
F/YR24/0145/O

Applicant: Mr Fletcher

**Agent: Mr R Papworth
Morton & Hall Consulting Ltd**

**The Three Horseshoes, 344 March Road, Turves, Peterborough
Cambridgeshire PE7 2DN**

Erect up to 5 x dwellings (outline application with matters committed in respect of access) involving the demolition of existing Public House

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to Officer recommendation

Government Planning Guarantee

Statutory Target Date For Determination: 10 April 2024

EOT in Place: Yes

EOT Expiry: 27 Sept 2024

Application Fee: £1156

Risk Statement:

This application must be determined by 27 September 2024 otherwise it will be out of time and therefore negatively affect the performance figures.

1 EXECUTIVE SUMMARY

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| <p>1.1. This application seeks outline planning approval, with matters committed in respect of access only, for the erection of up to 5 dwellings, facilitated by the demolition of the existing public house, known as The Three Horseshoes.</p> <p>1.2. The below assessment considers that the proposal is largely acceptable with respect to its location, in respect of the settlement hierarchy, Policy LP3.</p> <p>1.3. Evidence regarding the financial viability of the pub and its active marketing as a going concern has been submitted for consideration against the requirements of Policy LP6 when related to the loss of a community facility. However this evidence fails to adequately demonstrate that the pub is no longer financially viable, and is silent on the matter regarding community need. The proposal is therefore contrary to Policy LP6.</p> <p>1.4. In addition, The Three Horseshoes has recently been designated by the Council as an Asset of Community Value, owing to the fact that the pub is one of a very limited number of facilities available within Turves. An independent residents' group have made significant progress in pursuing their right to bid for</p> |
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the pub under the ACV process. Accordingly, this designation and progress forms a material consideration of significant weight in favour of retaining the pub for the community, which is not outweighed by the benefit of the provision of market dwellings as proposed.

- 1.5. The site is in Flood Zone 3 and as such is required to pass the Sequential and Exception tests with regard to flood risk. The evidence submitted with the application has failed to fully demonstrate that there are no sequentially preferable sites that could accommodate the quantum or scale of development proposed under the terms of the current scheme. As such, it is considered that the current scheme is not compliant with Policy LP14 with a failed Sequential Test.
- 1.6. The recommendation is therefore to refuse the application.

2 SITE DESCRIPTION

- 2.1. The application site comprises the existing Three Horseshoes public house (PH) building, along with an area of land used as PH car park and land to the rear of the PH, currently used as a public garden/seating area. The PH is a substantial building finished in white render which fronts a prominent junction of March Road and Burnt House Road within Turves. The site is surrounded on two sides by mature hedging with open countryside/ sporadic development to the west and north.
- 2.2. A 1.8m high close boarded fence marks the southern boundary with the adjacent development of 6 x semi- detached houses. 6 parking spaces are located immediately south of this boundary. The site itself is generally open and provides pedestrian access to the pub and car park.
- 2.3. The site is within Flood Zone 3 as is the whole settlement of Turves.

3 PROPOSAL

- 3.1. This application seeks outline planning approval for the erection of up to 5 dwellings at the site, facilitated by the demolition of the existing pub, known as The Three Horseshoes. The application commits matters in respect of access only, intending to utilise an access approved under F/YR19/0895/F, originally intended to serve the pub and two new dwellings to the north, to serve a total of 7 dwellings (2 approved under F/YR19/0895/F and the proposed additional 5).
- 3.2. The indicative plans submitted show two pairs of 2-storey, 3-bed semi-detached dwellings positioned to front March Rd/Burnt House Road between the approved dwellings (F/YR19/0985/F) intended to the north and No.6 Horseshoe Place to the south. A further 2-storey, 3-bed detached dwelling is indicated to be positioned to the rear of the site.
- 3.3. Each dwelling is proposed to include private garden space bounded by 1.8m close boarded fencing, with parking for each dwelling and turning provided off a shared driveway.

- 3.4. Full plans and associated documents for this application can be found at: [Simple Search \(fenland.gov.uk\)](http://fenland.gov.uk)

4 SITE PLANNING HISTORY

F/YR19/0895/F	Erect 2 x dwellings (2-storey 3-bed) Land North Of Three Horseshoes PH	Granted (Delegated) 31.01.2020
F/YR19/0176/F	Erection of 2 x 2-storey 3-bed dwellings involving demolition of single storey storeroom of public house Land West Of The Three Horseshoes PH	Refused (Committee) 30.05.2019
F/YR18/0879/F	Erection of 2 x 2-storey 3-bed dwellings involving demolition of single storey storeroom of public house Land West Of The Three Horseshoes PH	Refused (Delegated) 27.11.2018
F/YR07/0507/F	Change of use of garden to car park	Granted 13.07.2007
F/YR06/0771/F	Installation of 2 French doors and balcony to first-floor living accommodation	Granted 16.08.2006
F/YR02/0714/F	Formation of access into existing car park	Granted 01.8.2002
F/YR01/1012/F	Change of use of land from beer garden to car park	Granted 11.12.2001

5 CONSULTATIONS

5.1. Cambridgeshire County Council Highways Authority

I have no objections to the principal of the proposed development however the following points need to be addressed to make it acceptable to the highways authority.

