
F/YR25/0111/O

**Applicant: Mr Luke Boekestyn
Burmor Construction**

**Agent: Mr Jamie Burton
Swann Edwards Architecture Ltd**

Land North West Of Cobble House, Gull Road, Guyhirn, Cambridgeshire

Erect up to 24 dwellings (outline application with all matters reserved)

Officer recommendation: Refuse

Reason for Committee: Parish Council comments contrary to Officer recommendation.

1 EXECUTIVE SUMMARY

- 1.1. The proposal is for up to 24 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 seeks to develop across an entire area of open countryside circa 320 metres in width to the east of Gull Road. 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.
- 1.2. Policy LP12 of the Fenland Local Plan also states that new development within villages will be supported where it satisfies Policy LP3, as well as the criteria set out therein. Policy LP16 (d) requires development to deliver and protect high quality environments through, amongst other things, making a positive contribution to the local distinctiveness and character of the area. Development of up to 24 dwellings on an area of land that currently contributes to the countryside character of this rural village is considered likely to result in a detrimental urbanising impact to the settlement form of the village of Guyhirn, resulting 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).
- 1.3. Policy LP14 states that development in an area known to be at risk will only be permitted following the successful completion of a Sequential Test, and Exception Test (where appropriate), and the demonstration that the proposal meets an identified need and appropriate flood risk management. 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 below assessment considers the submitted the sequential test and sets out the specific reasons why this application fails to pass the sequential test. The report also confirms that the development is unable demonstrate that the community benefits from the

proposal provide sufficient justification as to outweigh harm from the flood risk.

- 1.4. Whilst the provision of up to 24 affordable housing units offers some weight to the case for supporting this scheme, it does not overcome the policy contraventions with respect to development in an unsustainable location, noting the conflicts with Policies LP3, LP12, LP14, and LP16 as discussed in detail below. Accordingly, the scheme is recommended for refusal.

2 SITE DESCRIPTION

- 2.1. This application relates to a 1.03-hectare site on the eastern side of Gull Road, Guyhirn that currently comprises agricultural land. The site fronts Gull Road and currently appears in the streetscene as a circa 320m stretch of open countryside. The site is bounded to the north and south by existing residential development, to the east the boundary is demarcated by an existing IDB drainage ditch with open countryside beyond. The western boundary is formed by the highway. Additional residential development is located to the western side of the highway opposite the site.
- 2.2. The site is within flood Zone 3, an area considered to be at highest risk of flooding. The land sits lower than the existing road. The Applicant's Flood Risk Assessment identifies the existing ground levels at the site are typically between -0.2m OD and +0.3m OD. Alongside Gull Road the site slopes from the carriageway level which is between +1.6m OD and +2.0m OD, i.e. the site sits around 1.75m below the highway on average.

3 PROPOSAL

- 3.1. This application is outline in nature with all matters reserved and proposes a linear residential development of up to 24 dwellings. Indicative plans have been submitted indicating that the proposed dwellings would be a mix of detached and semi-detached properties between 1-3 bedrooms; and it is proffered that these will be 100% affordable. The dwellings are intended to be served by shared driveways with parking, and the plots include gardens to the east. A central visitor parking area is shown, with an attenuation pond to the rear. A proposed 1.8m footpath is shown across the frontage of the site.
- 3.2. Full plans and associated documents for this application can be found at: <https://www.publicaccess.fenland.gov.uk/publicaccess/>

4 SITE PLANNING HISTORY

F/YR17/1213/O	Erection of up to 4 dwellings (Outline application with all matters reserved)	Refused 01.02.2018 Appeal Dismissed 28.03.2019
F/YR16/1181/O	Erection of up to 4 dwellings (Outline application with all matters reserved)	Refused 20.07.2017
F/YR13/0648/F	Erection of 4no 3 bed and 8no 2 bed 2 storey dwellings with associated external works and parking	Refused 19.12.2013
F/YR08/0446/RM	Erection of a 4/5-bed detached house with detached double garage with playroom over	Approved 26.06.2008
F/YR07/0392/O	Erection of a dwelling	Granted 07.09.2007

5 CONSULTATIONS

5.1. Wisbech St Mary Parish Council

The Parish Council would like to recommend approval for this application subject to it complying with a local lettings policy, The open space on the plan should be an area for visitor car parking and councillors would also like the speed limit of the road to be reduced from 40MPH to 30MPH due to the amount of homes within this area, for the safety of new and existing residents.

5.2. Cambridgeshire County Council (Growth & Economy)

Table 1 below summarises the contributions requested by the Council.

	Contribution	Project	Indexation Date	Trigger
Early Years	<i>To be calculated in accordance with Table 9 *£88,408 indicative contribution</i>	<i>Early years places in Guyhirn</i>	1Q2025	<i>50% prior to first occupation and 50% prior to occupation of 50% of the development</i>
Primary	<i>To be calculated in accordance with Table 10 *£265,224 indicative contribution</i>	<i>Primary school facilities serving Guyhirn</i>	1Q2025	

Secondary	<i>To be calculated in accordance with Table 11 *£212,800 indicative contribution Secondary education facilities serving Guyhirn</i>	<i>Secondary education facilities serving Guyhirn</i>	<i>1Q2025</i>	
SEND Education	<i>£47,850</i>	<i>SEND Education places serving the development</i>	<i>4Q2024</i>	
Libraries	<i>£2,800</i>	<i>Enhancement of the mobile library service</i>	<i>1Q2019</i>	<i>100% prior to occupation of 50% of the development</i>
Monitoring Fee	<i>£1,400</i>		<i>1Q2025</i>	<i>10 days of commencement of the development</i>

[...]

5.3. **NHS England (Cambridgeshire & Peterborough Integrated Care System)**

Following on from the revised proposal and previous comments from CAPICS (please see attached), as the number of dwellings has reduced from 28 to 24 dwellings, I can confirm that CAPICS calculates the level of contribution required is £20,633.31 (3.949sqm at £5224 per sqm).

5.4. **NHS England (East of England Ambulance Service)**

A developer contribution will be required to mitigate the impacts of this proposal and is calculated at £9,520 (discounted rate).

5.5. **FDC Housing Strategy & Enabling Officer**

My understanding is that this site is being presented as 100% affordable and as such I welcome to proposed development as it will help meet the need for affordable housing in Guyhirn and the wider area.

[...Outlined required AH provision should the proposal change to not being 100% affordable...]

5.6. **FDC Housing Strategy & Enabling Officer – additional clarification provided (07.08.25)**

	Guyhirn	Wisbech St Mary	Murrow	Thorney Toll	Rings End	Totalled
<i>1 bed</i>	<i>15</i>	<i>28</i>	<i>20</i>	<i>1</i>	<i>4</i>	<i>68</i>
<i>2 bed</i>	<i>6</i>	<i>37</i>	<i>10</i>	<i>0</i>	<i>4</i>	<i>57</i>

3 bed	6	18	10	0	0	34
4 bed	3	4	2	1	2	12
5+ bed	1	3	1	0	0	5
Total	31	90	43	2	10	176

The above is for affordable rent only from the housing register.

These are those on the housing register that have a local connection to Guyhirn (the other places are the same, all local connection to each place).

They can currently live anywhere but they would qualify for the housing based on standard rural exception site local connection criteria, the other places listed because there is a cascade which would usually go, Guyhirn, wider parish, adjoining parishes, districtwide, HomeLink area. Based on the number of units proposed on Gull Road, I would think it would be unlikely to ever cascade out of the parish.

We would anticipate these numbers going up if granted permission and the news of the development spreads. Many do not register on HomeLink as they feel they have no chance of getting a place in the village.

9 of the 31 are using Guyhirn in their current address, although one of those has Rings End, Guyhirn as the address.

5.7. FDC Housing Strategy & Enabling Officer – further clarification provided (13.08.25)

The proposed mix — 2 x 1-bed, 8 x 2-bed, and 14 x 3-bed dwellings — aligns well with the identified local need and as a Rural Exception site the above would suggest that the cascade would rarely, if ever allocate beyond the parish.

5.8. FDC Housing Strategy Manager – additional context provided (19.08.25)

These properties if approved will assist in the affordable housing pressure we are working to try and meet in a variety of ways. We have been to the parish Council twice in the last 15 months regarding making the case for and exception site, it's a parish which contains (when Tom last wrote the email below) 176 households who are on the list looking for affordable housing. The proposal has made changes in light of Parish Council feedback to secure their backing. The Guyhirn residents do not have an advantage of say a Murrow resident ...it is a parish wide scheme.

These properties if built will therefore be ringfenced to households on the register to apply for who have the connection with the parish.

I would hope all of the residents have expanded their areas of choice outside of the parish to improve the likelihood of trying to secure a property ...that is what we always encourage them to do ... but there is no doubt these properties will meet an identified need and will be hugely popular to allow residents who may be forced out of the parish due to lack of affordability.

The other thing that exception sites do is ease pressure on other affordable housing schemes who do not have the restrictions that this scheme would have. A vital component in a blended approach to improve housing availability for our residents.

I am not aware of anything else in the parish on the pipeline at the moment...certainly no exception sites and the likelihood of getting an exception site without this opportunity will be several years unfortunately...securing land, finding partner, viability etc which is why this is a windfall opportunity to help meet needs.

5.9. Environment Agency

Thank you for your consultation dated 07 May 2025. We have reviewed the documents as submitted and we are able to remove our objection to this planning application, providing that you have taken into account the flood risk considerations which are your responsibility. We have highlighted these in the flood risk section below.

Please note our comments on water resources in our previous letter referenced AC/2025/132608/01, dated 27 February 2025 remain relevant.

Flood Risk

We strongly recommend that the development should be carried out in accordance with the submitted Flood Risk Assessment (FRA) (Ref: ECL1382a/SWANN EDWARDS ARCHITECTURE; dated May 2025; submitted by Ellingham Consulting LTD) and the following mitigation measures it details:

- Finished floor levels shall be set 2.0m AOD*
- Flood Resilient Construction to 0.3m above Finished Floor Levels*

These mitigation measures should be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above should be retained and maintained thereafter throughout the lifetime of the development. This is to reduce the risk of flooding to the proposed development and future occupants and to protect against risk to life.

