

Applicant: Mr Kehinde Agoro

**Agent : Mr Robert Fry
R&R Planning**

114 Osborne Road, Wisbech, Cambridgeshire, PE13 3JW

Erect a dwelling (2-storey, 3-bed), involving demolition of side extension, store and garage to 114 Osborne Road, including erection of a front porch

Officer recommendation: REFUSE

Reason for Committee: Town Council recommendation contrary to Planning Officer

1 EXECUTIVE SUMMARY

- 1.1 The proposal for a detached dwelling on the site was refused under delegated powers in 2021. There were two reasons for refusal, firstly the adverse impact upon the character of the area and secondly the failure to submit a Flood Risk Assessment (FRA) given the site is located within Flood Zone 3.
- 1.2 This application seeks full planning permission for the erection of a dwelling to be physically attached to no114 Osborne Road whilst utilising the existing access from Savory Road.
- 1.3 The proposal is considered acceptable in principle as it is located within a Primary Market Town where development is supported by Policy LP3 subject to other considerations.
- 1.4 In addressing one of the previous reasons for refusal, the application has been accompanied by an FRA which, subject to flood mitigation secured through condition would comply Policy LP14.
- 1.5 Through attaching the dwelling to the gable end of no114 Osborne Road sees an increase in the gap by a further 1m to the northern boundary on the corner of Savory Road. Notwithstanding this change, given the width and design of the dwelling on such a visually prominent corner plot, the proposal would disrupt the distinctive character of the area and therefore fail to comply with LP16.

2 SITE DESCRIPTION

- 2.1 The application site is located within the settlement of Wisbech and forms garden land associated with an existing dwelling. The plot is located on the corner of Savory Road and Osborne Road.
- 2.2 The host dwelling is one half of a pair of semi-detached dwellings fronting Osborne Road and benefits from parking within its rear garden accessed from Savory Road. The site currently benefits from landscaping along the north boundary of the site behind the existing close board fencing along Savory Road. Adjacent to the side

boundary at the rear of the site are an existing street light and post box within the highway.

- 2.3 The site is designated within Flood Zone 3, therefore at highest risk of flooding.
- 2.4 There is no overriding property character along Osborne Road, however, within the immediate vicinity lies a row of semi-detached properties interspersed with the odd detached dwelling. There is also a variation with materiality.

3 PROPOSAL

- 3.1 The proposal is for the construction of a two-storey dwelling attached to the existing property, no114 Osborne Road. The dwelling will, in effect, alter what is currently a pair of semi-detached properties to a row of terraced dwellings and would be erected on garden land at the side of, and, associated with the existing dwelling.
- 3.2 The site is located in a visually prominent position on the corner of Osborne Road and Savory Road.
- 3.3 Parking for the new dwelling would be located to the rear of the property utilising the existing access from Savory Road.
- 3.4 The proposed dwelling is to measure 5.9m in width and run a depth of 8.8m. Constructed of brick and tiles to match the existing dwelling, there proposes a pitched roof with front to rear ridge and gable side elevation. The two-storey rear projection will incorporate a pitched roof with side hip and gabled rear elevation. A large window is proposed within the side gable elevation to serve bedroom 1 with a smaller window at ground floor to serve the open plan kitchen/dining area.
- 3.5 The application form and plans also show the erection of a porch to 114 Osborne Road itself following the removal of the existing porch. The existing single storey side element will be removed to facilitate the new dwelling. There also proposes the provision of hardstanding to the front of no114 Osborne Road and removal of the existing boundary wall to provide off-street parking displaced by the proposed parking for the new dwelling.

4 SITE PLANNING HISTORY

- 4.1 F/YR21/0496/F Erect a dwelling (2-storey, 3-bed) and boundary fence (1.8m max) including demolition of side extension and garage and formation of access at 114 Osborne Road – Refused

The application was refused for two reasons. Firstly relating to the impact upon the character of the area given its visual prominence and secondly due to the failure to submit an FRA.