- The extent of the highways as shown on the proposed plans is incorrect. The correct boundary is further to the west of the shown boundary line. I would recommend that the applicant contact the CCC searches team for the definitive area.*
- The bin store/collection points shown at each entrance to the development are partly within the highway. Please remove these from the highway and place them within the property boundary. I would note that the southern one is orientated so that the residents/refuse collection operatives would have to walk on the grass verge. This is also unacceptable and should be amended to have a hard standing for people to access the area.*
- The applicant has proposed an extension to the footway from their access to the bus stop. I would however point out that there is a War Memorial in place within this section, which is placed within the highway extent/verge. I note that this area currently has paving stones in front (presumably installed as part of memorial design). However the drawings show these to be removed and replaced with tarmac. I recommend that the Parish and all and any other stakeholders are consulted on this detail prior to the*

determination of this application. I would also recommend that this detail is conditioned as these works would be completed by the developer using the standard LHA materials with no further public consultation.

- *Further to this the footway extension crosses an existing junction. This cannot be changed into a straight forward crossover layout as proposed on the plans, due to the existing nature and use of the property. If permitted it would likely result in larger vehicles being unable to egress the junction with potential detrimental effects on the highway and the safety of its users e.g. vehicles having to stop and manoeuvre on the highway. There is also a potential issues with its construction as it would require kerbs which will cause an issue with the levels on the property side. I do not believe that this proposed footway improvement is needed to facilitate the development from a highway stand point and therefore could be removed from the proposals without any detriment to the highway, which would overcome the above mentioned issues.*

If the applicant is unwilling or unable to amend the application or provide additional information as outlined above, please advise me so I may consider making further recommendations.

Additional Comments

The proposed vehicle access with the highway as shown on the proposed layout plans. Appears to be as per the approved access location and layout for application number F/YR19/0895/F. This access layout and location on this application would be suitable for shared use with this development and the previously approved development under application F/YR19/0895/F and should be conditioned as applicable.

5.2. Senior Archaeologist (CCC)

I am writing to you with regard to the archaeological implications of the above referenced planning application.

Our records indicate that The Three Horseshoes public house which is proposed for demolition under the submitted scheme is illustrated on Ordnance Survey mapping dating to the late 19th century (Cambridgeshire Historic Environment Record reference MCB32535). An historic photograph of the building uploaded to the website of Whittlesey Town Council suggests the core of the building, comprising the southern two-thirds of the two-storey linear range aligned roughly north-south to face the corner of March Road (formerly the Horsey Toll to March turnpike road - CHER ref MCB31388), may be considerably earlier and appears likely to be of 18th or early 19th century date.

Adjoining the southern end of the building is a single-storey structure which appears now to be incorporated into the public house, although the same 19th century Ordnance Survey mapping indicates that this was formerly a separate blacksmiths workshop which, given the otherwise remote location, seems likely to have primarily served the horse traffic using the turnpike road.

The Great Eastern Railway (Ely & Peterborough Branch) line opened in 1847 and remains open today, passing close-by to the south of the site (MCB24025) with a level crossing passing over Burnthouse Road. Immediately east of the crossing, The Benwick Goods Railway was built southwards from 'Three Horse Shoes Junction' on the Ely and Peterborough Railway to Benwick. It opened to Burnt House in 1897 and to Benwick in 1898. Well supplied with freight collection points, it was a typical and successful attempt by the Great Eastern Railway to help local farmers in depression, and played a major role in promoting local recovery (MCB27270).

The application as presented makes no assessment of the heritage impact of the proposal beyond identifying that no statutorily designated assets are likely to be affected. In this it misses the locally derived historical and architectural significances of the structures to be demolished, as reflected in the abundance of public comments responding to the proposal. Accepting that the surviving built form is significantly altered by use and by unsympathetic alterations such that its retention at any price pay not be warranted, nevertheless the total loss of this non-designated but locally important heritage asset should be mitigated by a programme of detailed recording in advance of demolition, should the scheme gain consent.

We therefore do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological historic building recording, secured through the inclusion of a negative condition such as the example condition approved by DLUHC:

Archaeology Condition

No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological historic building recording 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.*

A brief for the recommended programme of archaeological works is available from this office upon request. Please see our website for CHET service charges.

5.3. Environment & Health Services (FDC)

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

Given the nature and scale of the proposed development, the issues of primary concern to this service during the construction phase would be 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 [...]

*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.*

The issue of historic fuel storage has been brought to the attention of this service, having not been acknowledged in the application supporting documents. A study of the available mapping system confirms the site history included garage use and presence of fuel tanks.