We note that internal layout plans have not been submitted at this stage, and therefore we have not been able to review if ground floor sleeping is proposed for this development. If ground floor sleeping is proposed at the reserved matters stage, we may look to object due to possible risks posed.

5.10. CCC (Lead Local Flood Authority)

We have reviewed the following documents:

- Additional Drainage Info, James Burton, 5th June 2025*
- Proposed Drainage Layout, WE Consulting Engineers Ltd, WECE/24/506/AO/C/100 Rev P03*

Based on these, as Lead Local Flood Authority (LLFA) we have no objection in principle to the proposed development.

The above documents demonstrate that surface water from the proposed development can be managed through the use of an attenuation pond, restricting surface water discharge to greenfield equivalents.

The LLFA is supportive of the use of ponds as in addition to controlling the rate of surface water leaving the site it also provides water quality treatment which is of particular importance when discharging into a watercourse).

Water quality has been adequately addressed when assessed against the Simple Index Approach outlined in the CIRIA SuDS Manual.

We request the following conditions are imposed:

Full conditions wording omitted for brevity, conditions include:

- Submission of detailed drainage strategy;
- Construction surface water management methods;
- Survey report required prior to adoption;
- Management and maintenance details required; and
- FFLs minimum for freeboard.

5.11. Anglian Water Services Ltd

ASSETS

Section 1 - Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

When assessing the receiving water recycling centre's (WRC) dry weather flow (DWF) headroom we take the latest DWF figures, as verified by the Environment Agency and add to this, sites with planning consent. Based on the above assessment West Walton WRC is within the acceptance parameters and can accommodate the flows from the proposed growth.

Section 3 - Used Water Network-Objection

We have reviewed the submitted Concept Foul Drainage Strategy Plan WECE-24-506-SK-C-002 and the Foul water drainage strategy - Gull Road, Guyhirn email correspondence with Anglian Water and the Applicant, submitted with the application.

Anglian Water's objection to a connection to our vacuum sewerage system remains as per our previous response.

In order to overcome our objection, we require that the applicant continues to engage with Anglian Water regarding the capacity of the existing vacuum main system, in order to define a Sustainable Point of Connection (SPOC) for the proposed development. Once a SPOC has been identified and a strategy has been agreed with Anglian Water, we would expect the applicant to submit these details as part of their submitted documents for this application. We will then review the information and respond accordingly.

If Local Planning Authority are minded to approve the planning application, despite our objection, we recommend a condition which prevents occupation until any required upgrades are completed.

Condition: *Prior to commencement a scheme for foul drainage works will be submitted to the Local Planning Authority identifying any necessary upgrades. Prior to occupation the identified upgrades must be completed in accordance with the approved scheme. This scheme will identify a sustainable point of connection to the vacuum sewerage system and any necessary upgrades.*

Reason: *To protect water quality, prevent pollution and flooding and secure sustainable development having regard to paragraphs 7/8 and 180 of the National Planning Policy Framework.*

[...]

5.12. North Level Internal Drainage Board

The Board's comments in its letter of 21 February 2025 regarding consent being needed for surface water disposal remain valid.

In relation to maintenance of the riparian watercourse, the agent's confirmation that responsibility for this is expected to remain with a single party/landowner is noted.

The Board would, however, suggest that any easement strip needs to continue along where an attenuation area is indicated. As substantial ground raising is suggested, detailed design/construction plans will also have to clarify how this will be implemented adjacent to the watercourse, including how it may affect the position of the easement strip. I would suggest such details could form part of imposed pre-commencement "site drainage" condition(s).

5.13. Cambridgeshire County Council Highways Authority

On behalf of the Local Highway Authority, I have no objection to the principal of the proposed development. However, this is an "All Matters Reserved" application and the below issues would need to be addressed in any future planning submissions to make the development acceptable in highway terms.

- *Gull Road along the length of the boundary of the site, has a posted speed limit of 40mph. Therefore, inter-vehicle visibility splays would need to be 2.4m x 120m in either direction at each access point. These splays have not been shown within this application and therefore I cannot confirm if they are achievable. These splays would need to be either within the extent of the adopted highway or over the land under the control of the applicant and then Conditioned accordingly.*
- *The vehicle access arrangement shows a lot of new access points with the highway and is not ideal as could be detrimental to the safety of the highway. However, access approval is not sort or included within this application so I cannot comment on this aspect of this submission as any reserved matters application would deal with this.*
- *In order to make any development in this location acceptable to the highways authority. There would be a requirement to install a footway fronting the site which must have appropriate and official pedestrian crossing points. There are no existing or proposed safe crossing points along the frontage of the site. The dropped kerbs opposite are vehicle access points to the existing dwellings and should not be perceived as crossing points. If approved in its current proposed layout, this would be detrimental to the safety of the highway, as pedestrians would be crossing to a live vehicle access over a 40mph road with no facilities for the visually impaired.*
- *I am unable to confirm the extent of the highway fronting this site. I would recommend that the applicant supply this information prior to the determination of this application. As it is possible that land dedication would be required in order to facilitate safe pedestrian access and it would need to be established if safe access can be achieved (e.g. visibility splays)*
- *Please consider how refuse collect will be achieved and where bins would be stored and collected off the highway.*
- *Gull Road along the length of the has a solid white line. This prohibits vehicle from "Stopping At Any Time" and may require an amendment to the Traffic Regulation Order or the alteration of the restriction to allow access to this site. No proposal has been made on this aspect therefore I am unable to comments what is required. I would recommend that the applicant contact the CCC Policy & Regulations team to determine what is required, if and when it is appropriate.*
- *There are utility poles along the length of the site within the highway. These might need to be relocated, or alternative arrangements made with the utility company to allow safe access with the highway.*
[...]

5.14. Cambridgeshire Fire & Rescue Service

With reference to the above application for planning. Should you the Planning Authority grant approval, Cambridgeshire Fire & Rescue Service

will require a planning condition against this application, for the provision of fire hydrants to be installed, for the purposes of providing water for firefighting.

The condition should read as follows:

No above ground development should take place until a water scheme for the provision of fire hydrants has been submitted to and agreed with the fire authority.

No occupation of the development can occur prior to the installed fire hydrants being inspected and tested for operational use by the fire authority. Proposed water schemes should be submitted via email in pdf format. All required hydrants will be plotted and the pdf returned.

Discharge can only be given as follows:

- a. Partial discharge once a water scheme has been submitted to the fire authority for processing and or a phase of the development is complete.*
- b. Full discharge will be given once all water scheme fire hydrants have been inspected, tested and are ready for operational use.*

All proposed water schemes and installation inspections can be booked via email to: Hydrants.User@cambsfire.gov.uk (Please note this a free service provided by the fire authority)

All cost for the installations of fire hydrants proposed are to be borne by the developer.

Where a Section 106 agreement or a planning condition has been secured, the cost of Fire Hydrants will be recovered from the developer.

The number and location of fire hydrants will be determined following a risk assessment and with reference to guidance contained within the "National Guidance Document on the Provision of Water for Fire Fighting" 3rd Edition, published January 2007. Access and facilities for the Fire Service should also be provided in accordance with the Building Regulations Approved Document B5 Vehicle Access. Dwellings Section 13 and/or Vol 2. Buildings other than dwellings Section 15 Vehicle Access.

5.15. Designing Out Crime Officers

I have searched the constabularies crime and incident systems covering a two year period Guyhirn forms part of the Wisbech St Mary and Parsons Drove council ward, crimes for this ward over the period are 483 and incidents 1,379, I have drilled down to Guyhirn Gull Road as far as Gull Drove, I would consider this to be a low risk to the incidents of crime based on the current figures.

I would be happy to arrange a meeting with the developer to discuss Secured by Design (SBD) as I believe this development could achieve the accreditation with discussion.

I withhold further comment until this office receives a full or reserved matters application. I am happy for the above to be conditioned should planning be approved.

I currently have no further comments.

Additional comment received 15 May 2025:

The 3-meter maintenance strip must be enclosed and gated with a 1.8m gate anti-cut/anti-climb at both ends of the open space (attenuation pond) to protect the rear gardens of the residential properties.

5.16. **Natural England**

NO OBJECTION

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.

5.17. **FDC Ecology**

Thank you for consulting me on the additional information provided to inform the above planning application. I have visited the site.

- While I do note the advice provided by Natural England on the application (they raise no objections), nevertheless I have prepared an HRA for the application because of the proximity of the application site to the Nene Washes designated sites and because I have identified a Likely Significant Effect on the designated sites which I consider needs to be mitigated. I have attached the HRA.*
- I welcome the proposals by the applicant to enhance the watercourse which runs along the eastern boundary of the site and note that enhancements to this watercourse will achieve an overall net gain in biodiversity for the development in excess of the required 10%.*
- I would accept that, providing a Construction Environment Method Statement is prepared and implemented, no impact will be caused to national or local designated wildlife sites.*
- Having now viewed the site in April, I would not disagree with the habitat assessment provided by the applicant.*

I would raise no further objections to the application, but I would advise that a number of Conditions are imposed on any permission which may be granted to the scheme to protect biodiversity.

Biodiversity Net Gain

The statutory Biodiversity Gain Condition will apply to any permission, to require the pre-commencement submission of a detailed Biodiversity Gain Plan and a Habitat Management and Monitoring Plan. Since the enhancements to the adjacent watercourse are outside the red line boundary

of the application site they are classed as 'off-site biodiversity gain' and will therefore need to be secured through an S106 planning obligation.