- 4.2.1 F/0943/88/O – Outline for the erection of a house on garden, land at rear of 114 Osborne Road (fronting Savory Road) – Refused

5. CONSULTATIONS

5.1 County Highways

Based on the information submitted, I have on balance no objection to the above application from the perspective of the Local Highway Authority subject to conditions

Comment

The proposal would increase (though marginal) the trip movements associated with the site adjacent to the Orsborne/ Savory Road junction and not ideal for the number of accesses proposed for the development. Whilst the LHA has reservations in respect of the number accesses proposed in that area, in view of the limited trip generation for the site (etc), it is considered that a recommendation of refusal could not be substantiated with due regard to Para 111 of the NPPF, where development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

The Applicant should however ensure that vehicle accesses on Savory Road and Osbourne Road are dropped and constructed in accordance with CCC Highway Construction Specification. A scaled and dimensioned plan should be submitted to LHA for consideration. A minimum parking spaces of 5x2.5m should be provided. The parking area with a minimum parking space of 5mx2.5m sealed and drained up to the back of the footway should be provided. Also, it should be graded away from the highway or have an interceptor drainage. A Plan showing these requirements would be needed.

Conditions If the LPA is mindful to approve the application, please append the following conditions to any consent granted:

Access Details:

Before the dwelling hereby permitted is occupied, the vehicular access from the existing carriageway edge shall be laid out and constructed in accordance with a detailed engineering scheme to be submitted to and approved in writing by the local planning authority, and such a scheme shall include the provision of a metalled/sealed surface for a minimum length of 5m from the existing carriageway edge.

Reason: In order to ensure that adequate vehicular and pedestrian access is provided in the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.

Highway Drainage:

The approved access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.

Reason: To prevent surface water discharging to the highway in accordance with policy LP15 of the Fenland Local Plan, adopted May 2014

Informative Works in the Public Highway

This development may involve work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

5.2 County Planning, Minerals and Waste

Thank you for consulting Cambridgeshire County Council, in its role as the Minerals and Waste Planning Authority (MWPA), on the above application.

Having reviewed the available documentation, the MWPA wishes to make the following comments:

The proposed development is located within the Consultation Area for the Wisbech Port Transport Infrastructure Area (TIA), which is safeguarded under Policy 16 (Consultation Areas) of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021). Policy 16 seeks to safeguard facilities used in relation to minerals and waste activities.

It states that development within a CA will only be permitted where it is demonstrated that the development will not prejudice the existing or future use of the area, i.e. the safeguarded site for which the CA has been designated; and not result in unacceptable amenity issues or adverse impacts to human health for the occupiers or users of such new development, due to the ongoing or future use of the area for which the CA has been designated. The MWPA is content that the proposal is unlikely to affect the operation of Wisbech Port, nor be adversely affected by its proximity to the Port. The MWPA, therefore, has no objections to the proposed development.

5.3 North Level District Internal Drainage Board

Please note that North Level District Internal Drainage Board have no comment to make in relation to the above planning application as it is out of our district.

5.4 Wisbech Town Council

That the application be supported

5.5 Environment Agency

Thank you for your consultation dated 28 September 2023. We have reviewed the documents as submitted and have no objection to the proposed development. We have provided further details in the sections below.

Flood Risk Assessment We have reviewed the Flood Risk Assessment (FRA) and advise that the following, set out in the FRA, should be adhered to.

- Finished floor levels should be set no lower than 4.6 metres above Ordnance Datum (AOD)*
- Flood resilience and resistance measures should be incorporated into the proposed development as stated in the submitted FRA.*

These mitigation measures should be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above should be retained and maintained thereafter throughout the lifetime of the development.

Flood Warnings

To reduce the risk of flooding to the proposed development and future occupants, we support the suggestion in the FRA that future occupants sign up to Floodline Warnings Direct to receive advance warning of flooding. This can be done online at <https://www.gov.uk/sign-up-for-flood-warnings> or by phoning Floodline Warnings Direct on 0345 988 1188.

5.6 Local Residents/Interested Parties

One letter of objection:

- Dangerous so close to a prominent junction
- Increase in parking issues
- Change in property from semi-detached

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)

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

LP5 – Meeting Housing Need

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

LP17 – Community Safety

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
LP5: Health and Wellbeing
LP7: Design
LP8: Amenity Provision
LP12: Meeting Housing Needs
LP20: Accessibility and Transport
LP22: Parking Provision
LP24: Natural Environment
LP27: Trees and Planting
LP32: Flood and Water Management

8 KEY ISSUES

- **Principle of Development**
- **Visual amenity**
- **Residential amenity**
- **Highways**
- **Flooding**

