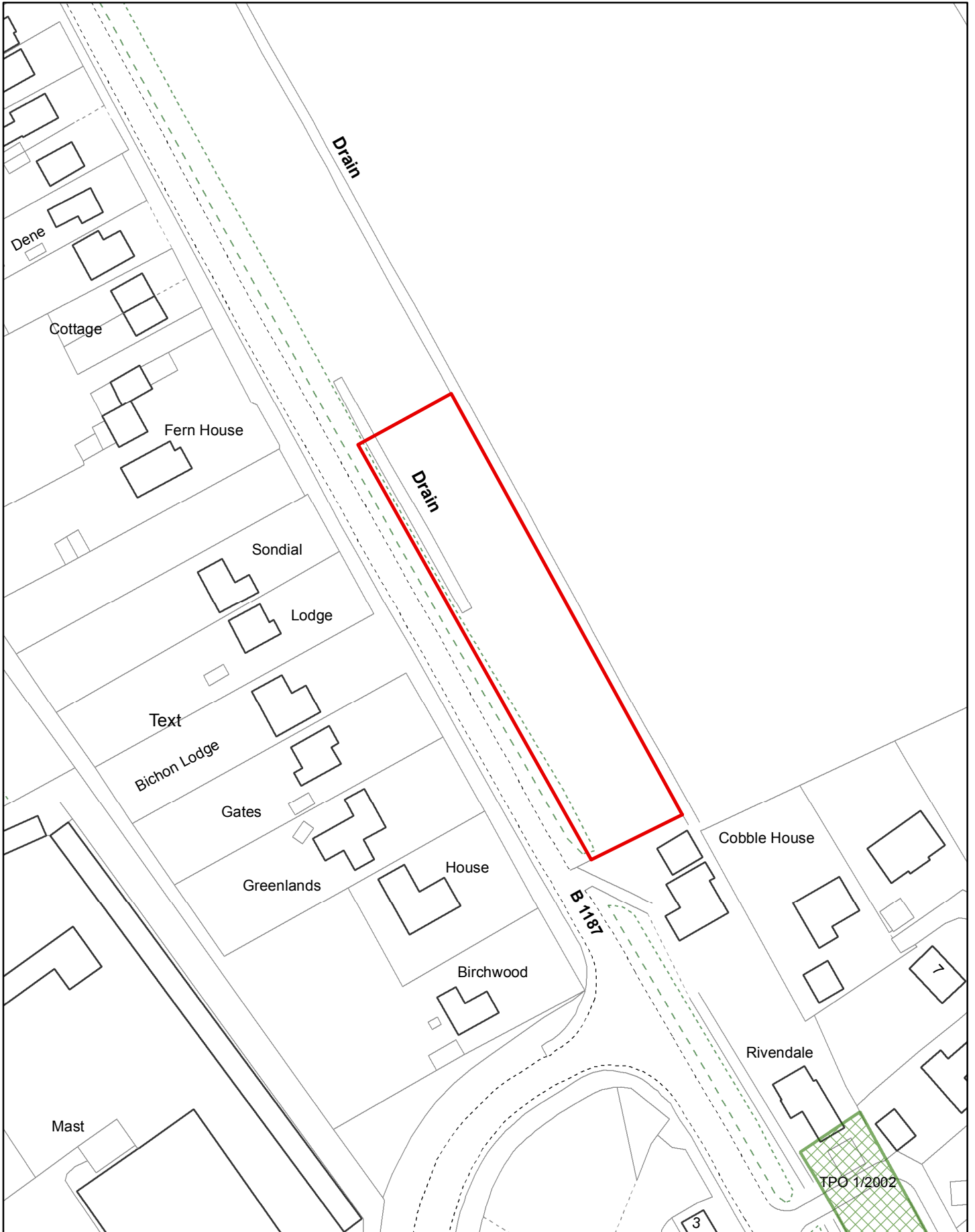
village. The proposal is therefore contrary to the Council's Spatial Strategy, Policy LP3, LP12(c, d and e) and LP16(d) of the adopted Fenland Local Plan

11.2 The application is also considered to fail the sequential test as other sites exist that are reasonably available within the Settlement of Guyhirn that are sequentially preferable. The proposal is therefore considered contrary to Policy LP14 of the Fenland Local Plan (2014) and paragraph 100 of the National Planning Policy Framework.

