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**F/YR24/0532/O**

**Applicant: Mr B Aldridge**

**Agent: Mr Lee Bevens  
L Bevens Associates Ltd**

**Land South East Of 190, Wype Road, Eastrea, Cambridgeshire**

**Erect up to 2 x dwellings (outline application with matters committed in respect of access)**

**Officer recommendation: Refuse**

**Reason for Committee: Number of representations contrary to Officer recommendation**

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## **1 EXECUTIVE SUMMARY**

- 1.1 The application seeks outline planning permission with only access committed for the erection of up to two dwellings.
- 1.2 The location of the site on the edge of Eastrea means that only infill development is accepted by Policy LP3 of the Fenland Local Plan (2014), supported by Policy 1(e) of the Whittlesey Neighbourhood Plan 2021-2040. The site is beyond the built form of Eastrea and therefore the proposal conflicts with Policy LP3 and Policy 1(e).
- 1.3 Furthermore, the location of the site would result in an encroachment into the countryside and subsequently a significantly detrimental landscape character impact, contrary to Policy LP12 and Policy LP16 of the Fenland Local Plan (2014) that seek to protect and enhance the intrinsic countryside character of the area.
- 1.4 The application is considered to be acceptable in terms of amenity impact and highway safety. Matters relating to appearance, landscaping, layout and scale are reserved for further consideration.
- 1.5 On the basis of conflict arising with respect to the principle of development and character harm rather than as a result of matters that could be addressed at the design stage, it is recommended that the application is refused.

## **2 SITE DESCRIPTION**

- 2.1 The application site is located on Wype Road, Eastrea. The site is currently an undeveloped agricultural field situated immediately adjacent to the built form of Eastrea to the northwest.
- 2.2 The site is surrounded to the south and east by open countryside, largely characterised by agricultural fields. The land to the northwest of the site is

characterised by residential development of varied sizes and scales, although the dwellings in the immediate vicinity of the site are predominantly single storey in nature.

### 3 PROPOSAL

- 3.1 The proposal seeks outline planning permission, with matters committed in respect of access, for the erection of up to 2no. dwellings with an internal footway proposed to link to a footway serving 188 and 190 Wype Road to the northwest (F/YR22/1410/F, currently under construction).
- 3.2 A suite of indicative plans has been submitted indicating that the proposed dwellings would be detached properties with detached garages, and would likely be single storey in nature.
- 3.3 Full plans and associated documents for this application can be found at: <https://www.publicaccess.fenland.gov.uk/publicaccess/>

### 4 SITE PLANNING HISTORY

- 4.1 The below cases relate to development within the area, but are not specific to the application site itself.

F/YR23/3089/COND	Details reserved by Condition 02 (Materials) of planning permission F/YR22/1410/F (Erect 2x dwellings (single-storey, 4-bed) with detached garages, and formation of a footpath)	Approved 12.09.2023
	Land South East Of 186 Wype Road Eastrea	
F/YR22/1410/F	Erect 2x dwellings (single-storey, 4-bed) with detached garages, and formation of a footpath	Granted 06.04.2023
	Land South East Of 186 Wype Road Eastrea	
F/YR22/0169/O	Erect up to 2 x dwellings (single-storey) and the formation of an access and a 1.2m wide footway to frontage (outline application with matters committed in respect of access, layout and scale)	Granted 13.04.2022
	Land South East Of 127 Wype Road Eastrea	
F/YR13/0710/F	Formation of a vehicular access	Granted 12.11.2013
	Land South East Of 182 Wype Road Eastrea	

### 5 CONSULTATIONS

#### 5.1 Cambridgeshire County Council Highways Authority

##### Recommendation

*On behalf of the Local Highway Authority, I raise no objections to the proposed development. On the basis of the information submitted, from the*

*perspective of the Local Highway Authority, I consider the proposed development is acceptable.*

### Comments

*This indicative site layout and access is similar to application number F/YR22/1410/F, which is immediately north/site next door. The applicant has proposed a similar access and provided the correct visibility splays and vehicle access layout. This access is suitable for this size of development in this location. There are no conditions recommended by the LHA at this time, other than the access must be constructed (as shown) on any approved plans.*

