
F/YR24/0276/F

**Applicant: Mr D Burgess
Fern Homes**

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

Gaultree Farm, High Road, Guyhirn, Wisbech Cambridgeshire PE13 4EA

Erect 7 x dwellings (4 x 3-storey 4-bed and 3 x 2-storey 3-bed) and the formation of a new access, involving the demolition of existing dwelling and outbuildings

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to officer recommendation

Government Planning Guarantee

Statutory Target Date For Determination: 28 May 2024

EOT in Place: Yes

EOT Expiry: 25 October 2024

Application Fee: £4046

Risk Statement:

This application must be determined by 25 October 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 full planning approval for the erection of seven dwellings and formation of a new access, facilitated by the demolition of the existing dwelling and outbuildings at Gaultree Farm, High Road, Guyhirn.</p> <p>1.2. The scheme proposes a mix of frontage and backland development, with three dwellings set in-depth behind four frontage plots. The introduction of backland development results in the scheme being unable to be considered as infill, and thus the scheme is contrary to Policy LP3. Furthermore, it is considered that the in-depth development conflicts with the local built form as predominately frontage development, and as such is contrary to Policy LP16(d).</p> <p>1.3. It is also considered that the scheme results in overdevelopment and poor amenity for future occupiers, contrary to Policies LP2 and LP16.</p> <p>1.4. The proposal results in a parking shortfall and inconvenient and constrained access, parking and turning areas contrary to Policy LP15.</p> <p>1.5. In accordance with the requirements of the Cambridgeshire Flood and Water SPD 2016 and the NPPF, and subsequently Policy LP14 of the</p> |
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Fenland Local Plan, the Sequential Test has not been appropriately considered in the context of the proposal and wider available land and is therefore considered failed. No measures have been submitted in relation to the Exception Test. As such, it is considered that the current scheme is not compliant with Policy LP14.

- 1.6. Given the considerations in the below assessment, the proposal is considered contrary to policies LP2, LP14, LP15, and LP16 of the Fenland Local Plan and is therefore recommended for refusal.
- 1.7. It should be noted that concerns regarding the suitability of the scheme were raised with the application in the interest of proactive working, but no substantive changes were made to the proposal by the applicant in response to Officer comment.

2 SITE DESCRIPTION

- 2.1. The application site is located on the west side of High Road in Guyhirn. The 0.22ha site includes an existing dwelling known as Gaultree Farm, along with outbuildings, and an area of undeveloped scrubland/ paddock land to the north bounded by mature vegetation. The existing dwelling is separated from the adjacent development to the south by 1.8m close boarded timber fencing. Residential development is situated to the north and south of the site, with the immediate dwellings known as Gaultree Cottage and River Rise house, respectively. To the east, on the opposite side of High Road from the site, is the River Nene, bounded by the existing tidal defences embankment.
- 2.2. The site falls within Flood Zones 1 & 3, with the northwestern (rear) part of the site within Flood Zone 3.

3 PROPOSAL

- 3.1. The application proposes the erection of seven dwellings and the formation of a new access, involving the demolition of existing dwelling and outbuildings at the site.
- 3.2. The development proposal comprises 4no. 3-storey, frontage detached dwellings (plots 1 – 4), with and 3no 2-storey dwellings in-depth, two as a semi-detached pair and one detached (Plots 5 -7). There are also 2 twin garages proposed between the front and rear dwellings, with parking and turning areas to either side of a shared access driveway leading from High Road between frontage plots 2 & 3.
- 3.3. The dwellings are proposed to be constructed of Vandersanden Flemish Antique brickwork with Marley Modern Smooth Grey roof tile. Each dwelling will include its own private amenity area
- 3.4. Full plans and associated documents for this application can be found at:
<https://www.publicaccess.fenland.gov.uk/publicaccess/>

4 SITE PLANNING HISTORY

F/YR09/0375/O	Erection of a dwelling involving demolition of existing outbuildings	Grant 21.07.2009
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5 CONSULTATIONS

5.1. Wisbech St Mary Parish Council

At the meeting of Wisbech St. Mary Parish Council on 15th April 2024, the Council recommended REFUSAL based on over development of the site, inadequate parking provision, and not being in keeping with the surrounding area.

5.2. 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 at: Construction Environmental Management Plan: A template for development sites (fenland.gov.uk)

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.

Due to the former land use, demolition of structures and evidence to show storage of building waste materials on site, it will also be necessary to impose 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:

No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs a), b) and c). This is an iterative process and the results of each stage will help decide if the following stage is necessary.

- (a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses, the proposed site usage, and include a conceptual model. The site investigation strategy will be based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.*
- (b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and*

accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.

- (c) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters. No development approved by this permission shall be occupied prior to the completion of any remedial works and a validation report/s being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs d), e) and f).*
- (d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice.*
- (e) If, during the works, contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.*
- (f) Upon completion of the works, this condition shall not be discharged until a validation/closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site, and what has been brought on to site.*

Reason: To control pollution of land or water in the interests of the environment and public safety.

5.3. Cambridgeshire County Council Highways Authority

Recommendation

On behalf of the Local Highway Authority, I raise no objections to the proposed development.

Comments

The development benefits from an existing dropped kerb with the highway. There is good visibility in either direction of the proposed access. The development proposes internal parking and whilst not labelled as such I would assume there to be visitor parking bays provided. It also proposes what appears to be an adequate turning facility within the site.

In the event that the LPA are mindful to approve the application, please append the following Conditions and Informatives to any consent granted:

Conditions

Parking/Turning Area: Prior to the first occupation of the development the proposed on-site parking/turning area shall be laid out in accordance with the approved plans, surfaced in a bound material and drained within the site. The parking/turning area, surfacing and drainage shall thereafter be retained as such in perpetuity (notwithstanding the provisions of Schedule 2, Part 1, Class F of The Town and Country Planning (General Permitted Development) (England) Order 2015, or any instrument revoking or re-enacting that Order).

5.4. **Natural England**

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

5.5. **CCC Ecology**

The proposal is acceptable on ecology grounds, providing that the biodiversity compensation/mitigation measures and enhancements recommended within the Ecological Impact Assessment are secured through a suitable worded condition(s) to ensure compliance with Fenland Local Plan 2014 policies LP16 and LP19 that seek to conserve, enhance and protect biodiversity through the planning process:

- 1. Compliance condition - scheme should comply with mitigation measures (during construction) set out in Ecological Impact Assessment.*
- 2. a. Compliance condition – scheme should comply with mitigation measures (during construction) set out in Ecological Impact Assessment.
b. Landscape and Biodiversity Enhancement Plan should demonstrate how mitigation / enhancement measures set out in the Ecological Impact Assessment will be implemented.*
- 3. Lighting scheme sensitively designed for wildlife.*
- 4. Time limit until update ecological surveys required.*

n.b. Sample condition wording was provided, but omitted for brevity.

5.6. **North Level Internal Drainage Board**

Please note that North Level District Internal Drainage Board have no objections to the above planning.

However, it is noted that soakaways are the preferred method of surface water disposal and it needs to be shown that soakaway drainage would be effective.

5.7. **Environment Agency**

Thank you for your consultation dated 03 September 2024. We have reviewed the documents as submitted and we are maintaining our objection until an adequate Flood Risk Assessment (FRA) is provided which addresses our concerns. Please find information on how to overcome our objection as well as further advice on Flood Risk in the section below.

Flood Risk

We originally objected as breach analysis had not been carried out. The FRA remains unchanged and as such our previous objection remains. Therefore, in the absence of an acceptable Flood Risk Assessment (FRA) we object to this application and recommend that planning permission is refused.

Reasons

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change planning practice guidance and its site-specific flood risk assessment checklist. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA (ECL1155/SWANN EDWARDS ARCHITECTURE dated November 2023) fails to:

- *consider how a range of flooding events (including extreme events) will affect people and property.*
- *consider how people will be kept safe from flood hazards*

The site is covered by our hazard mapping but the depths are shallow. The breach locations may be too far away to provide an appropriate picture of the flood risk to the site. The hazard depths in the vicinity of the nearest breach point are greater than at this site and when comparing land levels at both locations they are similar. The FRA should include breach analysis of a breach in front of the site to ensure that the finished floor levels are set appropriately.

Overcoming our objection

To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above. If this cannot be achieved, we are likely to maintain our objection.

5.8. FDC Environmental Services

- *The 'location plan and proposed site plan and street scene' diagram/drawing doesn't show the roadway as either highway &/or private road. IF a private road it would need to be constructed suitably for a 26 tonne refuse vehicle and indemnity would be required from landowners or future management company against any potential damage to the road surface etc. which may be caused during vehicle operations.*
- *Properties served by shared private driveways will require shared collection points where the drives/roads meet the public highway. Shared collection points need to be of sufficient size to accommodate up to 2 x 240 bins from each property. Residents should not be expected move bins more than 30m, Collection points should be no more than 10m from highway. From the plans it is unclear the extent of the public highway/shared private driveways.*
- *A swept path plan would be required to demonstrate that a refuse vehicle could access the site turn and leave the site in a forward direction (vehicle dimensions on the attached).*
- *New residents will require notification of collection and storage details by the developer before moving in and the first collection takes place.*
- *Refuse and recycling bins will be required to be provided as an integral part of the development.*

5.9. Local Residents/Interested Parties

The LPA received 9 letters of support for the scheme via the online comments portal, from six addresses on either Gull Road and High Road, Guyhirn – two of the letters received were from the host property, Gaultree Farm.

Only one of the letters received contained any reasons for supporting the scheme, noting that developments such as the proposed are the “only way to keep the village thriving”; the remaining 8 letters contained no reasons for support.

There were no other letters of objection, nor representations made on the application.

6 STATUTORY DUTY

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014) and the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021).

7 POLICY FRAMEWORK

7.1. National Planning Policy Framework (NPPF)

7.2. National Planning Practice Guidance (NPPG)

7.3. National Design Guide 2021

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
LP14 – Responding to Climate Change and Managing the Risk of Flooding
LP15 – Facilitating the Creation of a More Sustainable Transport Network
LP16 – Delivering and Protecting High Quality Environments
LP19 – The Natural Environment

7.5. Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021 Policy 14 - Waste management needs arising from residential and commercial Development

7.6. Delivering and Protecting High Quality Environments in Fenland SPD 2014 DM3 – Making a Positive Contribution to Local Distinctiveness and character of the Area

7.7. Cambridgeshire Flood and Water SPD 2016

7.8. 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
LP20: Accessibility and Transport
LP22: Parking Provision
LP24: Natural Environment
LP25: Biodiversity Net Gain
LP27: Trees and Planting

LP28: Landscape
LP32: Flood and Water Management
LP33: Development on Land Affected by Contamination

8 KEY ISSUES

- **Principle of Development**
- **Design and Character**
- **Residential Amenity and Servicing**
- **Highway Safety & Parking**
- **Flood Risk**
- **Biodiversity Net Gain (BNG)**

9 BACKGROUND

- 9.1. In the interest of pro-active working and in seeking an improved development proposal, on the basis of consultee comments received from the Parish Council and Environment Agency, noting concerns regarding overdevelopment, overall character impact, concerns over scale and amenity, an unacceptable Flood Risk Assessment and lack of Sequential Test, Officers approached the applicant to make amendments to the scheme and address these matters.
- 9.2. The applicant made only a minor adjustment to the scheme, removing an earlier proposed temporary static caravan (on the basis of flood risk), and providing a Sequential Test document with respect to flooding. The applicant was silent on the other concerns raised by Officers. As such, the overall scheme remains largely as originally submitted.

10 ASSESSMENT

Principle of Development

- 10.1. Policy LP3 of the Fenland Local Plan (FLP) identifies Guyhirn as a 'small village', in which development will be considered on its merits, normally limited in scale to residential infilling or a small business opportunity.
- 10.2. The application site includes a residential dwelling that is proposed to be demolished and an area of undeveloped land to the north to be developed for residential use. Existing frontage residential development is situated to the north and south of the site, with the immediate dwellings known as Gaultree Cottage and River Rise House, respectively.
- 10.3. The overall proposal includes 4 frontage plots, with 3 in-depth dwellings to the rear. Whilst the frontage plots may be considered as infill given the adjacent frontage development, the rearmost proposed plots consist of incongruous backland development that cannot be considered as infill. Given that the scheme must be considered on a wholesale basis, by virtue of the inclusion of backland development, the scheme cannot be considered as infill, and thus is contrary to Policy LP3.
- 10.4. Furthermore, the site specific impacts of any proposal must be considered in relation to the other relevant policies of the FLP, particularly with respect to flood risk (LP14), highway safety and parking (LP15) and design character (LP16).

Design and Character

- 10.5. In line with policy LP16, high quality environments will be delivered and protected throughout the district. Proposals for all new development will only be permitted if it can be demonstrated that the proposal meets, *inter alia* criterion d) by making a positive contribution to the local distinctiveness and character of the area, enhances its local setting, responds to and improves the character of the local built environment, provides resilience to climate change, reinforces local identity and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the surrounding area.
- 10.6. Within the immediate vicinity of the application site, the built form largely comprises frontage development. It is noted that further from the site there are isolated areas of in-depth development including Nene Close approximately 200m to the south, and Glebe Gardens circa 435m to the north.
- 10.7. Notwithstanding, when considering the character of built form along this section of High Road, in-depth development is out of character, given the settlement pattern here comprises frontage dwellings with paddock or agricultural land behind, which largely follows the historical development character of the area.
- 10.8. The proposal seeks to include 4 frontage detached dwellings, that would largely be appropriate in terms of their position when considered against the adjacent built form. During the application process, Officers confirmed that the development of frontage plots may be considered acceptable in principle given the prevailing character. However, it is considered that the inclusion of 3 additional in-depth dwellings and associated garages, parking, etc behind the frontage plots will result in a built form that is incongruent with the prevalent settlement pattern within the immediate vicinity. As such, the scheme, when considered cumulatively, is contrary to the requirements of Policy LP16 (d) as it does not enhance and respond to the existing settlement pattern by introducing backland development that is out of character.
- 10.9. In addition, it is considered that the overall design and layout of the scheme is generally cluttered, with dwellings closely spaced with limited separation. This constriction and dominance of parking, garaging and manoeuvring areas with little soft landscaping, separation or circulation space results in a cramped form that cannot be considered a high-quality development. Ultimately, it is considered that the overdevelopment of the site does not improve or enhance the local built environment as required Policy LP16 (d) further contravening this policy.