9 BACKGROUND

9.1 Application F/YR21/0496/F was refused on the grounds of impact upon the character of the area due to visual prominence and the failure to submit an FRA

9.2 This application makes several changes to that previously refused:

- Dwelling to be attached to the existing dwelling increasing the gap to the northern boundary by 1m to 3m
- A two storey rear projection
- Utilisation of the existing access
- Submission of a Flood Risk Assessment (FRA)

10 ASSESSMENT

Principle of Development

10.1 Policy LP3 of the Fenland Local Plan directs new housing towards the primary market towns of March and Wisbech. There are no special designations on the land that would need to be factored in, therefore subject to other considerations being addressed, the principle is acceptable.

Visual amenity

- 10.2 Policy LP16 of the Fenland Local Plan (2014) requires development proposals to deliver and protect high quality environments throughout the district. Proposals must demonstrate they make a positive contribution to the local distinctiveness and character of the area, enhancing their local setting and both responding to and improving the character of the local built environment whilst not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area.
- 10.3 The proposal is for the construction of a two-storey dwelling attached to the existing dwelling, no 114 Osborne Road in a part of Wisbech where there is no overriding character with properties differing in design and materiality.
- 10.4 It is to be noted that an application was refused for a two-storey detached dwelling on the same plot of land with the differences outlined in the 'Background' section of the report.
- 10.5 One of the differences proposed is to attach the dwelling to the gable end of no114 Osborne Road, therefore creating a row of terraced properties. Whilst there is evidence of terraced properties along Osborne Road, these are approximately 60m to the north and 80m to the south and therefore not read in direct context with the application site. On this basis, the scheme does result in some divergence from the predominant characteristics of residential development in the immediate area.
- 10.6 Through attaching the dwelling to 114 Osborne Road, there proposes a gap of 3m to the boundary with Savory Road to the north, an increase of 1m from the previous application. There is a distinct feeling of openness around the junction of Savory Road and Osborne Road, created by the two flanking dwellings both being located a notable distance inset from the road. Notwithstanding the increase in gap to the northern boundary, this is considered minimal in context with the location of the proposed dwelling in close proximity to the junction of Savory Road and Osborne Road being at odds with that existing relationship. Further to this, it would also result in a property in closer proximity to Savory Road than the existing properties along that highway with a visually dominant element proposed through the incorporation of a two storey rear gabled projection.
- 10.7 The existing dwellings along Savory Road are set back from the road by a consistent distance, which contributes to a very distinctive character of development in the area. Accommodation of the scheme on the site would also require the removal of the entirety of the existing landscaping along the northern boundary of the site, which would result in a significant change to the character of the development in this area and make the proposal visually obtrusive.
- 10.8 Part of the application proposes a front porch to 114 Osborne Road. Given the overall limited scale and design and given this element would resemble the existing porch to the property adjacent, no112 Osborne Road, no adverse visual amenity issues would arise.
- 10.9 For the reasons given above, and notwithstanding the changes to the refused scheme, these are not so significant to outweigh the harm caused through the presence of a dominant and overbearing impact on the character of the area,

particular at the junction of Savory Road with Osborne Road. This impact would be harmful to the overall character of the area, at odds with the requirements of policy LP16.

Residential amenity

- 10.10 LP2 of the Fenland Local Plan (2014) requires development proposals to promote high levels of residential amenity, and policy LP16 requires development proposals to demonstrate that they do not adversely impact on the amenity of neighbouring users whilst providing sufficient amenity space for the proposal, with the guideline for non-flat development being one third of the plot area.
- 10.11 The proposal accords with the requirement for provision of a minimum of one third of the plot area as private amenity space, and due to the layout of the scheme on the site will not result in adverse impacts on the residential amenities of the neighbouring properties due to issues such as privacy or overbearing impacts on garden areas.

