
F/YR18/0956/O

Applicant: Mrs Booth

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

Land South East Of Dove Cottage, Gull Road, Guyhirn, Cambridgeshire

Erection of up to 7no dwellings and the formation of 4no vehicular access involving the demolition of existing outbuildings (outline application with matters committed in respect of access)

Reason for Committee: The recommendation is contrary to the view of Wisbech St. Mary Parish Council.

1 EXECUTIVE SUMMARY

The proposal is for up to seven dwellings, (Outline with matters committed in respect of access) on the edge of Guyhirn considered a small village in policy LP3 of the Fenland Local Plan. Policy LP3 considers development in small villages will be considered on its merits but shall normally be limited in scale to residential infilling. This proposal for up to seven dwellings in an area of open countryside. It is not considered to be an infill development or of limited scale. The principle of development of this site is therefore considered contrary to Policy LP3.

Development of seven dwellings elevated 1.5metres above existing ground level on this area of open countryside, is likely to result in additional urbanising impact harming the character of this part of this part of Gull Road and is therefore considered contrary to Policy LP12 and LP16.

Part of the site is in flood zone 3 and the development is required to pass the Sequential and Exception Tests. The application is considered to fail and is therefore contrary to Policy LP14, the Cambridgeshire Flood and Water SPD and Paragraphs 158 and 160 of the NPPF.

The recommendation is therefore to refuse the application.

2 SITE DESCRIPTION

- 2.1 The application site measures approximately 25m by 121m and is located on the eastern side of Gull Road some 500m north of its junction with High Road. The application site is located in open countryside and forms part of or is adjacent to agricultural land and the open countryside alongside. The site's western boundary is marked by mature and dense hedging. The southern boundary adjoins an access road which separates the site from a block of three pairs of semi-detached dwellings, the road leads to a further dwelling (Montrose) with large outbuildings to the east. The northern site boundary is marked by the curtilage of Dove Cottage. Opposite the site and across Gull Road is a further row of detached dwellings. Although the western side of Gull Road is characterised by ribbon development, its

eastern side remains open with the exception of some sporadic development to the north, and the block of three pairs of semi-detached dwellings referred to above.

- 2.2 There is however a site on the eastern side of Gull Road where permission was granted for 4 dwellings by Planning Committee overturning officer recommendation (F/YR16/0194/F). However this has not commenced and the site is currently being marketed. It is noted that only a small element of the proposed garden area in the north-eastern corner was within Flood Zone 3. Furthermore that site did not require the significant raising of floor levels (only 500mm compared to 1500mm on the current application).
- 2.3 The southern part of the current application site which would affect three of the proposed properties on the indicative layout is within Flood Zone 3.

3 PROPOSAL

- 3.1 The application is for outline planning permission for the erection of up to seven dwellings with four points of access (committed) from Gull Road. The proposal relates to an area of land which is double in size to that refused under F/YR12/0546/O which sought planning permission for two dwellings.
- 3.2 The application includes a Flood Risk Assessment (FRA) dated February 2018 and a Design and Access Statement, and a detailed indicative layout which includes details of four points of access, three that would be shared by pairs of dwellings. However the layout is not for determination.
- 3.3 The Flood Risk Assessment and the Design and Access Statement are identical to that submitted with the previous scheme subsequently refused, apart from amending details of the indicative layout and numbers of houses. The previous refusal included a flood risk refusal reason. There is no evidence submitted to indicate how the revised application has overcome the previous reasons for refusal.

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

<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=document&keyVal=PGZSP2HE01U00>

4 SITE PLANNING HISTORY

4.1

Reference	Description	Decision	Date
F/YR18/0595/O	Erection of up to 8 x dwellings and the formation of 4 x access involving the demolition of existing outbuildings (outline application with matters committed in respect of access) Land South East Of Dove Cottage Gull Road Guyhirn Cambrid	Refused	03/08/2018
F/YR12/0546/O	Erection of 2 dwellings Land North West Of 1 Gull Road Guyhirn Cambridgeshire	Refused	13/09/2012
F/0435/79/O	Erection of a dwellinghouse Gull Road, Guyhirn Cambridgeshire	Refused	14/07/1979