Residential Amenity and Servicing

- 10.10. Policy LP2 states that development proposals should contribute to the Council's goal of Fenland's residents, *inter alia*, promoting high levels of residential amenity whilst policy LP16 states that development should not adversely impact on the amenity of neighbouring users such as noise, light pollution, loss of privacy and loss of light.
- 10.11. When considering the amenity of existing dwellings to the north and south of the development site, there are no significant concerns regarding direct overlooking from the development to any adjacent dwellings. Separation between the proposed dwellings and existing dwellings is acceptable, and

given their angled relationships, it is unlikely that any significant impact of overlooking to private amenity spaces of neighbouring dwellings would occur.

10.12. Notwithstanding satisfactory neighbouring amenity impacts, consideration of future occupier amenity is also required. Concern arises from the inter-development relationships and the potential for overlooking; given the angled gardens relative to the proposed dwellings, there is potential for overlooking from the proposed plot 5 unit to the garden space of plot 6 and the same from the plot 6 to plot 7. In addition, concerns relate to the overall amenity quality of the development, including the lack of appropriate soft landscaping, circulation space and sense of openness that is lacking particularly from the public realm areas of the scheme. The dwellings to the rear (Plots 5-7) have poor front outlooks, dominated by parked vehicles and include garages attributed to the front dwellings (Plots 1-4) at close proximity. There is limited separation from the access and parking owing to the lack of front garden spaces (that often act as a buffer between public and private areas) that contributes to the overall poor amenity standard within the development. Given the volume and proximity of vehicular areas to Plots 5-7, occupiers of these dwellings will be subject to additional noise and disturbance from vehicles accessing these spaces and garages. Ultimately the constraints of the site to the rear results in a low-quality amenity standard for occupants, contrary to the objectives of Policies LP2 and LP16 that seek to ensure high quality development within Fenland.

10.13. Matters relating to appropriate refuse collection can be secured by condition to ensure a suitable method is available to occupants, in accordance with Policy LP16 (f).

10.14. However, notwithstanding any matters that can be conditioned going forward, Officers consider that the overall occupier amenity of the development does not constitute a high-quality development as required by Policy LP16, and should therefore be refused on this basis.

Highway Safety & Parking

10.15. Policy LP15 seeks to ensure developments provide safe and convenient access for all.

10.16. The proposed access off High Road is considered acceptable by the Highway Authority, who raised no objection to the scheme as it resulted in no detrimental impacts to the public highway.

10.17. However, within the private roadway of the scheme, and notwithstanding the provided turning head, the access road is proposed as approximately 4.8m wide, with parking spaces immediately adjacent, particularly at the far western end. Given these arrangements, it is considered that the convenience of manoeuvrability within this part of the access/parking area will be limited; a 6m clearance behind perpendicular parked vehicles is required for 'swing' to enable a car to enter/exit a space without a number of 'shunts' to enable clearance¹; and the proposed arrangement relies heavily on cars parked entirely 'off' the main access carriageway to not constrict the access width further. In addition, the majority of parking spaces are intended as approximately 2.4m x 5m, with no shown circulation room between parking spaces to enable pedestrians to comfortably navigate around parked vehicles

¹ See Manual for Streets (2007):

<https://assets.publishing.service.gov.uk/media/5a7e0035ed915d74e6223743/pdfmanforstreets.pdf>

and/or enter/exit their vehicles. 2.7m width would typically be considered a more appropriate dimension. Accordingly, the scheme does not result in convenient access/parking arrangements and further cements the concern over overdevelopment and poor amenity as discussed above.

- 10.18. Furthermore, in accordance with the requirements of Policy LP15 (Appendix A), the development (comprising 4no. 4-bed dwellings and 3no. 3-bed dwellings) requires a total of 18 parking spaces to serve the development.
- 10.19. There are 14 open spaces depicted on the submitted site plan, along with four garage spaces. To be counted towards parking provision, Policy LP15 Appendix A clearly states that garages are required to be a minimum of 7m x 3m internally. The proposed twin garages are modest, measured internally as 5.9m x 2.8m per bay with a 2.25m wide entry door. Accordingly, the garages are too small to be counted toward parking provision for the scheme. As such, the scheme has a technical shortfall of 4 parking spaces relative to the intended development accommodation levels.
- 10.20. In addition, given the constrained parking arrangements some of the open spaces shown are so inconveniently positioned that they are effectively rendered unusable; such as those directly positioned at the end of the access which would require vehicles to reverse some 11m before they could turn to exit the site in a forward gear, or the four spaces to the south of the access road which have insufficient turning room given the restricted access road width. As such, the scheme does not offer appropriate parking provision and does not comply with Policy LP15 (Appendix A).
- 10.21. Therefore, given the above, it is considered that the scheme results in poor access and a shortfall of parking provision and is contrary to Policy LP15, and should be refused on this basis.

Flood Risk

- 10.22. Policy LP14 of the Fenland Local Plan (2014) and chapter 14 of the National Planning Policy Framework set out the policy approach towards development in areas of flood risk. Both of these policies seek to encourage development first within areas of lower flood risk, before considering development in areas at higher risk of flooding.

Sequential Test

- 10.23. The application site lies within Flood Zones 1 & 3; Plots 1 – 4 are positioned within Flood Zone 1, whilst Plots 5 - 7 are within (or partly within) Flood Zone 3. The applicant has submitted a Flood Risk Assessment and separate Sequential Test to address the requirements of the NPPF.
- 10.24. The applicant has undertaken a Sequential Test. The area with the submitted Sequential Test has been limited to the settlement of Guyhirn. The Test concludes that of the most recent permissions within Guyhirn, only 1 site (F/YR21/0908/F) may be reasonably available. However, this site is not considered sequentially preferable as it falls entirely within Flood Zone 3, and thus at a higher risk of flooding than the majority of the application site.
- 10.25. Notwithstanding these findings, given that the scale and form of the proposed development exceeds the allowable development scope within the Settlement Hierarchy (and thus is contrary to Policy LP3) as it is not considered to constitute infill development, a district wide area of search for the purposes of

the Sequential Test is considered applicable in this case. Therefore, the submitted Sequential Test is considered failed on this basis, and thus as a matter of principle refusal is required.

Exception Test

10.26. Notwithstanding the failure of the sequential test, had this been deemed as passed it would then be necessary for the application to pass the Exception Test, which comprises of demonstration of the following:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall.

a) Wider sustainability benefits

10.27. Section 4.5.8 of the Cambridgeshire Flood and Water SPD sets out the sustainability themes and issues which development could help to address in order to achieve wider benefits, which are:

- Land and water resources;
- Biodiversity and green infrastructure;
- Landscape, townscape and historic environment;
- Climate change mitigation and renewable energy;
- Flood risk and climate change adaptation;
- Pollution;
- Healthy and inclusive and accessible communities
- Economic activity; or
- Transport.

10.28. Having regard to the scale and nature of development, it would likely be difficult to achieve wider benefits through much of the list above. However, it is often possible to achieve wider benefits on smaller housing schemes through the inclusion of climate change mitigation and renewable energy features to a level which exceeds normal Building Regulations requirements. However, no such benefits have been identified within the submitted FRA, other than the delivery of the housing itself. The SPD explicitly states that “the general provision of housing itself would not normally be considered as a wider sustainability benefit”.

(b) Addressing wider flood risk

10.29. The submitted Flood Risk Assessment indicates that based upon available flood risk data for the site, mitigation such as minimum finished floor levels being no lower than 2.2mAOD along with an additional 0.3m freeboard and 0.3m flood resilient construction above would be acceptable, noting that the proposed dwellings are envisaged to be two storey with no sleeping accommodation on the ground floor. Thus, notwithstanding the failure of the Sequential Test, the information submitted with the application indicates that the Exception Test may have been passed given the inclusion of flood mitigation measures.

10.30. It should be noted, however, that Consultation with the Environment Agency resulted in a technical objection to the scheme on the basis that the Flood Risk Assessment was deficient in assessing the appropriate breach hazard at the site resulting from failure or overtopping of the nearby River Nene

defences within the vicinity of the site, noting that that the available breach hazard analysis data may be *too far away to provide an appropriate picture of the flood risk to the site*. Thus, given the evidence submitted it cannot be confirmed if the measures proposed would be appropriate to mitigate flood risk in the event of a flood on the basis of sufficient breach hazard analysis being undertaken to satisfy the Environment Agency.

Flooding and Flood Risk - Conclusion

- 10.31. Notwithstanding any flood mitigation measures provided at the site, the evidence submitted has failed to fully demonstrate that there are no sequentially preferable sites that could accommodate the intended development given that by virtue of the scale and form of development, the site cannot be considered to accord with the Settlement Hierarchy and thus the proposal has failed the Sequential Test. No measures have been identified within the application to demonstrate that the Exception Test has been passed either. As such, it is considered that the current scheme is not compliant with Policy LP14 and should be refused.

Biodiversity Net Gain (BNG)

- 10.32. 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.
- 10.33. 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, one or more of the exemptions / transitional arrangements are considered to apply and a Biodiversity Gain Condition is not required to be approved before development is begun because the application was submitted prior to the requirement for statutory net gain coming into force.
- 10.34. Notwithstanding, a recommended condition can be imposed to require 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 above assessment outlines that the application proposes unacceptable development on the basis of principle, given that the scheme cannot be considered as infill development, contrary to Policy LP3. By virtue of the backland (in-depth) development proposed, the scheme will result in a built form that is incongruous with the current settlement pattern and therefore contrary to Policy LP16. In addition, the scheme results in a cramped form of development, resulting in unacceptable occupier amenity, contrary to Policies LP2 and LP16 and an overall overdevelopment of the site. Furthermore, access, parking and turning are convoluted and inconvenient and the scheme has inappropriate parking arrangements resulting in a provision shortfall, contrary to Policy LP15. Moreover, evidence has not been advanced to consider a more sequentially preferable siting of the proposed development in an area of lesser flood risk in accordance with the agreed assessment methodology in respect of the Settlement Hierarchy or demonstrating how the

Exception Test would be passed, and thus the scheme is contrary to Policy LP14.

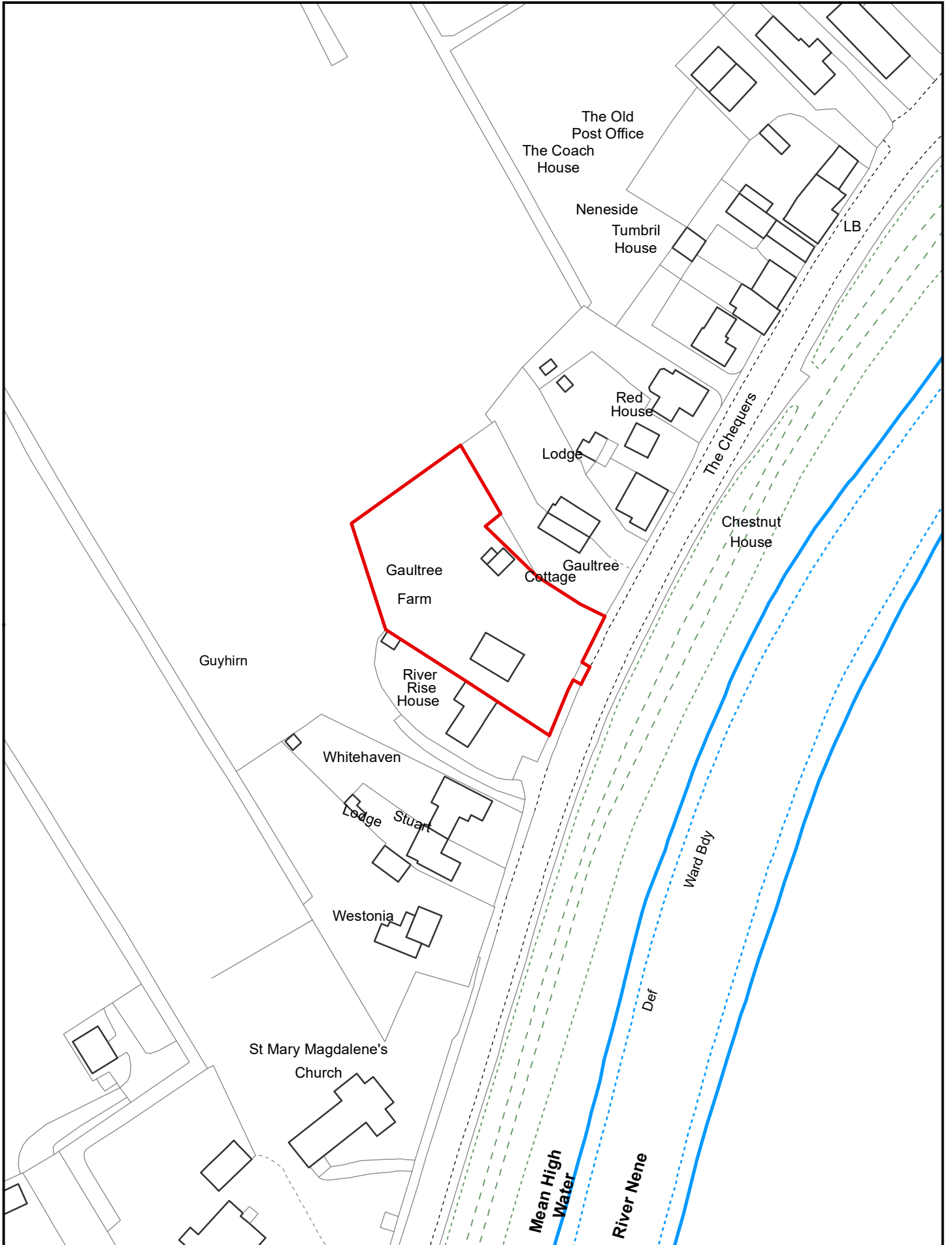
11.2. Therefore, given the above, the application is recommended for refusal.

