

AGENDA ITEM NO: 9/4(d)

Parish:	Walsoken	
Proposal:	OUTLINE APPLICATION WITH ALL MATTERS RESERVED; for Up to 2 dwellings	
Location:	Little Eastfield Barn Lynn Road Walsoken WISBECH PE14 7AL	
Applicant:	Mr M Lambert	
Case No:	23/01860/O (Outline Application)	
Case Officer:	Bradley Downes	Date for Determination: 14 December 2023

Reason for Referral to Planning Committee – Called in by Councillor Julian Kirk.

Neighbourhood Plan: No

Case Summary

The application is outline with all matters reserved for the erection of two detached dwellings on land to the front of Little Eastfield Barn. The site lies on Lynn Road, near S-Bend and near the built-up edge of Wisbech. However, the site does not lie within a development boundary, and therefore is considered to be a countryside location from a planning policy perspective. In such locations development is more restricted and limited to that identified as suitable in rural areas as set out in other policies of the Development Plan.

The site is bounded by relatively mature trees to the south and west and benefits from an existing access point onto Lynn Road. The site access is shared with the donor dwelling. To the west of the site is a sports field used in association with Wisbech Football Club, to the south of the site is an undeveloped field which creates a distinct gap between the built-up edge of Wisbech and the more sporadic development further to the north along Lynn Road. Permission for 2 dwellings was already refused outline planning permission under delegated powers on this site under ref: 22/02221/O (28.04.2023).

Key Issues

Principle of development
Form and character
Impact on neighbour amenity
Flood risk

Recommendation

REFUSE

THE APPLICATION

The application is outline with all matters reserved for the erection of two detached dwellings on land to the front of Little Eastfield Barn. The site lies on Lynn Road, near S-Bend and near the built-up edge of Wisbech. However, the site does not lie within a development boundary, and therefore is treated as countryside where development is more restricted and limited to that identified as suitable in rural areas as set out in other policies of the Development Plan.

The site is bounded by relatively mature trees to the south and west. The site benefits from an existing access point onto Lynn Road, shared with multiple neighbouring dwellings. To the west of the site is a sports field used in association with Wisbech Football Club, to the south of the site is an undeveloped field which creates a distinct gap between the built-up edge of Wisbech and the more sporadic development further to the north along Lynn Road. The site is therefore separated from the built-up edge of Wisbech by an undeveloped gap of approximately 100m. Permission for 2 dwellings was already refused outline planning permission under delegated powers on this site under ref: 22/02221/O. The current proposal is identical to the previously refused scheme, Planning history is a significant material consideration in making planning decisions.

SUPPORTING CASE

The site is positioned within a cluster of residential dwellings and there is a hub of commercial development to the northeast which comprises of Wisbech Carpet Warehouse, Paragon Motors and Princes. The land to the southwest of the site accommodates Wisbech Town Football Club and its associated football pitches and there is residential development immediately opposite with a footpath leading into Wisbech town centre. The site is outside of the defined settlement boundary however is within a well-established area of development.

Policy DM2 of the Site Allocations and Development Management Policies Plan (SADMPP) states that development inside of the defined settlement boundaries will be supported (subject to other policies of the Plan) and areas outside of the defined settlement boundaries will be treated as countryside where a more restrictive approach is applied.

The application site is located outside of any defined settlement boundary and is therefore in a countryside location for the purposes of Policy DM2. However, it is pertinent to this case that the Local Planning Authority (LPA) approved application 22/00991/F (31.03.2023) which was for a new dwelling and garage positioned to the south of Bronte House, and also outside of the defined settlement boundary.

In their consideration of 22/00991/F the LPA noted that the site was outside of the development boundary and that it was positioned between an existing dwelling and Wisbech Town Football Club. On the opposite side of the highway there is the continuous development which forms part of Wisbech and a footpath. The Officer report states that despite the site being located within the countryside in policy terms, the site 'does not represent isolated development (in the context of Braintree District Council v Sec of State for Communities and Local Govt & Ors) and it is considered that a dwelling in this location would comply with Paragraph 79 of the NPPF which states that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities'.

The current application site has the same locational characteristics as 22/00991/F in that it is located amongst existing dwellings and is positioned opposite a footpath which leads into Wisbech. As per the considerations of 22/00991/F, the Braintree case law and Paragraph

79 (now paragraph 84) of the NPPF are relevant and have substantial weight in the consideration of this case. The site is not isolated and the development of the land for up to 2 dwellings will enhance the vitality of the community in this area. Therefore, despite the conflict with Policy DM2 of the SADMPP, the principle of the proposal can be supported in accordance with case law and Paragraph 84 of the NPPF.

There are no technical objections raised by any of the consultees and the indicative drawings demonstrate that the site can easily accommodate the proposed development of up to two dwellings which are of a scale and layout which is commensurate with the neighbouring development. It is therefore respectfully requested that planning permission is granted.

PLANNING HISTORY

22/02221/O: Application Refused: Delegated Decision: 26/04/23 - Outline application with all matters reserved for up to two proposed dwellings - Little Eastfield Barn, Lynn Road, Walsoken

RESPONSE TO CONSULTATION

Parish Council: No observations

Walsoken Parish Council will support the decision of the planning officer.