## 5.2 **Archaeology (CCC)**

*Thank you for the consultation with regards to the archaeological implications of the above referenced planning application. The proposed development lies in an area of archaeological potential close to the edge of the raised land which forms the 'Fen Island' of Eastrea. These raised areas within deeper fen are known to be foci for Prehistoric and Roman activity as they formed drier more stable and usable land during wetter periods. This development lies right on the southern edge of this ground with deeper fen falling away directly to the south. These areas often are heavily exploited by people occupying the drier higher ground and utilising the fen resource. To the south are recorded prehistoric and roman findspots (Cambridgeshire Historic Environment Record 10163, 10163A) and the same to the north (CHER 01506, 07847). Archaeological investigations to the northeast along Wype road have previously found Bronze age pits (CHER MCB27779).*

*Although the scale of the development is relatively small, and similar to developments to the north the potential impact to archaeology increases approaching the fen edge. Whilst we do not object to development from proceeding in this location, we consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition, such as the example condition below.*

### **Archaeology Condition**

*No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work, commencing with the evaluation of the application area, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:*

- a. the statement of significance and research objectives;*
- b. The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;*
- c. The timetable for the field investigation as part of the development programme;*

d. *The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material and digital archives.*

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

### 5.3 **Environment & Health Services (FDC)**

*The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed scheme as it is unlikely to have a detrimental effect on local air quality or be affected by ground contamination.*

*Due to the close proximity of noise sensitive receptors, it is recommended that the following condition is imposed in the event that planning permission is granted:*

#### **WORKING TIMES**

*No construction work shall be carried out and no plant or power operated machinery operated other than between the following hours: 08:00 hours and 18:00 hours on Monday to Friday, 08:00 hours and 13:00 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.*

### 5.4 **Whittlesey Town Council**

*The Town Council recommend refusal on the grounds of over development of the area and agree with the comments made by planning committee on the previous application.*

### 5.5 **Local Residents/Interested Parties**

#### Objectors

Four letters of objection were received from residents of Eastrea (Wype Road, Storers Walk, Thornham Way, Mayfield Road). The reasons for objection can be summarised as follows:

- Noted Cllrs deliberations on previous application (i.e. no more development here)
- The road drops away and is in flood zone 3.
- There is no public footpath heading towards the cycleway/bridleway
- There is a high potential for footfall and the road is narrow
- Low water pressure in the village
- Concerns over sewage capacity
- No affordable housing
- No renewable energy provision
- Improvements to green space required in Eastrea

### Supporters

Seven letters of support were received from residents of Eastrea (Wype Road x4, Coates Road, Roman Gardens, Thornham Way), raising the following points:

- It will provide bungalows, which are needed in the area.
- Bungalows will sit well in the landscape and not be height dominating
- The proposed properties are similar to the adjacent development

### Representations

One letter of representation was received from a resident of Whittlesey, raising the following points:

- Off-road parking must be provided
- The footpath on the opposite side of the road needs extending to the bridleway and maintaining

## **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), the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021), and the Whittlesey Neighbourhood Plan 2021 – 2040.

## **7 POLICY FRAMEWORK**

### **7.1 National Planning Policy Framework (NPPF)**

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 8 – Promoting healthy and safe communities

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed and beautiful places

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

Chapter 15 – Conserving and enhancing the natural environment

### **7.2 National Planning Practice Guidance (NPPG)**

Determining a Planning Application

### **7.3 National Design Guide 2021**

Context

Identity

Built Form

Movement

Homes and Buildings

#### 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  
LP12 – Rural Areas Development Policy  
LP15 – Facilitating the Creation of a More Sustainable Transport Network  
LP16 – Delivering and Protecting High Quality Environments across the District  
LP19 – The Natural Environment

#### 7.5 **Whittlesey Neighbourhood Plan 2021-2040**

Policy 1 – Spatial Planning  
Policy 2 – Local Housing Need  
Policy 7 – Design Quality  
Policy 11– Adapting to and Mitigating Climate Change