In light of the aforementioned information, an intrusive investigation will be necessary and should planning permission be granted, it can be secured by imposing the full contaminated land condition. This will ensure compliance with the relevant staged parts of the condition, which will also cover potential remediation and validation aspects.

5.4. Whittlesey Town Council

The town council recommend refusal until additional marketing has been carried out which can be constituted as appropriate as reflected in LP6 of the local plan retaining community facilities.

5.5. Local Residents/Interested Parties

Objectors

The LPA has received 58 letters of objection for the application from the following locations:

- 23 addresses within Turves;

- 11 addresses within Whittlesey (including Coates);
- 9 addresses within March (including Wimblington and Manea);
- 3 addresses within Wisbech (including Wisbech St Mary);
- 7 other addresses, including Peterborough, Spalding, Boston and Stamford;

In addition, objection letters were received from representatives of organisations including Campaign for Real Ale (CAMRA), Campaign for Pubs, and the Turves and District Residents Association, which is understood to have been specifically formed in response to this application.

Reasons for objection to the application can be summarised as (in order of frequency of reference):

- Demolition of the pub will result in the loss of the last remaining community facility in the village;
- Turves has insufficient infrastructure and facilities to accommodate more housing;
- The pub has a historic character that will be lost if it is demolished;
- A change of use of the pub should be considered;
- The pub has not been actively and appropriately advertised for sale;
- Pubs contribute to the sustainability of the village and the well-being of residents;
- The personal circumstances of the applicant should not be a factor in determining the application;
- Concerns over risk of flooding;
- Concerns over overlooking and privacy to existing dwellings;
- Implications for wildlife;
- Concerns over amenity impacts (noise) from new dwellings;
- Highway safety concerns;
- Potential for overshadowing and loss of light;

The Turves and District Residents Association objection made particular reference to the following matters:

- Site planning history
- Neighbourhood planning policies
- Use class
- Culture, leisure, tourism and community facilities asset of community value
- Rural housing
- Health and social wellbeing
- Reference to emerging plan policies- site not within development area boundary, non-compliant to LP17, amenity provision, etc.
- Historic environment
- Loss of amenity
- Community deprivation
- Retaining community facilities
- Suspected contamination

Supporters

The LPA has received 31 letters of support for the scheme from the following locations:

- 15 addresses within Turves (including 1 from the applicant);
- 8 addresses within Whittlesey (including Coates and Eastrea);
- 4 addresses within Wisbech (including Fridaybridge and Elm);
- 1 address in Mepal;
- 1 address in Peterborough; and
- 1 address in Barnsley.

Of these letters, 15 were pro-forma style letters submitted by the agent.

The reasons for support of the proposal can be summarised as (in order of frequency of reference):

- The pub is no longer financially viable;
- The personal circumstances of the applicant should be a consideration;
- Refusal of the scheme may result in the pub building standing derelict;
- Five new dwellings will provide much needed housing;
- The pub has been actively and appropriately marketed for sale with little interest;
- Redevelopment will improve the overall appearance of the area;
- Turves residents should take on the pub or create a community centre;
- The proposal will be better use of the land;
- The location is ideal for houses;
- Private owners should not be responsible for providing community space;

2 of the letters received included no reasons for support.

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).

6.2. The site falls within the Whittlesey Neighbourhood Plan (NP) area. Accordingly, the NP also forms part of the development plan for the purposes of statutory duty under Section 38(6) of the Planning and Compulsory Purchase Act 2004.

7 POLICY FRAMEWORK

7.1. National Planning Policy Framework (NPPF)

Para. 2 - Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Para. 11 - Presumption in favour of sustainable development

Para. 12 - The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making.

Para. 47 - Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Para. 83 - To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.

Para. 88 - Planning policies and decision should enable: d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

Para 97 - To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;

Para 115 - Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Para. 135 - Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

Para 180 - Planning policies and decisions should contribute to and enhance the natural and local environment.

Para 203 - . In determining applications, local planning authorities should take account of: c) the desirability of new development making a positive contribution to local character and distinctiveness.

7.2. **National Planning Practice Guidance (NPPG)** Determining a Planning Application

7.3. **National Design Guide 2021** Context

Identity
Built Form
Movement
Uses
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
LP6 – Employment, Tourism, Community Facilities and Retail
LP12 – Rural Areas Development Policy
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
LP17 – Community Safety
LP18 – The Historic Environment
LP19 – The Natural Environment

7.5. 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 48 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
LP5: Health and Wellbeing
LP7: Design
LP8: Amenity Provision
LP11: Community Safety
LP17: Culture, Leisure, Tourism and Community Facilities
LP18: Development in the Countryside
LP20: Accessibility and Transport
LP22: Parking Provision
LP23: Historic Environment
LP24: Natural Environment
LP32: Flood and Water Management
LP33: Development on Land Affected by Contamination

