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**F/YR23/0616/F**

**Applicant: Mr S Necker**

**Agent: Mrs Angela Watson  
Swann Edwards Architecture Limited**

**Land East Of 56-58 Tinkers Drove, Wisbech, Cambridgeshire**

**Erect part 2-storey/single storey block of 3 x 1-bed flats**

**Officer recommendation: REFUSE.**

**Reason for Committee: The officer recommendation is contrary to the Town Council and the proposal is for more than two dwellings.**

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## **1. EXECUTIVE SUMMARY**

- 1.1. The submitted planning application seeks planning permission for the erection of a part two-storey, part-single storey development for three, one-bedroom flats.
- 1.2. The site is located on the east side of Tinkers Drove, to the rear of nos. 56 & 58 and south of an existing PROW.
- 1.3. The site is located within the settlement of Wisbech which is identified within the settlement hierarchy as a Market Town (Policy LP3).
- 1.4. It is considered the proposal would be indicative of adverse backland development, significant overdevelopment and cramped urbanisation of the plot which would be at odds with the surrounding pattern of development. As such, the proposal would conflict with Policy LP16 (d) of the Fenland Local Plan 2014.
- 1.5. It is also considered the proposal, by virtue of its position to the north boundary, the floor level, its part two-storey scale and the proposed windows at the first-floor level along the north elevation, would result in an overbearing relationship and an adverse loss of light and privacy serving the rear garden of no.60 Tinkers Drove and an adverse loss of privacy for and an overbearing relationship with 61 – 65 Ollard Avenue and their associated rear gardens. There would also be an overbearing relationship with 56 and 58 Tinkers Drove and 3-9 Godwin Rd. As such, the proposal would conflict with Policy LP16 (e) of the Fenland Local Plan 2014.
- 1.6. No parking is proposed as part of the development contrary to Plan Policy LP15 and given the location of the site it is not considered that any dispensation can be given.
- 1.7. Therefore, the planning application is recommended for refusal.

## 2. SITE DESCRIPTION

- 2.1. The site is located on the east side of Tinkers Drove and to the rear of nos. 56 & 58 (no.56 was recently approved ref: F/YR22/0287/F). The site is currently used as garden land serving these dwellings and is enclosed by fencing. Directly to the north is a Public Right of Way (PROW) and beyond are single storey garages. To the north-west is a neighbouring property, no.60 Tinkers Drove. To the south are the rear plots serving nos. 1- 9 Godwin Road.
- 2.2. The surrounding area is built-up and predominately residential consisting of two-store semi-detached and terrace dwellings.
- 2.3. The site is located within Flood Zone 3 (high risk) and within the settlement limits of Wisbech.

## 3 PROPOSAL

- 3.1 The submitted planning application seeks full planning permission for the erection of a part two-storey, part single-storey development consisting of three, one-bedroom flats.
- 3.2 The two-storey element of the development would be situated towards the west boundary and would be finished with a cross-gable roof. The single storey element would extend towards the east and would be finished with a gable roof. Window detailing is proposed throughout, three apex porch features are proposal along the north elevation to serve the occupier entrances. Modest garden spaces are proposed to the north, south, east and west. The proposed materials include brick and render.
- 3.3 No vehicle access/parking provision is proposed. The development is proposed to be access on foot via a Public Right of Way (PROW) to the immediate north between the dwellings of no.58 & 60. This PROW runs along the front of the site and onto Ollard Avenue.
- 3.4 Full plans and associated documents for this application can be found at: [F/YR23/0616/F | Erect part 2-storey/single storey block of 3 x 1-bed flats | Land East Of 56-58 Tinkers Drove Wisbech Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/Planning/2023/06/16/F/ERECT%20PART%20TWO%20STOREY%20SINGLE%20STOREY%20BLOCK%20OF%203%20X%201%20BED%20FLATS%20EAST%20OF%2056%2058%20TINKERS%20DROVE%20WISBECH%20CAMBRIDGESHIRE)

## 4 SITE PLANNING HISTORY

Reference	Description	Decision	Date
F/YR22/0287/F	Erect 1 x dwelling (2-storey, 3-bed)	Granted	27.06.2022
	Land south of 58 Tinkers Drove Wisbech		

## 5 CONSULTATIONS

- 5.1 **Wisbech Town Council**
- 5.2 *Supports the application.*

### 5.3 **Environment Agency**

5.4 *We have reviewed the documents as submitted and have no objection to this proposal. The Flood Risk section below contains further information on our position.*

5.5 *Flood Risk - the submitted Flood Risk Assessment (FRA) (referenced Ellingham Consulting ECL1057/SWANN EDWARDS ARCHITECTURE dated May 2023) adequately meets the National Planning Policy Framework's requirements in relation to Flood Risk. We strongly advise that these measures are adhered to. Particularly, the FRA details mitigation measures such as:*

- *Finished floor levels shall be set no lower than 1 meter above existing ground levels.*
- *A minimum of 0.3m flood resilient construction to be provided above the finished floor level.*

5.6 *Additional Advice - while the following issues are not within our direct remit or expertise, they are important considerations for managing flood risk for this development. Prior to deciding this application, we recommend that consideration is given to the issues below. Where necessary, the advice of relevant experts should be sought.*

- *Adequacy of rescue or evacuation arrangements*
- *Details and adequacy of an emergency plan*
- *Provision of and adequacy of a temporary refuge*
- *Details and adequacy of flood proofing and other building level resistance and resilience measures*
- *Details and calculations relating to the structural stability of buildings during a flood.*
- *Whether insurance can be gained or not*
- *Provision of an adequate means of surface water disposal such that flood risk on and off-site isn't increased.*

### 5.7 **FDC Environmental Health**

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

5.9 *This service would however welcome a condition on working times due to the close proximity of existing noise sensitive receptors, with the following considered reasonable:*

5.10 *No construction work shall be carried out and no plant or power operated machinery operated other than between the following hours: 08:00 hours and 18:00 hours on Monday to Friday, 08:00 hours and 13:00 hours on Saturday and at*