#### 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 **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  
LP7: Design  
LP8: Amenity Provision  
LP13: Custom and Self Build  
LP18: Development in the Countryside  
LP20: Accessibility and Transport  
LP22: Parking Provision  
LP24: Natural Environment  
LP25: Biodiversity Net Gain  
LP28: Landscape

## 8 **KEY ISSUES**

- **Principle of Development**
- **Visual Amenity Impact**
- **Residential Amenity**
- **Highways/parking**
- **Biodiversity Net Gain (BNG)**

## **9 BACKGROUND**

- 9.1 The adjacent development currently under construction to the north for the erection of two single-storey, 4-bed dwellings with detached garages and formation of a footpath (F/YR22/1410/F) was approved by Planning Committee, during their meeting of 5<sup>th</sup> April 2023; the precedent for which had been established by the outcome of a previous application at the site;
- 9.2 Prior to the full application being approved as above, the same site was the subject of an outline application for the erection of two dwellings (F/YR22/0169/O) that was approved by Planning Committee at their meeting of 6<sup>th</sup> April 2022. This approval was contrary to officer recommendation to refuse on the basis of the principle of development and resultant countryside character harm.
- 9.3 During Member deliberations of F/YR22/0169/O, it should be noted that the general tone of the debate as set out in the approved minutes was that further development beyond that application site would be unlikely to be supported.
- 9.4 The current application, considered herein, seeks a similar development to that proposed under F/YR22/0169/O on a further area of undeveloped agricultural land to the south.
- 9.5 It is also worthy of note, for the purposes of transparency, as is understood from the applications set out in the Planning History section above that the applicant is a relative of Cllr Laws.

## **10 ASSESSMENT**

### **Principle of Development and Visual Amenity**

- 10.1 The proposal seeks outline planning permission, with matters committed in respect of access, for the erection of up to 2no. dwellings.
- 10.2 Policy LP3 of the Fenland Local Plan (2014) identifies Eastrea as a 'small village' where a development will be considered on its merits but will normally be limited in scale to residential infilling or a small business opportunity. Appendix C of the Local Plan defines residential infilling as "Development of a site between existing buildings." This is supported by Policy 1(e) of the Whittlesey Neighbourhood Plan, which calls upon the settlement hierarchy within LP3 with respect to development proposals within Eastrea.
- 10.3 The proposed development extends south into open countryside where there is no development beyond. As such, it is not considered to meet the definition of 'residential infilling' and is considered to relate more to the open countryside than to the settlement, contrary to Policy LP3 of the Fenland Local Plan and Policy 1(e) of the Whittlesey Neighbourhood Plan.
- 10.4 Furthermore, Policy LP12 Part A states that for villages new development will be supported where it contributes to the sustainability of that settlement and does not harm the wide-open character of the countryside and subject to

criteria (a) – (k). The proposal is considered to be contrary to the following criteria:

- 10.5 Criteria (a) requires that the site be in or adjacent to the existing developed footprint of the village, except for 'small' villages such as Eastrea, where only infill sites will normally be supported.
- 10.6 Criteria (c) seeks to ensure that developments do not have an adverse impact on the character and appearance of the surrounding countryside.
- 10.7 Criteria (d) seeks to ensure that the proposal is of a scale and location that is in keeping with the core shape and form of the settlement and will not adversely harm its character and appearance.
- 10.8 Criteria (e) seeks to ensure development does not extend existing linear features of the settlement or result in ribbon development.
- 10.9 In addition, LP16(c) requires development to retain natural features such as field patterns and criteria (d) amongst other things, seeks to make a positive contribution to local distinctiveness and character of an area.
- 10.10 Consideration of the impact of character is further required by Policy 7(c) of the Whittlesey Neighbourhood Plan, which requires development to respect the character of, and minimise the visual impact on the surrounding landscape, by respecting field patterns, and other natural features.
- 10.11 In this instance, the site is situated immediately to the south of the extremity of development in Eastrea, albeit adjacent to new development that is currently under construction. The creation of any further dwellings in this location, on an existing undeveloped agricultural field, would detrimentally impact on the character of the area and result in an unacceptable incursion into the open countryside, subsequently resulting in substantial harm to the rural and open landscape character of the area. Furthermore, the creation of an additional two dwellings within currently undeveloped agricultural land would result in excess of 150m of ribbon development projecting south out of Eastrea beyond 182 Wype Road which was considered the defined edge of the built form of the settlement.
- 10.12 It is therefore considered that the proposals are contrary to the aims of Policy LP12 – Part A (a, c, d and e) and fails to make a positive contribution to the local distinctiveness, character of the area and settlement pattern, resulting in a significant adverse impact on visual amenity, contrary to policy LP16, Policy DM3 of the Fenland District Council Supplementary Planning Document: Delivering and Protecting High Quality Environments in Fenland (2014), and Policy 7(c) of the Whittlesey Neighbourhood Plan.