Highway safety

- 10.12 Policy LP15 of the Fenland Local Plan (2014) requires development to provide a well-designed, safe and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport. Appendix A of the Fenland Local Plan sets out the parking standards associated with development proposals, noting that for properties of up to three bedrooms, two parking spaces are required, and for properties of four bedrooms or more, provision of three spaces is required.
- 10.13 The application differs from that previously refused in that the existing access is to remain and utilised to serve the new dwelling which will provide 2no off-street parking spaces. Through displacement of the parking for no114 Osborne Road to serve the new dwelling, there proposes the provision of hardstanding to the front of no114 to provide 2no off-street spaces. This will require the removal of the existing boundary wall and the provision of a dropped kerb. Whilst this is not ideal given the proximity to the junction, Osborne Road is not a classified road and therefore planning permission is not required in this instance. Further, to this County Highways confirm that whilst it is not ideal for the number of accesses proposed for the development, it is considered that a recommendation of refusal could not be substantiated with due regard to Paragraph 111 of the NPPF, where development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Flooding

- 10.14 Policy LP14 of the Fenland Local Plan and paragraphs 155-165 of the National Planning Policy Framework set out the approach to developing land in relation to flood risk, with both documents steering development in the first instance towards land at a lower risk of flooding. This is achieved by means of requiring development proposals to undertake a sequential test to determine if there is land available for development at a lower risk of flooding than the application site, and only resorting to development in those higher flood risk areas if it can be demonstrated that there are no reasonably available sites at a lower risk of flooding.

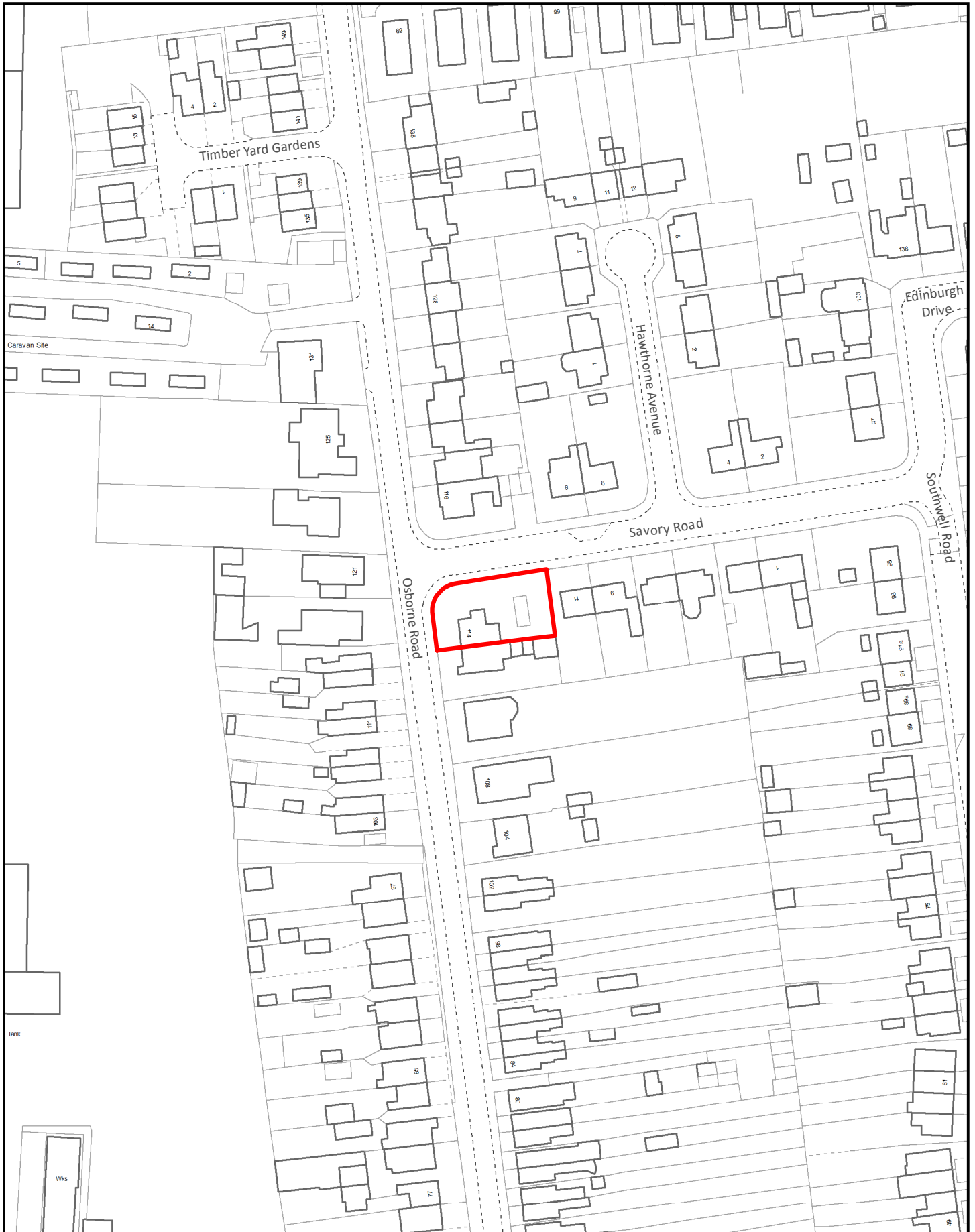
- 10.15 With regard to the sequential test in relation to flood risk, the approach adopted by Fenland District Council is that for development within the existing urban area and on land most recently used for uses including residential (such as the application site) then the sequential test is considered to be passed.
- 10.16 Notwithstanding that, however, the application is still required to be accompanied by a Flood Risk Assessment. The failure to submit an FRA led to one of the reasons for refusal of the previous application. An FRA has therefore accompanied this submission. The Environment Agency have assessed the proposal along with the FRA and raise no objections subject to conditions to mitigate flood risk within the development. On that basis, the proposal complies with the requirements of policy LP14 of the Fenland Local Plan and the NPPF section regarding flood risk.