4.2 Planning permission was refused on the same site for up to eight dwellings (F/YR18/0595/O) for the following reasons:

- Development of the site would be detrimental to the character and appearance of the open countryside. It would constitute ribbon development and extension of linear development northwards which would be out of keeping with the open nature of the eastern part of Gull Road. The proposal would therefore be contrary to the provisions of Policy LP12.*

The application site is outside the core shape and form of the settlement and would have an adverse impact on the character and appearance of the surrounding area where the open countryside meets the village. The development proposal would result in an incursion into the open countryside rather than small scale infilling and would result in the urbanisation of this part of Gull Road. Therefore the proposal is considered to be contrary to Policies LP3, LP12 (a, c and d) and LP16(d) of the adopted Fenland Local Plan 2014 and as such represents unsustainable development contrary to the aims and objectives of the NPPF.
- The proposal would result in development that would be out of keeping with the rural location and settlement pattern and would result in unacceptable changes to the character of the area which fails to enhance its local setting and adversely impacts on the landscape character of the surrounding area. Visual impact will be exacerbated by the need to raise floor levels to meet the requirements of the Environment Agency and possible loss of frontage planting. The development is therefore considered to be contrary to Policies LP16 & DM3 of the Fenland Local Plan and the SPD (Protecting High Quality Environments), and the aims and objectives of the NPPF.*
- The site is partly located within Flood Zone 3 where there is a high probability of flooding. The Sequential test has not been applied, it has not been demonstrated that there are no alternative sites in the area with a lower probability of flooding. The proposal would therefore not meet the requirements of Section 10 of the NPPF and local policies (LP14 and SPD) on flood risk.*

No appeal was submitted to this decision.

5 CONSULTATIONS

- 5.1 North Level IDB** objects as the proposal abuts an IDB drain and contravenes the IDB bylaws.
- 5.2 Wisbech St. Mary Parish Council** supports the development but requests a Section 106 contribution to Village amenities.
- 5.3 CCC Highways** does not object but has the following requirements:
- The proposed footway should continue through the accesses as dropped kerb footways.
 - Shared accesses should be dimensioned 5.0m wide for first 10m sealed and drained.
 - Single accesses should be sealed and drained for the first 5m.
 - Vehicle to vehicle visibility splays should be detailed on the plan commensurate with the posted speed limit with no obstruction over 0.6m.
 - Vehicle to pedestrian visibility splays should also therefore be detailed 2m x 2m with no obstruction over 0.6m.
 - The driveway gradients should not exceed 1:20 for the first 4m from back edge of footway and then 1:12 beyond.
- 5.4 Natural England** has no objection.

Local Residents/Interested Parties

Objectors

- 5.5** An objection from a nearby resident referred to the following:
- Agricultural land
 - Density/Over development
 - Does not comply with policy
 - Drainage
 - Environmental Concerns
 - Flooding
 - Loss of view/Outlook
 - Parking arrangements
 - Traffic, in particular highway safety concerns
 - Visual Impact
 - The application has not altered from the previous refusal and therefore the previous reasons to refuse remain.

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

National Planning Policy Framework (NPPF)

Paragraph 2 & 47: Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise;

Paragraph 8: The three dimensions to sustainable development.

Paragraph 11: Presumption in favour of sustainable development.

Paragraph 127: Seek to ensure high quality design and a good standard of amenity for all existing and future occupants.

Paragraph 102-107: Promoting sustainable transport

Chapter 5: Housing land supply

Chapter 14: Meeting the challenge of climate change, flooding and coastal change.

Paragraphs 155-165

Paragraphs 170, 175-177: Conserving and enhancing the natural environment

Paragraphs 34, 54-57: Planning conditions and obligations.