### **Residential Amenity**

- 10.13 As the application is submitted in Outline form with no detailed plans provided, it is not possible to fully assess the impact of the development on residential amenity. Notwithstanding this, the indicative layout plan identifies that the site is sufficiently sized to comfortably accommodate the proposed units on generous plots that afford ample private amenity space provision for each dwelling.



- 10.14 Furthermore, the indicative street scene identifies that the proposed dwellings will likely be single storey in nature, and therefore there are no concerns in terms of overlooking within the site, or into the private amenity space of the existing property to the north-west of the site.
- 10.15 Environmental Health have recommended a condition in relation to hours of construction, the site is not in densely populated or constrained area, due to its open countryside location, and should issues of noise arise there is separate legislation in relation to this, hence it is not considered reasonable to impose this condition.
- 10.16 It is considered that the site is capable of accommodating a suitably designed, detailed scheme in terms of the preservation and provision of residential amenity (subject to Reserved Matters consideration), and is therefore compliant in principle with Policies LP2 and LP16 of the Fenland District Council Local Plan (2014).

### **Highways and Parking**

- 10.17 Access is the only matter committed as part of this outline application. The site layout shows the creation of one shared access point to serve both new dwellings, leading to a shared parking/turning area.
- 10.18 In terms of the proposed access, the highway authority have raised no objection. The geometry of Wype Road allows for excellent forward visibility in both directions, even when taking into account the increase to a 40mph speed limit to the south.
- 10.19 Whilst details of the internal layout of the site would be required at reserved matters stage, the indicative plans indicate that there is sufficient space on site to provide suitable parking and turning space on site relative to the level of accommodation proposed (as required by Policy LP15 Appendix A).
- 10.20 Concerns have been raised regarding the lack of highway footpath along Wype Road to support this, and other, development. The submitted plans suggest that a 1.2m wide internal footpath is proposed to link to the footpath serving 188 and 190 Wype Road to the northwest (F/YR22/1410/F). Noting additional planning history for adjoining sites to the northwest (F/YR20/0583/VOC), where it was considered that an internal footpath would provide the same level of access to future occupiers and therefore meets the same aims as that previously approved in respect of highway safety and sustainable access. The same is true in this case and as such the footpath link, given the quantum of development proposed, is considered acceptable in this instance.
- 10.21 It is therefore considered that the proposals are acceptable in terms of parking and highway safety, having regard to Policy LP15 of the Fenland Local Plan (2014).

### **Biodiversity Net Gain (BNG)**

- 10.22 The Environment Act 2021 requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach accords with Local Plan policies LP16 and LP19 which

outlines a primary objective for biodiversity to be conserved or enhanced and provides for the protection of Protected Species, Priority Species and Priority Habitat.

- 10.23 There are statutory exemptions, transitional arrangements and requirements relating to irreplaceable habitat which mean that the biodiversity gain condition does not always apply. In this instance however, none of the exemptions / transitional arrangements are considered to apply and a Biodiversity Gain Condition is required to be approved before development is begun.
- 10.24 Notwithstanding, a recommended condition could be imposed, which would require a consideration of achieving measurable net gain and biodiversity enhancements in accordance with Local Plan policies LP16 and LP19 and Chapter 15 of the NPPF.