*no time on Sundays, Bank or Public Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.*

## 5.11 Local Residents/Interested Parties

5.12 No comments received.

## 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).

## 7 POLICY FRAMEWORK

**National Planning Policy Framework (NPPF)**  
**National Planning Practice Guidance (NPPG)**  
**National Design Guide 2021**

### **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

LP4 – Housing

LP8 – Wisbech

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

### **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

LP4: Securing Fenland's Future

LP7: Design

LP8: Amenity Provision

LP19: Strategic Infrastructure

LP22: Parking Provision

LP28: Landscape

LP32: Flood and Water Management

## **Flood Risk Sequential Methodology February 28<sup>th</sup> (2018)**

Section 5.5 Special Approach for Wisbech - *within the Town redevelopment sites last used for Use Classes A, B, C or D don't have to go through the Sequential Test.*

### **8 KEY ISSUES**

- **Principle of Development**
- **Flood Risk**
- **Impact on Character and Visual Amenity**
- **Impact on Residential amenity**
- **Impact on Parking & Access**
- **Other Matters**

### **9 ASSESSMENT**

#### **Principle of Development**

- 9.1 The site is located within the settlement of Wisbech which is identified within the settlement hierarchy as a Market Town. Market Towns are identified within Policy LP3 as the focus for housing growth, therefore, the principle of residential development is considered acceptable in view of planning policy.
- 9.2 It should be noted that this point of general principle is subject to broader planning policy and other material considerations which are discussed in more detail in the following sections.

#### **Flood Risk**

- 9.3 The site is within Flood Zone 3 identified as an area of high risk of flooding.
- 9.4 Paragraph 159 of the NPPF 2023 and Policy 14 of the Fenland Local Plan 2014 state that development should be avoided in areas of high flood risk however where development is necessary it should be safe from flood risk for its lifetime without increasing flood risk elsewhere.
- 9.5 Approximately half of Wisbech currently falls within flood zones 2 and 3. For the redevelopment of sites for residential purposes (Use Class C3) within these areas it is not always possible to pass the Sequential Test. The need to prevent widespread areas suffering blight from flood risk restrictions is recognised, and the district council seeks to ensure that Wisbech retains its constituency and vibrancy. The council have adopted specific guidance relating to the sequential test within Wisbech which allows for a bespoke approach to applying the sequential test and the current scheme would fall within this guidance.
- 9.6 Noting that the 'land' is in use as a garden serving nos. 56 & 58 both of which are in Use Class C3 and located within a built-up urban area of the town, the council accepts that the sequential test is passed, in accordance with the Special Approach for Wisbech (Flood Risk Sequential Methodology 2018). It is also accepted that the 1st part of the exception test is considered to have been passed as the development would be redevelopment of an existing site within the urban area in accordance with the council's sustainability objectives and this is sufficient to outweigh flood risk.

- 9.7 Regarding the 2nd part of the exception test a site-specific Flood Risk Assessment (FRA) has been submitted in support of the application, this FRA has been accepted by the Environment Agency although they have recommended that the mitigation measures within the FRA are conditioned, if recommended for approval.
- 9.8 Therefore, subject to a suitable condition requiring compliance with the FRA the proposed development is considered to comply with paragraph 159 of the National Planning Policy Framework 2023 and Policy LP14 of the Fenland Local Plan 2014.

### **Impact on Character & Visual Amenity**

- 9.9 Policy LP16 (d) seeks to ensure that new development makes 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 area.
- 9.10 The settlement pattern of the area consists of buildings which benefit from a road frontage and appear well-balanced within their plots.
- 9.11 Regarding position, the proposal would be to the rear of nos. 56 & 58 which would result in backland development which fails to respond positively to the surrounding pattern of development.
- 9.12 Regarding layout, the proposed footprint would be built less than 1.5m from the north and south boundaries. In particular, the northeast corner of the development would be built right up along the north boundary which results in an extremely contrived relationship. It appears the garden area towards the east of the site would not be accessible which further demonstrates the contrived nature of the proposal. Moreover, the proposed garden sizes would not be reflective of the gardens serving neighbouring plots which unbalances the site. It is considered the proposal would be indicative of adverse overdevelopment and urbanisation of the plot which would be at odds with the surrounding pattern of development.
- 9.13 Regarding design, the locality consists of two storey and single storey properties with a mixture of designs. The proposed part two-storey, part-single storey development would be of a traditional design and would be of an acceptable appearance in terms of ridge height, style etc in-keeping with the surrounding built environment. The proposed materials can be controlled via a condition. Notwithstanding this, the site is positioned behind nos.56 & 58 therefore the bulk of the proposal would be obscured from the streetscene of Tinkers Drove which would soften impacts. Views of the site are limited to areas adjacent the single storey garages to the north however these views would be limited.
- 9.14 Nevertheless, the proposal would be unacceptable in terms of position and layout which would harmfully impact the character of the local area.
- 9.15 As such, the proposal would conflict with Policy LP16 (d) of the Fenland Local Plan 2014.