12 RECOMMENDATION

Refuse, for the following reasons:

1	Policy LP3 of the Fenland Local Plan (FLP) identifies Guyhirn as a 'small village', in which development will be considered on its merits, normally limited in scale to residential infilling or a small business opportunity. The overall proposal includes 4 frontage plots, with 3 in-depth dwellings to the rear. Given that the scheme must be considered on a wholesale basis, by virtue of the inclusion of backland development, the scheme cannot be considered as infill, and thus is contrary to Policy LP3.
2	Policy LP16 seeks to ensure that proposed development responds to and improves the character of the local built environment, and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the surrounding area. The application site proposes the construction of both frontage and in-depth development along High Road, an area characterised by predominately frontage built form only. By virtue of the in-depth element, the proposed development would be discordant with the existing core shape and built form of the development along High Road within the vicinity of the site to the detriment of the character and appearance of the area and would create a precedent for further backland development at sites with similar geometry. Thus, the proposal would therefore fail to comply with the requirements of Policy LP16 (d) of the Fenland Local Plan (2014).
3	Policies LP2 and LP16 of the Fenland Local Plan (2014) require development to deliver high quality environments by promoting high levels of residential amenity. The proposed development of seven dwellings at the site would result in overdevelopment resulting in poor outlook, lack of openness, and potential noise and disturbance given the lack of separation between dwellings and close proximity of dwellings to vehicular areas, and the potential for inter-development overlooking from the rearmost plots to adjacent garden spaces, generally resulting in a low quality overall amenity standard for occupants, contrary to Policies LP2 and LP16 of the Fenland Local Plan (2014) and DM3 of the High Quality Environments SPD (2014).
4	Policy LP15 of the Fenland Local Plan (2014) requires that developments provide well designed, safe and convenient access for all. By virtue of the level of overdevelopment at the site, the proposed parking and turning layout would result in a convoluted and inconvenient arrangement resulting in sub-standard development. In addition, by virtue of the undersized garages, undersized parking bays and inconveniently located open spaces

	<p>proposed, the scheme has inappropriate parking provision for the quantum of development. As such the scheme is contrary to Policy LP15 of the Fenland Local Plan (2014).</p>
5	<p>Policy LP14 of the Fenland Local Plan and section 14 of the National Planning Policy Framework require development proposals to adopt a sequential approach to flood risk from all forms of flooding, and Policy LP14 states that development in an area known to be at risk will only be permitted following the successful completion of a Sequential Test. The submitted Sequential Test has been limited to the settlement of Guyhirn. However, by virtue that the scale and form of the proposed development exceeds the allowable development scope within the Settlement Hierarchy, a district wide area of search for the purposes of the Sequential Test is applicable in this case. Therefore, the submitted Sequential Test is considered failed on this basis. Additionally, no measures have been indicated within the application demonstrating how the Exception Test would be passed. Consequently the application, if permitted, would therefore be contrary to Policy LP14, the Cambridgeshire Flood and Water SPD and the NPPF.</p>



Created on: 12/04/2024

F/YR24/0276/F

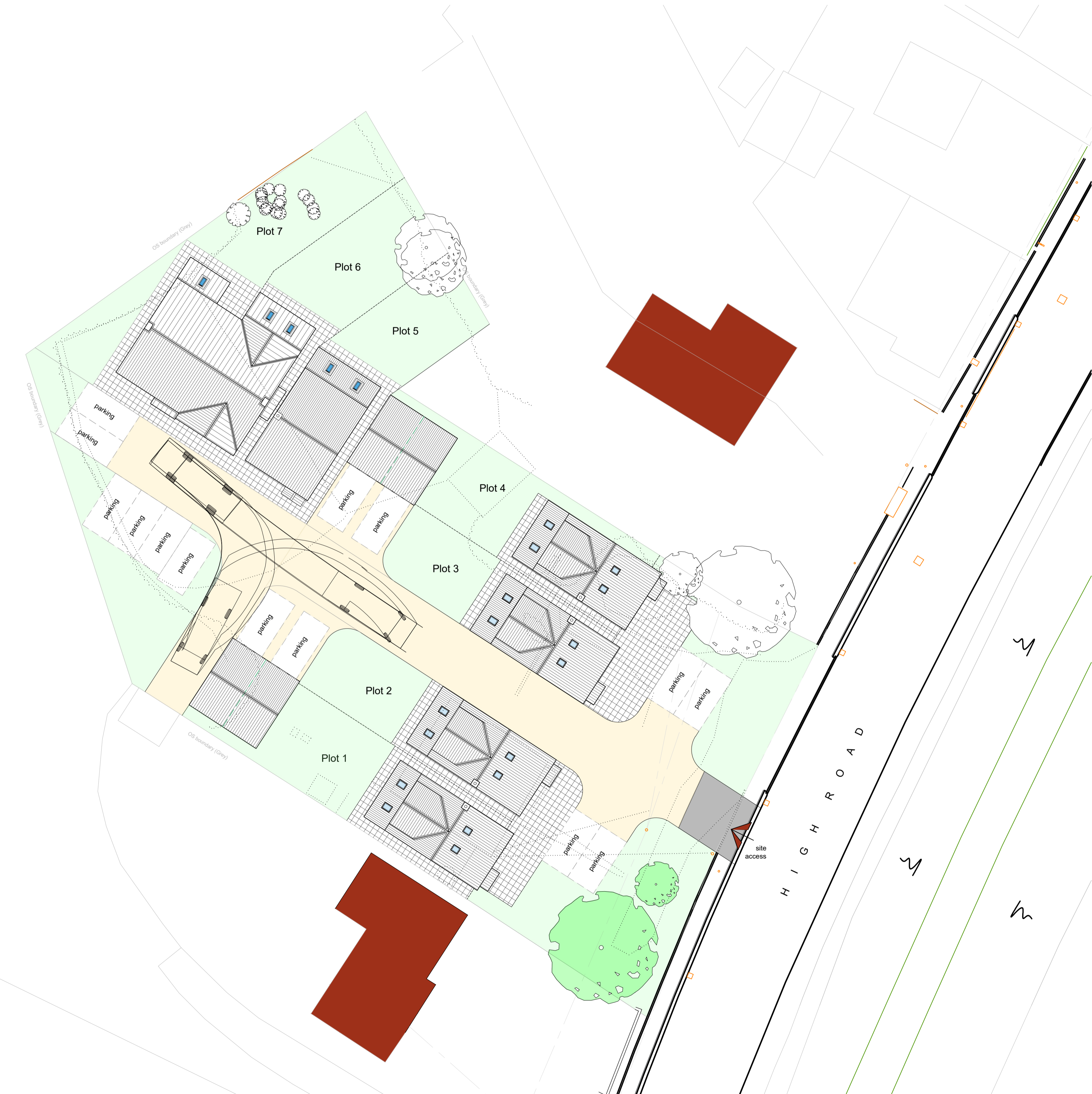
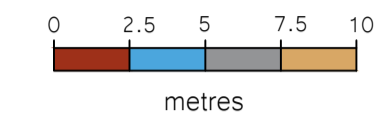
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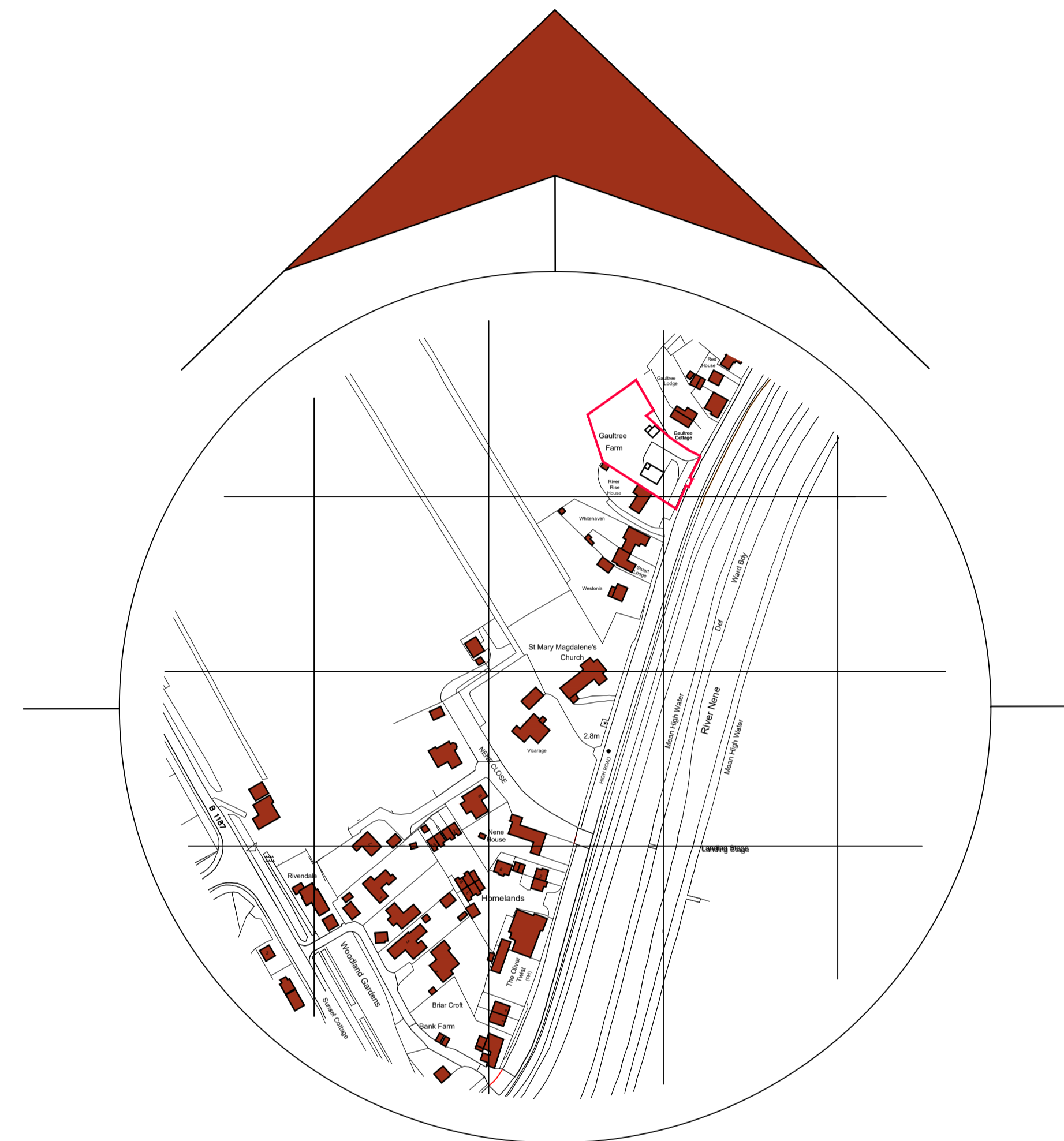
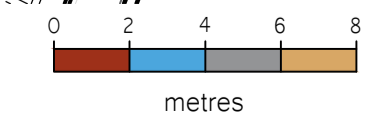




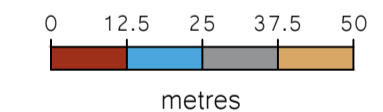
Proposed Street Scene
Scale: 1:250
metres



Site Plan
Scale: 1:200
metres



Location Plan
Scale: 1:1250
metres



General Notes
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- SITE PLAN KEY**
- Indicates proposed buildings
 - Indicates un-surveyed buildings taken from OS Map
 - Indicates site access
 - Indicates existing surveyed trees and hedges
 - Indicates proposed trees and hedges
 - Indicates proposed grass area
 - Indicates proposed hard surface area
 - Indicates proposed patio area
 - Indicates features to be demolished