## 11 CONCLUSIONS

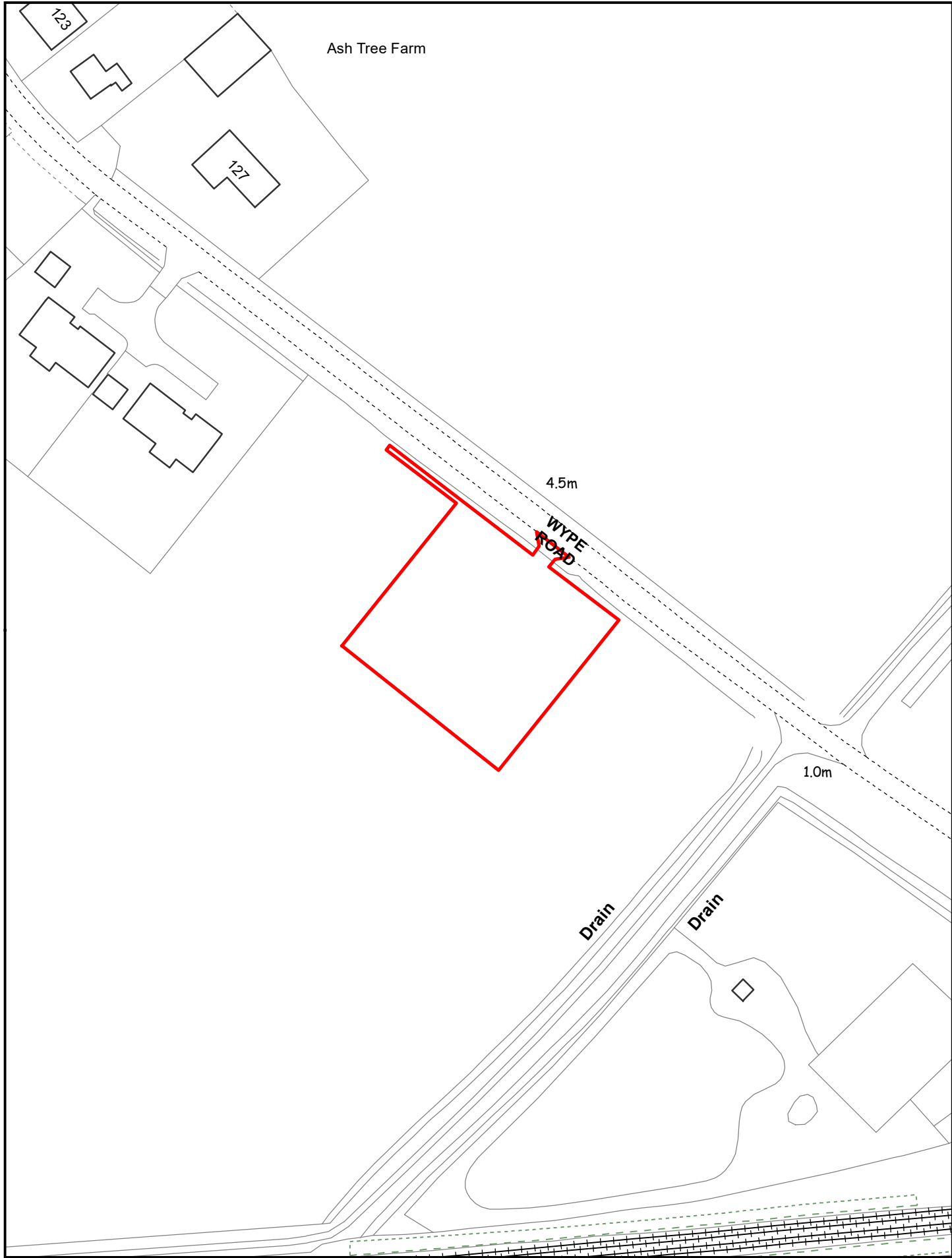
- 11.1 The application seeks outline planning permission for the erection of up to two dwellings, with matters committed in respect of access only. On the basis of the consideration of the issues of this application, conflict arises through the principle of the development of the site rather than as a result of matters that could be addressed at the design stage.
- 11.2 It is considered that the location of the site beyond the extremity of development in Eastrea would not constitute infill development, as required by Policy LP3 of the Fenland Local Plan and Policy 1(e) of the Whittlesey Neighbourhood Plan, thus resulting in an unacceptable encroachment into the open countryside.
- 11.3 The resultant harm from this would significantly and detrimentally impact on the rural landscape character of the area. As such, the proposals fail to make a positive contribution to the character of the area.
- 11.4 Therefore, it is considered that the proposal is unacceptable in principle and is contrary to Policy LP12 – Part A (a, c, d and e), LP16 of the Fenland Local Plan, and Policy DM3 Fenland District Council Supplementary Planning Document: Delivering and Protecting High Quality Environments in Fenland (2014), and Policy 7(c) of the Whittlesey Neighbourhood Plan.
- 11.5 Therefore, given the above assessment, the application is recommended for refusal.

