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**F/YR22/1187/FDC**

**Applicant: Fenland District Council**

**Agent : BHD Ltd**

**Land North Of, 6 Riverside Gardens, Parson Drove, Cambridgeshire**

**Erect 1x dwelling involving demolition of existing garage block (outline application with matters committed in respect of access)**

**Officer recommendation: Grant**

**Reason for Committee: Fenland District Council Application**

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## **1 EXECUTIVE SUMMARY**

- 1.1 The site relates to an existing garage block situated to the north of No6 Riverside Gardens within the settlement of Parson Drove.
- 1.2 The application seeks outline planning permission, with all matters reserved, for 1x dwelling. As an application for outline planning permission, the matter for consideration is the principle of the development of the site for residential purposes.
- 1.3 The indicative site plan demonstrates the site is capable of sustaining 1 dwelling with on-site parking and private amenity space and there would be no adverse impacts upon the character of the wider area.
- 1.4 Taking national and local planning policies into account, and having regard for all relevant material considerations, it is recommended that outline planning permission be granted, subject to the imposition of appropriate conditions.

## **2 SITE DESCRIPTION**

- 2.1 The site is situated at the end of a no through road, to the north of existing dwellings along Riverside Gardens within the built form of Parson Drove. The existing site has 6 unused garages on it. To the north of the site is an allotment leading to agricultural land, to the east is 'North Level drain' and to the south and west are residential dwellings.

- 2.2 The site lies within Flood Zone 3 (High Risk) and within the Flood Warning Area.

## **3 PROPOSAL**

- 3.1 This application seeks outline planning permission with all matters reserved for future consideration in respect of the erection of one dwelling.
- 3.2 Full plans and associated documents for this application can be found at:  
[F/YR22/1187/FDC | Erect 1x dwelling involving demolition of existing garage block \(outline application with matters committed in respect of access\) | Land North Of 6 Riverside Gardens Parson Drove Cambridgeshire \(fenland.gov.uk\)](#)

## 4 SITE PLANNING HISTORY

### 4.1 Pertinent planning history listed below:

Application	Description	Decision	Date
22/0016/PREAPP	Erection of 1x dwelling	Written response	
F/YR12/0938/RM	Erection of a 2-storey 3-bed dwelling with attached garage, involving demolition of existing garage block	Approved	25 Jan 2013
F/YR11/0416/FDC	Erection of a dwelling involving demolition of existing garage block	Granted	30 Aug 2011

## 5 CONSULTATIONS

### 5.1 Parson Drove Parish Council

*Erect 1x dwelling involving demolition of existing buildings (outline application with matters committed in respect of access) was discussed, where it was commented that the application had been previously unsupported. Material concerns such as with the access problems, the site management issues that would arise, there not being any space on site to work and the parking issues it would create. It was noted that the turning circle proposed would not be sufficient and that it would cause delivery lorries to have to reverse down the road to reach the site. It was agreed to recommend for decline.*

### 5.2 Environmental Services (FDC)

*From a waste collection view point no objections to an additional property. Existing custom and practice is to access this private road to collect from the 10 current properties with no additional requirements for a further 1.*

### 5.3 Environment & Health Services (FDC)

*I refer to the above application for consideration and make the following observations.*

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

*That said, given the former land use and therefore potential risk to end users as a result of ground contamination, in the event that planning permission is granted, this service recommends that the full contaminated land condition is imposed in the interests of public health;*

*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 guidance.*

*(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.*

*Due to the close proximity of existing nearby noise sensitive receptors, the following condition should also be imposed in the event that planning permission is granted;*

*No construction work shall be carried out and no plant or power operated machinery operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 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 North Level Internal Drainage Board**

*My Board has no objection in principle to the above application.*

*The Board's Old Wryde Drain forms the eastern boundary to the site and therefore the Board's Byelaws apply. In particular, Byelaw no. 10 which states "no person without the previous consent of the Board shall erect any building or structure whether temporary or permanent within 9 metres of the drain".*

#### **5.5 Environment Agency**

*Thank you for your consultation dated 03 November 2022 for the above application. We have no objection to this planning application, providing that you have taken into account the flood risk considerations which are your responsibility. We have highlighted these in the flood risk section below.*

#### **Flood Risk**

*In accordance with the National Planning Policy Framework (paragraph 162), development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the Local Planning Authority to determine if the sequential test has to be applied and whether or not there are other sites available at lower flood risk. Our Flood Risk Standing Advice reminds you of this and provides advice on how to apply the Test.*