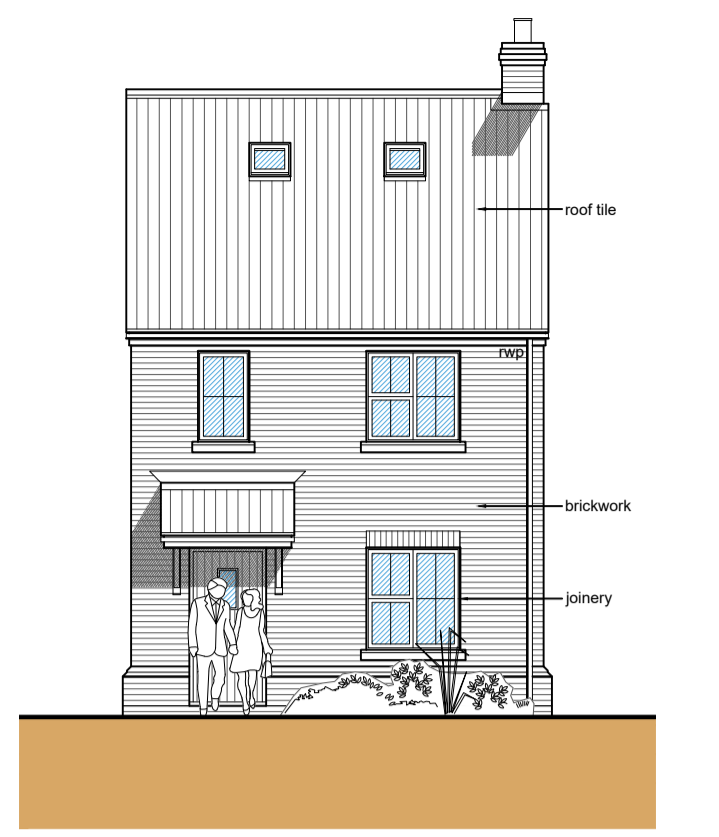
Revisions

C	June 2024	Street Scene Extended
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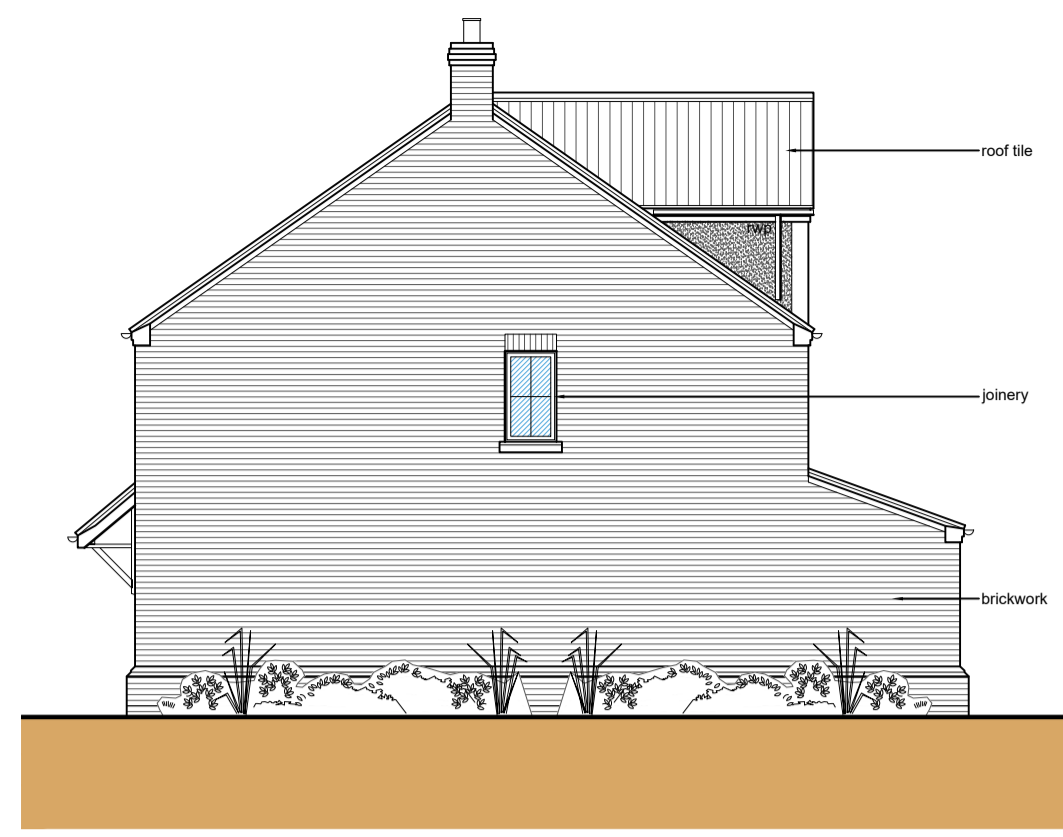
Status
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t 01945 450694 e info@swannedwards.co.uk w www.swannedwards.co.uk

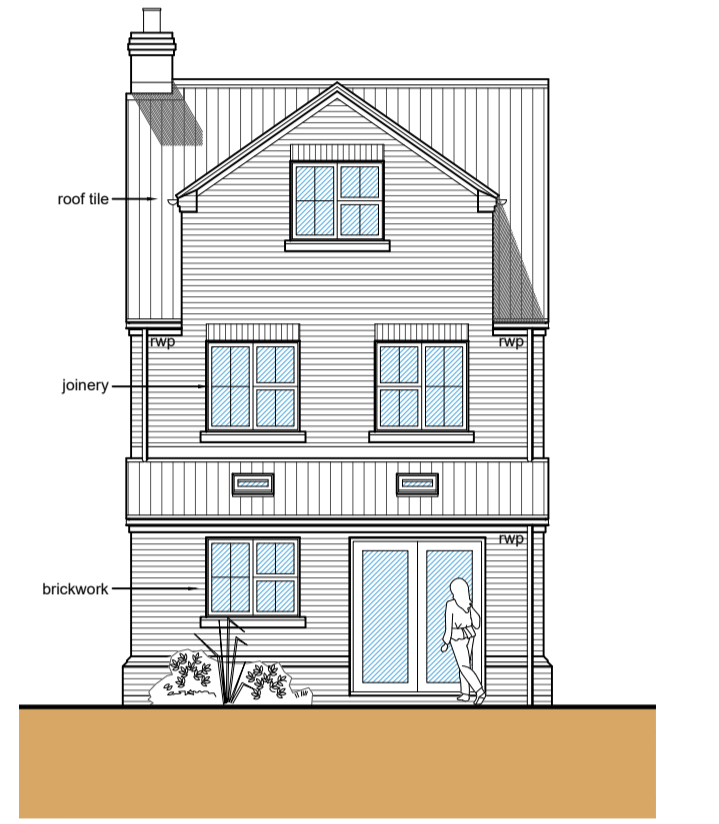
Job Title Proposed 7No. Dwellings Gaul Tree Farm, High Road Guyhirn, Wisbech, Cambs For: Fern Homes Ltd.	Date August 2023	Drawn by GT
Drawing Title Planning Drawing Site & Location Plan	Job No. SE-1831	Checked by GE
	Dwg No. PP1000	Sheet Size A1
		Revision C



Front Elevation
Plots 183 - Scale: 1:100
metres



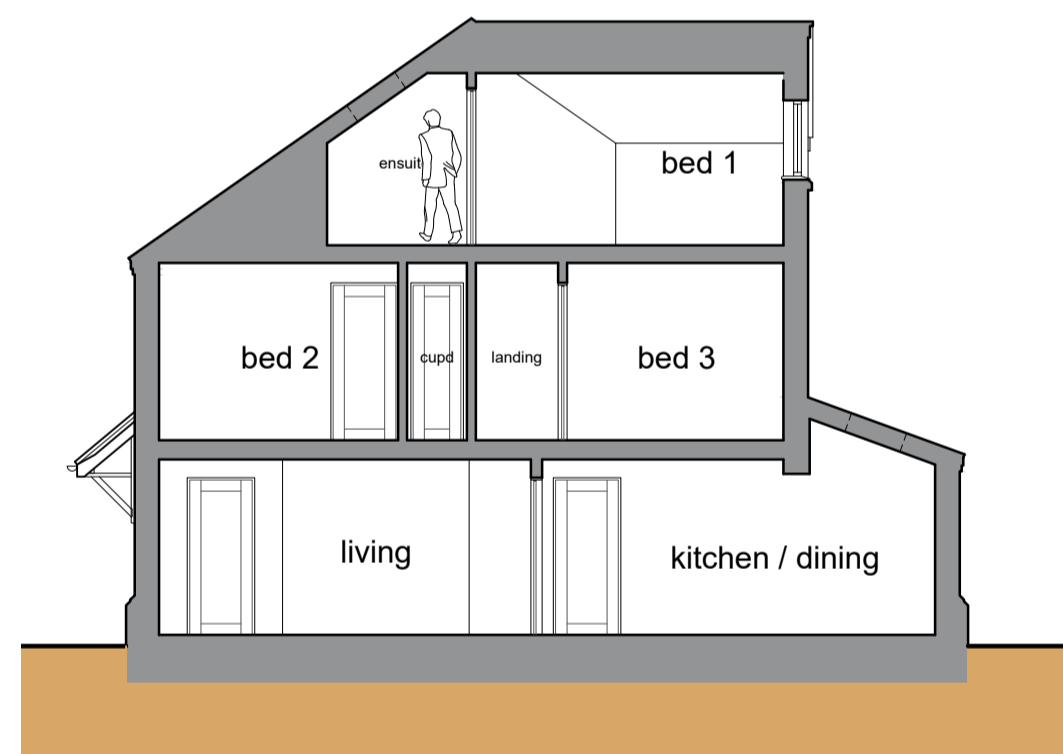
Side Elevation
Plots 183 - Scale: 1:100
metres



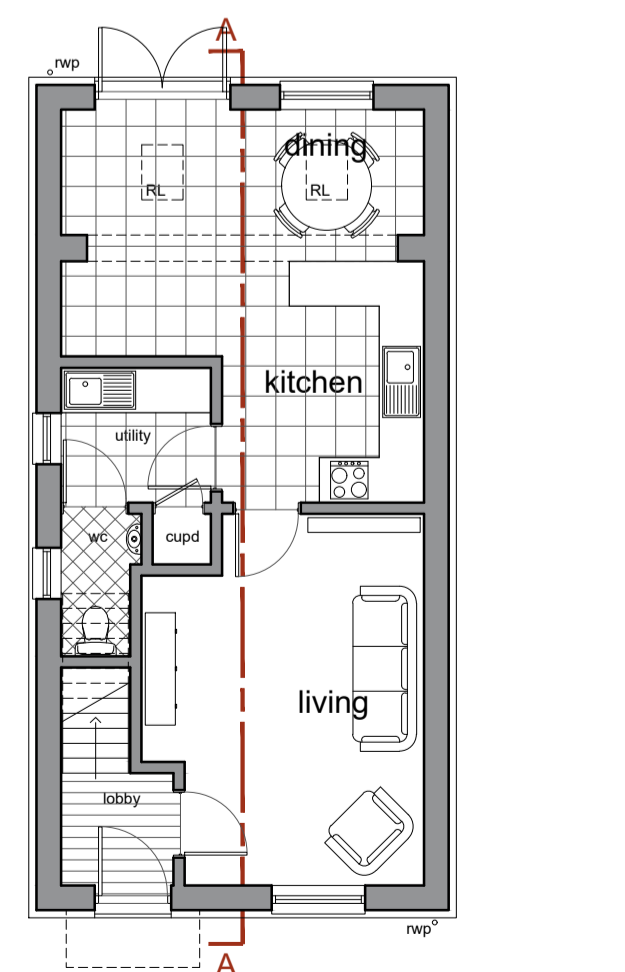
Rear Elevation
Plots 183 - Scale: 1:100
metres



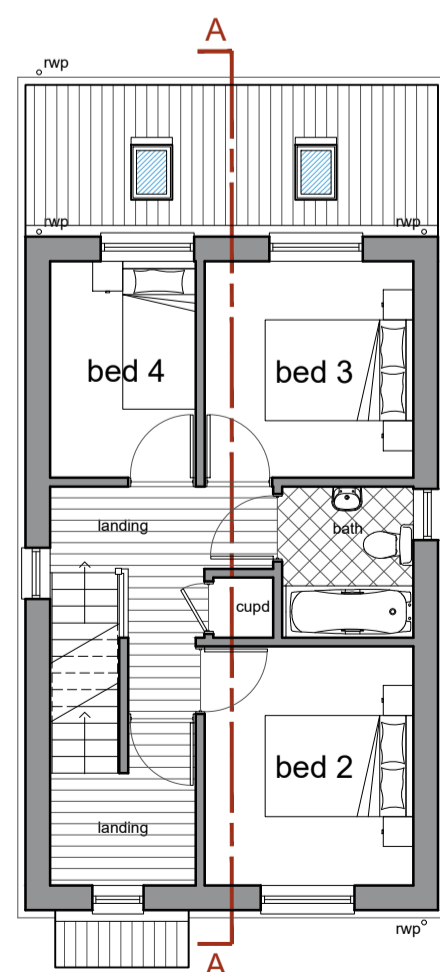
Side Elevation
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metres



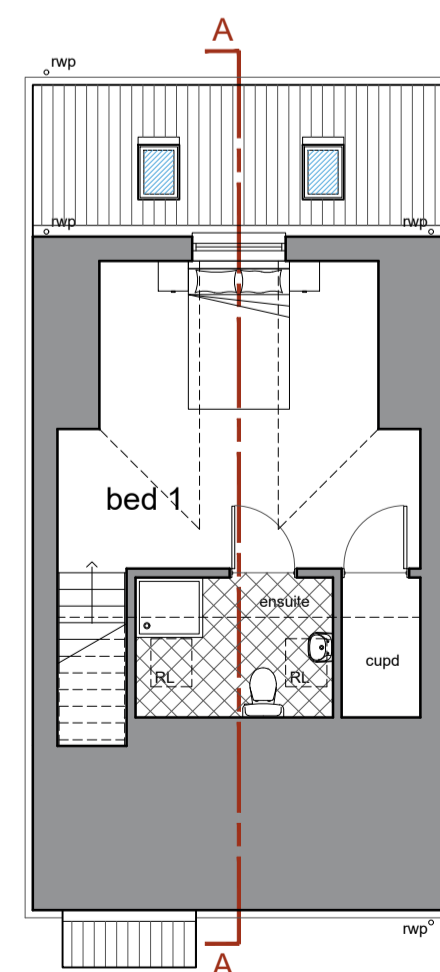
Section A-A
Plots 183 - Scale: 1:100
metres