National Planning Practice Guidance (NPPG)

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

LP14: Climate Change and Flood Risk

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

Cambridgeshire Flood and Water Supplementary Planning Document (SPD)

(2016): Section 4 – Sequential and Exception Tests. The SPD gives detailed advice on how Applicant's should undertake the Sequential and Exception Tests for assessment by the Local Planning Authority. It advises that reasonably available sites to be identified include:

- Local Plan Allocations
- Sites with planning permissions for the same or similar development, but not yet developed;
- 5 year land supply
- Housing and Economic Land Availability Assessments Local Property listings
- Historic windfall rates where appropriate

The SPD also states that reasonably available sites will include a site or combinations of sites capable of accommodating the proposed development. Developers should list the reasonably available sites considered and where they obtained the information within the report.

Delivering and Protecting High Quality Environments in Fenland SPD (2014):

Policy DM3 – making a Positive Contribution to Local Distinctiveness and Character of the Area.

8 BACKGROUND

- 8.1 Previous similar outline scheme (app ref F/YR18/0595/O) for eight dwellings, was refused by the Council on issues of impact on the character of the area and flood risk grounds. No Appeal was submitted regarding that decision.
- 8.2 An Appeal decision recently received on Dale Cottage, Mouth Lane, Guyhirn (ref: F/YR17/1237/F) is considered relevant to this application. This was a decision taken after the amendments made to the NPPF in July. The appeal was submitted via the

agents responsible for this planning application. The application was for a single dwelling. It was refused on two grounds, flood reasons and harm to the character of the area. The following extracts from the Inspectors decision are highlighted due to similarities in context to the application. That inspector referred amongst other things to the following, firstly on the issue of Flood Risk:

- *Developers should agree an area of search in order to carry out the Sequential Test to steer development to areas at low risk.*
- *The presence of existing defences should not be taken into consideration when undertaking the Sequential Test as the maintenance of those defences may change over time.*
- *To pass the exceptions test wider sustainability benefits must be demonstrated and the site specific flood risk assessment must demonstrate that the development would be safe from all sources of flood risk.*
- *The FRA recommends that the floor levels should be higher than ground level and all sleeping accommodation should be at first floor level. Although this may protect future occupiers from inundation it does not address issues of access to or escape from the dwelling if the surrounding land was flooded. Policy LP14 requires development in flood zones should set out a positive approach to flood management without reliance on emergency services.*
- *LP14 requires where the Sequential and Exception Tests are passed, there is a need for development to demonstrate that it meets an identifiable need. There is no overarching benefit to the wider community, to offset the flood risk to future occupiers, other than the limited benefits arising from sustainable construction. Nor is there an imperative to build on this particular site.*
- *The development would fail to comply with local policies or national guidance in respect of flood risk*

8.2 The Inspector also considered the impact of the single dwelling on the character of the area and stated the following:

- *The presence of extensive areas of flat open land opposite and behind the site gives the site and its locality a predominantly open rural character.*
- *this development (one dwelling) would be of a size and scale to cause a significant loss of openness and increased urbanisation in this rural environment, the development would fail to respond to the scale and form of its context, the development would fail to significantly enhance its immediate setting, or be sensitive to the defining characteristics of the local area.*
- *the development would not comply with LP Policy LP16 (d) which requires development to reinforce local identity and enhance its local setting.*

9 KEY ISSUES

- **Principle of Development**
- **The Character of the Area**
- **Residential Amenity**
- **Flood Risk**
- **Highway Safety**
- **Other**

10 ASSESSMENT

Principle of Development

10.1 Policy LP1 of the Local Plan sets out the overall strategy for sustainable growth, the

spatial strategy is based on Policy LP3 which focuses growth around a settlement hierarchy which identifies Guyhirn as a 'small village' where development "will normally be of a very limited nature and normally be limited in scale to residential infilling...". Policy LP4 states that the criteria set out by Policy LP12 for assessing housing proposals in or around villages should apply.