## 12 RECOMMENDATION

**Refuse;** for the following reasons:

1	Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the district and identifies Eastrea as a 'small village' where a development will be considered on its merits but will normally be limited in scale to residential infilling or a small business opportunity.
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	<p>This is further supported by Policy 1(e) of the Whittlesey Neighbourhood Plan. The site is located beyond the built form of the parish with open countryside beyond and therefore would not constitute infill development, contrary to Policy LP3 of the Fenland Local Plan 2014 and Policy 1(e) of the Whittlesey Neighbourhood Plan 2021 – 2040.</p>
2	<p>Policy LP12 seeks to support development that does not harm the character of the countryside. Policy LP16 (d) of the Fenland Local Plan (2014) and Policy DM3 of Delivering and Protecting High Quality Environments in Fenland Supplementary Planning Document (2014) requires development to deliver and protect high quality environments through, amongst other things, making a positive contribution to the local distinctiveness and character of the area. Policy 7(c) of the Whittlesey Neighbourhood Plan requires development to respect the character of, and minimise the visual impact on, the surrounding landscape. By virtue of its location beyond the built form of Eastrea, development at this site would result in a significant encroachment into the open countryside resulting in an unacceptable and adverse impact on the rural landscape character of the area, contrary to Policy LP12, Policy LP16, Policy DM3 of the Fenland District Council Supplementary Planning Document: Delivering and Protecting High Quality Environments in Fenland (2014), and Policy 7(c) of the Whittlesey Neighbourhood Plan.</p>