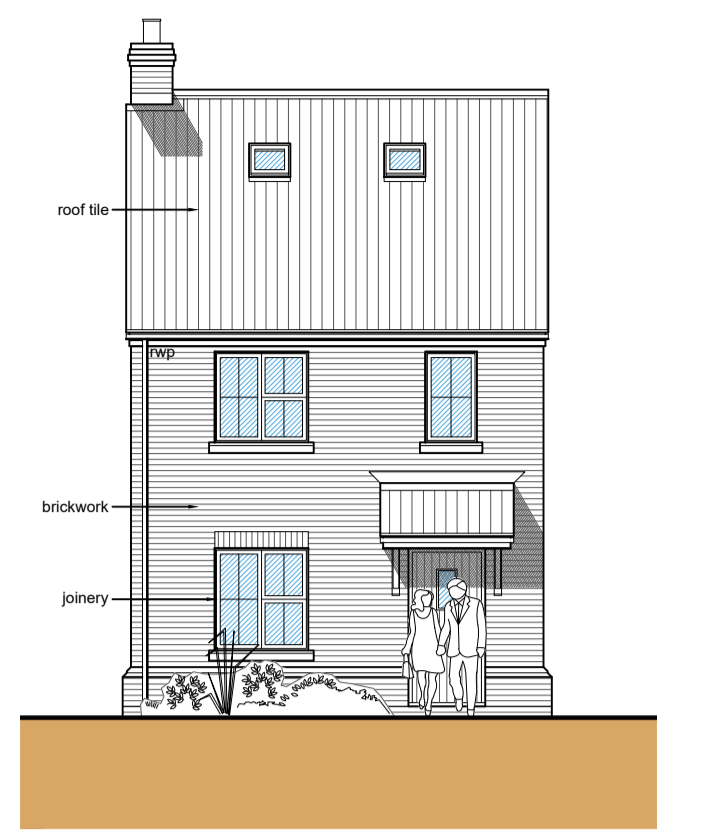
Ground Floor Plan
Plots 183 - Scale: 1:100
metres



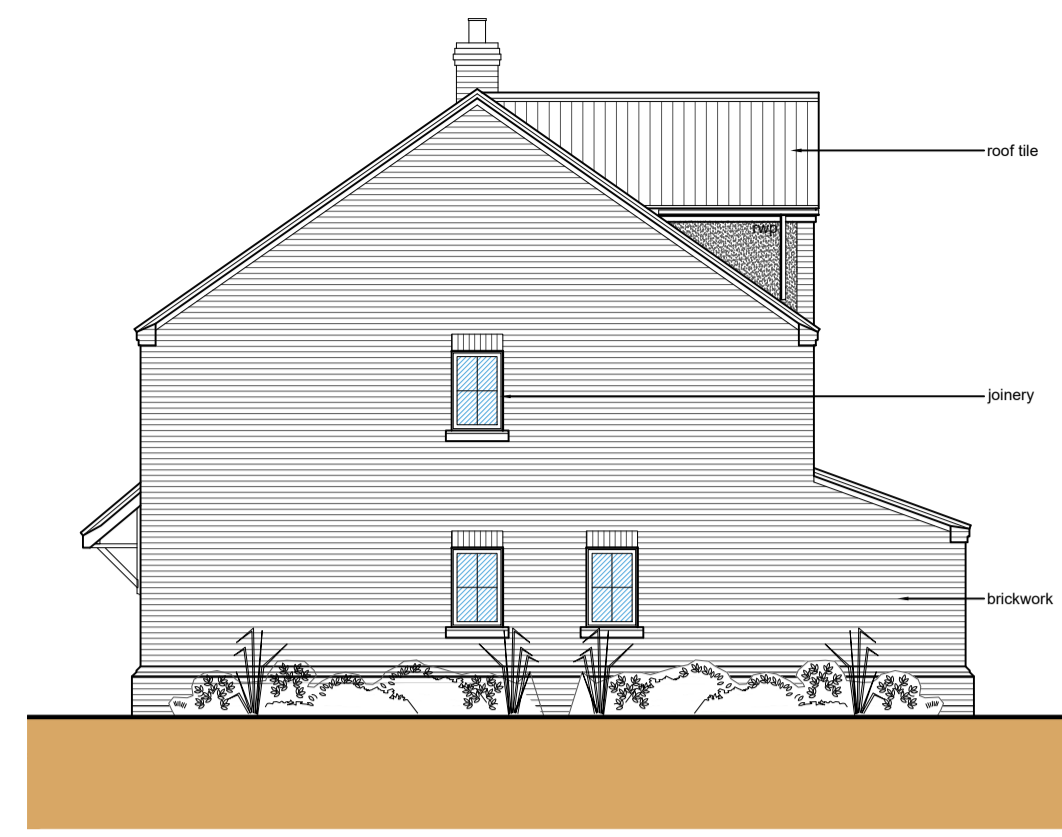
First Floor Plan
Plots 183 - Scale: 1:100
metres



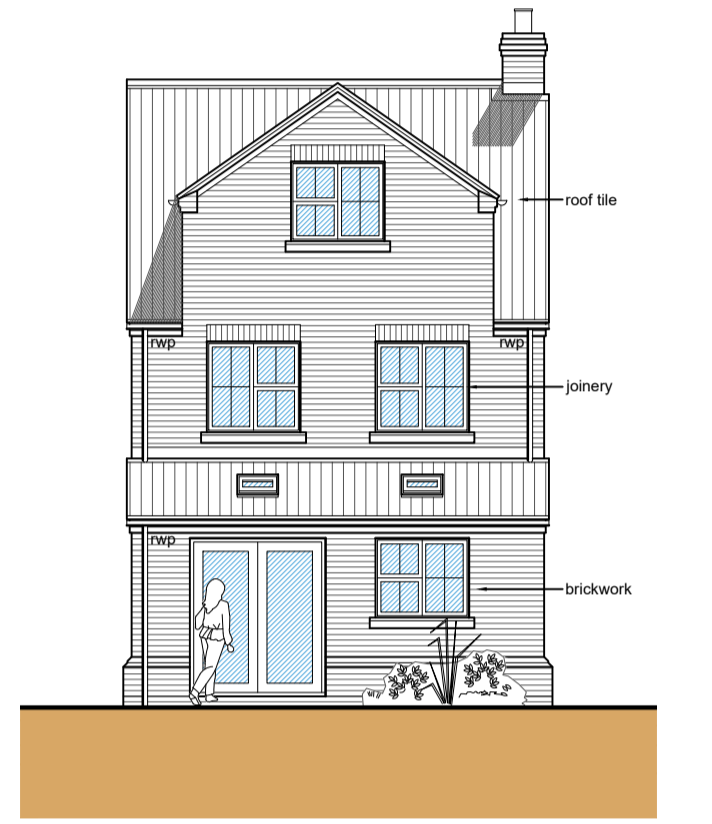
Second Floor Plan
Plots 183 - Scale: 1:100
metres



Front Elevation
Plots 284 - Scale: 1:100
metres



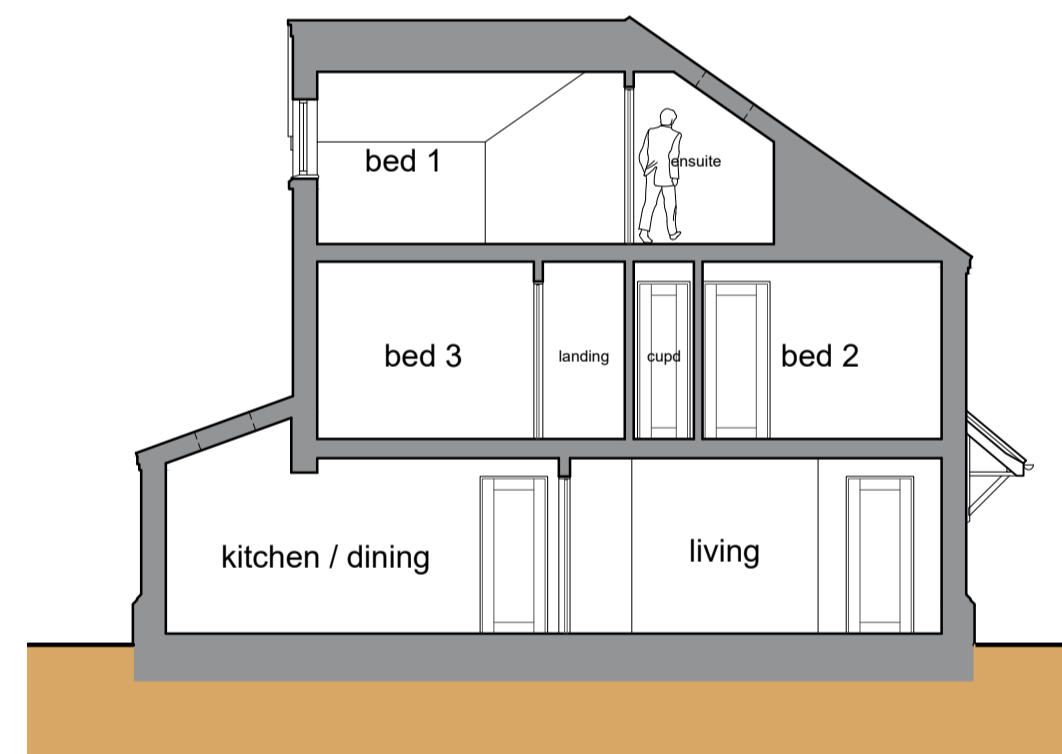
Side Elevation
Plots 284 - Scale: 1:100
metres



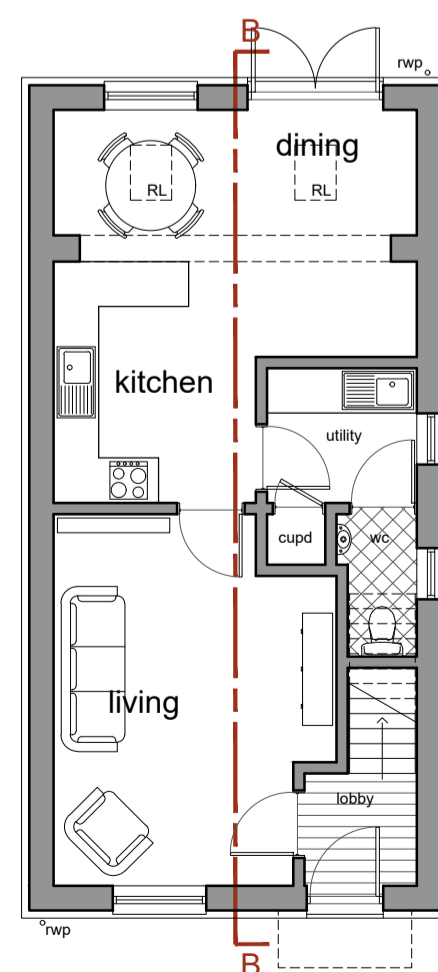
Rear Elevation
Plots 284 - Scale: 1:100
metres



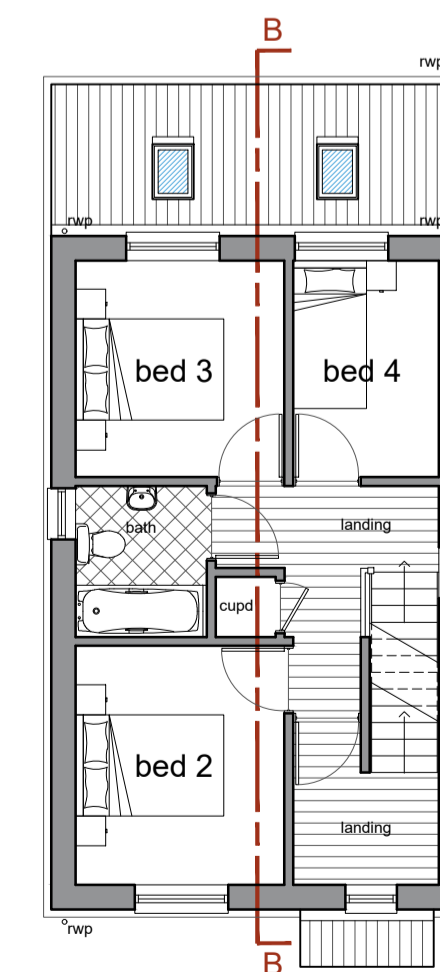
Side Elevation
Plots 284 - Scale: 1:100
metres



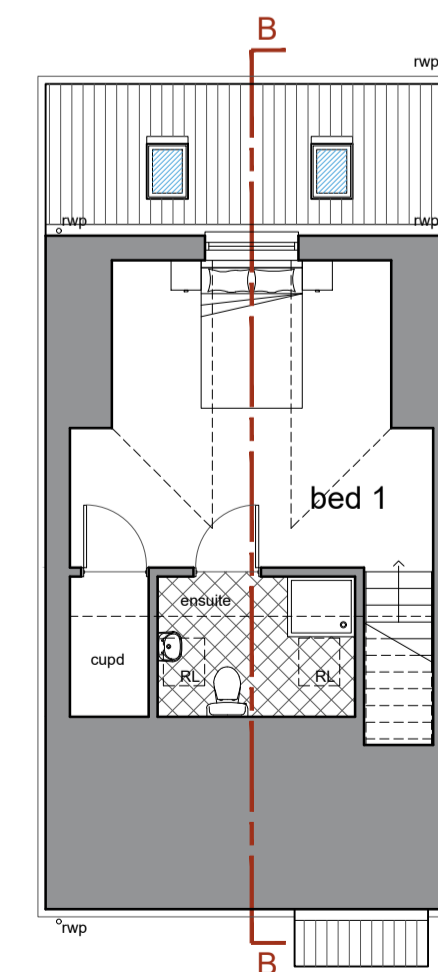
Section B-B
Plots 284 - Scale: 1:100
metres