## Impact on Residential Amenity

- 9.16 Policy LP16 Parts (e) and (h) of Policy LP16 require new development to not adversely impact on the amenity of neighbouring users, through noise, light pollution, loss of privacy and loss of light, and provide sufficient private amenity space.
- 9.17 The proposed development would be positioned 11-12m (approx.) from the rear elevations of nos. 1- 9 Godwin Road (to the south). Coupled with the east-west orientation of the sun there would be no adverse loss of light serving these rear elevations. Consideration has also been given to the built-up nature of the area. No habitable south facing elevation windows are proposed therefore there would be no adverse loss of privacy on nos. 1- 9 Godwin Road. Whilst two windows are proposed along the south elevation, serving the stairwell and a ground floor bathroom, these can be controlled via an obscurity condition. However, given the proximity of the development to the boundary with 3-9 Godwin Rd (coupled with the garden depths of these properties) these and the fact that the development will have a floor level of c1.2m above existing ground level, it is considered that the development would have an overbearing effect.
- 9.18 The proposed development is positioned to the rear of nos.56 & 58 Tinkers Drove and would be setback 15m (approx.) from their main rear elevations which would limit loss of light impacts. At the ground floor level, the proposed west elevation windows of unit 1 would likely be offset by boundary fencing separating the development from the plots of nos.56 & 58 and can be controlled via a condition. Additionally, the proposal would have one windows a the first-floor level (serving a bathroom of unit 2) fronting onto the rear elevations and gardens of nos.56 & 58. The window can be controlled by condition and so there will be no overlooking issues. However, the floor level of the property will be c1.2m above existing ground level and so it is considered that the proposed development will have an overbearing impact on 56 &58.
- 9.19 The proposed development would be setback from nos.61 – 65 Ollard Avenue (to the north) by over 24m and separated by a parade of single storey garages and a turning area which would mitigate loss of light impacts.
- 9.20 The proposal would be located within 4m (approx.) of the rear boundary of no.60 Tinkers Drove (northwest) which currently has a very restricted rear amenity space. Therefore, considering particularly the part two-storey nature of the proposal, coupled with the modest separation distance and the east-west orientation of the sun, the proposal would significantly enclose the rear garden of no.60 Tinkers Drove and result in a loss of light and an increase sense of overbearing especially given the required floor level of the development.
- 9.21 Regarding privacy, the proposed north elevation would benefit from two habitable windows (kitchen and lounge) at the first-floor level serving unit 2. As mentioned, the proposal would be located within 4m (approx.) of the rear boundary of no.60 Tinkers Drove which would overlook their rear garden. These proposed north elevation windows would also result in direct window-to-window overlooking of the rear habitable windows serving nos.61 – 65 Ollard Avenue (c19m separation) and their gardens. Normally a c19-20m back to back relationship is acceptable but in this case the proposed properties will have a higher than normal floor level (c1.2m above ground level) and so there is a need for a greater degree of separation.

- 9.22 It is noted a window serving a stairwell at the first-floor level along the north elevation is also proposed however this can be controlled via an obscuration condition. The lounge and kitchen windows of unit 2 cannot be obscured as sufficient outlook is required. The outlook serving the bedroom of unit 1 is not an ideal arrangement however considering the built-up location it is on balance acceptable.
- 9.23 Whilst the proposed gardens (private amenity space) of the development would be modest, consideration has been given to the built-up nature of the area, the Market town location and the fact there are several amenity greens within a short walking distance of the site. On balance, the proposed private amenity space is acceptable.
- 9.24 The proposed development, by virtue of its position to the north boundary, the height of the development above existing ground level, part two-storey scale and the proposed windows at the first-floor level along the north elevation, would result in an adverse loss of light and privacy on no.60 Tinkers Drove and an adverse loss of privacy on nos. 61 – 65 Ollard Avenue and their associated rear gardens.
- 9.25 As such, the proposal would conflict with Policy LP16 (e) of the Fenland Local Plan 2014.

#### **Impact on Parking & Access**

- 9.26 Policy LP15 of the Fenland Local Plan 2014 requires development schemes to provide well designed car and cycle parking appropriate to the amount of development proposed, ensuring that all new development meets the Council's defined parking standards as set out in Appendix A.
- 9.27 No parking provision is proposed for this development. Occupants are proposed to access the site on foot directly from the PROW situated along the north boundary. Although no parking provision is proposed for the development, there is scope within Appendix A of the local plan for nil parking provision, in special circumstances.
- 9.28 Appendix A Parking Standards - *'Where a site has good public transport links, such as in a central area of a market town, a reduction in car parking provision may be negotiated and, in special circumstances, nil parking provision may be appropriate'*.
- 9.29 The site is not considered to be located sufficiently central to Wisbech (the town centre being c 1km away) or with sufficiently good public transport facilities that justify a dispensation to be allowed.
- 9.30 The proposal would not be in accordance with Policy LP15 of the Fenland Local Plan 2014.

#### **Other Matters**

- 9.31 Surface/foul water and bin details can be controlled via suitable conditions.



9.32 The construction working hours/days and the flood measures in the Flood Risk Assessment (FRA) can be controlled via suitable conditions.

9.33 The site serves a residential garden and has low ecological value. It is also noted the site is within a green zone for Green Crested Newts (GCN).