Other Conditions / Informatives

Condition - Construction Environmental Method Statement

No development shall take place (including ground works and vegetation clearance) until a more detailed Construction Environmental Method Statement (CEMS: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMS (Biodiversity) must include the following:

- a) Risk assessment of potentially damaging construction activities.*
- b) Identification of "biodiversity protection zones".*
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). This particularly applies to the need to avoid water pollution.*
- d) The location and timings of sensitive works to avoid harm to biodiversity features.*
- e) The times during which construction when specialist ecologists need to be present on site to oversee works.*
- f) Responsible persons and lines of communication.*
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- h) Use of protective fences, exclusion barriers and warning signs if applicable.*

The approved CEMS shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: to protect biodiversity

Informative

The Applicant is reminded that under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Vegetation is most likely to contain nesting birds between 1st March and 31st August inclusive. No vegetation clearance should take place within this period, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

5.18. Arboricultural Officer (FDC)

The accompanying arboricultural report categorises the trees appropriately and indicates the better quality tree T3 will be retained and can be suitably protected. The low quality trees in G3 will need to be removed which I do not object with.

For a detailed application, a tree protection method statement will be required and a robust landscape plan to include suitable tree planting for the scheme.

5.19. Environmental Services (FDC)

We have 'No Objections' in principle but -

- Will a path be built as part of the development?*
- New residents will require notification of collection details by the developer before moving in and the first collection takes place.*
- Refuse and recycling bins will be required to be provided as an integral part of the development.*

5.20. Environment & Health Services (FDC)

The Environmental Health Team note and accept the submitted information and have 'No Objections' in principle to the proposal.

Construction Noise, Dust and Vibration:

There are certain aspects that need to be considered given the nature and scale of the proposed development, with the issues of primary concern to this service during the construction phase being the potential for noise, dust and possible vibration to adversely impact on the amenity of the occupiers at the nearest residential properties.

Therefore, this service would welcome a condition requiring the submission of a robust Construction Environmental Management Plan (CEMP) that shall include working time restrictions in line with the template for developers, now available on Fenland District Council's website at: Construction Environmental Management Plan: A template for development sites (fenland.gov.uk) In the interests of respect for the locally amenity, a submitted CEMP shall be required to include working time restrictions in line with those covered within the aforementioned template.

Vibration impact assessment methodology, mitigation measures, monitoring and recording statements in accordance with the provisions of BS 5228-2:2009+A1:2014 Code of Practice for noise and vibration control on construction and open sites may also be relevant, as would details of any piling construction methods / options, as appropriate.

I trust that the information clarifies the stance of this service at this outline stage.

5.21. Senior Archaeologist (CCC)

Thank you for the re-consultation with regards to the updated plans. We have reviewed these and confirm they do not alter previously issued advice. Namely that due to the archaeological potential of the site a further programme of investigation and recording is required in order to provide more information regarding the presence or absence, and condition, of surviving archaeological remains within the development area, and to establish the need for archaeological mitigation of the development as necessary. Usage of the following condition is recommended:

Archaeology Condition

No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work, commencing with the evaluation of the application area, that has been secured in accordance with a Written Scheme of Investigation (WSI) that 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 under the provisions of the agreed WSI, which shall include:

- a. The statement of significance and research objectives;*
- b. The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;*
- c. The timetable for the field investigation as part of the development programme;*
- d. The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material and digital archives.*

REASON: *To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (DLUHC 2023).*

Informatives:

Partial discharge of the condition can be applied for once the fieldwork at Part c) has been completed to enable the commencement of development. Part d) of the condition shall not be discharged until all elements have been fulfilled in accordance with the programme set out in the WSI.

5.22. Local Residents/Interested Parties

The LPA received no comments in support of the scheme. Contrastingly, five letters of objection were received from local residents of Gull Road and Nene Close, Guyhirn. The reasons for objection can be summarised as follows:

Objecting Comments	Officer Response
Countryside character impacts	See Character & Appearance section below.
Local infrastructure unable to cope	See Developer Contributions section below.
Ecological concerns	See Ecology section below.
Flood risk and drainage concerns	See Flood Risk section below.
Parking, traffic & road safety concerns	See Access & Parking section below.

No community consultation exercise	See Principle of Development section below.
Potential overlooking concerns	See Residential Amenity section below.
Noise & disturbance concerns	
Relevant planning history of refusals	See Site Planning History and Background sections below.
Loss of countryside views	Loss of view is not a material planning consideration.

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) and the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021).

7 POLICY FRAMEWORK

- 7.1. **National Planning Policy Framework (NPPF) 2024**
Chapter 2 - Achieving sustainable development
Chapter 4 – Decision-making
Chapter 5 – Delivering a sufficient supply of homes
Chapter 8 – Promoting healthy and safe communities
Chapter 9 – Promoting sustainable transport
Chapter 11 – Making effective use of land
Chapter 12 – Achieving well-designed places
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
Chapter 15 – Conserving and enhancing the natural environment
- 7.2. **National Planning Practice Guidance (NPPG)**
Determining a Planning Application
- 7.3. **National Design Guide 2021**
Context
Identity
Built Form
Movement
Nature
Public Spaces
Homes and Buildings
Resources
Lifespan
- 7.4. **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
- LP15 – Facilitating the Creation of a More Sustainable Transport Network
- LP16 – Delivering and Protecting High Quality Environments
- LP19 – The Natural Environment

7.5. Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021

Policy 14 - Waste management needs arising from residential and commercial Development

7.6. Delivering and Protecting High Quality Environments in Fenland SPD 2014

- DM2 – Natural Features and Landscaping Schemes
- DM3 – Making a Positive Contribution to Local Distinctiveness and character of the Area
- DM4 – Waste and Recycling Facilities
- DM6 – Mitigating Against Harmful Effects

7.7. Developer Contributions SPD 2015

7.8. Cambridgeshire Flood and Water SPD 2016

7.9. Emerging Local Plan

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 49 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

- LP1: Settlement Hierarchy
- LP2: Spatial Strategy for the Location of Residential Development
- LP4: Securing Fenland's Future
- LP5: Health and Wellbeing
- LP7: Design
- LP8: Amenity Provision
- LP11: Community Safety
- LP12: Meeting Housing Needs
- LP18: Development in the Countryside
- LP20: Accessibility and Transport
- LP22: Parking Provision
- LP24: Natural Environment
- LP25: Biodiversity Net Gain
- LP27: Trees and Planting
- LP28: Landscape
- LP32: Flood and Water Management

8 KEY ISSUES

- **Principle of Development**
- **Character and Appearance**
- **Residential Amenity**
- **Access and Parking**
- **Flood Risk and Drainage**
- **Biodiversity & Ecology**
- **Infrastructure Contributions**
- **Sustainability**

9 BACKGROUND

- 9.1. The application site as a whole includes two separate areas that were subject of previous planning applications.
- 9.2. In the northern part of the site, F/YR13/0648/F was refused for the erection of 4no 3 bed and 8no 2 bed 2 storey dwellings (totalling 12) with associated works and parking. The application was refused owing to impacts of residential amenity and highway safety and failure of the sequential test. However, it should be noted that assessment of this scheme was based on the now superseded Fenland District Wide Local Plan (1993) and the Fenland Local Plan Core Strategy (2013) and thus should be given limited weight in decision making.
- 9.3. More recently, however, an area in the southern part of the site was subject to a number of outline applications seeking the erection of up to four dwellings (F/YR16/1181/O & F/YR17/1213/O). Of which, the most recent (17/1213) was refused owing to the incursion into the open countryside and flood risk, contrary to Policies LP3, LP12, LP14 and LP16 of the current adopted Fenland Local Plan (2014). (Noting that F/YR16/1181/O was refused for the same reasons.)
- 9.4. The application F/YR17/1213/O was subject to a planning appeal (APP/D0515/W/18/3204206), where the Inspector concluded that:
- The scheme did not constitute infill development, as the application site was part of a substantial gap in the built form, and thus was contrary to Policy LP3;
 - The development would have a detrimental impact on the character and appearance of the area, by extending linear features contrary to Policy LP12 and LP16;
 - The application failed the Sequential Test; contrary to Policy LP14.

Accordingly, the appeal was dismissed.

- 9.5. It should be noted that the applications discussed above were relevant only to parts of the current application site, whereas the current application seeks wholesale development of the entire length the currently undeveloped site. Notwithstanding, the conclusions reached by Officers and the Planning Inspectorate within the site's recent planning history should be given material

weight in the below assessment, particularly as these were assessed using the current development plan.

10 ASSESSMENT

Principle of Development

Infill development

- 10.1. Policy LP3 of the Fenland Local Plan 2014 defines Guyhirn as a 'small village' whereby development will be restricted to that of a very limited nature and normally be limited in scale to residential infilling or a small business opportunity. Policy LP12 of the Local Plan also states that new development within villages will be supported where it satisfies Policy LP3, as well as the criteria set out therein.
- 10.2. The glossary within the Local Plan defines residential infilling as '*Development of a site between existing buildings.*' The Planning Portal defines this as '*The development of a relatively small gap between existing buildings.*'
- 10.3. The site forms a 320m gap between a residential dwelling at No.6 Gull Road to the north, and Cobble House to the south. This undeveloped expanse cannot be considered as a 'relatively small gap' as defined within the Development Plan. As such, the proposal to develop the site for up to 24 dwellings cannot be considered as residential infill on the basis of the accepted definitions. 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 renders this proposal in excess of that which could reasonably be considered small scale.
- 10.4. Thus, the proposal is considered contrary to Policy LP3, which seeks, inter alia, to restrict development within 'small villages' to residential infilling that is limited in scale.

Community consultation exercise

- 10.5. Policy LP12 of the Local Plan states that if a proposal within or on the edge of a village would, in combination with other development built since 2011 and committed to be built (i.e. with planning permission), would increase the number of dwellings in a small village by 10% or more, then the proposal should have demonstrable evidence of clear local community support for the scheme (with such support generated via a thorough and proportionate pre-application community consultation exercise or a Neighbourhood Plan exercise); or if, despite a thorough and proportionate pre-application consultation exercise, demonstrable evidence of support or objection cannot be determined, then there will be a requirement for support from the applicable Parish or Town Council.
- 10.6. It is acknowledged that, as of 23 June 2025, the FDC Village Thresholds Position Statement outlines that Guyhirn has already exceeded its 10%

growth threshold, with 86 dwellings committed/built over a threshold of 25. However, an appeal decision received in respect of an application that was refused purely on this basis (planning application reference: F/YR14/0838/O) indicates that the threshold considerations and requirement for community support should not result in planning permission being refused.

