
F/YR18/0653/O

**Applicant: Mr R Yates
Mark James Ltd**

**Agent : Mrs G Parry
Barker Parry Town Planning Ltd**

Land South West Of The Orchards, Gull Road, Guyhirn, Cambridgeshire

**Erection of up to 3 x dwellings (outline application with all matters reserved)
including the formation of 3 x new accesses**

**Reason for Committee: Parish Council recommendation at variance to Officer
recommendation**

1 EXECUTIVE SUMMARY

The proposal is for up to 3 dwellings, (Outline with all matters reserved in respect of access, appearance, layout, landscaping and scale) on paddocks and fields on the edge of Guyhirn.

Development of this site continues to be contrary to Policy LP3 as it is clearly not an infill opportunity; as a further consequence it would result in the loss of an area of land that performs a valuable function in terms of the character of the area.

Whilst the revisions to the scheme are positive in terms of the reduction of numbers and the repositioning of the dwellings these amendments are not considered to overcome the more fundamental concerns relating to the settlement hierarchy of the district and the value of the area of land in terms of the contribution it makes to the character of the area.

Due regard has been given to the arguments put forward by the Agent in terms of the quality and amenity value of the area, the fact that other consents have been granted in the locality and housing land availability; together with their evaluation that the proposal is compliant with policy (noting that LP3 is caveated with 'normally' therefore allowing for some exceptions to be appropriate).

However there is nothing so convincing as to overcome the concerns highlighted with regard to the loss of this area of land in visual terms and the significant impact it would have on the existing character of the area.

2 SITE DESCRIPTION

- 2.1 This application relates to a 0.85 hectare site off Gull Road. It is land that was formerly ponds which was known to be tipped land post 1953. The site is within Flood Risk Zone 1 an area at the lowest risk of flooding, but with a small triangular section in zone 2 and 3 in the south-eastern corner which appears within the blue land area shown on the submitted plans
- 2.2 The site is within a 30mph speed restriction area. The main section of Gull Road is linear in form, with the section of Gull Road which is subject of this application

being an area of land surrounded by a highway which diverts off the main road and then returns further along the main road. The site is an open area of rough grass land with number of trees and hedges. On the other side of the road, to the south, south-west, west and north are residential dwellings of mixed styles and scale. It should be noted that a number of large properties have been erected to the south-west and west of the site with further consents having been granted in the vicinity, i.e. a replacement dwelling at Gull View and 2 infill plots (adjacent Brunlea and Roans Devon). To the east is the Tall Trees Leisure Park.

3 PROPOSAL

- 3.1 The application is in outline form seeking the principle of up to 3 dwellings, and indicating possible access positions. The submitted plan seeks to demonstrate that 3 houses could be developed in a satisfactory manner.

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

<https://www.fenland.gov.uk/publicaccess/simpleSearchResults.do?action=firstPage>

4 SITE PLANNING HISTORY

F/YR17/0974/O	Erection of up to 5no dwellings (Outline with all matters reserved)	Refused 07.12.2017
F/YR17/0203/O	Erection of up to 7no dwellings (Outline with all matters reserved)	Refused 21/07/2017
F/YR17/0974/O	Erection of 7no dwellings (Outline with all matters reserved)	Withdrawn
F/95/0178/O	Erection of a dwelling	Refused 26/07/1995
F/0094/76/F	Use of land as refuse disposal site	Approved 22/04/1976