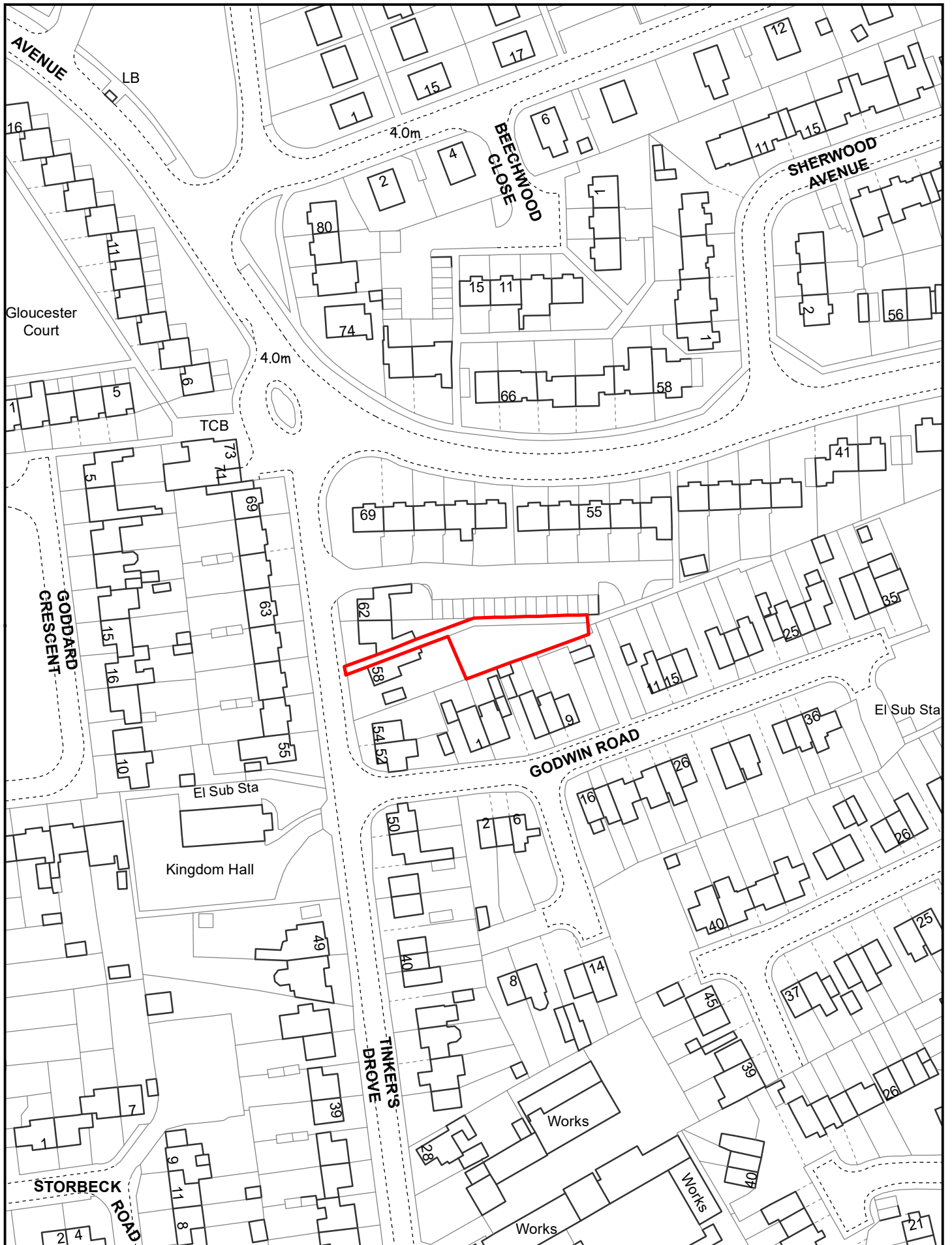
## 10 CONCLUSIONS

10.1 Although the proposal would result in public benefits such as new flatted development within the Market Town. It would also result in an adverse impact on the character of the local area and neighbouring amenity which would conflict with local and national planning policies.

## 11 RECOMMENDATION

**Refuse;** for the following reasons

1	<p>Policy LP16 (d) of the Fenland Local Plan (2014) requires development to deliver and protect high quality environments through, amongst other things, making a positive contribution to the local distinctiveness and character of the area.</p> <p>The proposal, by virtue of its position and quantum of development would result in adverse backland development, significant over development and cramped urbanisation of the site. It is considered the proposal would be at odds with the surrounding pattern of development and would adversely impact the character of Tinkers Drove and the wider area. As such, the proposal would conflict with Policy LP16 (d) of the Fenland Local Plan (2014).</p>
2	<p>Policy LP16 (e) 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.</p> <p>The proposal, by virtue of its position to the north boundary, part two-storey scale and the proposed windows at the first-floor level along the north elevation, would result in an adverse loss of light and privacy serving rear garden of no.60 Tinkers Drove and an adverse loss of privacy serving nos.61 – 65 Ollard Avenue and their associated rear gardens. The proposal would also have an overbearing relationship with 3-9 Godwin Rd and 56-58 Tinkers Drove given the height and proximity of the development to these existing dwellings. As such, the proposal would conflict with Policy LP16 (e) of the Fenland Local Plan 2014.</p>
3.	<p>The proposed development makes no provision for car parking. This is contrary to Policy LP15. Given the location of the development a significant distance away from Wisbech Town Centre and an insufficiently good public transport facilities, it is not considered that a dispensation from the parking policy requirement can be justified.</p>