*Notwithstanding the above we have no objection to the proposed development, but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) Ref: FLOOD RISK ASSESSMENT FOR RESIDENTIAL DEVELOPMENT AT RIVERSIDE GARDENS, PARSON DROVE are adhered to.*

*In all circumstances where flood warning and evacuation are significant measures in contributing to managing flood risk, we expect local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.*

#### **Advice for the Applicant**

*Any proposed flood resilient measures should follow current Government Guidance. For more information on flood resilient techniques, please see the Department for Communities and Local Government (DCLG) guidance document*

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

Four letters of objection received from local residents (three from Riverside Gardens and one from Fen Road) regarding:

- Access and parking arrangement
- Turning area
- Proximity to neighbouring property
- Smell and noise during construction
- Devalue property

### **6 STATUTORY DUTY**

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

### **7 POLICY FRAMEWORK**

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

Paragraph 2 Application to be determined in accordance with the development plan unless material considerations indicate otherwise

Paragraph 11 Sustainable development

Paragraph 130 Achieving well-designed places

Paragraph 159 Development should be directed away from areas at highest risk of flooding.

Paragraphs 174 and 180 Conserving and enhancing the natural environment

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

Determining a Planning Application

### **National Design Guide 2021**

C1 – Context – How well does the proposal relate to the site and its wider context  
I1, 2 & 3 – Identity – Well-designed, high-quality places that fit with local character  
H1 & H2 Homes and Buildings – healthy, comfortable and safe places well related to external amenity space

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

### **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:

Policy LP1 – Settlement Hierarchy – Policies Map  
Policy LP2 – Spatial strategy  
Policy LP4 – Securing Fenlands Future (Sustainable development)  
Policy LP5 – Health and Wellbeing  
Policy LP7 – Design  
Policy LP8 – Amenity Provision  
Policy LP18 – Development in the Countryside  
Policy LP22 – Parking provision  
Policy LP24 – Natural Environment

### **Parson Drove Neighbourhood Plan 2020**

Policy 1 – Housing Growth  
Policy 2 – Scale of Housing Development  
Policy 5 – Road and Pedestrian Safety

## **8 KEY ISSUES**

- **Principle of Development**
- **Visual and Residential Amenity**
- **Access, Highways and Parking**
- **Flood Risk**

## **9 BACKGROUND**

An application for a dwelling on the site was granted in 2011 with all matters reserved, the reserved matters relating to this application was granted in 2012. This permission has since lapsed. Pre-application advice was sort prior to the current application being submitted. The land is owned by Fenland District Council.

## **10 ASSESSMENT**

### **Principle of Development**

- 10.1 As an application for outline planning permission, the matter for consideration is the principle of the development of the site for residential purposes.
- 10.2 Local Plan Policy LP3 defines a settlement hierarchy for the district and seeks to steer development to the most sustainable locations. The settlement hierarchy specifies that the majority of new housing should take place in the four market towns. Parson Drove is identified as a Limited Growth Village, one of five such settlements in the third level of the hierarchy where policy LP3 identifies that “For these settlements a small amount of development and new service provision will be encouraged and permitted in order to support their continued sustainability, but less than would be appropriate in a Growth Village”. On that basis, and due to its location as a brownfield site with existing unused garages situated in it, the principle of the construction of a single new dwelling within Parson Drove is considered to be acceptable.

### **Visual and Residential Amenity**

- 10.3 The application is for the construction of one dwelling and the indicative site plan demonstrates the site is capable of sustaining one dwelling with onsite parking and private amenity space. The plot size and amenity space broadly reflect the properties to the south along Riverside Gardens. The proposed dwelling continues the line of properties, although the properties to the south are terraced. However, the properties on the opposite side of Riverside Gardens to the west are detached bungalows and as such the development would not be considered out of keeping in principle
- 10.4 The dwelling is likely to appear as a continuation of the built form along Riverside Gardens and therefore its presence is considered to be acceptable subject to its final appearance and layout, which are reserved matters.
- 10.5 In terms of built development, the reserved matters application will fully assess the impacts of matters such as overlooking, overshadowing and loss of privacy, both in relation to the dwelling proposed and the impact upon neighbouring properties. It is however accepted that the quantum of development sought could be accommodated by the application site without significant harm to residential amenity.