Local Highways Authority: NO OBJECTION

No objection to the principle subject to appropriate design at reserved matters stage to address visibility, access, parking and turning to adopted standards.

Internal Drainage Board: NO OBJECTION

Land drainage consent is required.

Environmental Quality: NO OBJECTION

Screening assessment states no known contamination but the site is within 250m of 2 industrial estates. The site is on land first seen with structures in historical maps dated 1843-1893. This structure has been removed by historical maps dated 1945-1970. A 'refuse tip' is labelled approximately 40m to the southwest of the site on this historic map. As the site has been previously developed, and considering the proximity to a potential former landfill we recommend that the applicant provides further information via conditions to assess if the site is suitable for the proposed use.

Environment Agency – Flood Risk: NO OBJECTION

No objection subject to the mitigation measures set out in the flood risk assessment.

Ecology Officer: NO OBJECTION

The site appears to be grassy amenity land based on Google Earth imagery. Trees which bound the site are considered unlikely to provide roosting opportunities for bats, however they may form part of the foraging of commuting resource. A sensitive lighting strategy should therefore be designed into the development.

Close boarded fencing is proposed which is likely to cause habitat severance to small animals. Any fenced boundaries must include egress for small mammals to prevent this. All development must provide a measurable biodiversity gain under the NPPF. As such I recommend that at least 1 bat box and 1 bird box is installed, with some species rich grassland to amenity areas.

GIRAMS has been completed. I advise there are no other issues regarding protected sites so GIRAMS alone is sufficient to conclude no likely significant impacts. Recommend a condition to ensure satisfactory mitigation and lighting scheme recommended above including protection of existing tree boundaries.

Arboriculture Officer: OBJECT

This site is well treed, along the southern and western boundaries there are lines of topped Italian poplar trees, and along the eastern boundary between the proposed site and the existing access driveway to Little Eastfield Barn adjacent is a grouping of semi mature mixed broadleaved trees. There are also a few individual semi mature trees, that appear to be Cedar species within the site.

Because the applicant has not provided any supporting Arboricultural information, the layout has not been informed by any assessment of the trees and the constraints they pose, above and below ground or allowance made for their future growth. An accurate assessment of the potential impact on the trees cannot be made.

It is difficult to see how the present proposal can be achieved without loss of more than half of the trees on the site. In its present form, I cannot support this proposal because of the potential loss of trees to enable development and also post development.

Any design for a development proposal on this site needs to be carefully considered and should be informed by Arboricultural information, which is an important design tool. This information should be prepared by a suitably qualified and experienced arboriculturist.

REPRESENTATIONS None received.

LDF CORE STRATEGY POLICIES

CS06 - Development in Rural Areas

CS08 - Sustainable Development

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

PLANNING CONSIDERATIONS

The main considerations are:

- Principle of development
- Form and character
- Impact on neighbour amenity
- Flood risk

Principle of Development:

The application is outline with all matters reserved for a residential development of two dwellings on land to the north side of Lynn Road and to the front of Little Eastfield Barn. This part of Lynn Road is largely rural in character with an open agricultural field to the southwest of the site, and some limited groupings of sporadic linear development to the east. The roadside frontage is verdant with mature trees to the site boundaries. It is considered the character is distinct from that of the more urban built-up edge of Wisbech to the south-west. The field to the southwest provides clear visual separation of the site from the settlement edge of Wisbech. Footpath provision is limited to the opposite side of Lynn Road with no formal crossing. The site lies outside of any development boundary, therefore in accordance with Policy DM2, the site will be treated as countryside where new development is more restricted and limited to that identified as suitable in rural areas. Policy CS06 of the Core Strategy 2011 reinforces this position, by stating that development of greenfield sites will be resisted unless essential for agricultural or forestry use.

It is acknowledged that the site lies in proximity to the built-up edge of Wisbech, however it is considered that proximity to the settlement is not in itself a sufficient justification to warrant development of the site. The Council applies its countryside protection policies in cases where the dwelling is immediately adjacent a settlement as these are often at crucial locations where an encroachment into the countryside would represent harmful urban sprawl which Policy DM2 of the SADMPP 2016 seeks to restrict. This site is not considered to be isolated, Paragraph 84(formerly Para 80) of the NPPF 2023 / The Braintree case law is not considered to be directly relevant to the consideration of this application. Rather Para 83 (Formerly Para 79) NPPF 2023 is relevant whereby development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

Officers are persuaded that the proposed development is substantially similar to the previously refused application and this is considered to represent a significant material consideration against the application. The agent's case (see supporting statement above) sets out that since this refusal, planning permission 22/00991/F has been granted on a site approximately 150m to the southwest of the site and that the merits of that case are similar to the current proposal.

It is considered the current application site cannot be compared to the approved development to the southwest. 22/00991/F, that decision related to a plot which was surrounded to the south and west by Wisbech Football Club grounds and parking area, and to the north and east by existing dwellings. Therefore, the proposal under 22/00991/F represented a logical infill of an otherwise completed developed group of dwellings where the development of the site would have no material harm.