- 10.2 Policy LP12 is criterion based and supports new development providing the wide, open character of the countryside is not harmed, in particular development should not:
- Adversely impact on the character and appearance of the countryside.
 - Is in keeping with the core shape of the settlement.
 - The existing linear features are not extended, or result in linear development.
 - Loss of important spaces.
 - Loss of agricultural land.
- 10.3 The proposal which is a width of 121 metres, cannot be considered to be compliant with Policy LP3 in that it is not of a limited nature, and does not constitute residential infilling. Assessed against the criteria of Policy LP12 the site lies beyond the established settlement of Guyhirn within open countryside. No justification has been provided to support the development of housing within open countryside and the principle of development would therefore be contrary to rural restraint policy (in particular Part D of Policy LP12).
- 10.4 Development of the site would encroach onto open countryside north of the settlement which would adversely affect the character and appearance of the land. It would constitute ribbon development and extension of linear development northwards and as such is contrary to the Fenland Local Plan Policy LP12(e).
- 10.5 In addition Policy LP16 and the SPD (Protecting High Quality Environments) seek to deliver or protect high quality environments. Development of land in the open countryside would adversely affect the settlement pattern and landscape character of the surrounding area and would therefore not accord with the objectives of Policy LP16 and the SPD.
- 10.6 It should be noted that planning permission has previously been refused for dwellings on the southern part of the current application site. The reasons for refusal included unjustified residential development in the open countryside outside the settlement boundary, would detract from the open and rural character of the area precedent. Arguably, these concerns have greater amplification where the site area has now doubled in size. It is not considered that the principle of development is acceptable and the proposal is contrary to Policy LP3.

The Character of the Area

- 10.7 Policies LP12 a, c and d and LP16(d) consider the impact of this development on the rural character and the wider character of the area. Whilst it has been shown on the indicative layout plan that the site maybe capable of accommodating the development as proposed (subject to detailed assessment on residential amenity referred to in section 10.3) the development would appear out of keeping with this rural location.
- 10.8 The indicative layout is for large dwellings on sizable plots. The 'executive' nature of the development may reflect modern development opposite the site and to the west of Gull Road. Whilst the detail of scale is not submitted for determination, nevertheless in this instance due to the Flood Risk Assessment requirements for dwellings to be raised 1.5 metres higher than the existing ground level, and that they

must include first floor accommodation for flood safety reasons, it is considered likely that properties with some height will inevitably have to be proposed. Taken together with the likely reduction of the existing prominent hedgerow fronting Gull Road, such development is considered likely to be somewhat prominent on the eastern side of this part of Gull Road and when viewed from or against the open countryside. Therefore it is considered likely to lead to an urbanising impact to the surrounding area.

- 10.9 The development of the site would result in unacceptable changes to the area, changes which would be magnified by the need to mitigate against flood risk, which would fail to enhance its local setting and adversely impact on the landscape character of the surrounding area contrary to the requirements of Policies LP12 a, c and d and LP16(d).

Impact on Residential Amenity

- 10.10 The detailed layout is not for consideration. However the site only abuts the side garden boundary of Dove Cottage (owned by the applicant). The indicative layout indicates a dwelling (which by reason of flood risk requirements would be required to include first floor accommodation raised 1.5 metres above ground level. It could therefore be possible that a high side gable or flank wall may be located close to this garden with possible over-domination of the garden and outlook from the side of Dove Cottage. However this issue would need to be addressed at the point of submission of details.

Flood Risk

- 10.11 The objection from the IDB regarding its byelaws is not considered to be a material planning matter.
- 10.12 The southern part of the site is located within Flood Zone 3 as defined by the Environment Agency flood maps. Flood Zone 3 is an area of high risk of flooding. The NPPF requires a Sequential Test to steer new development to areas with the lowest probability of flooding. Policy LP14 and the Cambridgeshire Flood and Water Supplementary Planning Document (2016): Section 4 Flood Risk, recommend that all development proposals be considered against this requirement. The SPD requires the applicant to provide the evidence. However no evidence, either within the submitted Flood Risk assessment (FRA) or via other submissions by the applicant, indicates that this has taken place. The FRA states that the Sequential Test is met as there is no other available land in Guyhirn village at lower risk of flooding. The applicant fails to refer to the SPD which has been adopted by Fenland since December 2016.
- 10.13 Fenland District Council proposed a draft approach to the Sequential Test for housing (in the report to Planning Committee in February 2018). It stated the following:

'Area of Search'

This is determined by considering the proposal's objectives, linked to the spatial policies of the Local Plan. For proposals that demonstrate a clear objective to sustain particular settlements or the countryside, the area of search will be:

A) Developments in the countryside – The whole of the rural area

B) Developments in towns & villages – The town/villages that the proposal would sustain.'