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**F/YR24/0532/O**

Scale = 1:1,250



Scale: 1:500

Scale: 1:1250



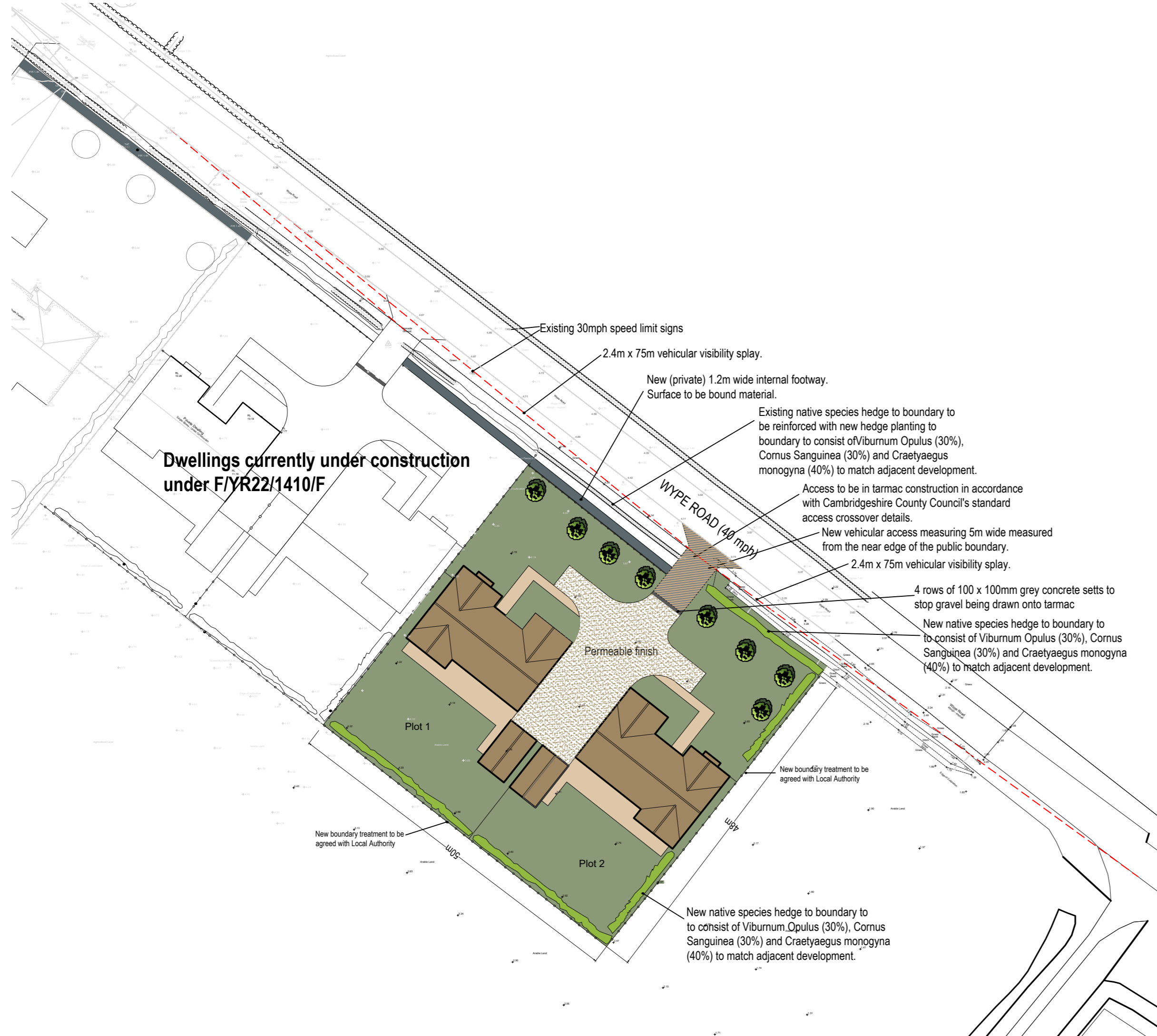
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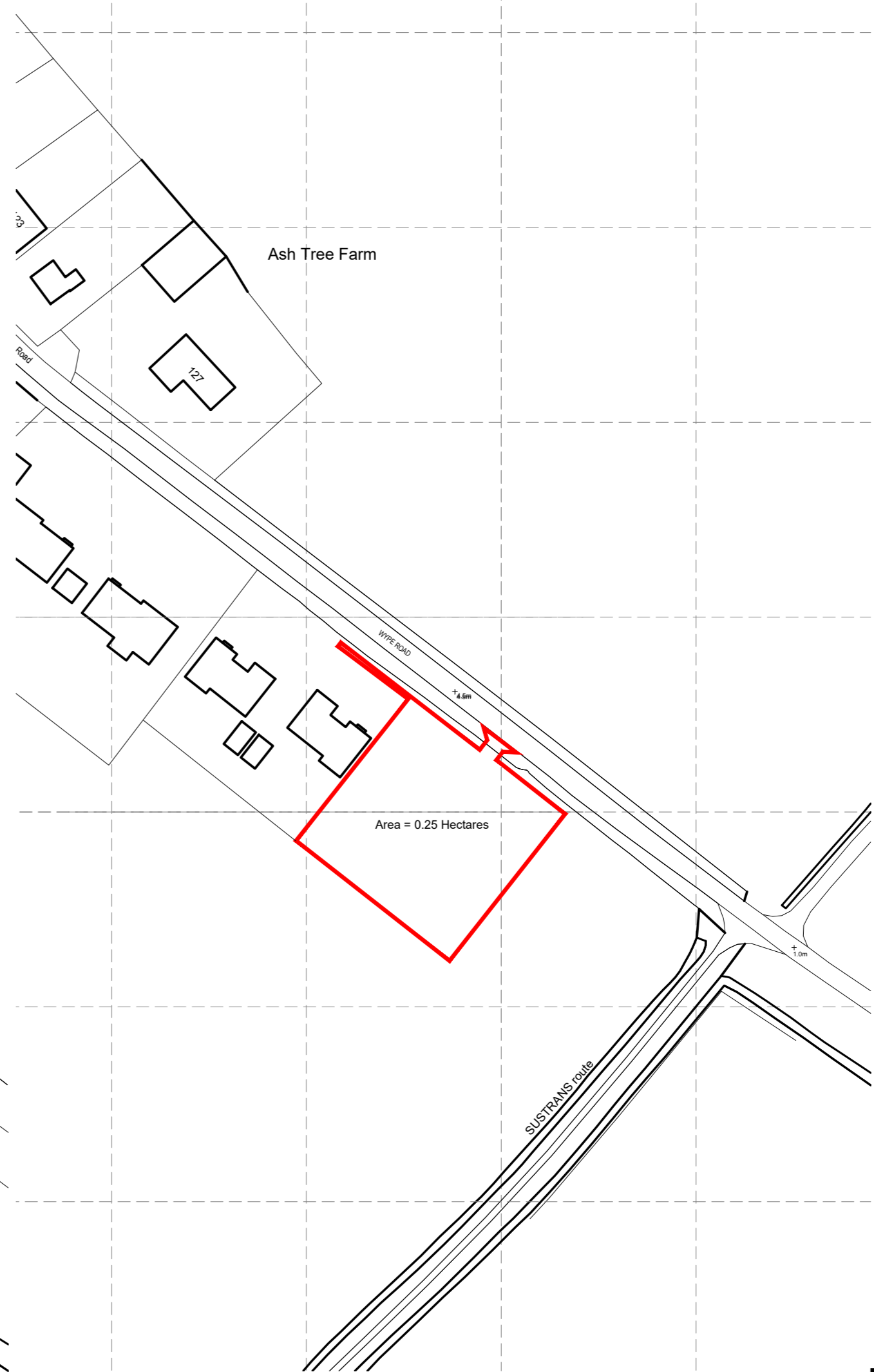
ALL WORKS TO COMPLY WITH CURRENT CDM REGULATIONS AS APPROPRIATE. IT IS THE CLIENT'S RESPONSIBILITY TO FULLY COMPLY WITH THE CDM 2015 REGULATIONS INCLUDING APPOINTING A PRINCIPAL DESIGNER AND PRINCIPAL CONTRACTOR FOR PROJECTS WITH MORE THAN ONE CONTRACTOR ON SITE.