- 10.7. Therefore, despite the proposed development being in conflict with policy LP12 of the Local Plan in terms of a community consultation exercise, with consideration given to the referenced appeal decision, the absence of clear community support does not render the scheme unacceptable in planning terms.

Character and Appearance

- 10.8. 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.
- 10.9. 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.
- 10.10. The proposed development on this currently undeveloped parcel of land would cause an irreversible transformation of the area's rural character. This site makes a vital contribution to the open, expansive countryside setting that defines the identity of this small rural village. The introduction of a development of this scale – up to 24 dwellings, accompanied by extensive hard landscaping, parking areas, a visitor car park, and a new footpath - would result in the wholesale urbanisation of a last remaining key piece of open land.
- 10.11. The open nature of the site presently allows for uninterrupted, far-reaching views across the countryside to the east, serving as one of the final remaining visual links to the wider rural landscape along Gull Road. This openness is not only a visual asset but an essential component of the semi-rural character that remains here, despite recent encroachments of development to the north. By enclosing both sides of Gull Road with linear development, this visual and spatial connection would be severely restricted, creating a sense of enclosure and resulting in suburbanised streetscene with limited rural outlook and a permanent erosion of what is left of the remaining countryside character.
- 10.12. Furthermore, owing to the requirement to raise finished floor levels (with respect to flood mitigation) and the low ground levels of the site when

compared with the highway level, it may also be such that the overall scale of the dwellings will be markedly higher than adjacent development which would increase the prominence. However, it is noted that the final height of the dwellings is not yet committed, with final design of layout and scale reserved for later planning stages.

- 10.13. Notwithstanding final design, the location of the development is considered unacceptable with respect to its impact on the surrounding countryside character. The proposal is considered 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, results in an extension of already harmful ribbon development and fails to contribute positively to local distinctiveness and the character of the area by virtue of the resulting enclosure of the land.
- 10.14. The impact on the character and appearance of the area was echoed by the Planning Inspector during the appeal for F/YR17/1213/O (APP/D0515/W/18/3204206), who dismissed the appeal on the basis that the development, inter alia, would be contrary to the settlement hierarchy as set out within LP3, and that it would result in material harm to the character and appearance of the area contrary to Policies LP12 and LP16.

Residential Amenity

- 10.15. 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 is noted that the FRA recommends finished floor levels to be set between 1.7 and 2.2m above existing ground level, which is a technical requirement to ensure the development is made safe from flooding and consequently would likely have a significant impact on scale.
- 10.16. The indicative drawing shows Plot 1 to be set approximately 16.3m southeast of No.6 Gull Road and Plot 24 approximately 17.5 metres northwest of Cobble house. There is no evidence of how the development would impact on external ground levels; however, it follows that to achieve the finished floor levels requirement there will likely be some ground raising necessary. Accordingly, there is some concern that if garden levels or the dwellings themselves were raised significantly above adjacent development levels, then the impact of overlooking and overshadowing to any lower-level adjacent dwellings or garden spaces would detrimentally impact on residential amenity.
- 10.17. Whilst this detail would be considered at the reserved matters stage, it may prove difficult to develop in a satisfactory form without harming the amenity of the occupiers of adjacent dwellings and accord with Policies LP2 and LP16 (e).

Access and Parking

- 10.18. Policy LP15 of the Fenland Local Plan 2014 seeks to ensure safe and convenient access for all within the district.

- 10.19. The application proposes multiple points of access off Gull Road for each dwelling leading to private driveways which will provide parking for the dwellings. In addition, a central visitor parking area has been proposed to mitigate parking overspill onto the public highway (an issue that has been perpetuated by a number of the newly constructed dwellings to the north). However, the application is outline only with all matters reserved, so the exact access and parking arrangements are not yet committed. However, the plots are potentially large enough to provide appropriate parking/turning for the development.
- 10.20. Comments from the Highway Authority raised no objection in principle to the development, however there were a number of concerns raised that must be addressed at Reserved matters stage to potentially make the scheme acceptable, including the requirement for appropriate visibility splays, concerns over the number of access points proposed, whether the footway proposed to the front of the site is feasible in respect of the available highway verge and land levels, as well as the lack of official pedestrian crossing points (which in its current guise would be considered unacceptable), and the potential requirement for a TRO and/or relocation of a number of utility poles. Notwithstanding, it is considered that subject to matters of detailed design, the development of the site is considered capable of according with Policy LP15.

Flood Risk and Drainage

Context

- 10.21. The 1.03-hectare site is located entirely within Flood Zone 3 and thus carries a high probability of flooding. Furthermore, there are some areas of the site that may be subject to a low chance of surface water flooding, as depicted on the Environment Agency flood maps. The application proposes a 24-dwelling scheme comprising 100% affordable housing units.
- 10.22. The application was scheduled to be heard at the FDC Planning Committee on 20th August 2025 but was withdrawn from the agenda owing to the agent's submission of a revised Sequential Test that required further consideration by officers.

Policy considerations

- 10.23. Policy LP14 of the Fenland Local Plan (2014) and chapter 14 of the National Planning Policy Framework set out the policy approach towards development in areas of flood risk. Policy LP14 states that all development proposals should adopt a sequential approach to flood risk from all forms of flooding and development in areas known to be at risk from any form of flooding will only be permitted following:
- (a) the successful completion of a sequential test, having regard to actual and residual flood risks
 - (b) an exception test (if necessary),
 - (c) the suitable demonstration of meeting an identified need, and

- (d) through the submission of a site-specific flood risk assessment, demonstrating appropriate flood risk management and safety measures and a positive approach to reducing flood risk overall, and without reliance on emergency services.

10.24. National planning policy includes an over-arching principle in the Framework that development should be directed away from areas at highest risk of flooding. To that end, a sequential, risk-based approach is to be taken to individual applications in areas known to be at risk now or in the future from flooding. Planning Practice Guidance (PPG) confirms that this means avoiding, so far as possible, development in current and future medium and high flood risk areas. The PPG furthermore confirms that the underlying purpose includes placing the least reliance on measures like flood defences, flood warnings and property level resilience features. Therefore, even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the Sequential Test still needs to be satisfied.

Sequential Test

10.25. The application initially included a Sequential and Exception Test report (dated April 2025) which focused the area of search on the settlement of Guyhirn only and concluded that there are no other reasonably available sites which could accommodate the development.

10.26. The April 2025 Sequential Test justified that the area of search should be limited to Guyhirn as *“the site is located within the built-up limits of this village, which would fall within the definition set out in Policy LP12. This approach is consistent with the NPPF and the NPPG which state that the sequential test should be applied to the catchment area for the development dictated by local circumstances.”*

10.27. However, further to Officers concluding that given the scale of development proposed the area of search should be widened, a Sequential Test Addendum Report (August 2025) has been submitted. This report expands upon the original Sequential Test to include the entire Wisbech St Mary Parish, within which the application site is located. It should be noted that this revised area of search was not agreed with the LPA prior to submission of the addendum.

10.28. The August addendum justified the expanded area of search accordingly:

“Taking in to account Officer’s comments and based on the scheme being a 100% affordable scheme with local policy (which will be secured by a legal agreement) and the high housing need demonstrated in the parish (demonstrating that it is unlikely to cascade out of Parish) we consider that the defined area for the sequential test is reasonably justified as the Parish of Wisbech St Mary.”

10.29. It is for the decision-maker to consider whether the Sequential Test is passed, with reference to information held on land availability and an appropriate area of search. The latter should be determined by the planning

authority. Accordingly, clarification on the LPA's expected area of search for a sequential test is now provided on the Council's website, which states:

"Applicants must define and justify an appropriate area of search when preparing the Sequential Test. The extent of this area will depend on the location and role of the settlement, as well as the type and scale of development proposed:

- For developments within or adjacent to Market Towns and Growth Villages, the area of search will normally be limited to land within or adjacent to the settlement in which the development is proposed.*
- For all other locations — including Limited Growth, **Small** and Other Villages, or Elsewhere Locations — the area of search will normally be expected to be **district-wide**. (Emphasis added)*

To pass the Sequential Test, applicants must demonstrate that there are no reasonably available sites, within the defined search area, with a lower probability of flooding that could accommodate the proposed development. A poorly defined or unjustified area of search may result in the Sequential Test being considered invalid."

- 10.30. The above is clear that the area of search over which a Sequential Test should be applied will normally be based on a district wide search area, unless it can be demonstrated that there is a particular need for the development in that location.
- 10.31. With respect to need, the applicant evidences that the housing register includes 31 names of people seeking affordable housing in Guyhirn and contends that the proposed development of 24 dwellings will offer a significant contribution to this need. However, as set out in the 'Principle' section above the Local Plan settlement hierarchy Guyhirn is a Small Village where only limited infill proposals will normally be considered. Thus, by virtue that the application proposes a scale of development over and above that which has been identified as being required to sustain the settlement (in terms of the LP3 hierarchy) the siting of such a development must therefore be in accordance with the wider strategic housing delivery objectives of LP3.
- 10.32. The area of search has been expanded to include the wider Parish, which includes, inter alia, the "Growth Village" of Wisbech St Mary – where 90 number of affordable housing requests are noted from the same evidence provided by the applicant. Thus, in terms of the settlement hierarchy of LP3, Wisbech St Mary, as a growth village, would be preferable in the eyes of the LPA with respect to the scale of development proposed, given that the Policy sets out that small village extensions may be appropriate in these areas. Furthermore, the quantum of need in Wisbech St Mary is arguably more pressing than in Guyhirn, based on the housing register numbers.
- 10.33. Notwithstanding, the applicant contests that the area of search as the Parish has been considered on the basis of a local housing need on a "rural exception site". It should be noted that the Fenland Local Plan (2014) does not have a specific policy regarding Rural Exception Sites, nor does it have a designated list of such sites where development may be possible. Instead,

Policy LP14 seeks to steer development (of any tenure) to areas of lesser flood risk, in accordance with the NPPF and NPPG.

