

F/YR17/1114/O

Applicant: Mr & Mrs J C & M A Martin

**Agent : Miss F Hamer-Philip
Maxey Grounds & Co**

Land South East Of 433, Wisbech Road, Westry, Cambridgeshire

Erection of up to 8 x dwellings (Outline application with all matters reserved)

Reason for Committee Recommendation is contrary to the view of March Town Council

1 EXECUTIVE SUMMARY

This application proposes 8 dwellings on a 117 metre stretch of open countryside of good quality agricultural land a significant distance out of the town centre of March and from the nearest services and facilities. The applicant's further argument regarding the sustainability of the site and previous permissions has been considered. However the proposal is considered out of character and on balance, poorly related to services and facilities likely to lead to reliance on private vehicles. The proposal is therefore considered to result in significant and demonstrable harm in that it results in an urbanising impact of the open countryside and does not constitute sustainable development. The application is recommended for refusal.

2 SITE DESCRIPTION

- 2.1 The site is currently open countryside in agricultural/ arable use to the north of an office development and to the south of 'Sonray a residential property on Wisbech Road. The site is on the eastern side of the A141 Wisbech Rd to the north of March and represents a 117m gap of open countryside. The site is within flood zone 1 an area at least risk of flooding.
- 2.2 The site is considered to be in an 'Elsewhere location' as defined by Policy LP3.
- 2.3 The following indicates walking distances to the nearest services and facilities.

Nearest Shop	Tesco's 1.5km
Doctors	Riverside 3 kms
Post Office	Wisbech Rd 2.km
Primary School	Westwood 2.7km

- 2.4 According to the published timetables there are existing bus services (No.s 33 and 46) that stop near to the site. Service No 33 (Peterborough to March) is approximately a two hourly service only. Service No 46 (Kings Lynn to March) is approximately an hourly service and runs a school service when schools are open in the morning.

3 PROPOSAL

3.1 The application is in outline form for up to 8 dwellings with all matters reserved. The application is accompanied by a planning statement and indicative details regarding possible access arrangements.

3.2 Further supporting information received from the applicant regarding the following:

- *This application is that it is in compliance with policy LP4 B and our Planning Statement submitted with the application sets out how the criteria of LP16 are met. It is not our position that this application is outside policy and relying upon the lack of 5 year land supply as justification in policy terms. We believe it is significant that on the March Key diagram forming part of LP9 the site is within the area coloured grey as being the indicative urban area.*
- *The applicant welcomes Highway and Archaeology issues being addressed by condition and highlights that March Town Council have no objection and that it would appear to conform to the March Neighbourhood plan.*
- *The issue of sustainability is relevant to applications not complying with policy, where they seek to use 5 year land supply as the prime reason to support approval. Whilst we are not in this position, in our view, we accept that the 5 year land supply position gives further support to the application, and we address sustainability in that context.*
- *We understand that in the light of the lack of 5 year land supply para 49 of NPPF directs that the development plan policies relevant to housing land supply should be considered not up to date and a presumption exist in favour of sustainable development. The framework indicates there are three strands to sustainable development – economic, environmental and social, and proposals should be considered in the light of these strands*
- *Economically, the proposal will mean the loss of only a small area of agricultural land to development which will have a minimal economic affect to the area. This affect will be greatly outweighed by the benefit to the agricultural business of funds to invest in the farm, the economic benefit of the construction employment, and the spending power of the new residents, and thus the benefit to the local economy generally.*
- *Socially, the scheme will help address the shortage of housing in the district as whole and help provide good quality housing to the population. Although no affordable provision is included this is in accordance with national policy guidance. Importantly it is also available and can be delivered at an early stage because it does not require the prior delivery of significant infrastructure.*
- *Environmentally, the site is within Flood Zone 1 and thus sustainable in those terms. The development is of a form that conforms to other development in the area – largely frontage development of dwellings along Wisbech Road. It will not lead to the loss of any significant ecological habitats given the field is actively cultivated. Although not in the centre of the town, the area is served by bus routes (Services 33 and 46) which provide an approximately hourly service between them to the Hostmoor employment and retail areas (about 1.2km south) and the town centre. The property is better related to retail and employment facilities and better*

served by public transport than some of the developed areas or allocations to the southern and western extremities of the town. It is also within a range of such facilities where cycle also provides an alternative to car transport. Whilst inevitably there will be car use, there are other forms of transport as alternatives, and in this context development is sustainable.