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

DM3 – Making a Positive Contribution to Local Distinctiveness and character of the Area

7.7. Cambridgeshire Flood and Water SPD 2016

- 7.8. **Whittlesey Neighbourhood Plan 2021-2040**
Policy 1 – Spatial Planning
Policy 7 – Design Quality
Policy 8 – Historic Environment
Policy 11– Adapting to and Mitigating Climate Change

8 **KEY ISSUES**

- **Principle of Development**
- **Use Class**
- **Parking and Access**
- **Flood Risk**
- **Character, Amenity and Heritage**

9 **BACKGROUND**

- 9.1. The site attributed to The Three Horseshoes PH has been subject to recent planning history pertinent to consider within the context of the current application. The below gives an overview to the background of the cases highlighted in bold within the Site Planning History table in Section 4 above.
- 9.2. Application F/YR18/0879/F for the erection of 2no. 2-storey, 3-bed dwellings involving demolition of a single storey storeroom, on land west of the PH (that forms part of the current application site) the was refused under delegated powers in Nov 2018. The proposal was refused for four reasons, including:
- LP3 – the proposal was not considered residential infilling;
 - LP16 – the scale and siting of the dwellings was not considered to make a positive contribution to the character of the area;
 - LP2 & LP16 – the proposal resulted in unacceptable amenity impacts;
 - LP14 – failure of the sequential test.
- 9.3. Following this, the application F/YR19/0176/F was resubmitted with some design changes and letters of support, requiring the application be determined by Planning Committee. Members resolved to refuse the application for the same reasons as outlined above in May 2019.
- 9.4. On land to the north of the current application site (forming part of the existing PH car park), application F/YR19/0895/F for the erection of 2no 2-storey, 3-bed dwellings was granted under delegated powers in January 2020.
- 9.5. The application for the 2no dwellings under F/YR19/0895/F on land to the north of the PH has been secured, and remains extant, owing to the commencement of works by virtue of the installation of foundation piles.

10 **ASSESSMENT**

Principle of Development

- 10.1. Policy LP3 of the FLP identifies Turves as a ‘small village’ whereby development will be considered on its own merits but will normally be of a

very limited nature and normally be limited in scale to residential infilling or a small business opportunity.

10.2. The application site is located between the adjacent site to the north with an extant and implemented planning permission for the erection of 2 dwellings (F/YR19/0895/F) and the residential development at Horseshoe Place to the south. As such, the redevelopment of the public house for residential development would be tantamount to residential infill, and thus would be compliant with Policy LP3 in this regard.

10.3. The proposal would see the demolition of the existing Three Horseshoes public house (the pub) to facilitate the development. As such, the principle of development must also be assessed against other relevant policies of the local plan to determine its acceptability in principle.

Loss of Public House

10.4. NPPF Paragraph 88(d) seeks the retention of local services and community facilities to ensure prosperous rural communities. Policy LP6 considers the impact of development proposals on the provision of Employment, Tourism, Community Facilities and Retail within the district, and states, with respect to the retention of community facilities:

Proposals that would lead to the loss of community facilities (e.g. public houses, village shops, community halls, post offices) will only be permitted if:

- 1) it can be demonstrated that the retention of the facility is no longer financially viable and an appropriate marketing exercise has been carried out, **and** it can be demonstrated that there is a lack of community need for the facility, or*
- 2) an alternative facility is provided.*

10.5. To address point 1), the applicant provided evidence, dated September 2023, concluding that the pub has been actively marketed since February 2020 as a going concern, but with little apparent success. It outlined private trading information, noting that at the end of the financial year of 2018-2019 (the year prior to marketing) the pub turned a healthy profit. No more recent accounts information was provided, however, on the basis of the submitted information, it is considered that the pub was clearly marketed as a profitable business, and as such appears to remain financially viable for use as a pub. Thus, on the basis of evidence available to Officers, the scheme is considered contrary to Policy LP6.

10.6. In addition, point 1) also requires applicants to demonstrate that there is a lack of community need for the facility or to provide an alternative (Point 2). No evidence with respect to community need has been provided by the applicant, and therefore does not fully demonstrate the level of community need (or not) as required by LP6.

10.7. Subsequent to the validation of the current application, an un-incorporated body, known as the 'Turves and District Residents Association'¹ (TDRA) has been established, and has been successful in its application to the Council to

¹ [Turves and District Residents' Association – Creating a Better Community \(wordpress.com\)](https://www.turvesanddistrictresidentsassociation.com/)

nominate The Three Horseshoes Public House as an Asset of Community Value (ACV), which was determined on 8th April 2024.

10.8. The FDC Website explains that:

The Community Right to Bid allows communities, town and parish councils to nominate buildings or land as an Asset of Community Value.

This means that if it ever goes up for sale, you can 'stop the clock' for up to 6 months. This gives you the opportunity to get together with your neighbours and raise the finances to bid to buy it.