- 10.34. The NPPF supports the principle of rural exception sites where affordable housing is provided to meet an identified local need. For such sites, demonstrating local need is critical, and the evidence should be robust, up-to-date, and specific to the community. This is typically confirmed through sources such as a Housing Needs Survey or Parish Survey, Local Authority Housing Register data and relevant demographic and socio-economic information.
- 10.35. While the application refers to the Local Authority Housing Register and the number of people seeking affordable housing in Guyhirn, the evidence has not been sufficiently interrogated. It is unclear whether those on the register are seeking housing specifically in Guyhirn, whether they have the necessary local connection to the village and whether the households counted are genuinely in unsuitable or insecure housing. Additionally, housing register figures record individuals rather than households, so multiple individuals could represent a single household. The application also does not compare the need of the individuals on the register with the proposed housing mix, leaving further uncertainty as to whether the scheme would meet the specific needs of the local population.
- 10.36. On this basis, the application has not demonstrated that the proposed development would meet an identified local need for affordable housing and therefore fails to satisfy a fundamental requirement of rural exception site policy.
- 10.37. Furthermore, the guidance offers no exemption to the requirement to pass the Sequential Test based on any specific tenure or housing mix. The NPPF is clear that all development proposed in Flood Zones 2 and 3 must demonstrate that there are no reasonably available sites at lower risk of flooding. The designation of a scheme as a rural exception site for affordable housing does not provide an exemption from the Sequential Test, nor does it remove the requirement to carefully consider flood risk in the assessment of the proposal. Accordingly, the justification provided by the applicant to limit the area of search to the Parish is not considered sufficient.
- 10.38. The PPG makes clear that 'reasonably available' sites are not limited to single plots. This may include part of a larger site if it is capable of accommodating the proposed development, as well as smaller sites that, individually or collectively, could meet the development requirement. Sites do not need to be in the ownership of the applicant to be considered 'reasonably available'. The Council is able to demonstrate a five-year housing land supply, and there remain sites identified as suitable for development in the Local Plan that do not currently benefit from planning permission. It would, therefore, be reasonable to conclude that on the basis of district wide search, there will be other reasonably available sites in Flood Zones 1 and 2 to accommodate 24 dwellings. As such, it is considered that the Sequential Test is failed.

Exception Test

- 10.39. Notwithstanding the failure of the sequential test, had this been deemed as passed it would then be necessary for the application to pass the Exception Test, which comprises of demonstration of the following:
- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
 - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall.
- 10.40. In respect of a); the most recent Fenland District Council Five Year Housing Land Supply (June 2025) demonstrates a 6.6-year supply of housing land over the five-year period within the district. Thus, the Council has a sufficient supply of housing delivery land and is meeting its requirement as demonstrated through recent housing delivery test results. No substantive benefits other than the provision of affordable housing, discussed below, have been identified within the submitted FRA, other than the delivery of the housing itself. The SPD explicitly states that “*the general provision of housing itself would not normally be considered as a wider sustainability benefit*”. Therefore, whilst the community benefits of the provision of housing are noted these are considered to be of very limited weight in this context.
- 10.41. It is noted, however, that the scheme will offer 24 affordable housing units, as the primary benefit of the development. The scheme represents a relatively small contribution to the district’s overall affordable housing needs, and it is generally expected that such housing is delivered on suitable, low-risk sites. Development on a high-risk site requires exceptional circumstances, which have not been demonstrated. Furthermore, the site is located in a village with limited access to services, facilities and public transport, meaning future occupiers would be heavily reliant on private vehicles. These factors further reduce the weight that can be attributed to the delivery of affordable housing in this location. Furthermore, where a scheme is wholly comprised of affordable housing, the Council would not normally seek S.106 obligations. Whilst this reflects policy, the absence of any contributions, such as towards NHS or education, the development will inevitably place further pressure on already stretched local services. As a result, the overall community benefits arising from the development of 24 affordable units are significantly reduced.
- 10.42. However, the application is in Outline form which itself reduces the weight to be given to the immediate delivery of houses. In addition, the submitted planning statement suggests that, to date, there is no registered provider finalised for the scheme.
- 10.43. In addition, the ‘tilted balance’ as set out in the footnote to para. 11 of the NPPF (where Councils are unable to demonstrate a sufficient supply of housing) specifically excludes development in high flood risk areas from any presumption in favour of development. This clearly indicates the government’s objective of avoiding development in areas of flood risk, unless demonstrably necessary even when the Council is unable to deliver the housing its residents need.

- 10.44. In respect of the latter (b); The inclusion of flood mitigation measures including raised finished floor levels, flood resilient construction measures and sustainable drainage systems within the proposal are highlighted within the flood risk assessment technically address the need for safety in times of flooding at the site, and as such would satisfy the Exception Test in this regard.
- 10.45. However, notwithstanding the Environment Agency's position on this matter, officers retain concern that the implementation of these measures, such as raising FFLS to 2.0m AOD (between 1.7m and 2.2m above existing site level) may result in an unviable or impractical solution that, whilst may address matters of flood safety, may also give rise to a number of other issues with respect to scale, access, and impact on the streetscene which may not be overcome.

Drainage

Surface Water

- 10.46. The application is supported by a proposed drainage layout that demonstrates that surface water can be managed through the use of an attenuation pond with controlled discharge to greenfield run-off rates to a nearby IDB watercourse. This method was considered acceptable in principle to both the LLFA and IDB, subject to conditions and appropriate IDB consents.

Foul Water

- 10.47. The application includes a concept foul drainage strategy, indicating groups of dwellings to link to a new vacuum pot to discharge to the AW vacuum sewer. Anglian Water initially objected to this scheme, as a Sustainable Point of Connection (SPOC) was not initially confirmed to ensure that sufficient capacity was available in the current system to accept foul flows from the development.
- 10.48. In response to this, the applicant sought additional information to confirm a SPOC, and submitted a Tier 1 Pre-Planning Assessment Report - Domestic Foul Water Drainage Feasibility Study (Reference: PPE-0229167) from Anglian Water directly, which considered a number of drainage matters, but with respect specifically to the foul water proposals concluded:

"West Walton WRC is within the acceptance parameters and can accommodate the flows from the proposed growth" ... "This connection point has been determined in reference to the calculated discharge flow and on this basis, the proposed connection to the public vacuum sewer network, as defined in the submitted flood risk assessment (Reference: ECL1382 - November 2024), has been considered. The network from this point has been assessed up to the water recycling centre and determined that the additional foul flow from the proposed development would not create an unacceptable risk of flooding to our existing customers and the environment."

Accordingly, given the evidence submitted, it is considered that the concept foul water drainage strategy is acceptable in principle, subject to conditions.

Flood risk and drainage conclusion

- 10.49. To reiterate, Policy LP14, supported by the NPPF and NPPG, states that all development proposals should adopt a sequential approach to flood risk from all forms of flooding and development in areas known to be at risk from any form of flooding will only be permitted following:
- (a) the successful completion of a sequential test, having regard to actual and residual flood risks
 - (b) an exception test (if necessary),
 - (c) the suitable demonstration of meeting an identified need, and
 - (d) through the submission of a site-specific flood risk assessment, demonstrating appropriate flood risk management and safety measures and a positive approach to reducing flood risk overall, and without reliance on emergency services.
- 10.50. The above assessment concludes that the submitted Sequential Test Addendum does not comply with policy with respect to the area of search. The justification to limit the area of search to the Parish on the basis of a need for affordable housing is insufficient, noting specifically the increased level of need indicated for Wisbech St Mary when compared with Guyhirn, which would be preferable in terms of the settlement hierarchy as a growth village and has areas of land falling within lower risk flood zones. Policy is clear in that the area of search for small villages such as Guyhirn should be district wide, and thus the scheme fails the sequential test (as (a) above).
- 10.51. The application was supported by a flood risk assessment which includes recommendations for flood risk management and mitigation, which technically complies with part (d) above. However, notwithstanding the failure of the sequential test, the exception test (as (b) above), whilst 'technically' passed, leaves officers with significant concern regarding the potential solutions for flood mitigation, namely the raising of ground levels locally by up to 2.2m. Such a solution, whilst potentially isolating the site from flooding, may give rise to additional issues of character harm.
- 10.52. With respect to need (as (c) above), it is noted that there is an apparent need for affordable housing within Guyhirn. However, the officers would argue that utilising these figures to demonstrate an unequivocal need is misleading, given the additional housing register figures for other villages within the Parish as submitted. Officers cannot confirm that the 31 people listed with interest in Guyhirn have requested housing within Guyhirn explicitly and that these people have not registered interest within other villages and towns across the district and thus could be 'double counted'; noting that people are encouraged to register for a number of settlements, to increase their chances of securing affordable housing.
- 10.53. From the evidence submitted and noting consultee responses on such matters, it is considered that the proposed surface and foul water drainage

proposals are acceptable in principle, subject to appropriate conditions and consents obtained.

- 10.54. However, notwithstanding matters of detailed design, the site lies in a high-risk area for flooding, and the application fails to pass the sequential test and is unable demonstrate that development of this site is necessary, or provide sufficient justification that the benefits accrued would outweigh the flood risk. Development of the site would therefore place people and property in an unwarranted risk of flooding for which there is a strong presumption against both through policies of the development plan and national planning policy. The proposal is in direct conflict with local policy LP14 and the NPPF and should therefore be refused.