There have been several other consents recently approved along Wisbech Road, namely references F/YR16/0436/O, F/YR16/0834/F, F/YR13/0834/O, F/YR12/0305/F which demonstrate consistent policy application in favour such applications, and whilst slightly further south the same issues about locational sustainability were also relevant in the determination of those applications.

The applicant submits that the site does constitute a sustainable location for development,

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

<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=OZVDOXH06P00>

4 SITE PLANNING HISTORY

4.1 None, the site having been used for agriculture.

5 CONSULTATIONS

5.1 CCC Archaeology - The records indicate that the site lies in an area of high archaeological potential. The line of the Fen Causeway, an important Roman route linking ancient settlements across the islands of higher ground in the Fens, directly crosses the development area. The landscape in this area is densely covered with cropmark and artefactual evidence for occupation associated with the Fen Causeway, including burials and known Romano-British settlement and salt-working sites at Grandford Farm to the north and Westry Farm to the south-east. In addition to this, archaeological investigations associated with other recent developments along the line of Wisbech Road, including on the plot adjacent to the proposed development site, have so far revealed settlement evidence dating from the early Iron Age through to post-Medieval. It is therefore considered highly likely that important archaeological remains survive on the site and that these could be damaged or destroyed by the proposed development.

CCC Archaeology does not object to development from proceeding in this location, but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition, such as the example condition approved by DCLG:

No demolition/development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI which shall include:

- *the statement of significance and research objectives;*

- *The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works*
- *The programme for post-excavation assessment and subsequent analysis, publication & dissemination, and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.*

Developers will wish to ensure that in drawing up their development programme, the timetable for the investigation is included within the details of the agreed scheme.

A brief for the archaeological work can be obtained from this office upon request.

5.2 CCC Highways has no highway objections in principle, subject to the following condition recommendation;

Prior to the commencement of the development full details (in the form of scaled plans and/or written specifications) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority to illustrate the following:

- a) *The layout of the site, including roads, footways, buildings, surface water drainage.*
- b) *The siting of the building(s) and means of access thereto.*
- c) *Visibility splays*
- d) *Parking provision*
- e) *Turning Area(s)*

5.3 Objectors

An objection has been received from a neighbour regarding the following:

- loss of open countryside,
- a development as large as this cannot be described as infill,
- the agricultural quality of the land is high and building should take place on less productive land.

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

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 7 of the NPPF identifies three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy,

- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being;
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

Paragraph 14: Presumption in favour of sustainable development. Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: – any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or – specific policies in the Framework indicate development should be restricted.

Paragraph 17: Identifies core principles which recognising the intrinsic character and beauty of the countryside, encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value; actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable

Paragraph 49. Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

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

Paragraph 111. Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value
National Planning Practice Guidance (NPPG)

7.2 National Planning Practice Guidance (NPPG)

7.3 Fenland Local Plan 2014

LP2 Health and Well Being
LP3 Spatial Strategy, the Settlement Hierarchy
LP4 Housing
LP9 March
LP12 Rural Areas Development Policy
LP14 Responding to Climate Change
LP15 Sustainable Transport Network
LP16 High Quality Environments
LP18 The Natural Environment

7.4 March Neighbourhood Plan 2017

Policy H2 – Windfall Development

Proposals for residential development will be supported where they meet the provisions of the Fenland Local Plan and where the following additional criteria are met:

- a) The proposal will not result in unacceptable impact on levels of light, privacy and private amenity space for the occupants of the proposed dwellings. The impact of proposals on existing neighbouring properties will be assessed against Policy LP16 of the FLP;
- c) The site is at a low risk of flooding (i.e. not within land designated Flood Zone 2 or 3 by the Environment Agency) and will not create flooding problems
- d) The proposal includes a safe vehicular access and will not result in severe impacts on the road network taking account of any mitigation proposed.
- f) The proposal is of a high standard of design.