5 CONSULTATIONS

- 5.1 **Parish Council:** Recommend Approval
- 5.2 **Environment Agency:** The proposed dwellings will be situated in Flood Zone 1 (low risk). Therefore, we do not have comments to make on the proposal.
- 5.3 **North Level Internal Drainage Board:** North Level District IDB has no comment to make with regard to the above application.
- 5.4 **Cambridgeshire County Council (Highways):** The application is an outline application with all matters reserved for the erection of three dwellings. I appreciate that this is an all matters reserved application however, I still need to consider the access as part of this application. The applicant should consider how the site is accessed and if they can reduce the number of accesses onto the public highway. Vehicle to vehicle visibility splays should be detailed on the plan commensurate with the posted speed limit with no obstruction over 0.6m.
- 5.5 **FDC Scientific Officer (Land Contamination):** Environmental Health have viewed the documents provided and do not object to the principle of this

development. Our records have identified that the site has a history of pits and made land, therefore an investigation is required to ensure the land is not contaminated and suitable for residential development. The site is with 250 meters of a historic landfill site therefore the presence of landfill gases should be considered at the design stage of the development.

It is recommended that prior to commencement of the works the contractor shall submit a method statement, including risk assessments, detailing measures to be taken to minimise noise and dust nuisance. The method statement may take the form of a construction management plan. This may evolve as the project progresses. Each revision of the plan should be communicated to relevant persons.

- 5.6 **Local Residents/Interested Parties:** 3 letters of objection have been received which may be summarised as follows:

Access, Parking, Traffic Generation & Highway Safety

- Access to the main Gull Road is already difficult because of the fast-moving traffic and poor visibility.
- Increased volume of traffic that will be generated by these properties on a very small perimeter road especially at peak times.
- Lack of suitable pavements and lighting for pedestrian safety around these new properties
- Inadequate provisions for parking /unloading
- Road is not in good enough condition to withstand construction traffic; will deteriorate further during this development.

Contaminated Land

- This is an old pit, and will need to be excavated severe concerns that once disturbed, what will be revealed with reference to my health.

Flooding, Drainage

- The proposed plot regularly floods, development of the site can only increase the risk of flooding

Overlooking/loss of privacy/Noise

- Garden area is situated to the front of my property and will now be constantly overlooked will distress to my dog who utilizes this area daily
- The increase in noise levels from the new residents will also have a detrimental effect

Landscaping and Wildlife concerns

- The current arrangement as a paddock with horses has a natural beauty that will be lost as a key village feature, if this proposal is successful.
- Along with a colourful array of wildlife, birds, owls, foxes, and rabbits:
- Plot should be left for grazing, Guyhirn is already being overdeveloped please leave some green land to enjoy

Density, Over Development, Proximity, Design, Appearance Layout

- This development is turning a long established rural feature into an over developed housing estate which will then pave the way for further development within the vicinity, which is not sustainable.

Other Matters

- Local schools infrastructure unable to cope
- Does not comply with policy
- Would set a precedent
- Nothing has changed in the last 9-months
- There has to be a limit to the amount of houses above the average UK house prices built in rural villages
- Village residents should be taken into consideration not just the profit of the developer
- Concerns that property will be damaged from vibration, excavation or flooding during and after these works

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF) July 2018

Paragraph 2: Planning law requires that applications for planning permission must be determined in accordance with the development plan.

Paragraph 11: Presumption in favour of sustainable development.

Section 15: Conserving and enhancing the natural environment.

7.2 National Planning Practice Guidance (NPPG)

7.3 Fenland Local Plan 2014

LP1: A Presumption in Favour of Sustainable Development.

LP2: Facilitating Health and Wellbeing of Fenland Residents.

LP3: Spatial Strategy, the Settlement Hierarchy and the Countryside.

LP14: Responding to climate change and managing the risk of flooding in Fenland

LP15: Facilitating the Creation of a More Sustainable Transport Network in Fenland.

LP16: Delivering and Protecting High Quality Environments across the District.

LP19: The Natural Environment.