Biodiversity & Ecology

- 10.55. The Environment Act 2021 requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach accords with Local Plan policies LP16 and LP19 which outlines a primary objective for biodiversity to be conserved or enhanced and provides for the protection of Protected Species, Priority Species and Priority Habitat.
- 10.56. In accordance with statutory guidelines, the application was supported by an Ecological Impact Assessment (EIA) and a Biodiversity Net Gain Metric and statement. The EIA concluded that there are no ecological features that would be of sufficient ecological value to warrant wholesale protection from development. Considerations for mitigation were recommended with respect to site clearance, best practice methods for amphibians and reptiles, and external lighting, along with enhancements proposed including the installation of bat and bird boxes. No further survey work for protected species was deemed necessary.
- 10.57. A Habitats Regulations Assessment was undertaken by FDC Ecology Officers to determine any likely significant effects on the special nature conservation interests of the Nene Washes designated sites. It concluded that providing mitigation measures are implemented to avoid water pollution during any groundworks and construction period, the integrity of the designated sites will not be affected by the development.
- 10.58. Accordingly, the mitigation and enhancement proposed is supported by Ecology Officers, providing appropriate conditions are imposed.
- 10.59. In addition, the application included an Arboricultural Impact Assessment (AIA), which concluded the indicative layout would see the removal of a low-grade tree, with limited impact on arboricultural or landscape values. It also outlined the requirement for tree protection methods for retained trees on the site. The findings of the AIA were reviewed by the FDC Arboricultural Consultant who agreed with the findings and methods proposed, subject to conditions.

- 10.60. The Biodiversity Net Gain results show that an on-site biodiversity net gain of 13.24% was identified following the completion of baseline and on-site post intervention calculations, with an overall net gain for watercourses of 118% achieved by enhancing the off-site ditch.
- 10.61. As such, a Biodiversity Gain Condition is required to secure provision of the on-site units. Whilst the off-site units, with respect to the watercourse enhancements (that fall outside the red line boundary of the application) would require a S106 planning obligation to secure. This would ensure the scheme complies with Policies LP16, LP19 and the Environment Act 2021.

Sustainability

- 10.62. For the sake of completeness, the scheme has also been assessed against Paragraph 8 of the NPPF (2024). Paragraph 8 states:

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives)

- a) *an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) *a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
- c) *an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

- 10.63. In respect of this proposal the development of this site will further these sustainability objectives as follows:

- a) Economic: It is recognised that the construction of the development would provide some employment for the duration of the work contributing to a strong responsive and competitive economy and it may also be argued that there may be some potential for increased expenditure with regard to local facilities.
- b) Social: There will be limited opportunities for community cohesion in the wider locality of the settlement given the relationship of the site to the main village. The proposal has a benefit of providing 100% affordable

housing, thus contributing to the range of homes on offer and giving the opportunity for new residents to settle in the locality. However, these dwellings will be at some distance from the main village core which in itself offers only limited services and facilities to support community cohesion. It is further acknowledged that the development of this site may serve to sustain some local facilities and bring with it community benefits such as an enhanced footpath network and/or potential improvements to highway safety.

- c) Environmental: It is considered that the proposal will result in an unacceptable incursion into the open countryside rather than small scale infilling. This will result in the loss of the open character of the site and a detrimental urbanisation of the area. In addition, the site is within an area of high flood risk and as such there are environmental consequences of the development proposal.

10.64. Matters of sustainability, with respect to Guyhirn specifically, were considered in a recent Appeal Decision for a site approximately 550m north of the site at Gull Road (APP/D0515/W/25/3361673), where similar site and sustainability constraints exist. Of note, the Inspector, in their assessment of the Appeal site stated:

On my visit, I observed a bus stop a short distance from the site, however I have limited information on the frequency of service and where it connects to. I cannot therefore be sure it offers a sustainable alternative to a private car. The site would be accessed via a footway enabling future occupiers to walk to local services and facilities. However, whilst noting playing fields, a primary school, farm shop and restaurant on High Road, overall, I observed a limited range of services and facilities within Guyhirn. Taking these points together, I consider any future occupiers would need to travel to access services and facilities in the nearer larger settlements, contrary to the aims of Policy LP3. ...

Given the level of services and facilities within the village, limited weight is afforded to the potential economic and social benefits of the appeal scheme supporting these and generating local expenditure and revenues in the longer term.

Similarly to the current scheme, the Inspector concluded:

... the development would provide some material positive planning benefits. However, for the reasons given, these carry only limited weight. Even in combination, they amount to no more than moderate weight. I have found that the proposal would conflict with the spatial strategy of the development plan and would result in harm to the character and appearance of the area. These are significant factors weighing against the scheme that overall outweighs the benefits.

Infrastructure Contributions

- 10.65. A number of representations received cited concerns over impacts to services and infrastructure, such as school and health care services, arising from the development.
- 10.66. Local Plan policy LP13 sets out that planning permission will only be granted if it can be demonstrated that there is, or will be, sufficient infrastructure capacity to support and meet all the requirements arising from the proposed development. Conditions or a planning obligation are likely to be required for many proposals to ensure that new development meets this principle. Developers will either make direct provision or will contribute towards the provision of local and strategic infrastructure required by the development either alone or cumulatively with other developments. Where a planning obligation is required, in order to meet the above principles of infrastructure provision, this will be negotiated on a site-by-site basis. This would be required in addition to the affordable housing requirement as set out in Policy LP5.
- 10.67. The application proposes a 100% affordable housing scheme. Accordingly, the Developer Contributions SPD 2015 states "*Planning obligations will not **normally** (emphasis added) be sought from, for example: ... affordable housing (other than the provision of the affordable homes themselves)*". However, this flexibility is usually imparted on sites that offer sustainable and otherwise policy compliant schemes, such as those located in appropriate locations in accordance with the settlement hierarchy and with limited additional impacts or constraints.
- 10.68. The application does not propose to provide any contributions based on the Council's adopted SPD.
- 10.69. Notwithstanding this, the applicant considers that the contributions requested from the consultees would be "*unsustainable alongside providing an all affordable site*". In accordance with Paragraph 59 of the NPPF which states, "*Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable*".
- 10.70. There was no viability report submitted for the current application, and at this stage, the applicant is unwilling to commission a viability assessment ahead of a decision. As such, the LPA have no evidence regarding the viability of the site to confirm that the applicant's claim regarding the potential "*unsustainable*" contributions is justified.
- 10.71. It is noted that the applicant did, however, proffer a £5000.00 contribution to Wisbech St Mary Parish Council, secured through a S106. However, there is no policy requirement for such a contribution, nor has any specific project or initiative been identified to which it could reasonably be directed and considered necessary in order to make the development acceptable.
- 10.72. Statutory tests set out in the Community Infrastructure Regulations 2010 (Regulation 122) requires that S106 planning obligations must be necessary

to make the development acceptable in planning terms, directly related to the development and fairly and reasonable related in scale and kind to the development. S106 obligations are intended to make development acceptable which would otherwise be unacceptable in planning terms.

10.73. Accordingly, in accordance with CIL Regulation 122, that prevents an LPA from relying on S106 obligations as a reason for granting planning permission, unless where needed as a direct consequence of development, there is no legal recourse for the LPA to secure the offered Parish Council contribution, and thus this offering by the applicant can be given no weight in the planning balance.

10.74. Notwithstanding, the following contributions and infrastructure are sought (based on 24 dwellings) and are considered to be CIL compliant;

- Affordable Housing (discussed in more detail below)
- Education:
 - Early Years: £88,408
 - Primary: £265,224
 - Secondary: £212,800
 - SEND: £47,850
 - All of the above to be provided 50% prior to first occupation and 50% prior to occupation of 50% of the development;
- Libraries – £2,800 – to be provided 100% prior to occupation of 50% of the development.
- CCC Monitoring Fee – £1,400 to be paid within 10 days of commencement of development.
- NHS (Cambridgeshire & Peterborough Integrated Care System) – £20,633.31 – to be paid prior to commencement of development;
- NHS (East of England Ambulance Service) - £9,520 – to be paid prior to commencement of development;
- Open Space – £22,660 – Off-site provision to be paid prior to commencement of development.

Affordable housing

10.75. Policy LP5 of the Local Plan states that, on sites of 10 or more dwellings, the Council will seek the provision of 25% of the dwellings to be affordable houses (rounded to the nearest whole dwelling) with a 70% affordable rented tenure and 30% shared ownership tenure split. This would equate to the delivery of 4 affordable rented homes and 2 shared ownership based on the provision of 25% affordable housing for a 24-dwelling scheme.

10.76. However, the application is accompanied by a Heads of Terms agreeing to the erection of up to 24 affordable houses (equating to 100% of the development). Thus, in any event of planning permission being granted, it is

recommended that the grant of planning permission is subject to a legal agreement to secure 100% affordable units in accordance with the Heads of Terms.

Housing mix

- 10.77. Policy LP3 of the Local Plan states that development should provide a scale and mix of housing types that will meet the identified need for Fenland (as informed by an up-to-date Cambridge Sub Region Housing Market Assessment (SHMA)) and a range of new job opportunities in order to secure balanced communities.
- 10.78. The latest SHMA data, contained within the Cambridgeshire and West Suffolk Housing Needs of Specific Groups 2021, suggests the following housing mix for Fenland for the 2020-2040 period:

Tenure	1-bedroom	2-bedrooms	3-bedrooms	4+-bedrooms
Market	0-10%	25-35%	40-50%	15-25%
Affordable Home ownership	20-30%	35-45%	25-35%	0-10%
Affordable housing (rented)	35-45%	35-45%	15-25%	0-10%

- 10.79. It is noted that the application form does not commit the specific housing mix, although the indicative plan suggests the following housing mix for the proposed development:

Tenure	1-bed	2-bed	3-bed	Total
Market	0 (0%)*	0 (0%)*	0 (0%)*	0
Affordable Housing (owned/rented tbc)	2 (8.333%)*	8 (33.333%)*	14 (58.333%)*	24

*% across total proposed for each tenure

- 10.80. The proposed housing mix broadly accords with the suggested housing mix specified within the Cambridgeshire and West Suffolk Housing Needs of Specific Groups 2021 and will likely accord with policy LP3 of the Local Plan albeit skewed towards more 3-bedroom properties. Updated comments from the FDC Housing Strategy and Enabling officer considers that the proposed mix *“aligns well with the identified local need”*. However, it should be acknowledged that the mix of units is not currently committed within this outline application. Therefore, to ensure a policy compliant scheme, details of the intended mix should be secured by condition in any event of planning permission being granted.
- 10.81. Thus, in any event of planning permission being granted, it is recommended that the grant of planning permission is subject to a legal agreement to secure the provision of 100% affordable houses in a suitable mix (in consultation with the Housing Strategy team) to ensure the scheme contributes a mix that meets the needs of the district at the time.