8 KEY ISSUES

- **Principle of Development**
- **Character and Amenity**
- **Other Considerations**
- **Risk of Flooding and Drainage**
- **Highway Safety**
- **Archaeology**
- **Loss of Agricultural Land**
- **Sustainability**
- **Planning Balance**

9 ASSESSMENT

9.1 Principle of Development and Five Year Housing Land Supply

As the site is within an elsewhere location Policy's LP3 and LP12 apply. The application provides no justification as required by LP3. The development of a 117m stretch of open countryside is also considered to result in an urbanising impact and is therefore contrary to Policy LP12(c). The proposal is therefore unacceptable when considered against adopted policies.

- 9.2 Under the NPPF, Local Planning Authorities are required to have and to be able to demonstrate a five year supply of housing. The Council's five year land supply was recently tested on appeal in relation to a proposal for 6 dwellings on land south west of Syringa House, Upwell Road, Christchurch (reference No. F/YR16/0399/O). The Inspector in upholding this appeal and granting planning permission concluded, on the basis of the evidence presented to him, that the Council is currently unable to robustly demonstrate a five year land supply (the supply available is approximately 4.93 years).

The Inspector concluded that applications must be determined in accordance with the National Planning Policy Framework (NPPF). Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority

cannot demonstrate a five year supply of housing. Paragraph 14 states that for the purposes of determining planning applications, this means that applications for housing can only be resisted where the adverse impacts of approving a scheme would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. In considering which policies are 'relevant policies' for the supply of housing, regard needs to be had to the outcome of the decision in *Richborough Estates Partnership LLP v Cheshire East Council and Suffolk Coastal DC v Hopkins Homes Limited (2017)* which was considered in the Supreme Court.

In summary this decision concluded that only those local plan policies relating to housing distribution and numbers are out of date and all other local plan policies remain relevant.

Whilst initially in response to this appeal decision the LPA took the view that Policies LP3, LP4 and LP12 were policies that influenced the supply of housing and as such were rendered out of date this view has been revisited given the outcome of an appeal decision which comes after the *Syringa House* decision. This most recent decision in respect of 2 no dwellings at land north-east of Golden View, North Brink, Wisbech (reference No. F/YR16/1014/F) clearly highlights that whilst LP3 and LP12 may have an effect on the supply of housing they are primarily concerned with directing most forms of development, including housing, to the most sustainable locations and limited development in the countryside for its protection and on this basis neither is a policy for the supply of housing.

Policy LP4 sets housing targets and in accordance with the above consideration currently is considered to be out of date and therefore no weight should be attached.

9.3 Character and Amenity

Policy's LP12 and LP16 consider the impact of development on the wide open character of the countryside and the character of the area. Wisbech Road as it leaves the town of March, has developments on both sides of the road in random and sporadic forms. St Mary's Church (much closer to the Town) occupies a position with commercial properties to the rear and is considered to represent something of an appropriate edge of March (albeit still a significant walking distance to some facilities). Historically this aligns with the previous commercial allocation from the now outdated local plan boundary, which though no longer carrying any weight demonstrates the Council's historical approach towards a boundary to the north of March. Further north developments become more intermittent. The application site is on a 117m length of open countryside with open views across to the east and the north and open views to the west on the largely undeveloped western side opposite the site. Whilst the current local plan sets no boundaries it is considered that if development continues to leap frog out of March it will result in harm to the open character of the countryside. Therefore it is considered the proposal is contrary to Policy's LP12(c) and LP16(d) in that the proposed development with 8 large houses is likely to result in an urbanising impact to the existing character and appearance of the surrounding countryside and farmland.

9.4 Other Considerations

The applicant refers to 4 planning permissions the earliest 2 of which were determined prior to the adoption of the Local Plan and therefore have minimal value in comparison to the current application.

Planning permissions F/YR16/0436/O and F/YR16/0834/F were both for new housing on sites located off Wisbech Road and were considered to be within March and in reasonably sustainable locations. Of note is the Applicants reference to the Key Diagram for March within the Fenland Local Plan. This plan indicates the position of the northern Broad Location for Growth(BLoG). The two sites referred to above are closely related to the BLoG. However the application site is much further to the north and consequently more isolated from facilities and services when compared to the permitted sites. It is therefore not considered that these permissions affect the assessment of the application site.