8 KEY ISSUES

- **Principle of Development**
- **Character and Appearance**
- **Residential Amenity**
- **Risk of flooding and drainage**
- **Highway Safety**
- **Economic Growth**
- **Ecology**
- **Sustainability**
- **Planning Balance**

9 BACKGROUND

- 9.1 As can be seen in the history section above there have been two earlier applications on this site, for 7 dwellings and 5 dwellings respectively. These schemes have both been refused by Planning Committee on June 2016. The Committee agreed with the officer recommendation in respect of both schemes as they considered the development was contrary to Policy LP3 as it would result in development being located in a Small Village as defined in the Fenland Local Plan where developments of only a very limited scale or residential infilling would be allowed. It was not considered that the development proposed was infill and given the numbers of dwellings, in both instances, and the size of site and the small village in question, the proposals were not considered to be of a small scale.
- 9.2 In addition both schemes were considered contrary to Policy LP12 which seeks to protect important spaces in villages and Policy LP16 which requires development to contribute to local distinctiveness and the character of the area, and would not allow development that adversely impacts on the street scene, settlement pattern or the landscape character of the surrounding area. It was considered that the application site forms an important green space providing visual amenity and effecting the transition between the village and the open countryside and that the development proposal would result in the loss of this green space and the increased urbanisation of this part of Guyhirn to the detriment of visual amenity and the character of the area. Therefore the proposals were both deemed contrary to Policies LP12(h) and LP16(d) of the adopted Fenland Local Plan and accordingly was not favourably recommended.
- 9.3 The supporting statement which accompanies the proposal notes that the current proposal is for a fewer number of dwellings, on a smaller footprint of land than previously proposed. In addition the location of the dwellings on the site has been altered from the previous schemes and the houses have been relocated to the western part of the site on Gull Drove, leaving a large area of open land adjacent to the main road.
- 9.4 The agent goes on to highlight other consents recently granted in the area, i.e. an infill dwelling south west of 'Brunlea' on the western side of Gull Drove for the erection of a dwelling and the approval of 30-static caravans opposite the application site. The agent contends that the caravan site expansion on land that they consider to 'more visually and physically abuts the open countryside to the east' will have 'a considerably greater impact than will the development now proposed for 3 houses which clearly relate to the existing residential development'. Furthermore the agent considers that the site does not have 'any particular attributes that are intrinsically important to the character of the settlement.'

10 ASSESSMENT

- 10.1 The main policy documents which are relevant to the consideration of this application are Fenland Local Plan 2014, and the National Planning Policy Framework. In terms of the FLP the scheme would not accord with Policy LP3 given that Guyhirn is a small village where development would be considered on its merits but would normally be limited in scale to residential infilling or development of a limited scale. This scheme could be argued as being limited in scale in the context of the settlement however it does not represent an infill opportunity. In addition there would be issues arising in terms of the visual amenity of the area as the scheme would result in the loss of an important green space which renders the scheme unacceptable in terms of LP16. The NPPF position

would be similar even without a settlement hierarchy as the locational disadvantages of the site given its relationship to the main village centre are such that the site could not be deemed sustainable location. In addition the environmental impacts of the proposal by virtue of the loss of green space would again prove contrary to the NPPF.