- 10.14 The proposal is considered to be contrary to the local plan objectives as described above, therefore the search area for the purposes of this application should cover

the district. Given the relatively small scale of the development it would be reasonable to conclude that there will be other reasonably available sites in Flood Zones 1 and 2 within the district which can accommodate seven dwellings.

- 10.15 However even if the area of search was accepted as being in the settlement of Guyhirn, a search of property for sale and the four for-sale boards nearby indicate permitted land for four houses in Guyhirn. When taken together with extant permitted schemes as yet undeveloped in Guyhirn more than seven plots are identifiable. Therefore despite the applicant's lack of evidence, the Council has carried out its own sequential test. Currently it is considered that the development of the part of site within Flood Zone 3 does not pass the Sequential Test, and has added nothing new in seeking to overcome the previous Flood Risk reason to refuse the application.
- 10.16 In circumstances where the Sequential Test has not been passed the Exception Test would not be applied. Nevertheless the applicant's contention of the passing of the Exception Test, because it provides housing to meet the council's shortfall, is not accepted by the council, as there is not a shortfall in Fenland. Furthermore the applicant's assumption appears at odds with the recent appeal at Dale Cottage in considering there to be no identifiable need for development that outweighs releasing land in areas of high flood risk. Therefore the Exceptions Test is also not considered to be passed and in that respect is contrary to the requirements of the NPPF (paragraph 158 and 160 and local policies LP14 of the Fenland Local Plan 2014 and the Cambridgeshire Flood and Water SPD.
- 10.17 In summary, it is concluded that the proposed development would cause undue harm to flood risk. The proposal would not comply with national and local planning policy which seeks to steer new development away from areas at highest risk of flooding and be contrary to both Policy LP14 and the NPPF.

Highway Safety

- 10.18 The Local Highway Authority has detailed requirements for the access points. It is considered that these requirements could be achieved via suitable planning conditions. Therefore there are no highway reasons on which to refuse this application and the proposal is capable of according with Policy LP15.

Other Considerations

- 10.19 Whilst all applications are dealt with on their merits the Dale Cottage Appeal decision taken after the changes to the NPPF indicates how Planning Inspectors currently assess developments similar to the proposal from the viewpoint of impact on the character of the area and Flood Risk.
- 10.20 The current application appears to have failed to demonstrate or argue how the application has overcome the previous reasons for refusal or addressed issues raised on similar sites addressed by an inspector on land nearby. The only material difference to the application appears to be the replacement of three dwellings by two larger units on the indicative layout and the reduction of the number from eight to seven, neither of these changes appears to address the council's reasons to refuse the previous similar proposal. Such a failure to address this may be considered to be unreasonable. To be a sound decision in such a circumstance the decision-maker in granting permission should demonstrate how the proposal has overcome the previous refusal reasons.

11 CONCLUSIONS

11.1 The application has failed to address the previous reasons on which the previous scheme for eight dwellings was refused by Fenland District Council. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The reasons identify that the development does not accord with the Fenland Local Plan on both the impact to the character of the area and on Flood Risk issues. The previous three reasons have been condensed into two but have included elements regarding the exceptions test in accordance with the recent appeal decision.