For an asset to be listed it must be clearly shown that its main use (now or in the recent past) contributes to the social well-being, cultural, recreational or sporting interests of the local community, and that this use will continue.²

10.9. Once listed as an ACV, the sale of such an asset is subject to moratorium period which are intended to delay sale and provide a window of time for a community bid. During this moratorium period, planning applications can still progress, however a property's status as an ACV becomes a material planning consideration, with the amount of weight directly correlating to the progress made by a community bidder to pursue purchase of the property.

10.10. It is understood that the TDRA have made significant progress in pursuing their right to bid for the pub, with their intention to retain it as a community facility for the village. Their progress so far has included:

- The successful application for ACV;
- A successful grant application for primary funding;
- An independent survey and valuation of the pub; and
- An open community meeting with survey conducted on what community facility residents wish to see for the space going forward;

10.11. As such, it is evident that TDRA have legitimate interest in progressing a bid for the pub and are seeking to make this a true community facility for residents of Turves. Thus, the ACV status of the pub and the progress made on the attempts of TDRA to retain this building as a community facility is a material planning consideration that should be given significant weight and establishes that there is an apparent need for the community facility to be retained. It could therefore be reasonably argued that it would be premature to conclude that there is no community need for this facility.

10.12. Furthermore, according to the recent Survey of Fenland Settlements Existing Services and Facilities (May 2022)³ that was undertaken to inform the Emerging Local Plan, it is understood that the village of Turves has only three designated community facilities, including, a mobile library, a non-food store, and the pub, to serve around 400 residents (population estimated mid 2018). The population is therefore dependent upon larger surrounding settlements for wider services and community facilities. Given this limited

² [Community Right to Bid - Fenland District Council](#)

³ [PE08-1 Survey of Fenland Settlements Existing Services and Facilities May 22.pdf](#)

number of existing facilities, the loss of the pub as a community facility would have a significant detrimental impact on the offerings within the village, and potentially the wellbeing of its residents. Noting the presumption in favour of sustainable development outlined within both national planning policy and Policy LP1, the benefit of providing 5 new market dwellings within the village is not considered to satisfactorily outweigh the adverse impact of the loss of a community facility in this case.

Principle of Development – Conclusion

- 10.13. This application is outline in nature, with only matters of access committed. Notwithstanding matters of access (discussed in more detail below), the main issue for consideration at this time is whether or not the principle of development is acceptable.
- 10.14. Facilitated by the proposed demolition on The Three Horseshoes pub, the site is in an infill position and thus would accord with the settlement hierarchy LP3. Evidence submitted by the applicant suggests that the pub has been actively marketed, with no viable buyer found during the marketing period. However, on the basis of the evidence submitted it is considered that the pub remains a financially viable prospect.
- 10.15. Furthermore, no evidence has been put forward by the applicant to demonstrate that there is a lack of community need for the premises, a matter which is countered by the clear community involvement in attempting to secure its retention through the ACV process.
- 10.16. As such, the scheme is contrary to the requirements of Policy LP6 and the aims of NPPF Paragraph 88(d) to retain such facilities in rural areas and the proposal is therefore considered to be unacceptable in principle and cannot be supported.

Use Class

- 10.17. The applicant has submitted that they consider the Use Class of the Three Horseshoes to be that of Use Class E(b) for the sale of food and drink for consumption mostly on the premises.
- 10.18. Use Class E of the Use Classes Order 1987 (as amended) was introduced on 1st September 2020 and covers the former use classes of A1 (shops), A2 (financial and professional), A3 (restaurants and cafes) as well as parts of D1 (non-residential institutions) and D2 (assembly and leisure) and puts them all into one new use class. There are several permitted development rights to go from or to Use Class E from/to other use classes and could potentially offer a 'fall back' to the applicant to alter the use of the Three Horseshoes within these permitted development rights without the need for planning control.
- 10.19. However, Officers consider that the appropriate use class for the Three Horseshoes is instead 'Sui Generis' which encompasses both public houses, wine bars, or drinking establishments and drinking establishments with expanded food provision. A Sui Generis use class means any further change to the premises will require express planning permission and the Local Planning Authority will have the opportunity to ensure that any future

use is appropriate in this location. Notwithstanding, the application before the Council does not specify a use class within its description and seeks to demolish the pub with a view to erecting 5no market dwellings. As such, the LPA is able to offer appropriate planning controls in this case.

Parking and Access

- 10.20. Policy LP15 requires development to provide to provide a well-designed, safe and convenient access for all, and well-designed parking appropriate to the amount of development proposed, ensuring that all new development meets the Council's defined parking standards.
- 10.21. Matters of access are committed with this application. The proposal seeks to replicate a previously approved access arrangement under F/YR19/0895/F, with a 5m wide access from the site leading off March Road. The current scheme would link this access to a shared 5m wide driveway for the plots, each with their own parking area. Matters of specific parking allocation would be subject to the level of accommodation proposed within the final scheme on any subsequent reserved matters application.
- 10.22. Initially, the Highways Authority, whilst not objecting in principle, required minor amendments to make the access arrangements acceptable. However, it was further noted that the access arrangements were as the earlier approved scheme, and as such these minor matters could be conditioned to ensure a fully acceptable access scheme.
- 10.23. Accordingly, the scheme is considered to comply with Policy LP15 subject to conditions.