Character and appearance

- 10.2 This site which has a 'D' shaped footprint has fields divided for paddock/grazing uses and includes trees and rough grassland. Although not in public use it nonetheless is an area of green space providing significant visual amenity to nearby dwellings in the wider street scene. To the west and north-east is open countryside. It also functions as a site that provides a transition from the developed part of the settlement into open countryside. It is therefore considered an area of some importance to this small village. The development of up to 3 houses, albeit with a relatively spacious layout, is considered likely to lead to substantial visual harm resulting in the loss of the green open area therefore harming the character of this part of Guyhirn.
- 10.3 Whilst the comments of the agent in respect of other recent planning approvals are noted it is considered that the infill plot referred to clearly relates to the existing pattern of development around 'The Gull'. It is also contended that the caravan site expansion is within an area which benefits for significant screening on a site which does not demonstrate the same attributes, or the same prominence of the site currently under consideration. Furthermore the assertion that the site does not have 'any particular attributes that are intrinsically important to the character of the settlement' is not accepted. It is clear that the site has a value in amenity terms; with this being acknowledged by consultation responses received during the evaluation of the scheme, i.e. the site 'has a natural beauty that will be lost as a key village feature, if this proposal is successful' and 'this development is turning a long established rural feature into an over developed housing estate which will then pave the way for further development'.
- 10.4 LP16 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. LP12 includes criteria for development in villages and refers to Part A (h) requiring proposals to not result in the loss of important spaces within the village. It is appreciated that the agent's view of the site quality is at variance to that of Officers, however it is maintained that the site does have value and should be protected from development, even at a reduced scale to that originally proposed.
- 10.5 It is acknowledged that the layout now only utilises part of the site, albeit in essence it is only a 20 metre section along the main Gull Road frontage that is excluded, and that the development will be positioned in such a way as to relate more closely with the dwellings on the opposite side of Gull Road. The consequence of this being, in the opinion of the agent, that the development will be seen as '*an integral part of the existing enclave of houses*'. Whilst this is true when viewed in isolation it does not render the loss of the site itself acceptable; in that how the existing site presents currently has more value in terms of the character of the area than that would be afforded by the three dwellings proposed. In addition whilst an area of land will be retained adjacent to Gull Road in reality this will be a token landscaped strip which will not offer any significant

amelioration to the negative impacts of the scheme. As even when factoring in the landscaping proposals highlighted within the planning statement submitted in support of the proposal; i.e. rear gardens of the houses proposed will be bounded by a natural hedgerow, a hedgerow will be introduced along the roadside and tree planting it is not considered that the site will 'retain the appearance of open space within the landscape' as suggested within the submission.

- 10.4 Therefore the proposal is contrary to Policies LP12(h) and LP16(d) of the adopted Fenland Local Plan in that it results in the loss of an important village space, fails to contribute to local distinctiveness and the character of the area, and results in adverse impact to the street scene, settlement pattern and character of the surrounding area. It is considered that a development of this green space is likely to lead to significant harm to the character of this part of Guyhirn and therefore is contrary to Policy LP16(d).

Residential Amenity

- 10.5 LP2 and LP16(e) seek to avoid adverse impacts on residential amenity. This application is in outline form only and therefore if permitted consideration would need to be given at the reserved matters stage.
- 10.6 Whilst the proposed dwellings would be closer to the existing housing to the west it is considered that an acceptable layout could be achieved in the respect of neighbouring amenity. It is therefore considered capable of according with Policy LP2 and LP16(e).

Risk of Flooding and Drainage

- 10.7 The majority of the site is within Flood Zone 1 the area at lowest risk of flooding. The small section in Flood Zone 2 and 3 cuts across the south-eastern corner of the site.
- 10.8 It is considered that the applicant's indicative layout demonstrates that 3 houses could be accommodated without requiring any development within the Flood Area's 2 and 3. As the development has the capability to result in no increase in vulnerable uses within Zones 2 and 3 the proposal is considered to pass the sequential test and considered to accord with policy LP14 of the Fenland Local Plan.

Highways

- 10.9 The application is an outline application with all matters reserved for the erection of three dwellings. Although the Highways team have indicated that further details are required regarding visibility splays and that further consideration should be given to the number of access points onto the public highway these matters are reserved for later consideration.
- 10.10 There are no constraints that appear to indicate that an appropriate access(es) may not be delivered to serve the development without detriment to highway safety and as such it is considered that the scheme has the potential to achieve compliance with Policy LP15.

Ecology

- 10.11 Earlier iterations of development proposals for this site have been accompanied by an ecological assessment; whilst this is not the case in this instance it is clear from earlier evaluation that development of this site is capable of compliance with Policy LP19. This would be subject to safeguarding conditions relating to tree works, timing of works, provision of nest boxes, construction trenches being covered overnight, gaps in fencing post construction and the use of native tree and shrubs in landscaping.