## **12 RECOMMENDATION**

### **Refuse**

- 1 The application site constitutes part of a considerable gap between built forms where the open countryside meets the village. The development proposed would result in an incursion into the open countryside rather than small scale infilling and would result in the loss of the open character of the site and the urbanization of the area. Therefore the proposal is considered to be contrary to Policies LP3 the Spatial Strategy and Settlement Hierarchy Policy LP3, LP12(c, d and e) and LP16(d) of the adopted Fenland Local Plan (Adopted May 2014) and as such represents unsustainable development contrary to the aims and objectives of the NPPF.
- 2 Policy LP14 of the Fenland Local Plan (2014) and paragraph 100 of the National Planning Policy Framework and seeks to direct development to areas of lowest flood risk. The development is located within Flood Zone 3, the area of highest flood risk and therefore would result in highly vulnerable development being located in the area of highest flood risk. The application is required to pass a sequential test to demonstrate there are no sequentially preferable sites reasonably available that can meet the developments need. The application failed to demonstrate there are no reasonably available sites in sequentially preferable locations available to meet the need of the development. Therefore the sequential test is considered to be contrary to paragraph 100 of NPPF, and Policy LP14 of the Fenland Local Plan (2014) and the adopted Cambridgeshire Flood and Water Supplementary Planning Document.