12 RECOMMENDATION

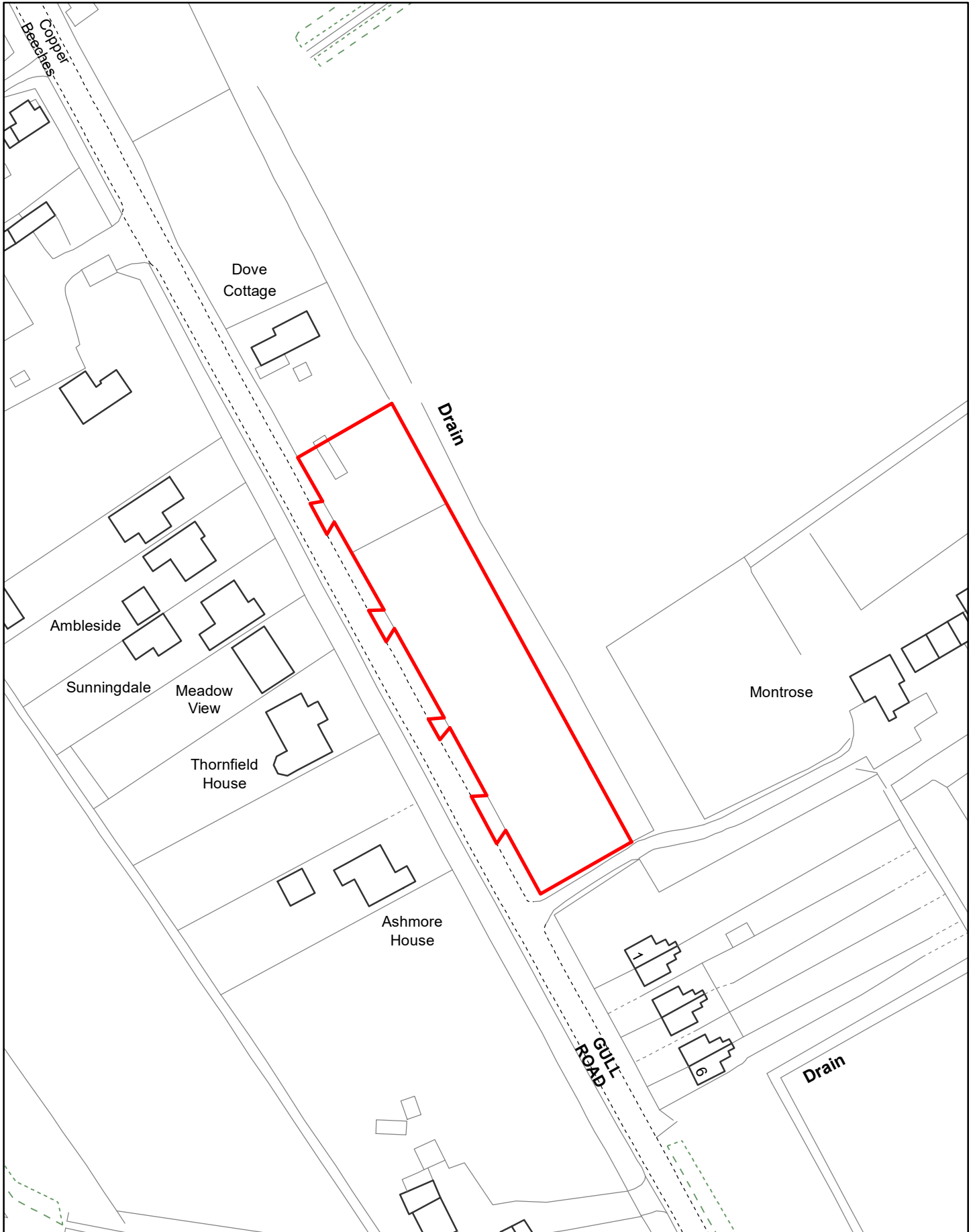
Refuse for the following reasons:

- 1 It is considered that the development would constitute ribbon development resulting in an extension of linear development northwards on this part of Gull Road. The application site is outside the core shape and form of the settlement and would have an adverse impact on the character and appearance of the surrounding area where the open countryside meets the village. Furthermore the proposal is not considered to represent small scale infilling and would result in an incursion into the open countryside. The visual impact of the proposal will be exacerbated due to the raising above existing ground levels by 1.5 metres as detailed in the Applicant's Flood Risk Assessment likely to lead to unduly prominent development. For the above reasons the proposal is considered to result in unacceptable urbanisation of this part of Gull Road and the surrounding area.

Therefore the proposal is considered to be contrary to Policies LP3, LP12 (a, c and d) and LP16(d) of the adopted Fenland Local Plan 2014 and Policy DM3 of Delivering and Protecting High Quality Environments in Fenland SPD, and the aims and objectives of the NPPF.