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**F/YR23/0616/F**

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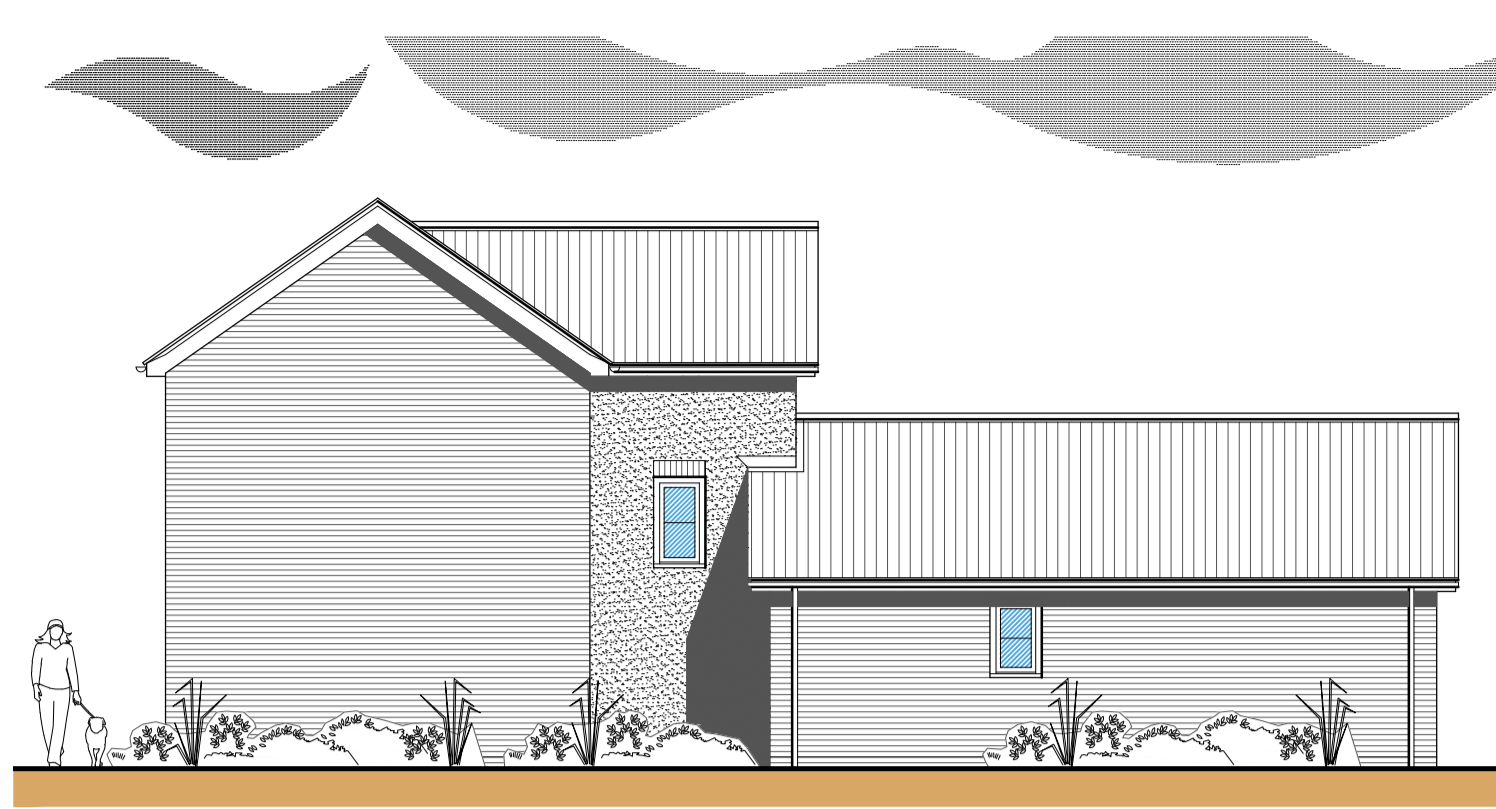
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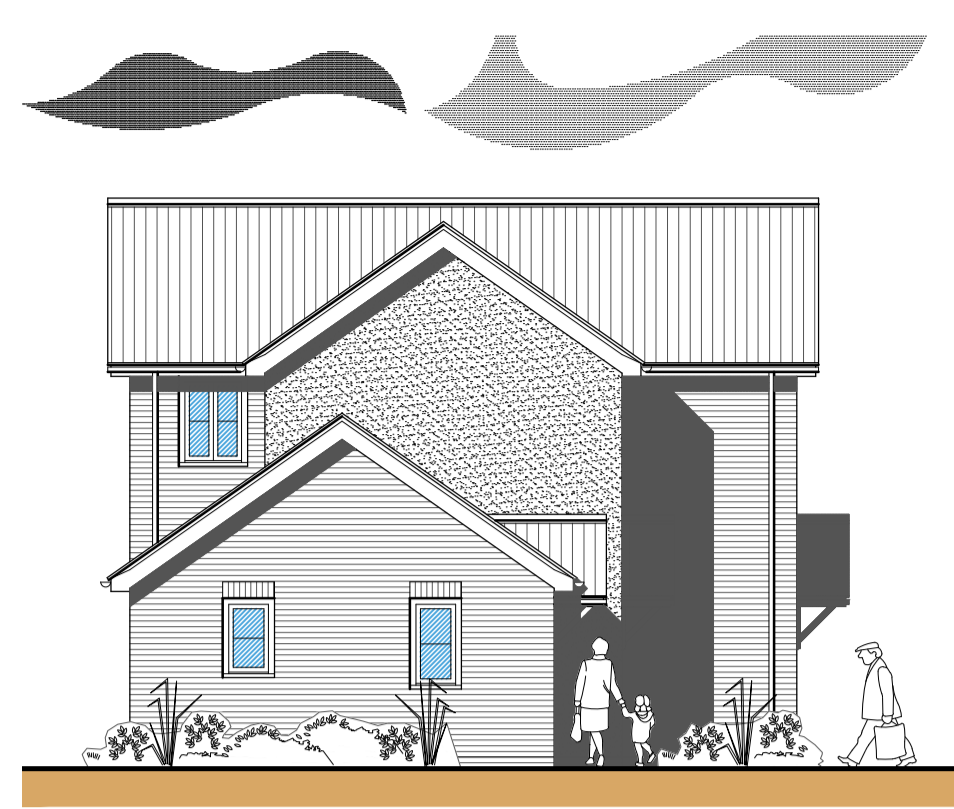
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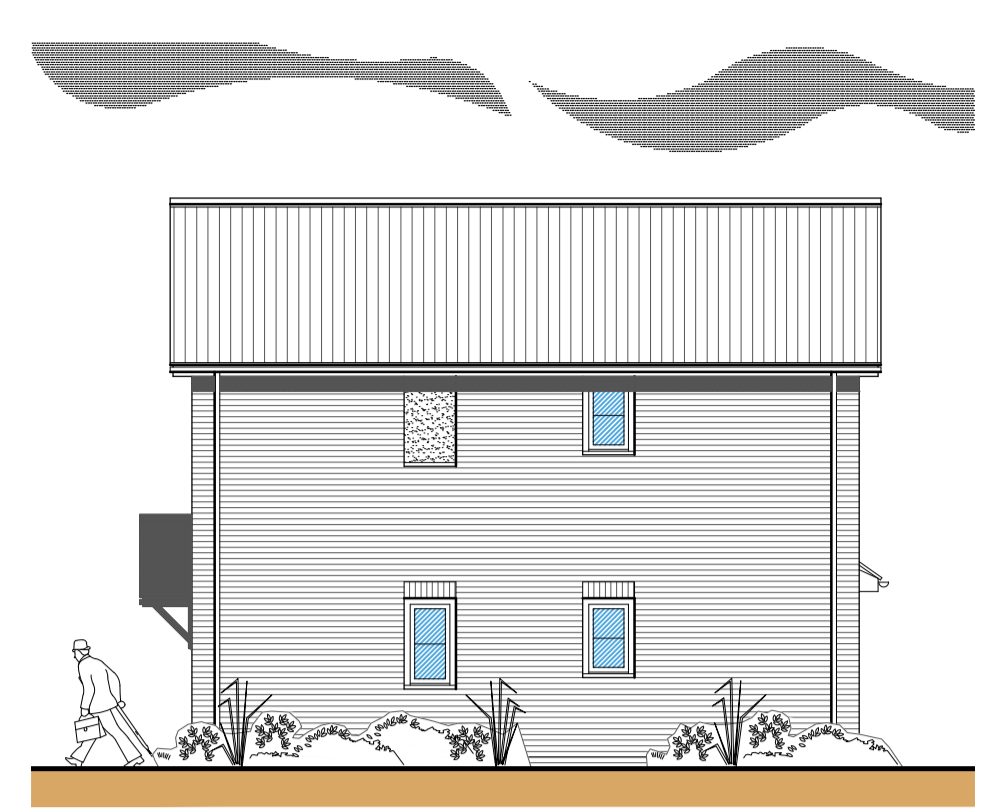
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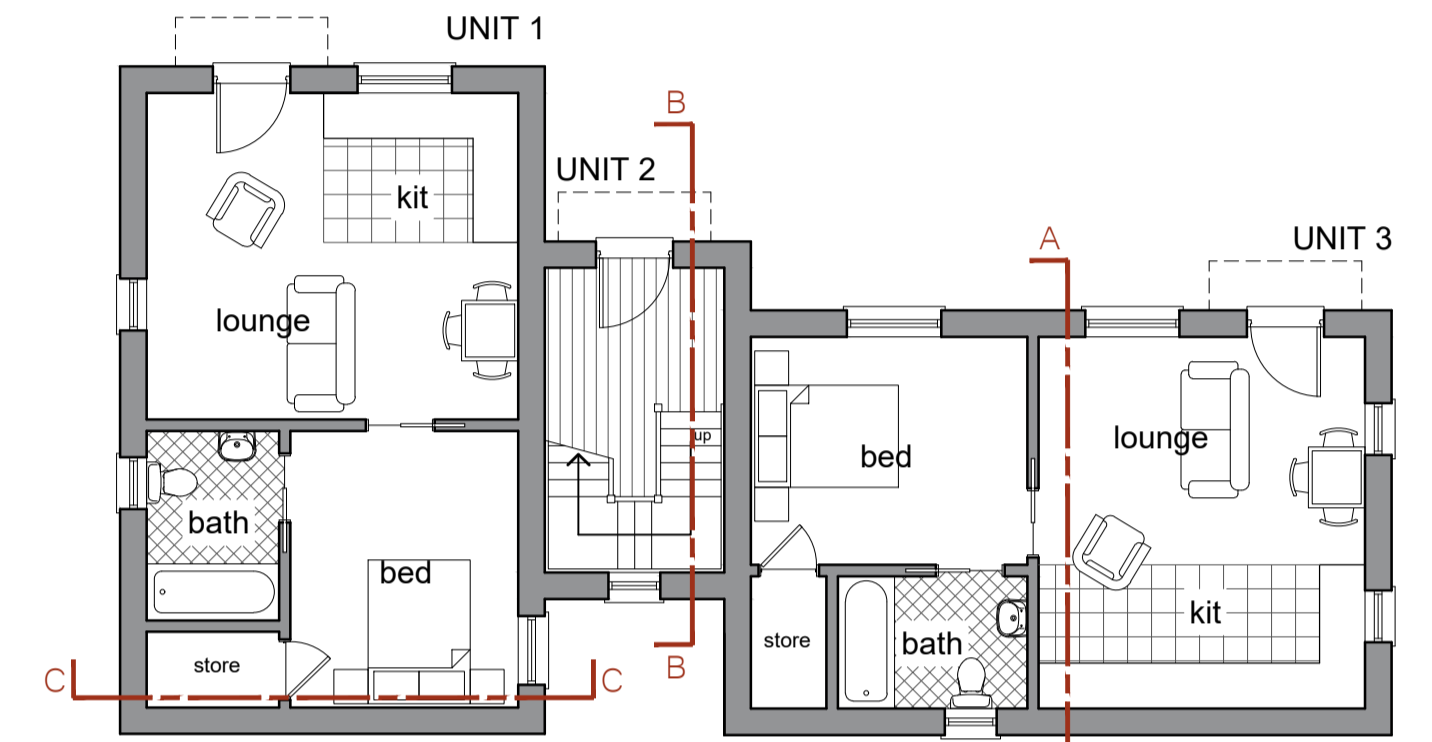