NO WORKS TO COMMENCE ON SITE UNTIL ALL APPROVALS ARE CONFIRMED IN WRITING. L BEVENS ASSOCIATES ARCHITECTS LTD ACCEPTS NO LIABILITY IF THIS IS BREACHED.

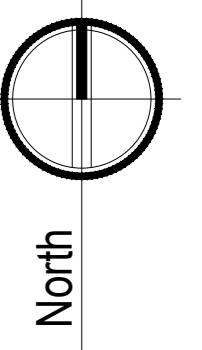
IT IS THE CONTRACTOR'S RESPONSIBILITY TO ACCURATELY LOCATE EXISTING SERVICES PRIOR TO WORKS COMMENCING.



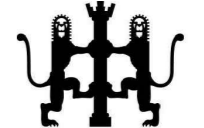
Indicative Site Plan 1:500  
(Access only committed)



Location Plan 1:1250



Rev A Jun. 24 Layout amended to suit BNG requirements



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DRAWING STATUS	PRELIMINARY	PLANNING	CONSTRUCTION	FILE COPY
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

CLIENT  
Mr B Aldridge

PROJECT  
Land South-East of 190 Wype Road,  
Eastrea, Cambridgeshire.

DRAWING TITLE  
Indicative Site Plan (Access only committed)  
Location Plan

SCALE	DATE	DRAWN	CHECKED
1:500 @ 1:1250 @ A2	March 2024	LB	
DRAWING NUMBER	REVISION		
CH24/LBA/658/OP-1-100	A		