Ground Floor Plan
Plots 284 - Scale: 1:100
metres

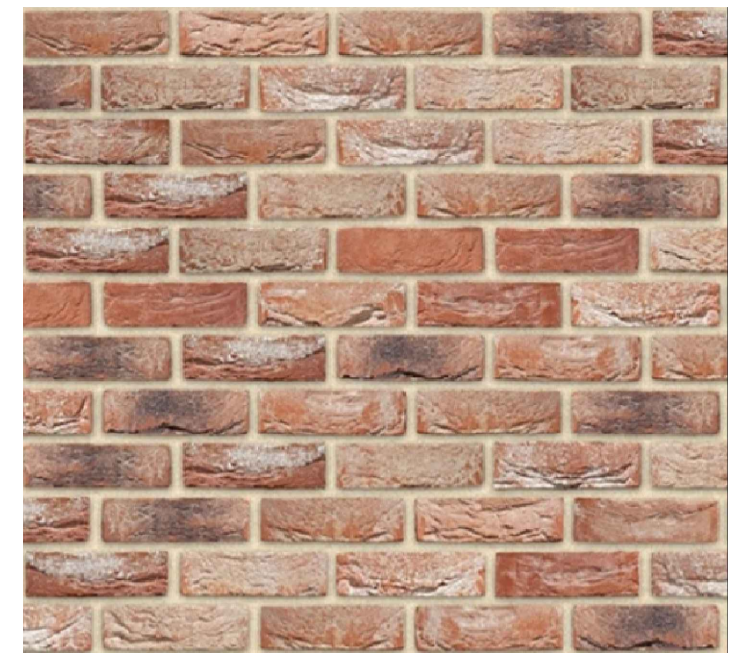


First Floor Plan
Plots 284 - Scale: 1:100
metres



Second Floor Plan
Plots 284 - Scale: 1:100
metres

- General Notes**
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Vandersanden - Flemish Antique



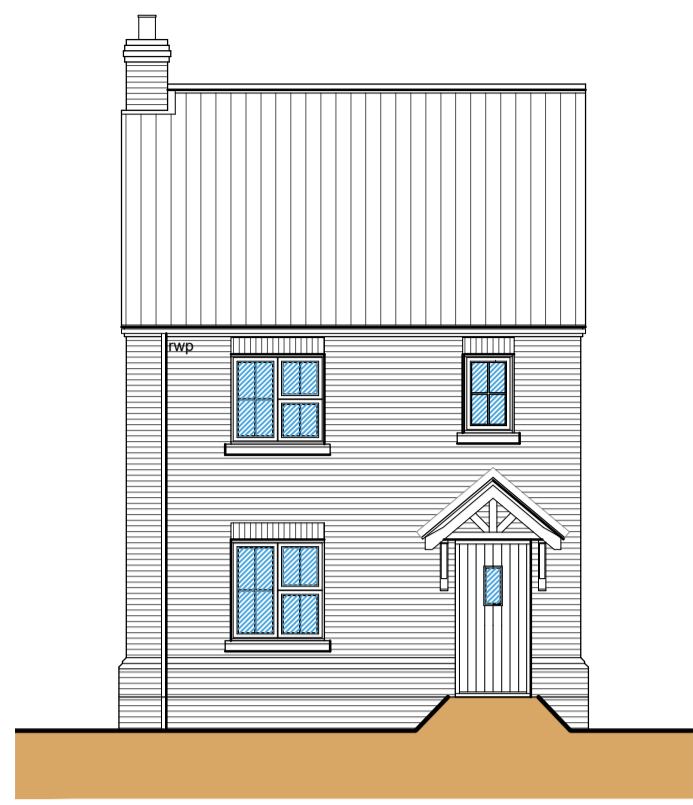
Marley - Modern Roofing Tile - Smooth Grey

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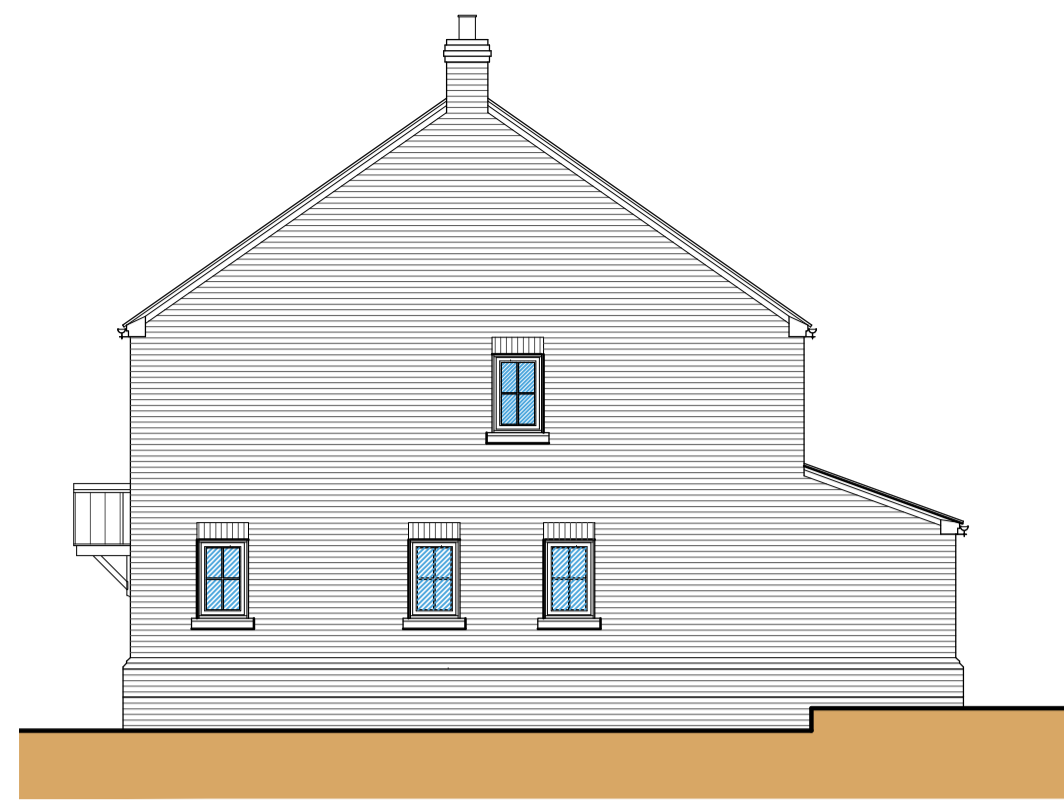
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Proposed 4No. Dwellings Gaul Tree Farm, High Road Guyhim, Wisbech, Cambs For: Fern Homes Ltd.	Job Title Date January 2023	Drawn by GT Checked by GE
Drawing Title Planning Drawing Floor Plans, Elevations & Sections	Job No. SE-1831 Dwg No. PP1100	Sheet Size A1 Revision