Flood Risk

- 10.24. Policy LP14 requires development proposals to adopt a sequential approach to flood risk from all forms of flooding, and states that development in an area known to be at risk will only be permitted following the successful completion of a Sequential Test, an Exception Test, and the demonstration that the proposal meets an identified need and appropriate flood risk management.

Sequential Test

- 10.25. It is for the applicant to demonstrate through an assessment that the Sequential Test has been met. In February 2018, the Council amended the approach to agreeing the scope of the Sequential Test to a settlement by settlement basis, instead of the entire district as set out in the SPD. As such, the settlement of Turves is the area of search for the Sequential Test for this application.
- 10.26. The application is accompanied by a Sequential and Exception Test document, dated 30 November 2023. The Sequential Test identifies eight recent planning permissions within the settlement of Turves, discounting each as either already commenced, occupied, or stating that they are not comparable in scale to the current application. For example, F/YR22/0919/O is a site for two plots with extant outline approval granted 21.10.2022. The applicant discounts this as a non-comparable site as it proposed large executive style dwellings. In addition, F/YR23/0362/O was approved

02.11.2023 and again was discounted by the applicant as this proposed 3 large dwellings.

- 10.27. The LPA would argue however, that these planning permissions in particular should not be discounted from the sequential test, as they are both extant permissions that were both determined on an outline basis. The descriptions of each make no reference to executive style' dwellings, and the details submitted have not been progressed to reserved matters stage, and as such the applicant's assertion that these are non-comparable in dwelling design and thus should be discounted is flawed as the details available to the LPA at this stage are merely indicative.
- 10.28. Furthermore, noting the current application site area of approximately 1900m², and comparing that of the site area of F/YR23/0362/O which equates to approximately 4700m² - it is clear that this site has ample capability of accommodating the quantum of development proposed within the current application, and this, notwithstanding the overall number and style of the dwellings proposed, is therefore sequentially preferable. Similarly, the site area of F/YR22/0919/O equates to approximately 7500m²; thus this site would also be capable of accommodating the application proposal.
- 10.29. Officers have reviewed the evidence provided and believe that these sites would be available for development and can clearly accommodate the application proposal in terms of site areas, and as such the sequential test is considered to be failed.

Exception Test

- 10.30. The failure of the sequential test negates the need to follow with an Exception Test. However, information submitted with the application indicates that the Exception Test may have been passed due to possible provision of renewable energy sources and the inclusion of flood mitigation measures.
- 10.31. In respect of meeting the first part of the exception test (wider community benefits to outweigh flood risk) through utilising renewable energy/ energy efficient means, updates were introduced to Approved Document L of Building Regulations in 2023, which now seeks significantly greater measures to conserve fuel and power usage. In this regard, the provision to meet wider community sustainability benefits through the incorporation of renewable energy means, as set out in the adopted Flood and Water SPD has been somewhat superseded by latest Building Regulations. As such, it is questionable whether this approach would now be sufficient to achieve wider community benefits to outweigh flood risk. Notwithstanding, by virtue of the aforementioned conflict with policy LP6, there appears to be a negative impact to the wider community through the proposed development.

Flooding and Flood Risk – Conclusion

- 10.32. Notwithstanding observations in respect of the exception test, the evidence submitted has failed to fully demonstrate that there are no sequentially preferable sites that could accommodate the quantum of development proposed under the terms of the current scheme and thus the proposal has

failed the Sequential Test. As such, it is considered that the current scheme is not compliant with Policy LP14 and should be refused.

Character, Amenity and Heritage

- 10.33. Policy LP16 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, enhancing its setting, responding to and improving the character of the local environment, reinforcing local identity and not adversely impacting in design or scale terms on the street scene, settlement pattern or landscape character of the surrounding area. Policy LP18 states that the Council will protect, conserve and seek opportunities to enhance the historic environment throughout Fenland. All development proposals that would affect any designated or undesignated heritage asset are required to provide a clear justification for the works, especially if these would harm the asset or its setting, so that the harm can be weighed against public benefits.
- 10.34. Details of appearance, layout and scale are to be submitted at Reserved Matters stage, however the submitted indicative street scene drawing suggests that the dwellings will be similar in style and scale to those approved under F/YR19/0895/F on land immediately to the north. As such, it is acknowledged that the proposal could form a congruous style with adjacent development. Similarly, matters of residential amenity such as impacts from overlooking, overshadowing or other amenity concerns are reserved for further assessment at later stages.
- 10.35. However, consideration must be paid to the existing character of the Three Horseshoes Pub and how its removal may impact the overall character of the area. Officers undertook informal discussions with the Conservation Officer regarding such matters, particularly with respect to heritage and the existing historical character of the pub, resulting in the following comments:

I have read the Archaeology comments and whilst they state there are local historical connections and indeed historic significance, they are not formally objecting and are suggesting a recording condition if FDC planning department are minded to support.