Health and wellbeing

- 10.12 In accordance with Policy LP2 of the Local Plan development proposals should positively contribute to creating a healthy, safe and equitable living environment. In doing so development proposals should create sufficient and the right mix of homes to meet people's needs, and in the right location. Whilst the comments of the neighbouring occupier are noted with regard to the scale of dwellings, it is acknowledged that the details provided are illustrative only. Nonetheless there would be no significant harm arising from the mix of dwellings proposed and as such no grounds to resist the scheme on this basis, when viewing the proposal in the context of surrounding development.

- 10.13 As regards the development of the tipped land the Council's Environmental Health Officer has no objection subject to an investigation to ensure the land is not contaminated and suitable for residential development. The site is with 250 meters of a historic landfill site therefore the presence of landfill gases should also be considered at the design stage of the development. Therefore if the application were to be granted conditions would be required for ground contamination and landfill gas surveys prior to commencement of the development.

Other matters

- 10.14 In further support of this submission the agent highlights that 'the largest input into Housing Supply in the District is from windfall development', going on to comment that 'as a consequence it is considered that the Council is not in a position to refuse development that, in all other respects meets their development criteria.'
- 10.15 The latest Annual Monitoring Report published March 2018 clearly evidences a five year land supply and in the supporting text identifies that there has been recent progress with two of the Broad Concept Plans areas at Chatteris East and Wisbech East; against this backdrop whilst windfall development will continue to play a role in delivering housing supply it is not the panacea to maintaining housing land supply and as such there is no basis to grant consent solely on the basis of meeting/maintaining housing supply.
- 10.16 Notwithstanding this it is clear that this scheme does not comply with Local Plan policies LP3, LP12 and LP16 as it would result in significant harm to the character of the area, the minor contribution that it would make to housing stock is afforded only limited weight against the backdrop of significant amenity harm..

11 CONCLUSIONS

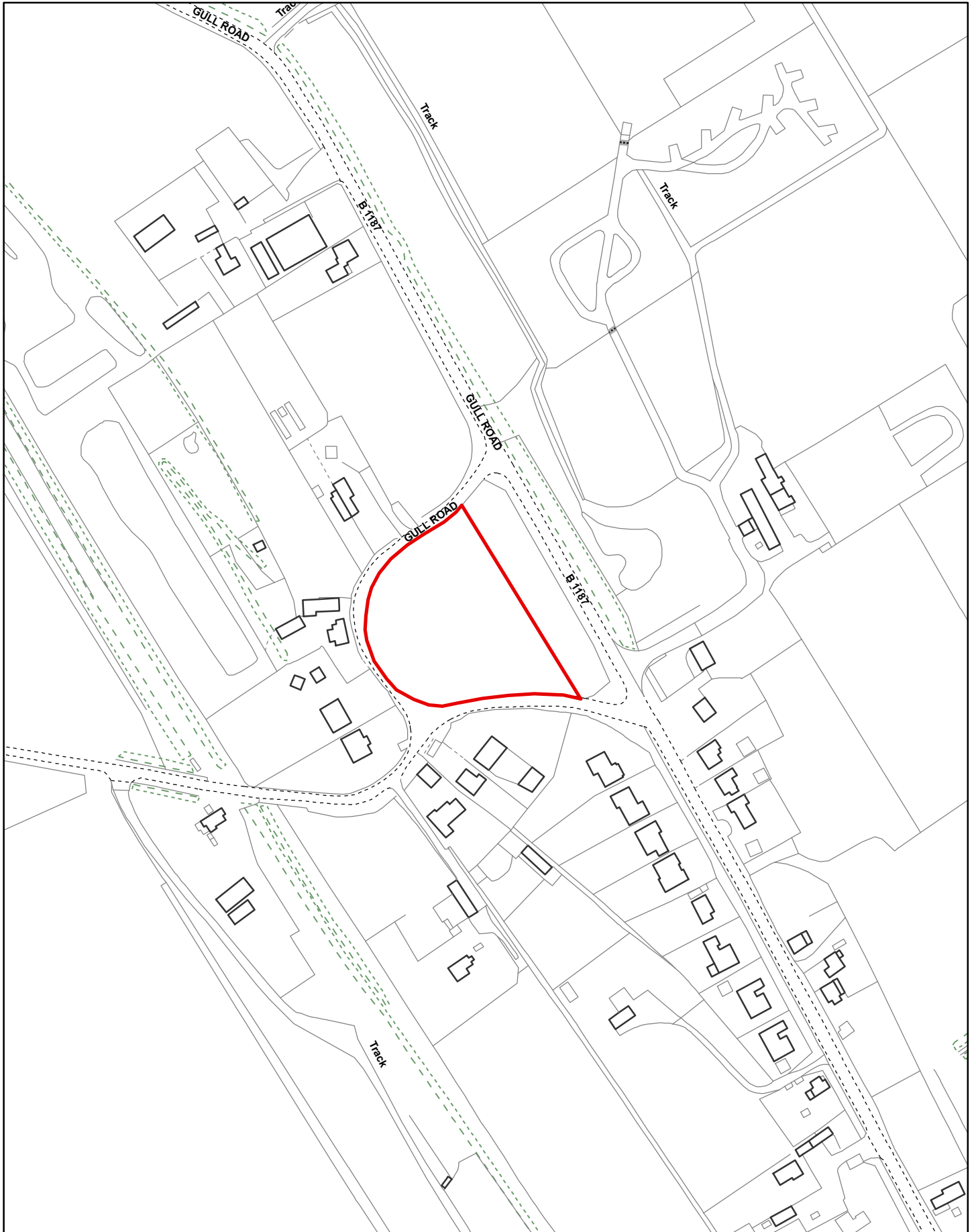
- 11.1 Whilst the scheme has been revised in terms of numbers, positioning and illustrative layout and further commentary given as to why the agent considers the