Healthcare and infrastructure contributions

- 10.82. Requests for financial contributions totalling £31,153.31 have been received from NHS (Integrated Care and Ambulance). Education contributions totalling £614,282 have been requested by CCC. In addition, funds for Libraries (£2,800) and monitoring (£1,400) were requested. These contributions seek to appropriately mitigate any infrastructure impacts arising from the proposed development.

Contributions conclusion

- 10.83. In summary, it is concluded that the above infrastructure requirements are necessary to make the development acceptable and would meet the tests of CIL regulations in that they are, i) necessary to make the development acceptable in planning terms; ii) directly related to the development; and, iii) fairly and reasonably related in scale and kind to the development. These contributions would be secured through an appropriate legal agreement.

11 PLANNING BALANCE and CONCLUSION

- 11.1. It is understood from the FDC Housing Strategy team that there are currently 31 individuals registered on the current housing list that are seeking affordable housing provision within or near to Guyhirn. The proposal comprising 24 affordable housing units would therefore provide a contribution towards this need, and as such should be given some weight in favour of the scheme. However, this is considered to be limited for reasoning set out in detail above. Whilst the lack of other obligations limits the weight that can be provided to the community benefits of the scheme, as discussed above, it is considered that this carries greater weight against the development in the overall planning balance.
- 11.2. In respect of housing provision more generally, whilst the scheme will deliver 24 dwellings and will therefore contribute in part to Fenland's housing supply, it is noted above that the most recent Fenland District Council Five Year Housing Land Supply (June 2025) demonstrates a 6.6-year supply of housing land over the five-year period within the district. Accordingly, the council has in excess of a five-year supply and this reduces the level of weight that can be attributed to the supply of homes (of any tenure) in this case.
- 11.3. Furthermore, as indicated above the scheme has no significant sustainability credentials over and above a limited economic benefit during the construction phase in terms of goods and services and in terms of potentially sustaining the limited services and facilities within Guyhirn. Its social credentials whilst positive are not so convincing as to overcome the significant concerns highlighted above with regard to flood risk and the detrimental impact on the character of the area. Thus, whilst the provision of up to 24 affordable housing units offers some weight to the case for supporting this scheme, noting the conflicts with Policies LP3, LP12, LP14, and LP16, this benefit does not overcome the clear planning argument to

resist this development as unsustainable and as such, these contraventions are considered to outweigh any social benefits arising from the scheme. It must be borne in mind that planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

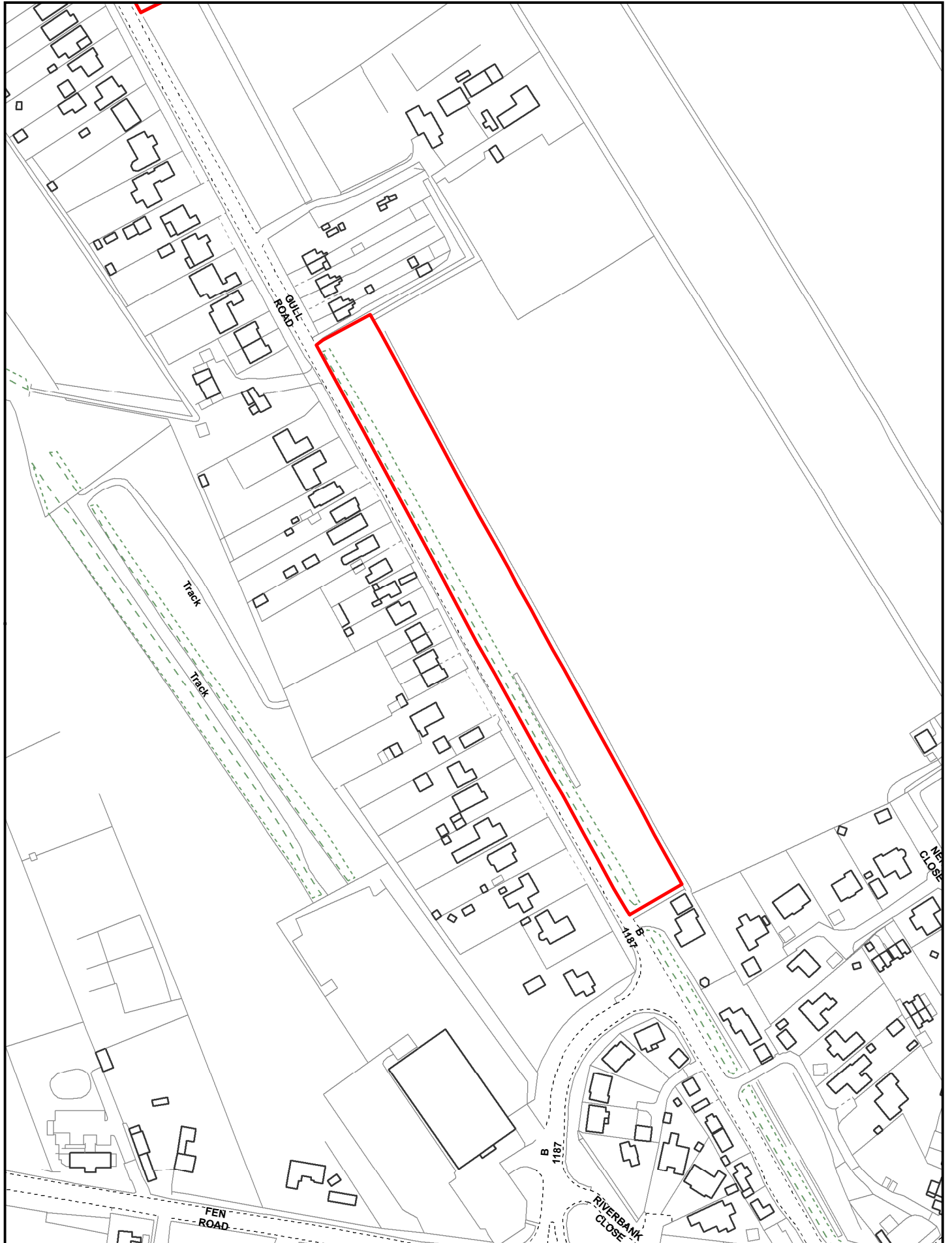
- 11.4. Fundamentally, the proposal is contrary to the Council's Spatial Strategy (LP3) by failing to be a small or infill site; fails the sequential test as other sites may exist that are reasonably available within the district that are sequentially preferable (LP14); and also results in the development of the open countryside resulting in harm to the character of the village (LP12 and LP16). Accordingly, it is considered that these are significant factors weighing against the scheme that outweighs any arising social benefits, and the principle is therefore unacceptable and should be refused.

12 RECOMMENDATION

Refuse, for the following reasons;

1	<p>Policy LP3 of the Fenland Local Plan 2014 defines Guyhirn as a 'small village' whereby development will be restricted to that of a very limited nature and normally be limited in scale to residential infilling. Policy LP12 of the Local Plan also states that new development within villages will be supported where it satisfies Policy LP3, as well as the criteria set out therein. Policy LP16 (d) of the Fenland Local Plan (2014) and Policy DM3 of Delivering and Protecting High Quality Environments in Fenland Supplementary Planning Document (2014) requires development to deliver and protect high quality environments through, amongst other things, making a positive contribution to the local distinctiveness and character of the area.</p> <p>The application site constitutes a considerable gap between built forms where the open countryside meets the village. The development proposal, seeking up to 24 dwellings, would result in significant incursion into the open countryside rather than small scale infilling and would result in the permanent loss of the open character of the site and detrimental urbanisation of the area. Therefore, the proposal is considered to be contrary to Policies LP3, LP12 and LP16 of the Fenland Local Plan (2014) and as such represents unsustainable development contrary to the aims and objectives of the NPPF (2024).</p>
2	<p>Policy LP14 of the Fenland Local Plan, Section 14 of the National Planning Policy Framework (2024) 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, and Policy LP14 states that development in an area known to be at risk will only be permitted following the successful completion of a Sequential Test, and Exception Test (where appropriate), and the demonstration that the proposal meets</p>

	<p>an identified need and appropriate flood risk management.</p> <p>The development is located within Flood Zone 3, the area of highest flood risk and therefore would result in a 'more vulnerable' development being located in the area of highest flood risk. The application fails to pass the sequential test and is unable demonstrate that development of this site is necessary, nor does it provide sufficient justification that the benefits accrued would outweigh the flood risk. Development of the site is therefore contrary to Chapter 14 of the NPPF (2024), Policy LP14 of the Fenland Local Plan (2014) and guidance in the adopted Cambridgeshire Flood and Water Supplementary Planning Document (2016).</p>
3	<p>The application is not supported by a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure the development in its entirety as affordable housing nor to secure the infrastructure contributions required to meet the education and medical provision needs of occupiers of the development. As such, the development fails to secure a policy-compliant level of contributions necessary to make the development acceptable in planning terms and to ensure that the impacts of the development are appropriately mitigated in accordance with the Community Infrastructure Regulations 2010 (Regulation 122). The proposal is therefore contrary to policy LP13 of the Fenland Local Plan 2014 and guidance contained within the NPPF.</p>