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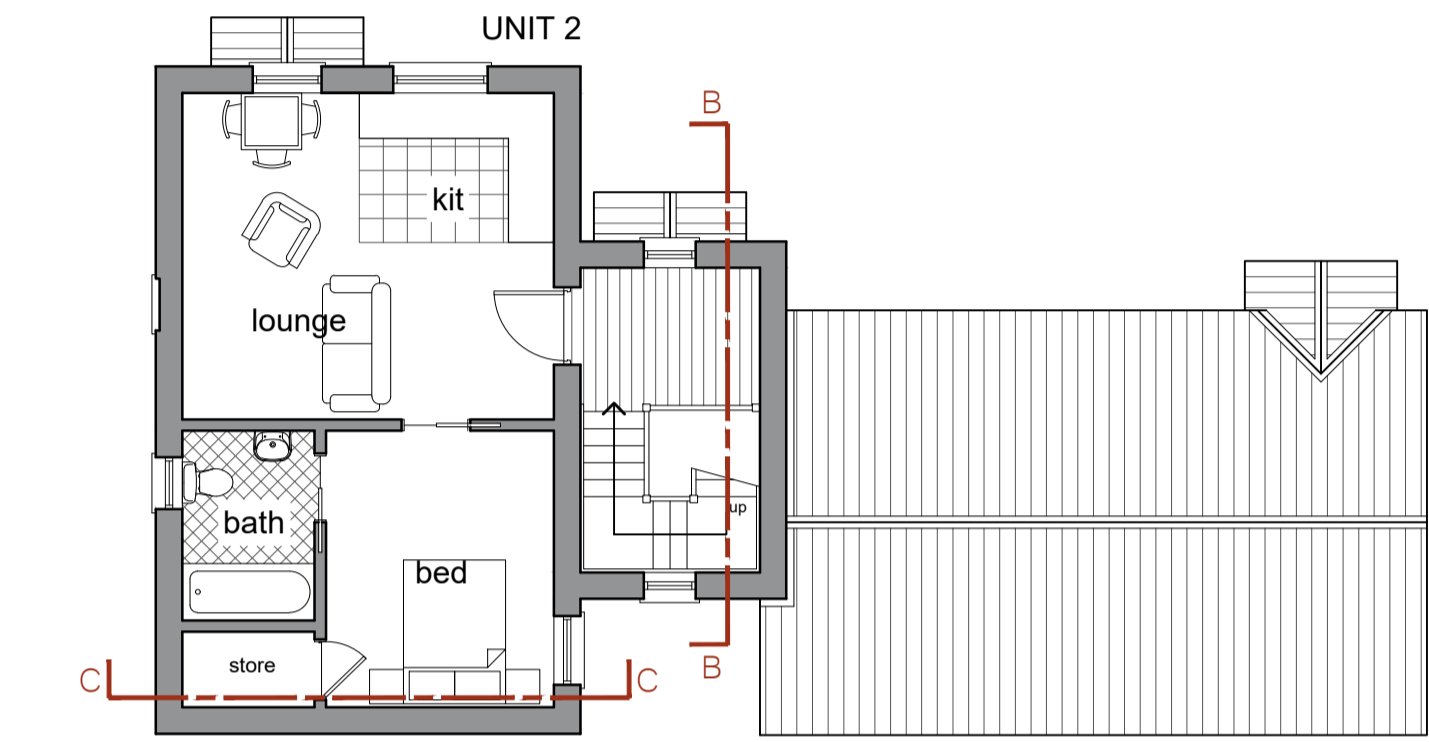
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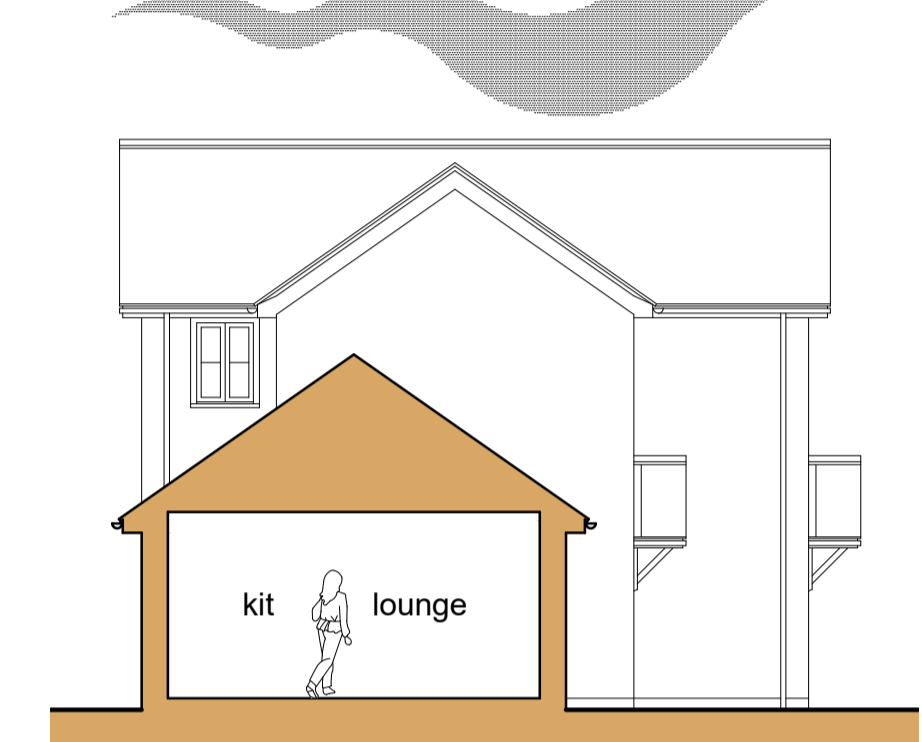
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Ground Floor Plan  
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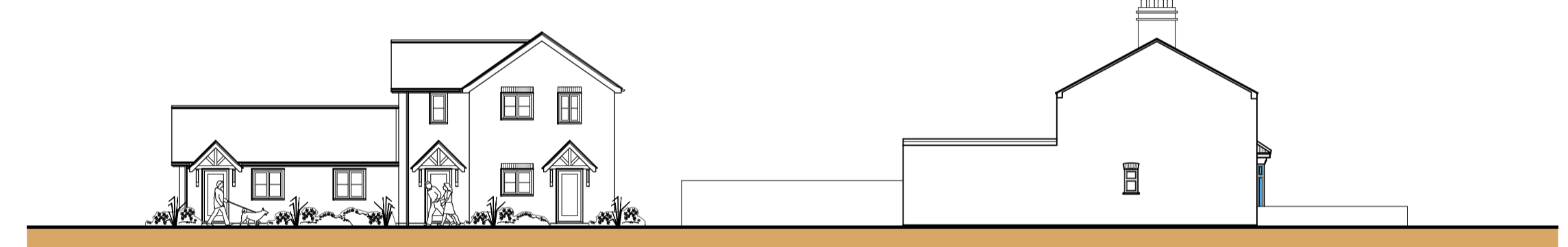
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Section A-A  
Scale: 1:100