scheme acceptable the arguments put forward are not so convincing as to overcome the reasons for refusal in respect of earlier proposals for the site.

11.2 In summary the site is not residential infill, and its development will result in the loss of an important amenity space which contributes to the character of the area

12 RECOMMENDATION: Refuse

1. The proposed development would result in a 3 dwellings located in a Small Village as defined in the Fenland Local Plan where developments of only a very limited scale or residential infilling will be allowed. The development proposed whilst limited in scale does not represent an infill opportunity. Therefore the proposal is considered to be contrary to Policy LP3 the Spatial Strategy and Settlement Hierarchy of the Fenland Local Plan (Adopted May 2014) and as such represents unsustainable development contrary to the aims and objectives of the NPPF..
- 2 Policy LP12(h) of the Fenland Local Plan seeks to protect important spaces in villages. Policy LP16(d) requires development to contribute to local distinctiveness and the character of the area, and would not allow development that adversely impacts on the street scene, settlement pattern or the landscape character of the surrounding area. The application site forms an important green space providing visual amenity and effecting the transition between the village and the open countryside. The development proposal would result in the loss of this green space and the increased urbanisation of this part of Guyhirn to the detriment of visual amenity and the character of the area. Therefore the proposal is contrary to Policies LP12(h) and LP16(d) of the adopted Fenland Local Plan and as such would conflict with the aims and objectives of the NPPF.