On the contrary, the current site is located 150m further to the north, and separated from the main built-up edge of Wisbech by a gap of approximately 100m. The gap is comprised of undeveloped fields to the south with a training field for Wisbech Football Club to the west. It is important to note that this training field is undeveloped and only used in its capacity as an open space for practicing football. Permission was granted on this field under 17/01695/F for

a skating and cycling track in 2017, but the approved development was never implemented and that permission has now expired. As such, the adjacent field does not currently benefit from any planning permission and should be considered in its current undeveloped form.

For the reasons above, the site is considered to be a countryside location with a more rural character as opposed to the approved site to the southwest under 22/00991/F which was situated in a more built-up context. Although the site has a proximity to the settlement of Wisbech, the erection of a dwelling on this site would be contrary to Policy DM2 as it is not considered a suitable rural use in this countryside location. The NPPF supports homes in rural areas where they would benefit the vitality of rural communities, but as the site is not situated within a rural settlement and there is limited footpath provision or other transport links, it is considered this will not be the case. Furthermore, the development of the site for two dwellings would detract from the semi-rural character of the street scene and contribute to an urbanisation effect of the countryside which Policy DM2 seeks to prevent. Subsequently there is not sufficient justification for the residential development of this greenfield land to satisfy Policy CS06. Overall, the principle of development is not acceptable and the application would be contrary to Policies DM2 and CS06 of the Local Plan and contrary to the NPPF.

Impact on character and appearance of the area:

No formal details are provided as to the design and appearance of the dwellings. However, as outlined above, it is considered that development of the site would be harmful to the semi-rural character of the area and would contribute to a harmful form of urban sprawl at the edge of Wisbech contrary to Policies DM2 and CS06 of the Development Plan.

Furthermore, insufficient information has been submitted to demonstrate that mature trees on-site wouldn't be affected by the proposed development. Loss of trees to the site boundaries would further detract from the rural character.

Impact on neighbour amenity:

The proposed dwellings are shown to be situated sufficiently far from neighbouring dwellings that they would avoid any significant overbearing or overshadowing impacts. Subject to appropriate design and placement of windows, it is considered the scheme could be carried out without any significant adverse impact on residential amenity. Notwithstanding the design and impact on neighbours being acceptable, permission is being recommended for refusal for other reasons as set out in this report.

Flood risk:

The site lies in Flood Zone 3a. The Environment Agency has no objection to the development subject to compliance with the recommendations set out in the Flood Risk Assessment. However, the EA's response does not consider the sequential or exception tests, that is the responsibility of the Local Planning Authority.

The majority of the Walsoken Parish lies within Flood Zone 3a and there are no alternative sites at lower risk, therefore the development would pass the sequential test. Following the sequential test, it is considered the development would fail the exception test. The Borough Council can currently demonstrate it has a sufficient supply of housing land to meet the housing need identified for the district. Development of this site for 1 dwelling in an area considered unsuitable for new development would therefore have limited sustainability benefits. Overall, it is considered the limited sustainability benefits of providing this dwelling in an unsuitable location would not outweigh the flood risk contrary to the NPPF and Policy CS08 of the Core Strategy 2011.

CONCLUSION:

The erection of two dwellings on this site would be contrary to Policy DM2 as it is not considered a suitable rural use in this countryside location. Insufficient justification has been provided for the residential development of this greenfield land to satisfy Policy CS06. The development and potential loss of trees on site would have a detrimental impact on the rural character of the street at this edge of settlement location and contribute to a harmful urbanisation effect that Policy DM2 seeks to prevent. In addition, When the significant material consideration that is the recently refused planning application for the same development on this site is added to the balance, it is considered the principle of the development is not acceptable and would be contrary to Policies DM2 and CS06 of the Local Plan and contrary to paragraph 83 of the NPPF.

Furthermore, the proposed development could be made reasonably safe from flooding through mitigation, but there are no significant sustainability benefits from the provision of two dwellings on this site. Therefore, it is considered the benefits of the proposal do not outweigh the flood risk, further contrary to the NPPF. For the reasons set out below, it is recommended that the proposed development is refused.

RECOMMENDATION:

REFUSE for the following reason(s):

- 1 The site does not lie within any development boundary as set out in the SADMPP 2016 and Policy DM2 states that areas outside development boundaries will be treated as countryside where development is more restricted, except for development identified as suitable in rural by areas by other policies in the plan. The proposed dwelling does not meet the criteria of any policies which outline suitable development in rural areas and would result in a detrimental urbanisation effect at this edge of settlement location which would harm the semi-rural character of the street scene. As such, it does not accord with the objectives of sustainable development and the application is contrary to Policies DM2 of the SADMPP 2016, CS06 and CS08 from the Core Strategy 2011, and paragraph 83 of the NPPF.
- 2 The application site falls within Flood Zone 3a of the SFRA 2018 and passes the sequential test; therefore the exception test is required. It is considered the proposal fails the exception test because the limited sustainability benefits of the development would not outweigh the flood risk. Therefore, the proposed development is contrary to Paragraphs 164 and 165 of the NPPF and Policy CS08 of the Core Strategy 2011.