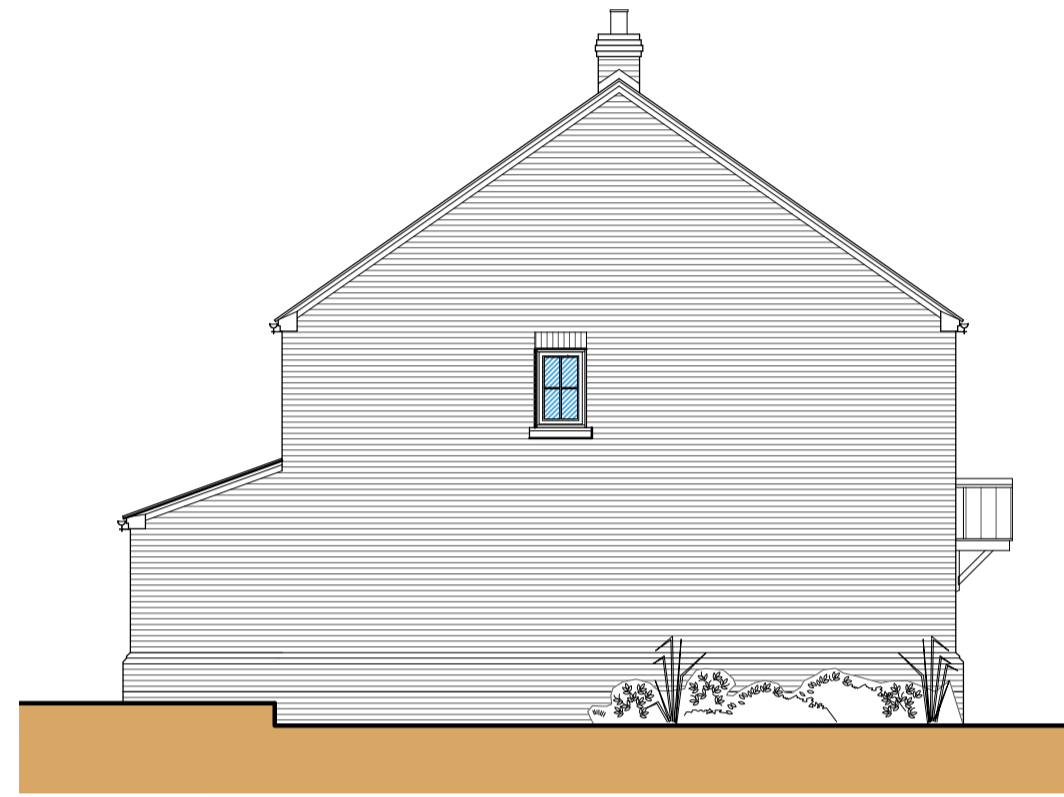
Front Elevation
Plot 5 - Scale: 1:100



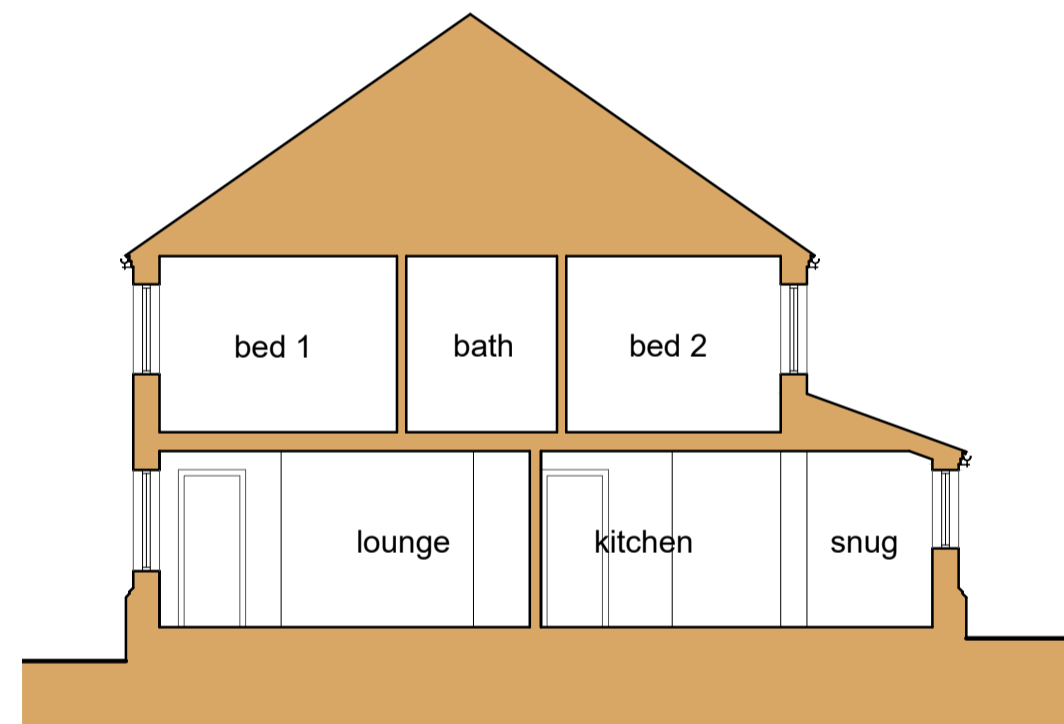
Side Elevation
Plot 5 - Scale: 1:100



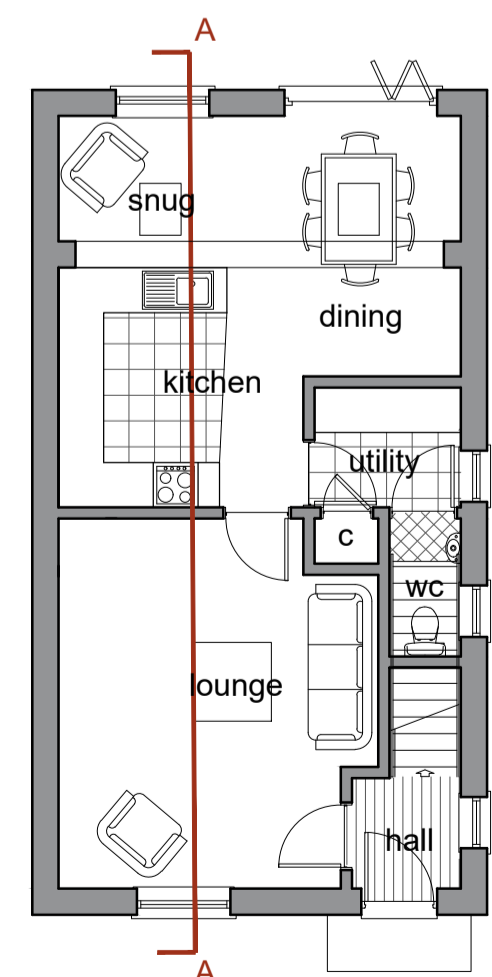
Rear Elevation
Plot 5 - Scale: 1:100



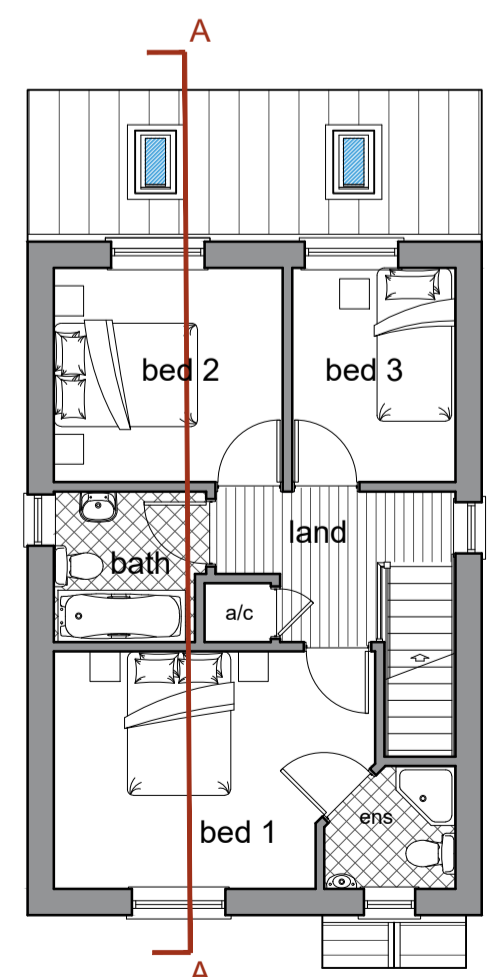
Side Elevation
Plot 5 - Scale: 1:100



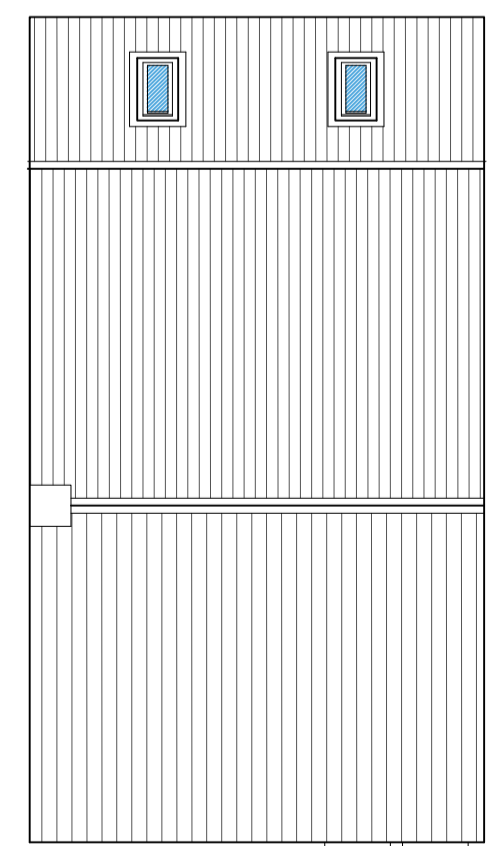
Section A-A
Plot 5 - Scale: 1:100



Ground Floor Plan
Plot 5 - Scale: 1:100



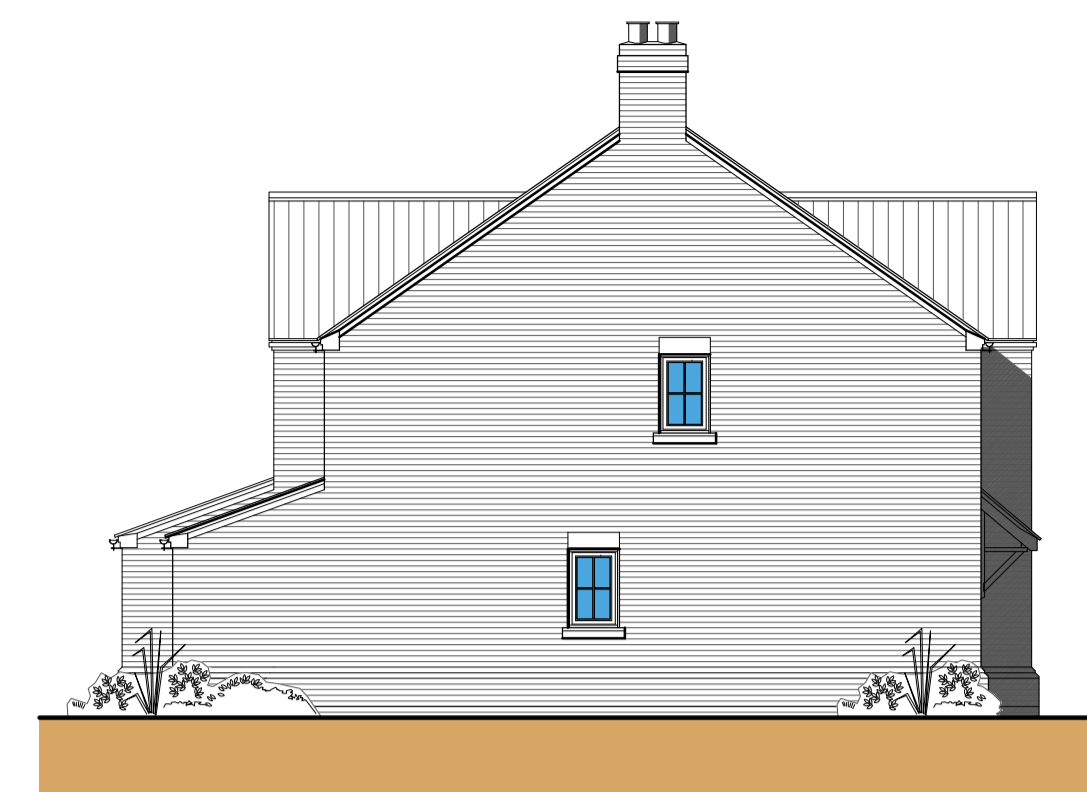
First Floor Plan
Plot 5 - Scale: 1:100



Roof Plan
Plot 5 - Scale: 1:100



Front Elevation
Plots 6&7 - Scale: 1:100



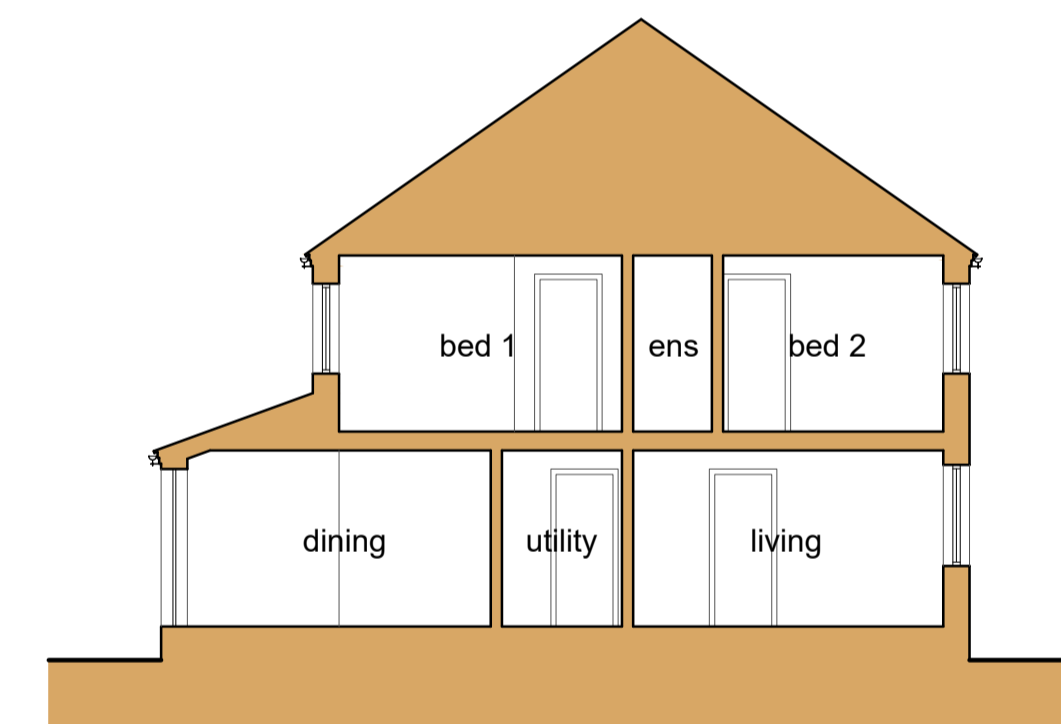
Side Elevation
Plots 6&7 - Scale: 1:100



Rear Elevation
Plot 6&7 - Scale: 1:100



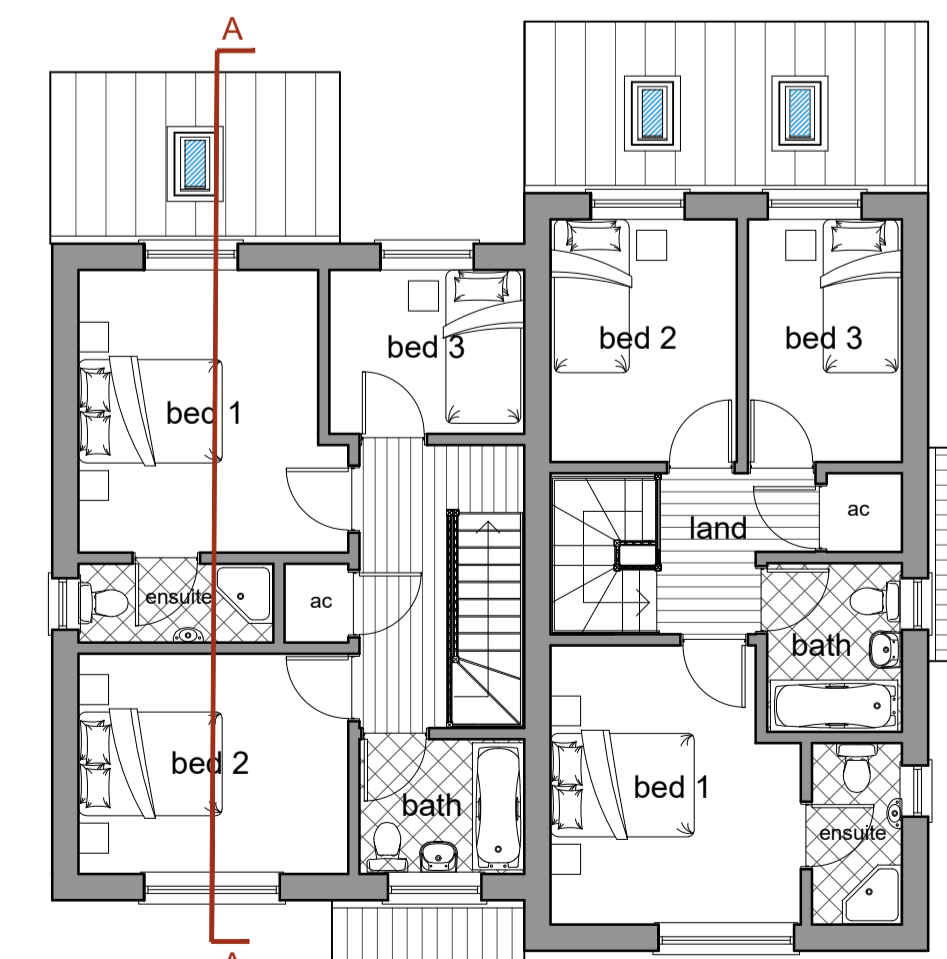
Side Elevation
Plots 6&7 - Scale: 1:100



Section A-A
Plots 6&7 - Scale: 1:100

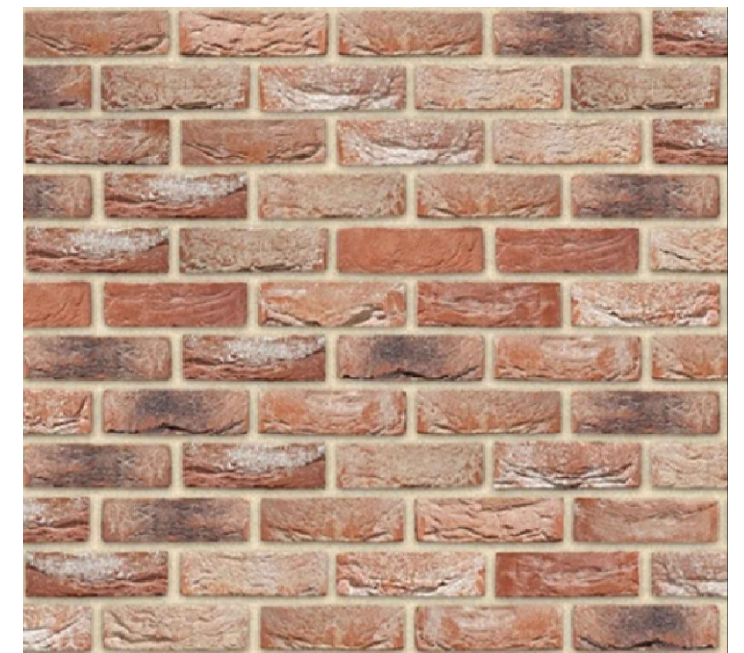


Ground Floor Plan
Plots 6&7 - Scale: 1:100



First Floor Plan
Plots 6&7 - Scale: 1:100

- General Notes
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Vandersanden - Flemish Antique