- 2 The site is partly located within Flood Zone 3 an area of high flood risk. The Local Planning Authority has considered the development in accordance with guidance detailed in the Cambridgeshire Flood and Water Supplementary Planning Document in that it is considered there are reasonably available alternative sites in sequentially preferable locations. Therefore it is considered that the development fails to pass the Sequential Test. Also it is not considered that the Exceptions Test has been passed in that it has not been demonstrated that the development would provide wider sustainability benefits to the community that outweigh the flood risk. Whilst the application proposes the raising of the floor level to 1.5metres above ground level and provides safe refuge at first floor levels, it does not demonstrate a positive approach to reducing flood risk in terms of access during flooding without reliance on emergency services contrary to Policy LP14(d).

The proposal would therefore not meet the requirements of Section 14 of the NPPF (paragraph 158 and 160 and local policies LP14 of the Fenland Local Plan 2014 and the Cambridgeshire Flood and Water SPD.



Created on: 30/10/2018

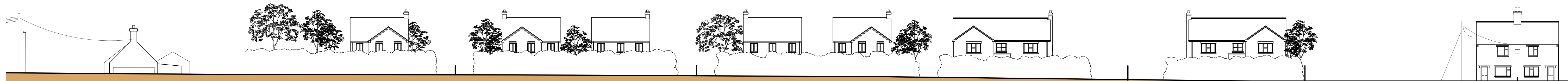
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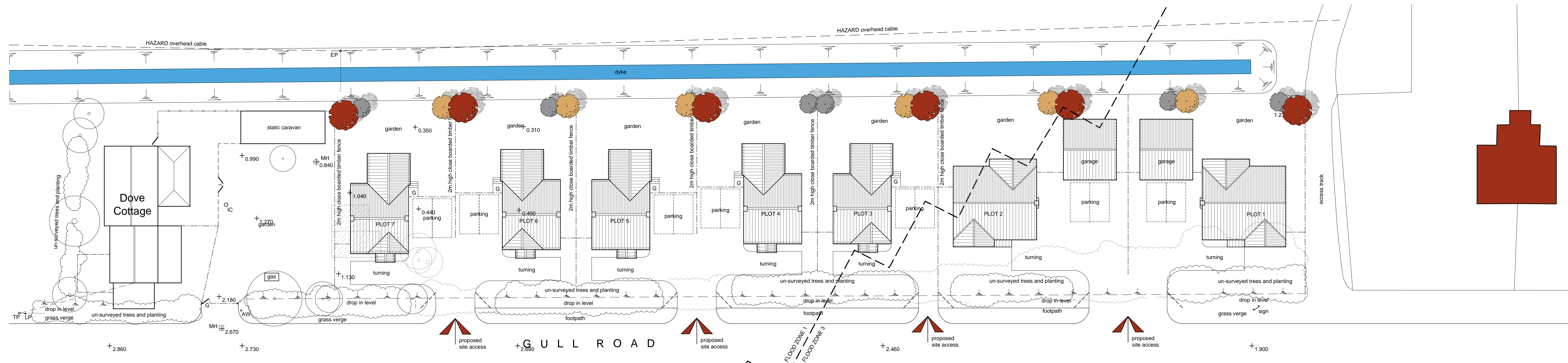
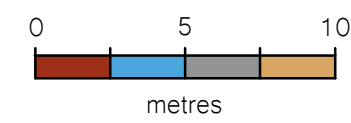


- General Notes
1. This drawing shall not be scaled, figured dimensions only to be used.
 2. All dimensions are shown in 'mm' unless otherwise stated.
 3. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
 4. This drawing is to be 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.