From a heritage consideration, whilst the building does have historic connections and significance, it is very heavily altered and largely cleansed of its originality and architectural merit.

- 10.36. As such, it is considered that the existing pub is not of significant architectural or historical merit to justify a refusal of its demolition on the basis of character, amenity or heritage.

11 CONCLUSIONS

- 11.1 On the basis of the consideration of the issues of this application, conflict arises through the principle of the development of the site rather than as a result of matters that could be addressed at the design stage.

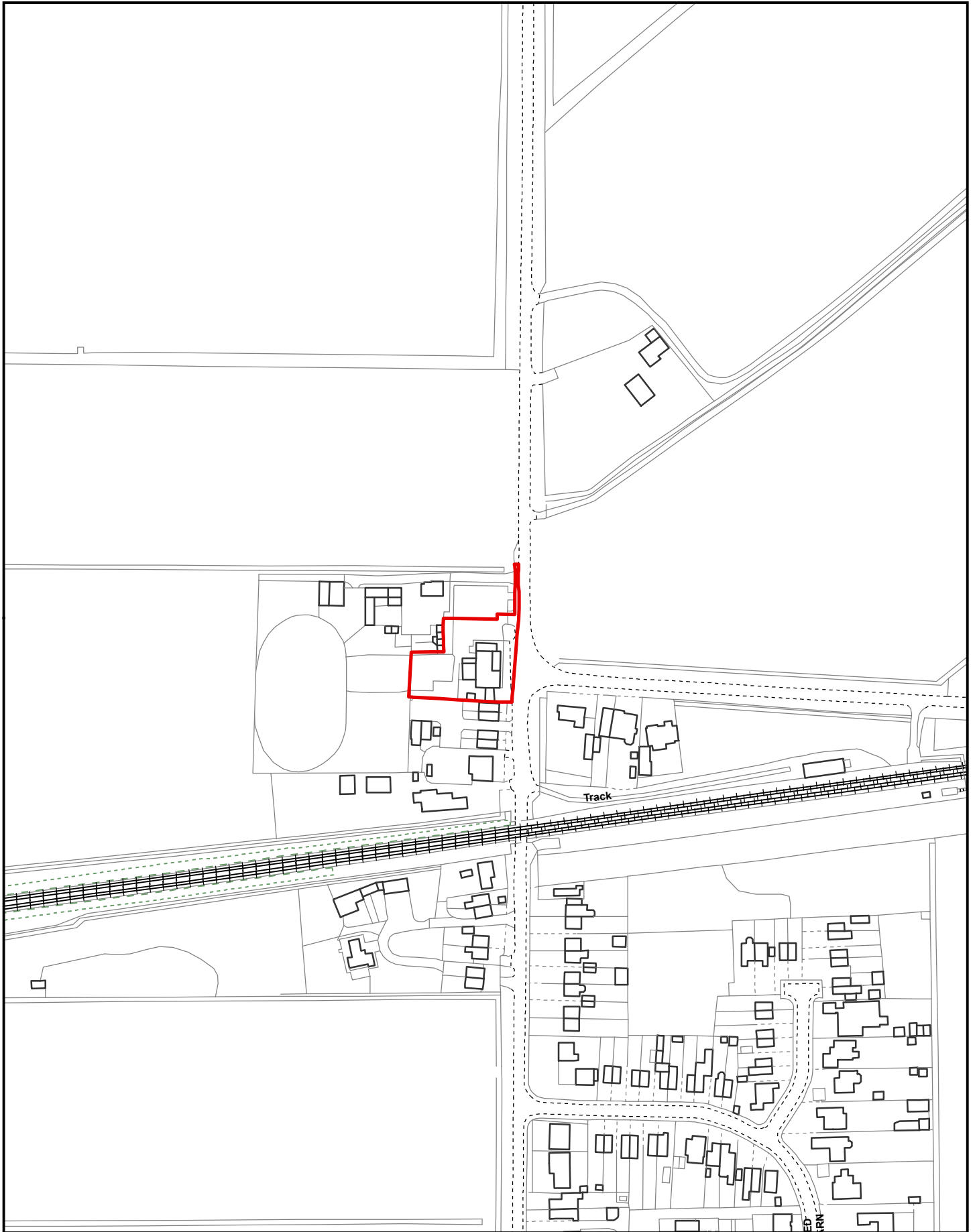
- 11.2 The application does not adequately demonstrate that the pub is no longer financially viable, nor does it address any lack of community need for the pub. Accordingly, the proposal is contrary to the requirements of Policy LP6 and Paragraph 88 (d) of the NPPF.
- 11.3 The scheme proposes no alternative offerings of a community space to replace that lost through the demolition of the pub and would therefore result in a significant detrimental impact to the settlement and its residents; a matter not outweighed by any benefit of providing up to five market dwellings in its place. Furthermore, the successful designation of the pub as an Asset of Community Value, and the progress made by a local residents' group in pursuing their right to bid for the pub should be given significant weight in the planning balance in favour of its retention.
- 11.4 In addition, the proposed scheme is considered to be contrary to the requirements of Policy LP14 on the basis that it has failed to be demonstrated that there are no sites available which would be sequentially preferable and is therefore contrary to Policy LP14 and the adopted Cambridgeshire Flood and Water SPD or Section 14 of the NPPF.
- 11.5 There are no material considerations that justify the approval of the scheme contrary to those policies and as such a non-favourable response is forthcoming.
- 11.6 Therefore, given the above assessment, the application is recommended for refusal.