11 CONCLUSIONS

- 11.1 Overall, the proposal is for a development that would result in a detrimental impact on the character of the area in which it is located through its proposed proximity to the road on the corner of Savory Road and Osborne Road. This impact is due to the distinctive character of the area at present, with built development all located away from the junction and giving a feeling of space to the residential development that would be lost if the proposal were granted planning permission.

12 RECOMMENDATION: REFUSE

1	Policy LP16 of the Fenland Local Plan (2014) requires that development proposals demonstrate that they make a positive contribution to the local distinctiveness and character of the area, enhancing its local setting and responding to and improving the character of the local built environment, without impacting adversely on the street scene or landscape character of the surrounding area. The proposal is for the construction of a new dwelling on the land forming a side garden of the host property and would result in a two-storey dwelling that would occupy a dominant position within the street scene at the junction of two highways where the distinctiveness characteristic of the existing built development is one of space between the dwellings and the highway. The proposal would therefore have an overbearing and dominant effect on the street scene at odds with the prevailing and distinctive character of the existing built environment.
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F/YR23/0749/F

Scale = 1:1,250



 **Fenland**
CAMBRIDGESHIRE
Fenland District Council

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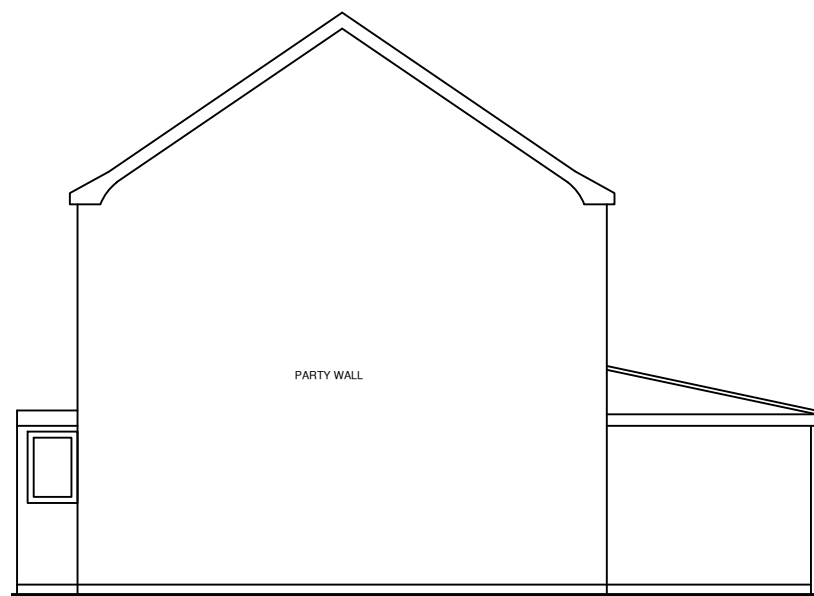
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FRONT ELEVATION
1:100 / A3