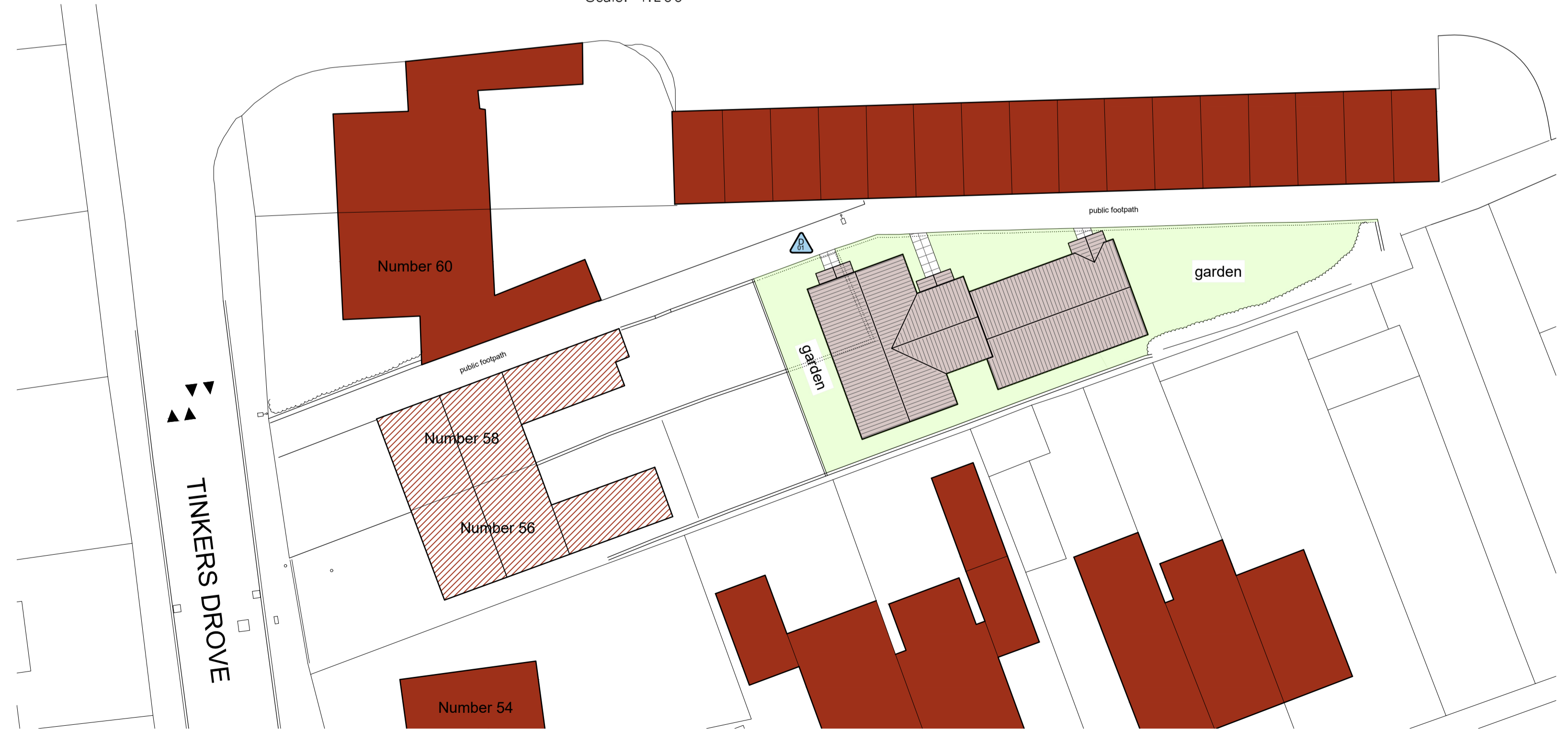
Section B-B  
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Street Scene  
Scale: 1:200