### **Access, Highways and Parking**

- 10.6 Whilst access and layout are reserved matters and are not for consideration at this stage, in principle, it has been demonstrated on the indicative layout that the site could be satisfactorily accessed and has capacity for the quantum of development proposed, including parking arrangements.
- 10.7 Comments received were concerned about the loss of a turning head at the end of Riverside Gardens. The indicative plan shows that the turning area could be accommodated within the development, and this would be a matter to be addressed at RM.

## **Flood Risk**

- 10.8 The site is located within Flood Zone 3 and within the Flood Warning Area. Policy LP14 of the Fenland Local Plan 2014 and paragraph 161 of the National Planning Policy Framework state that all development should adopt a sequential approach to flood risk from all forms of flooding. Development in areas known to be at risk of flooding will only be permitted following the successful completion of a sequential test and exception test as necessary. The submitted Sequential test information fails to identify any sites with extant permissions which would be at lower flood risk. No other sites are known, and the sequential test is therefore passed.
- 10.9 The Cambridgeshire Flood and Water Supplementary Planning Document para 4.5.9 advises that the general provision of housing by itself would not normally be considered as a wider sustainability benefit to the community which would outweigh flood risk, it does however identify that climate change mitigation and renewable energy may be considered as wider sustainability benefits and as such securing such outputs from the scheme may be deemed sufficient to satisfy the exceptions test in this instance. The submitted sequential and exception test document indicates the scheme would include renewable energy sources. These details will be conditioned to be required at reserved matters stage. The submitted Flood Risk Assessment demonstrates that development on site would be safe for its lifetime.
- 10.10 The IDB have no objection however pointed out that any development within 9m of the drain would require separate consent from the IDB. Issues of layout would be addressed at the reserved matters stage. The Environment Agency had no objection subject to the measures identified in the FRA being implemented.

## **11 CONCLUSIONS**

- 11.1 The objective of an outline application is to determine if the principle of residential development at the application site is acceptable. The principle to develop the site for residential use is considered acceptable with regard to necessary local and national planning policies.