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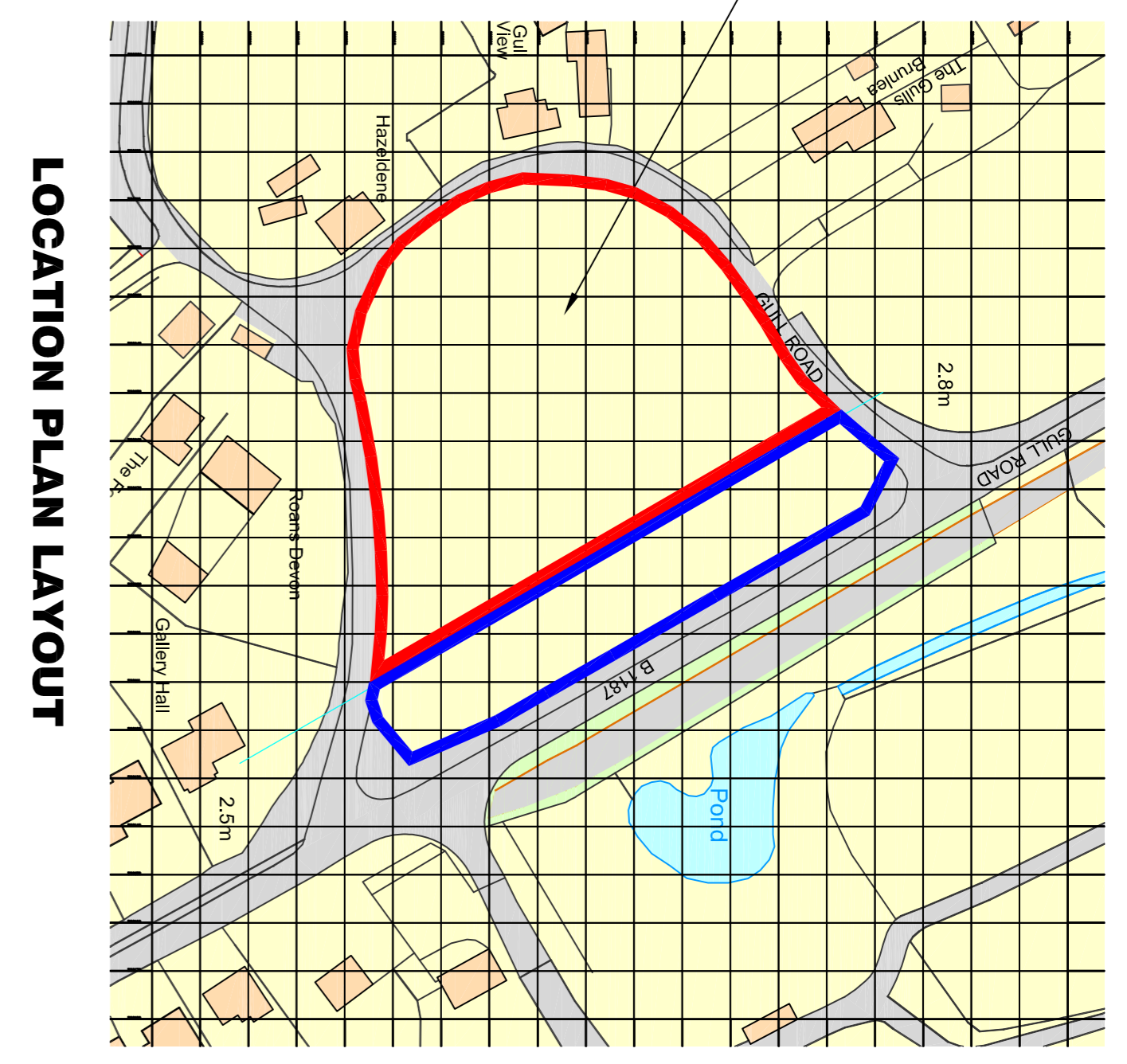
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INDICATIVE PROPOSED RESIDENTIAL DEVELOPMENT

GULL ROAD, GUYHIRN, WISBECH, CAMBRIDGESHIRE. PE13 4ER



REV	DATE	DESCRIPTION
C	16/03/20	ISSUE FOR PERMITTING
B	16/03/20	ISSUE FOR CONSULTATION
A	16/03/20	ISSUE FOR PRELIMINARY APPROVAL

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PROJECT NO: 16/635 (GA)2000 C

CLIENT: MARK JAMES LTD.
 PROJECT: INDICATIVE PROPOSED NEW RESIDENTIAL DEVELOPMENT OF THREE HOUSES
 TITLE: SKETCH SCHEME SITE & LOCATION PLAN LAYOUT

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