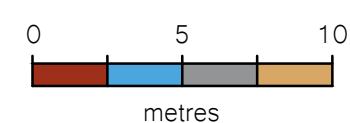
Indicative Street Scene

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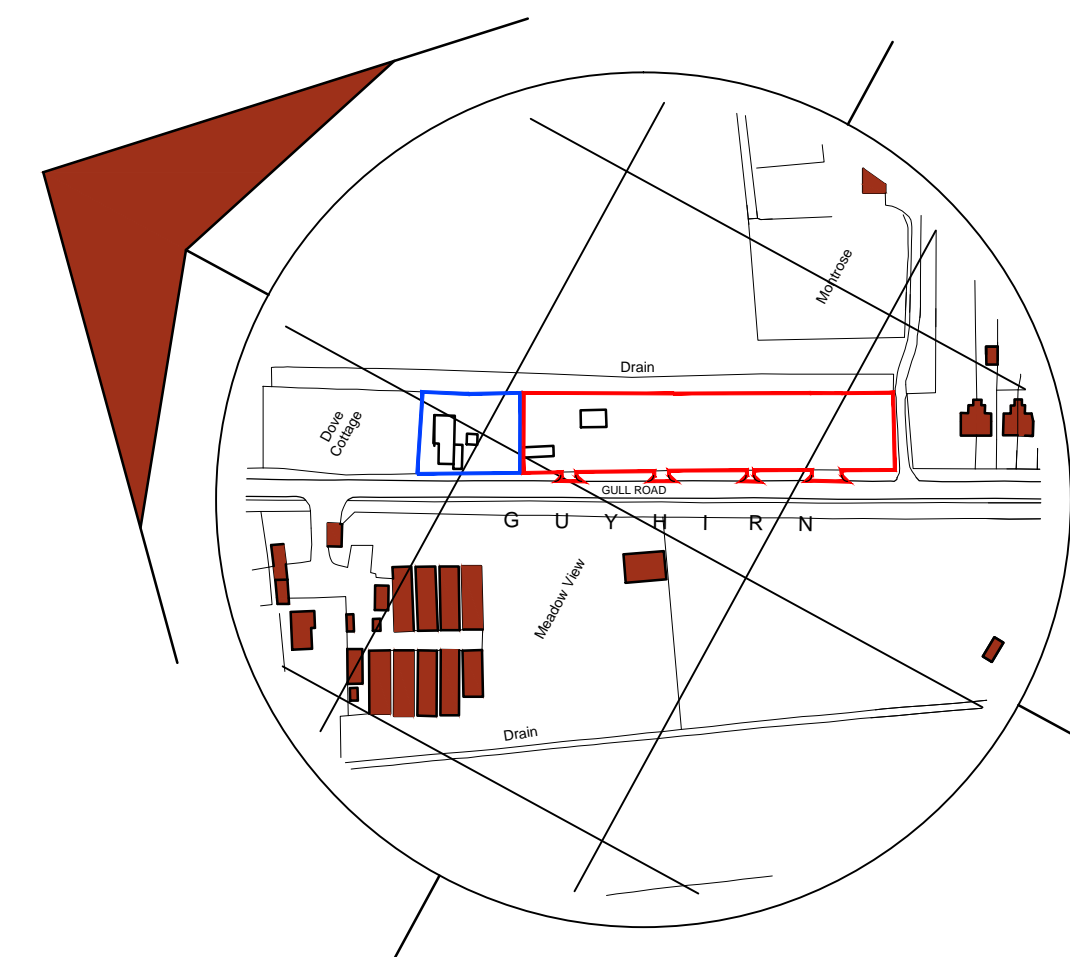
Indicative Site Plan

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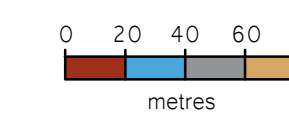
SITE PLAN KEY

- Indicates proposed buildings
- Indicates trees and planting to be removed
- Indicates buildings from OS Maps
- Indicates proposed trees and planting
- Indicates existing site levels
- Indicates flood zone line
- Indicates existing trees and planting to remain
- Indicates water in dyke
- Indicates 2.0x2.0m vision splay
- Indicates proposed access with 10.0m of sealed and drained into site access to Cambs CC Highways design
- Indicates proposed 2.0m footpath to Cambs CC Highways specification



Location Plan

Scale: 1:2500



Revisions	
A	Oct 2018 Revised for planning application

Status
FOR APPROVAL

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Proposed Residential Development Dove Cottage, Gull Road Guyhirn For: Mrs Booth	Job Title Date February 2018	Scale As Shown Sheet Size A1
Outline Planning Drawing	Job No. SE-919 Dwg No. 10	Drawn by SH Revision A