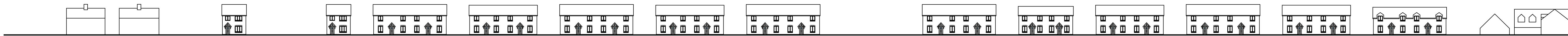
Created on: 13/02/2025

© Crown Copyright and database
rights 2025 Ordnance Survey 10023778

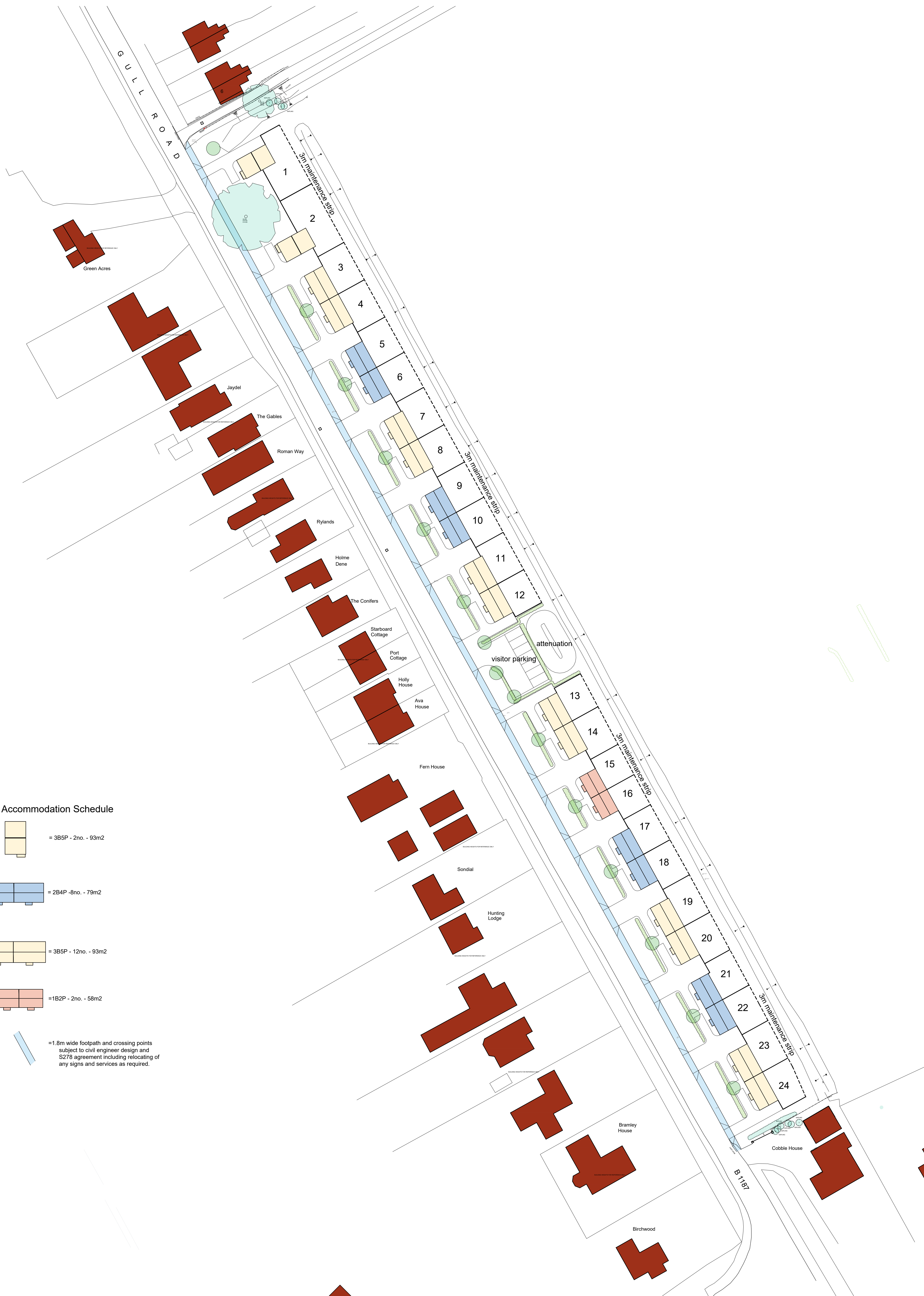
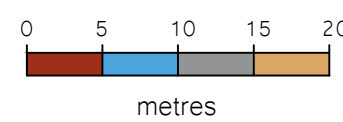
F/YR25/0111/O

Scale = 1:2,500

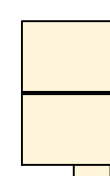




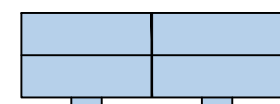
Indicative Street Scene
Scale: 1:500



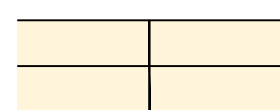
Accommodation Schedule



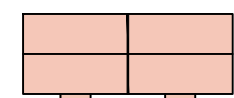
= 3BSP - 2no. - 93m2



= 2B4P - 8no. - 79m2

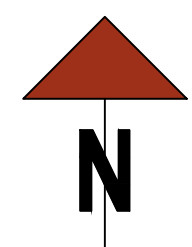


= 3BSP - 12no. - 93m2

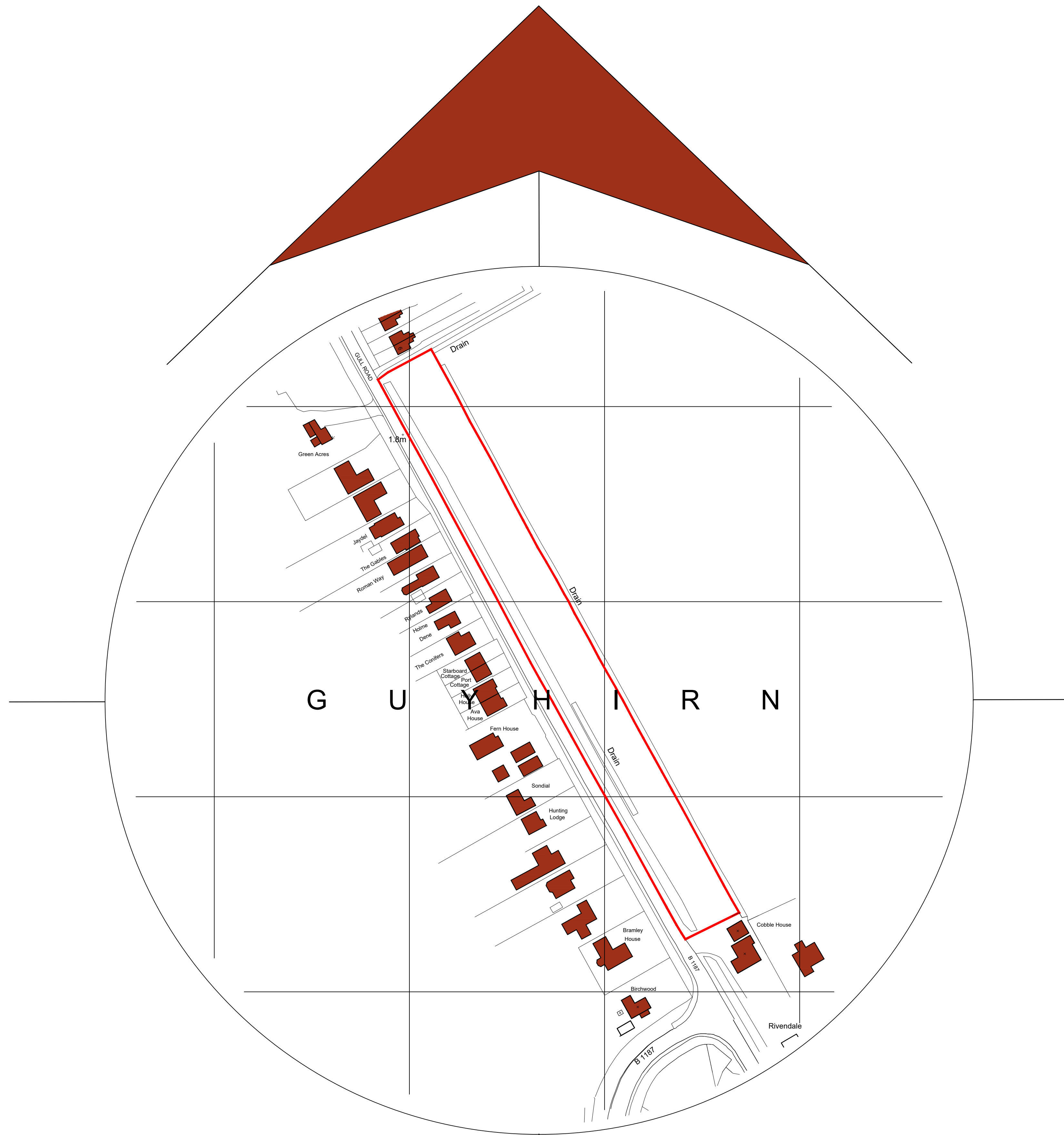
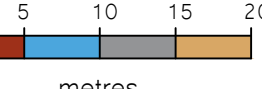


= 1B2P - 2no. - 58m2

= 1.8m wide footpath and crossing points
subject to civil engineer design and
S278 agreement including relocating of
any signs and services as required.



Indicative Site Plan
Scale: 1:500



Location Plan
Scale: 1:1250

- 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. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and specifications.
 5. Any discrepancies are to be brought to the designers attention.

Revisions		Validation Requirements
A	Feb 2025	
B	March 2025	One Bed Dwellings Added
C	April 2025	Number of Units Reduced, Footpath, Maintenance Strip and Street Scene Added
D	July 2025	Visitor Parking to replace Open Space as Parish Council Request

FOR APPROVAL

SWANN EDWARDS
ARCHITECTURE
Swann Edwards Architecture Limited, Ellick Barn, Fen Road,
Guyhirn, Wobech, Cernia, PE13 4AA
t 01945 450694 e info@swannedwards.co.uk w www.swannedwards.co.uk

Job Title		Date	Drawn by
Proposed Affordable Housing Development, Gull Road, Guyhirn		November 2024	JB
Drawing Title		Drawn by	Checked by
Outline Planning Drawing		AO	GE
Drawing No.		Sheet Size	Revision
PP1000		A0	D