12 RECOMMENDATION

Refuse; for the following reasons;

1	Policy LP6 of the Fenland Local Plan, and Paragraph 88(d) of the National Planning Policy Framework (2023) seeks the retention of local services and community facilities to ensure prosperous rural communities. LP6 requires applicants to demonstrate that the facility is no longer financially viable, that an appropriate market exercise has been carried out, and that there is a lack of community need for the facility. The application seeks to demolish the existing pub on the site for the development of market housing. Evidence of its marketing has been advanced, however, the application fails to adequately demonstrate that the pub is no longer financially viable and that there is a lack of community need for the facility, a matter countered by the clear community involvement in attempting to secure its retention through the ACV process. The application is therefore contrary to the requirements of Policy LP6 of the Fenland Local Plan (2014) and Paragraph 88 (d) of the National Planning Policy Framework (2023).
2	Policy LP14 of the Fenland Local Plan, section 14 of the National Planning Policy Framework (2023) 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

	<p>an area known to be at risk will only be permitted following the successful completion of a Sequential Test, an Exception Test, and the demonstration that the proposal meets an identified need and appropriate flood risk management. The proposal is for the construction of up to five dwellings on an outline basis and is accompanied by a Sequential Test document. The document however fails to fully identify land available within the settlement of Turves that is available for development of the scale proposed by the application, and the test is therefore considered to be failed. The proposal is therefore contrary to policy LP14 of the Fenland Local Plan (2014), Section 14 of the National Planning Policy Framework (2023) and Cambridgeshire Flood and Water Supplementary Planning Document (2016).</p>
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F/YR24/0145/O

Scale = 1:2,500





EXISTING PUBLIC HOUSE
ROOF AREA = 344.3m²
PROPOSED TOTAL ROOF AREA
OF DWELLINGS = 292.3m²

- DWELLING KEY**
- PLOT 1 = 3 BED SEMI-DETACHED
 - PLOT 2 = 3 BED SEMI-DETACHED
 - PLOT 3 = 3 BED SEMI-DETACHED
 - PLOT 4 = 3 BED SEMI-DETACHED
 - PLOT 5 = 3 BED DETACHED



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Please refer, if in doubt, ask. Change nothing without consulting the Engineers.
Contractor to check all dimensions on site before work starts or materials are ordered. If in doubt, ask. All dimensions are in mm unless stated otherwise.
Where materials, products and workmanship are not fully specified they are to be of the standard appropriate to the works and suitable for the purpose stated in or reasonably to be inferred from the drawings and specification. All work to be in accordance with good building practice and BS 8000 to the extent that the recommendations define the quality of the finished work.
Materials products and workmanship to comply with all British Standards and CEN standards with, where appropriate, BS or EC marks.
All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.
The contractor is to arrange inspections of the works by the BCU (or MHC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer.

- LEGEND**
- CONCRETE BUFF MARSHALL SLABS (NON SLIP)
 - PERMEABLE MARSHALLS BRINDLE BLOCK PARKING (NON SLIP)
 - WASTE BINS
 - GRASS
 - VEGETATION
 - PROPOSED HEDGING

A PLANNERS COMMENTS		FEB 24
REVISIONS		DATE
<p>MORTON & HALL CONSULTING LIMITED CONSULTING STRUCTURAL ENGINEERS</p> <p>1 Gordon Avenue, March, Cambridgeshire, PE15 8AU Tel: 01354 655454 Fax: 01354 660467 E-mail: info@mortonandhall.co.uk Website: www.mortonandhall.co.uk</p> <p> Fenland District Council Building Design Awards Building Excellence in Fenland </p>		
Mr Fletcher		
Three Horse Shoes Public House March Road, Turves Combs, PE7 2DN		
Proposed Site Plan with Indicative Layout		
DATE	R.Pogworth	DRAWN BY
DATE	Nov 2023	APPROVED BY
DATE	As Shown	PROJECT NO.
		H9084/05a