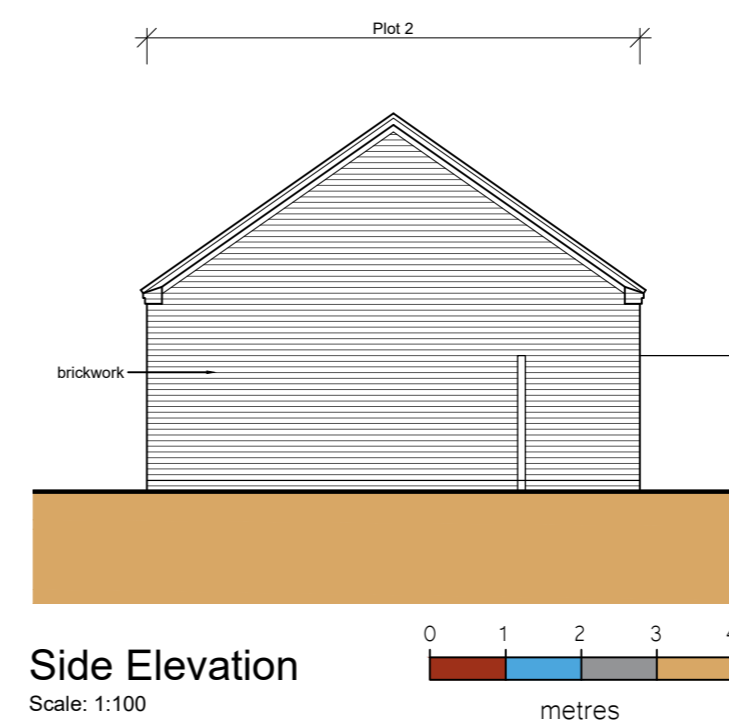
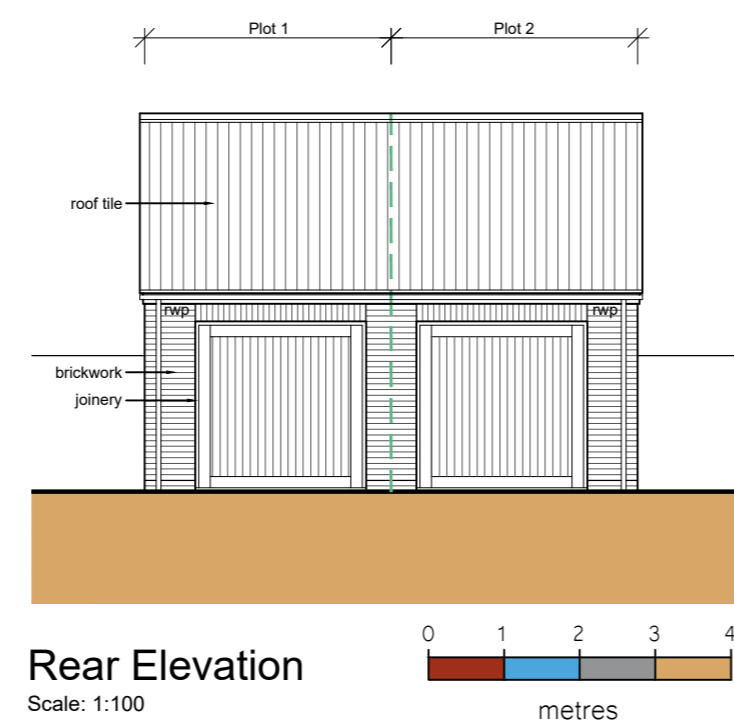
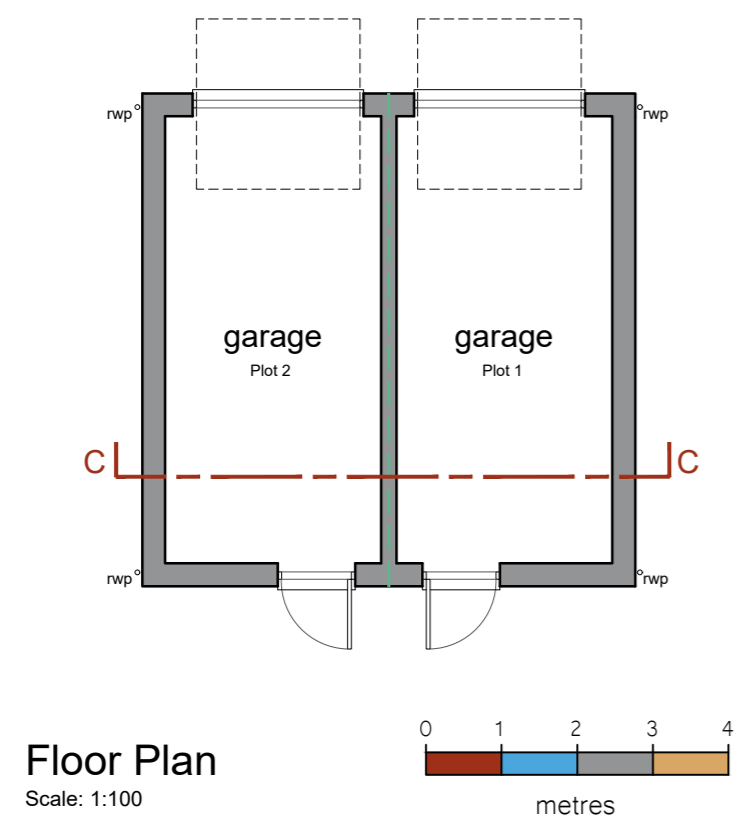
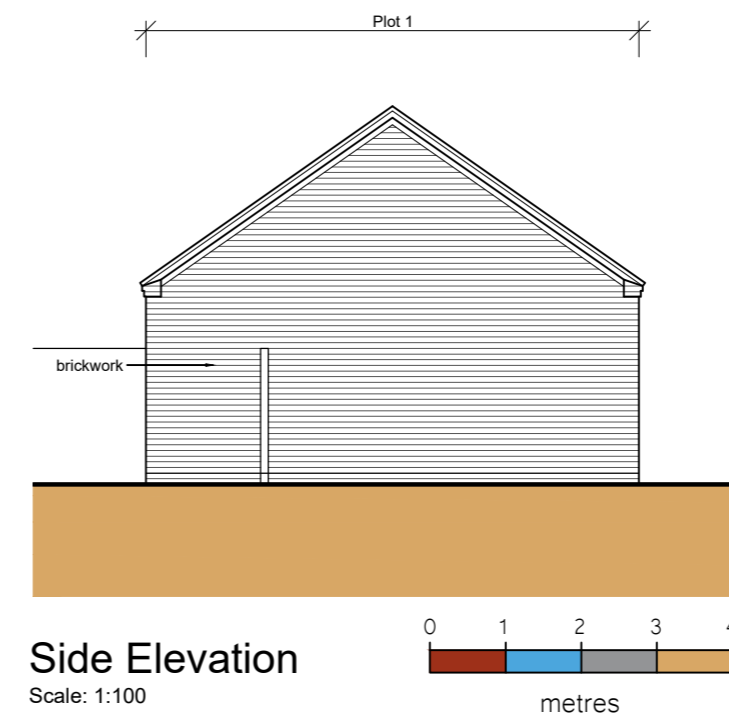
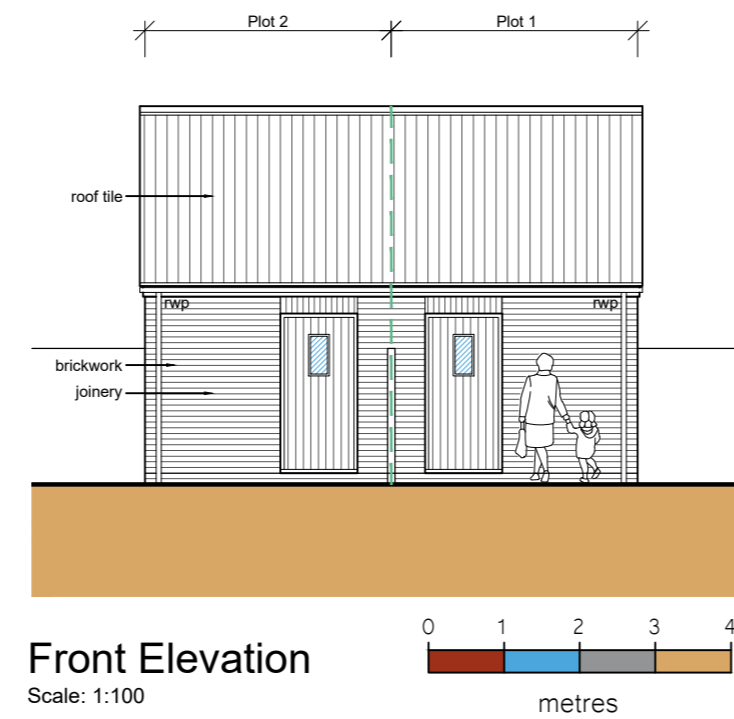
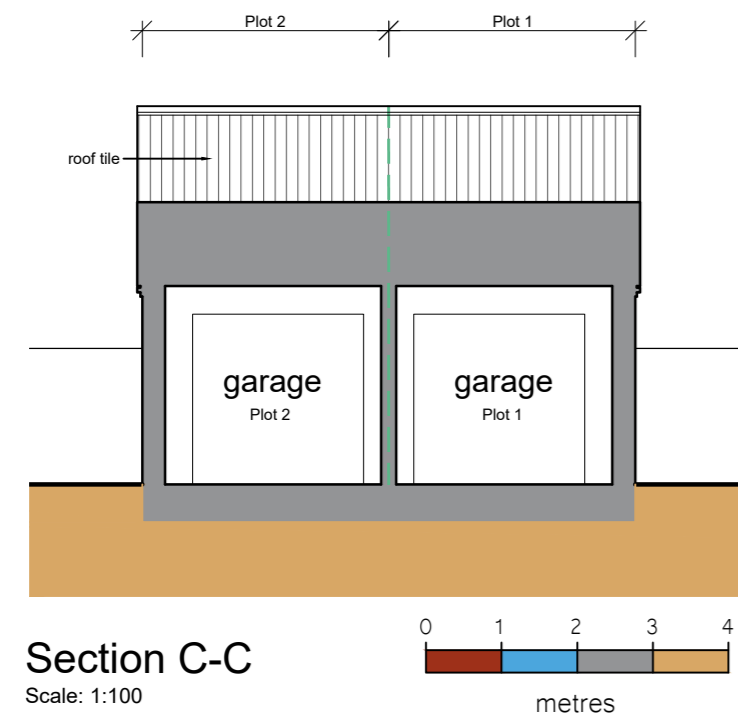
Marley - Modern Roofing Tile - Smooth Grey

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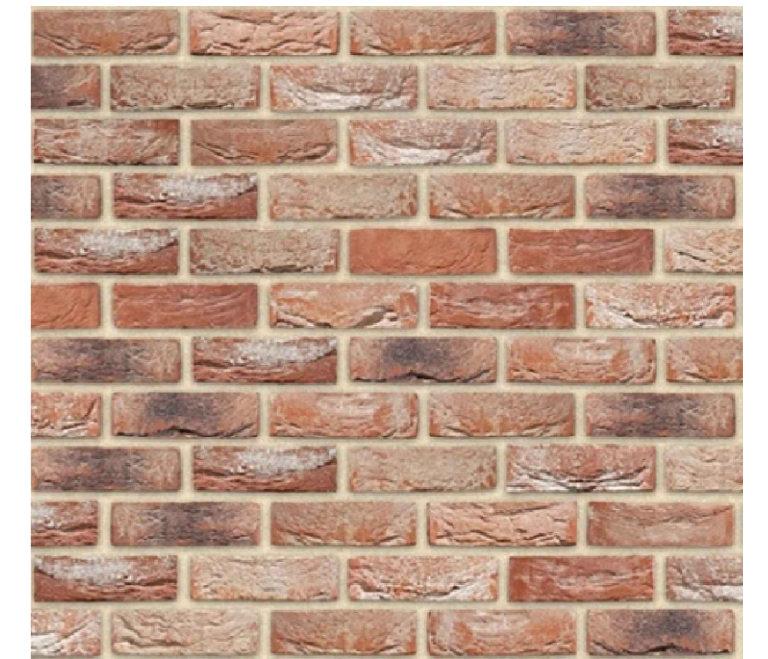
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t: 01945 450694 e: info@swannedwards.co.uk w: www.swannedwards.co.uk

Job Title Proposed 7No. Dwellings Gaul Tree Farm, High Road Guyhirn, Wisbech, Cambs For: Fern Homes Ltd.	Date August 2023	Drawn by GT Checked by GE
Drawing Title Planning Drawing Floor Plans, Elevations & Sections	Job No. SE-1831	Sheet Size A1
	Dwg No. PP1102	Revision B



- General Notes**
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Vandersanden - Flemish Antique



Marley - Modern Roofing Tile - Smooth Grey

Status

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Job Title Proposed 4No. Dwellings Gaul Tree Farm, High Road Guyhirn, Wisbech, Cambs For: Fern Homes Ltd.	Date January 2023	Drawn by GT
	Checked by GE	
Drawing Title Planning Drawing Garage Floor Plan & Elevations	Job No. SE-1831	Sheet Size A2
	Dwg No. PP1101	Revision