Created on: 03/01/2017

© Crown Copyright and database rights 2016 Ordnance Survey 10023778

F/YR16/1181/O

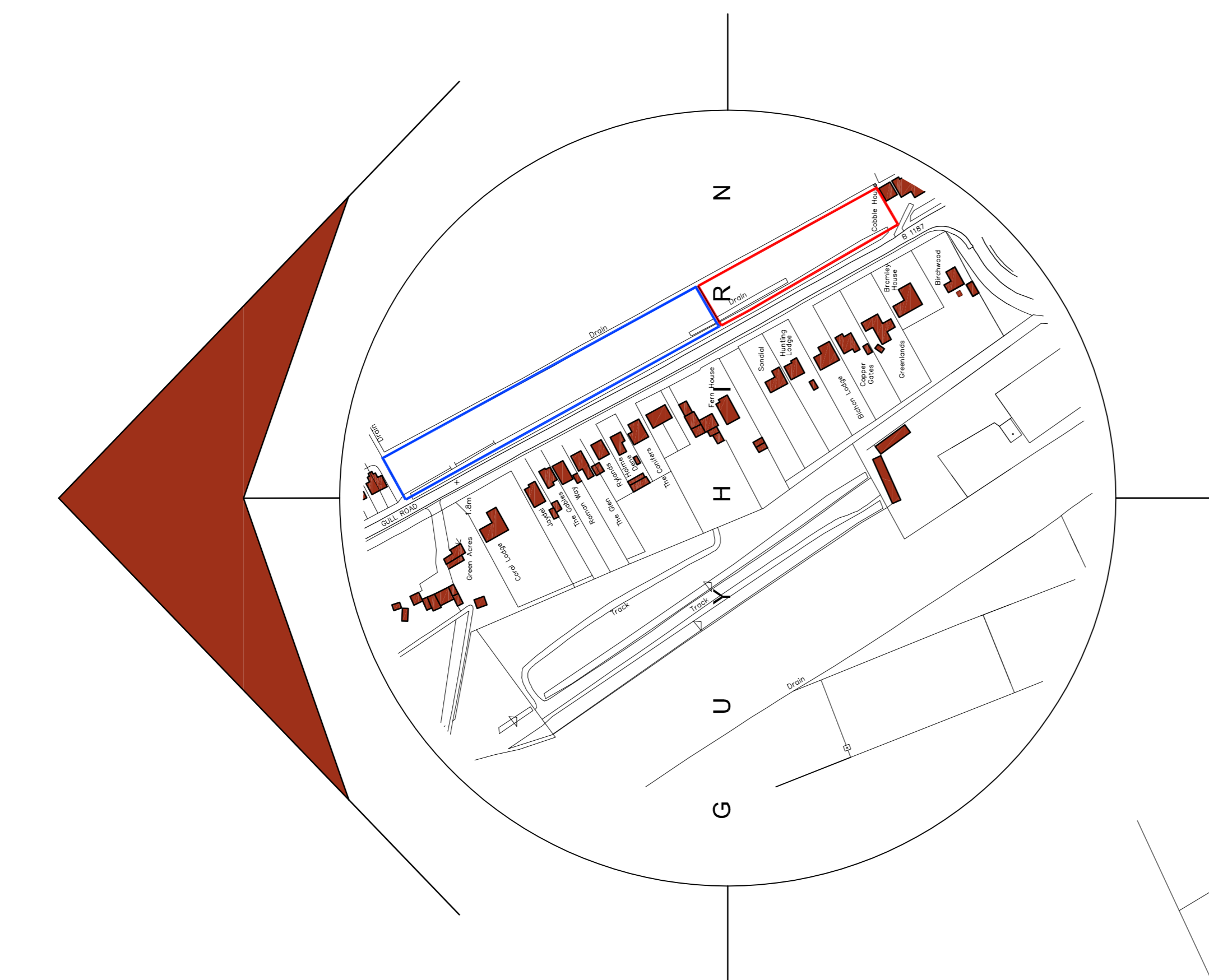
Scale = 1:1,250





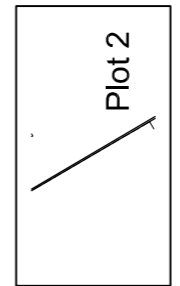
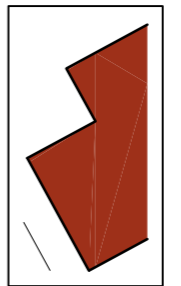
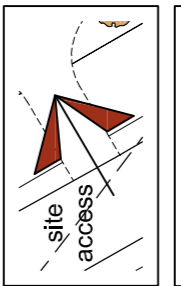
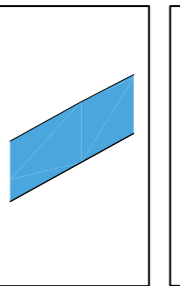
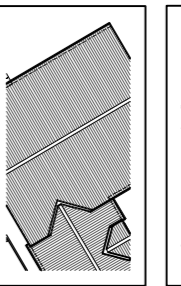
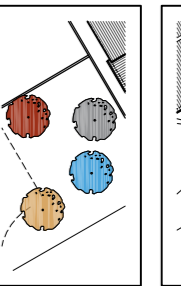
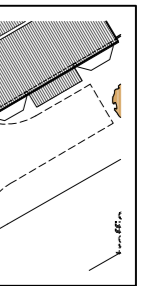
**General Notes**

1. This drawing shall not be scaled, figured dimensions only to be used.
2. All dimensions are shown in "mm" unless otherwise stated.
3. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
4. The contractor, sub-contractors and suppliers must verify all dimensions and specialist sub-contractors drawings and specifications.
5. Any discrepancies are to be brought to the designers attention.



**Location Plan**  
Scale: 1:2,500

**SITE PLAN KEY**

-  Indicates 1.8m close boarded fencing
-  Indicates existing structures taken from O.S. map
-  Indicates site access points
-  Indicates existing water courses
-  Indicates proposed dwelling
-  Indicates proposed trees to be a mixture of flowering cherry, field maple, mountain ash and wildcatalin
-  Indicates parking spaces and turning areas



**Site Plan**  
Scale: 1:500

Revisions	Nov 2016	Existing Site Features Added
A		

**SWANN EDWARDS ARCHITECTURE**  
Swann Edwards Architecture Limited, Elvenden House, Gull Road, Goylmin, Wisbech, Cambs, PE13 4ER  
t 01945 456634 e info@swannedwards.co.uk w www.swannedwards.co.uk

Job Title	Proposed Residential Development Land At Gull Road, Goylmin Wisbech, Cambs for Poots Altimont Charity
Date	September 2016
Scale	As Shown
Sheet Size	A1
Job No.	SE-344
Draw No.	10
Drawn by	G.E.
Checked by	A