9.5 The proposal is not considered to conflict with the relevant elements of the March Neighbourhood Plan.

9.6 Risk of flooding and drainage

The site is within flood zone 1, an area at the least risk of flooding. It is considered to pass the sequential test and therefore accords with policy LP14.

9.7 Highway Safety.

The application is submitted in outline form only but has submitted an amended indicative access plan. The plan shows a single access point serving an internal drive to access the 8 properties. The Highway Authority does not object subject to a planning condition. The proposal is therefore considered unlikely to result in highway safety concerns.

There is a footway on this side of the A141 linking towards March.

9.8 Archaeology

It is considered that the site has potential for archaeological sensitivity and therefore if permitted a planning condition as recommended by the County Archaeologists would be required.

9.9 Agricultural Land

The site is of excellent or good quality and therefore constitutes best and most versatile land. This conflicts with the aims of Policy LP12(i).

9.10 Sustainability

For the sake of completeness the scheme has also been assessed against Paragraph 7 of the NPPF. Paragraph 7 states:

There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- **an economic role** – *contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*

- **a social role** – *supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*

● **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to Improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

9.11 In respect of this proposal the development of this site will further the sustainability objectives as follows:

Economic: The location has reasonable access to employment, but will add only little actual economic benefit during construction. This is a minor benefit in economic terms.

Social Role: The location is reasonably served by bus services. The proposal has some benefit of 8 dwellings towards the Council's 5 year land supply. However the site is situated well beyond appropriate walking distances to all services and facilities. Developments abutting major roads unrelated to services and community facilities are unable to meet the aim of the NPPF supporting strong, vibrant and healthy communities. A line needs to be drawn as to how far out new housing should be permitted in terms of access to services and facilities. Otherwise development will leap frog and seek to progress towards Rings End. On balance sites as far away from Town Centre facilities are considered unsustainable in Social terms.

Environmental: The site is in an area of least risk of flooding. However the site is will result in an urbanising impact of a 117m gap of open countryside causing significant harm to the environment. It also results in the loss of best and most versatile Agricultural Land. On balance the development is unsustainable in environmental terms.

The above demonstrates both positive and negative aspects of sustainability. It is acknowledged that the site has reasonable access to bus services (good access would be a half hourly service). Preferred walking distances are 400metres but 800metres may be accepted. This development is well beyond 800metres. Therefore on balance the isolation from services and the loss of open countryside are considered to outweigh the positive elements and as such the proposal is considered to represent unsustainable development.

9.12 Planning Balance

In this instance the location of the proposed houses is not considered to relate well to the community and the facilities of March. The walking distances are excessively beyond those that people are reasonably prepared to travel. It is acknowledged that a reasonable bus service exists. Nevertheless, it is considered that developments this remote from services are likely to lead in reliance on the use of private vehicles. Therefore it is considered developing 8 houses in this location does not accord with the aims of the NPPF and constitutes unsustainable development and is also contrary to Policies LP3 in that no justification is provided to accord with categories appropriate in 'Elsewhere Locations'. Furthermore the proposal is considered to result in visual harm to the character of the open countryside. The proposal is considered to result in significant harm and as such the harm outweighs the limited benefit.