Section C-C  
Scale: 1:100



Site Plan  
Scale: 1:200



Location Plan  
Scale: 1:2500

**General Notes**  
 1. Figured dimensions only to be used.  
 2. All dimensions are shown in 'metres' unless otherwise stated.  
 3. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.  
 4. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and specifications.  
 5. Any discrepancies are to be brought to the designers attention.

**CONSTRUCTION DESIGN & MANAGEMENT REGULATIONS 2015**  
 The following information must be read in conjunction with the project Risk Register. This drawing highlights significant design related Health & Safety Risks present during Construction phase, and Residual Risks which remain post completion. Other Health & Safety Risks associated with Construction Activities may be present, and must be identified by the Principal Contractor prior to works commencing. Design Risks relating to specialist design items must be identified by the relevant specialist designers/ consultants and issued to the Principal Designer.

**SITE PLAN KEY**

- Hatch indicates host property
- dotted lines indicate existing structures to be removed
- Hatch indicates proposed building
- Hatch indicates proposed garden/amenity areas
- Indicates Existing Structures Taken From O.S. Map

**ELEVATION KEY**

- Hatch indicates tiled roof
- Hatch indicates through colour render
- Hatch indicates brickwork
- Indicates casement windows and doors with brick soldier course above

**SITE RISK NOTIFICATION KEY**  
 To be used with reference to the accompanying Project Risk Register

D01	Public Footpath
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Status  
**PLANNING**

**SWANN EDWARDS ARCHITECTURE**  
 Swann Edwards Architecture Limited, Black Barn, Fen Road, Guyhirn, Wisbech, Cambs. PE13 4AA  
 1 01945 450694 e info@swannedwards.co.uk w www.swannedwards.co.uk

Proposed Residential Development Land to the Rear of 58 Tinkers Drive, Wisbech for Mr S Necker	Job Title Planning Drawing Site and Location Plans and Elevations	Date May 2023	Scale As Shown Sheet Size A1
	Job No. SE-1963 Dwg No. PP1000	Drawn by RS	Revision A