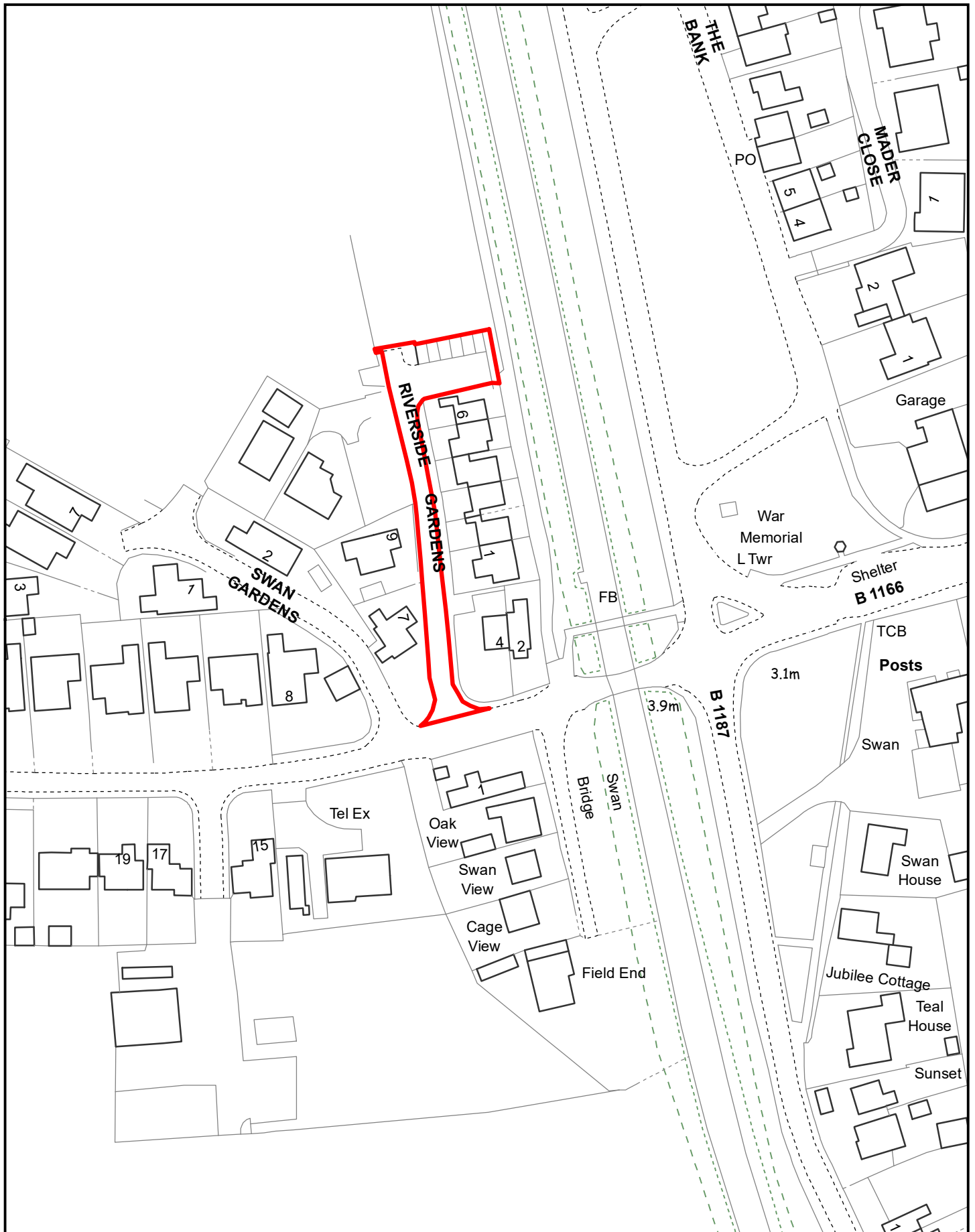
## **12 RECOMMENDATION GRANT**

<b>1</b>	<p>Approval of the details of:</p> <ul style="list-style-type: none"><li>i. the layout of the site</li><li>ii. the scale of the building(s);</li><li>iii. the external appearance of the building(s);</li><li>iv. the means of access thereto;</li><li>v. the landscaping</li></ul> <p>(hereinafter called "the Reserved Matters") shall be obtained from the Local Planning Authority prior to the commencement of development.</p> <p>Reason - To enable the Local Planning Authority to control the details of the development hereby permitted.</p>
<b>2</b>	<p>Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this</p>

	<p>permission.</p> <p>Reason - To ensure compliance with Section 92 of the Town and Country Planning Act 1990.</p>
<b>3</b>	<p>The development hereby permitted shall begin before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.</p> <p>Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
<b>4</b>	<p>The residential elements of the development shall not exceed 1 dwelling (Use Class C3).</p> <p>Reason - For the avoidance of doubt and to ensure a satisfactory standard of development.</p>
<b>5</b>	<p>The landscaping details to be submitted in accordance with Condition 01 of this permission shall include:</p> <ul style="list-style-type: none"> <li>a) existing and proposed site levels including those on adjacent land and finished floor levels.</li> <li>b) means of enclosure ensuring that adequate gaps are provided under any new fencing to allow for the passage of hedgehogs.</li> <li>c) car parking, vehicle and pedestrian access (which shall be of a bound material)</li> <li>d) hard surfacing, other hard landscape features and materials</li> <li>e) planting plans, including specifications of species, sizes, planting centres number and percentage mix, a range of native tree and shrub species should be included.</li> <li>f) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife</li> </ul> <p>All works shall then be carried out in accordance with the approved details.</p> <p>Reason - To ensure the appearance of the development is satisfactory and contributes to the visual character and amenity of the area and to protect the character of the site and enhance biodiversity in accordance with Policy LP16 of the Fenland Local Plan, 2014.</p>
<b>6</b>	<p>The details required by condition 1 shall include a scheme for the provision of renewable energy sources to be installed as part of the development.</p> <p>Reason: To ensure the sustainability benefits in respect of the exception test are implemented, in accordance with the Cambridgeshire Flood and Water SPD and Policy LP14 of the Fenland Local Plan 2014.</p>
<b>7</b>	<p>Before the first occupation of the dwelling hereby permitted a flood evacuation plan shall be submitted ensuring safe use of the development in extreme circumstances, such a plan shall include an appropriate method of</p>



	<p>flood warning and evacuation. The agreed plan shall remain in place thereafter.</p> <p>Reason - To ensure the safety of future occupants in accordance with Policy LP14 of the Fenland Local Plan 2014.</p>
<b>8</b>	Approved Plans



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