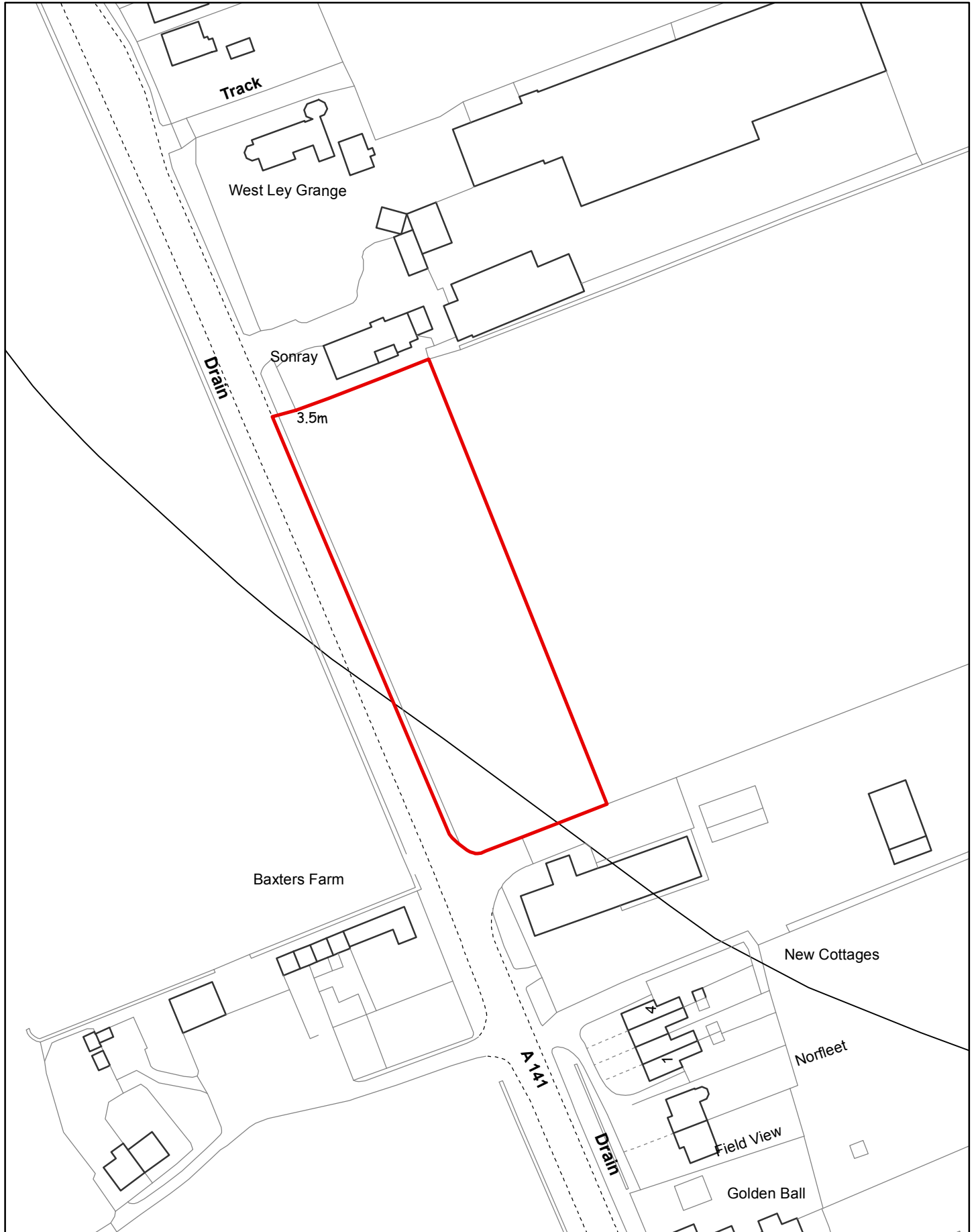
10 CONCLUSIONS

The proposal is not considered to represent sustainable development being too remote from services and facilities likely to lead towards reliance on private vehicles, and resulting in an urbanising impact on the open countryside.

11 RECOMMENDATION

Refuse

- 1 The proposed development, which is located outside the settlement of March, is considered to be situated within the open countryside. Therefore under policy LP3 of the Fenland District Local Plan the proposal is considered to be an 'Elsewhere Location'. The application is not supported by sufficient justification for dwellings in this location. Furthermore the dwellings are poorly located for pedestrian access to services and facilities. Notwithstanding the public transport available it is considered there would be a reliance upon the use of private motor vehicles and is contrary to the aims of the NPPF in that it is not a sustainable location and therefore constitutes unsustainable development.
- 2 The proposal will result in development of a 117m stretch of open countryside resulting in an urbanising impact detrimental to the character of the area and the open countryside. The proposal is therefore considered contrary to Policies LP12(c,) and Policy LP16(d) of the Fenland Local Plan (adopted 2014) and the aims of the NPPF which recognises the intrinsic character and beauty of the countryside.



Created on: 01/12/2017

© Crown Copyright and database
rights 2016 Ordnance Survey 10023778

F/YR17/1114/O

Scale = 1:1,250



Block Plan - Indicative



Ordnance Survey © Crown Copyright 2017 All rights reserved.
Licence number 100023412 Plotted Scale - 1:1250

Promap
LANDMARK INFORMATION GROUP

WISBECH RD, WESTRY