SIDE ELEVATION
1:100 / A3



SIDE ELEVATION
1:100 / A3



REAR ELEVATION
1:100 / A3

SCHEDULE		GIA
Site Area		453 sqm
Proposed Dwelling		89 sqm
Proposed Dwelling Amenity		100 sqm
Existing Dwelling		93 sqm
Existing Dwelling Amenity		76 sqm
2 Parking Spaces per Dwelling		
2 Cycle Spaces per Dwelling		

Rev	Detail	Date
Drawing No. : 2217_PL03c	Drawn by : RJ	
Scale : 1:100 @ A3	Date : 09.11.2022	

Project Title :
**114 OSBORNE ROAD,
PE13 3JW**

Drawing Title :
EXISTING ELEVATIONS

SCALE 1:100 @A3
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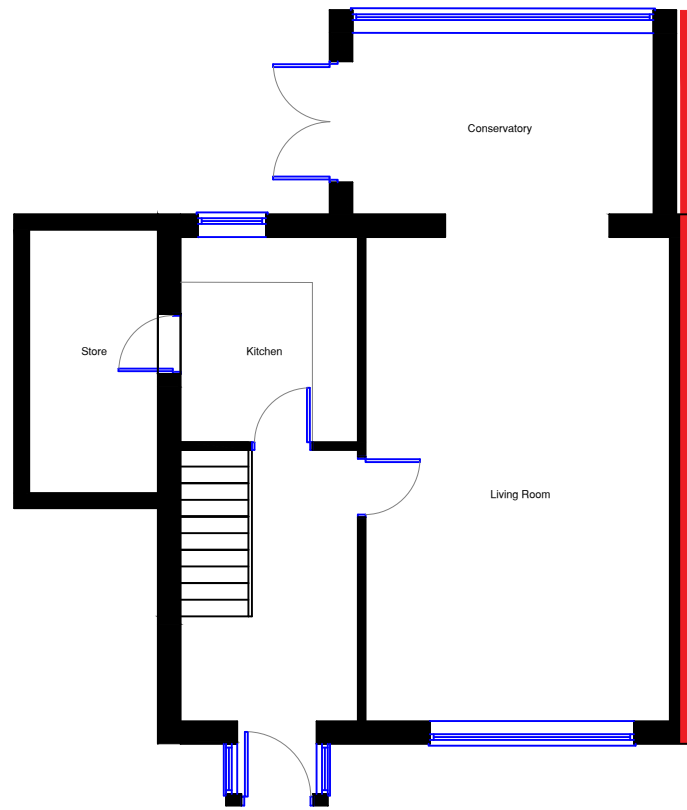
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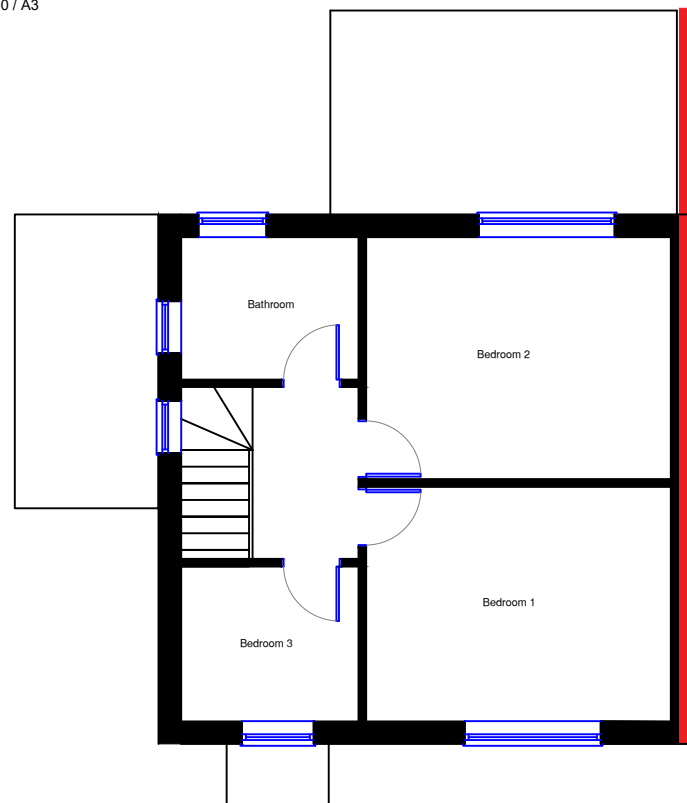
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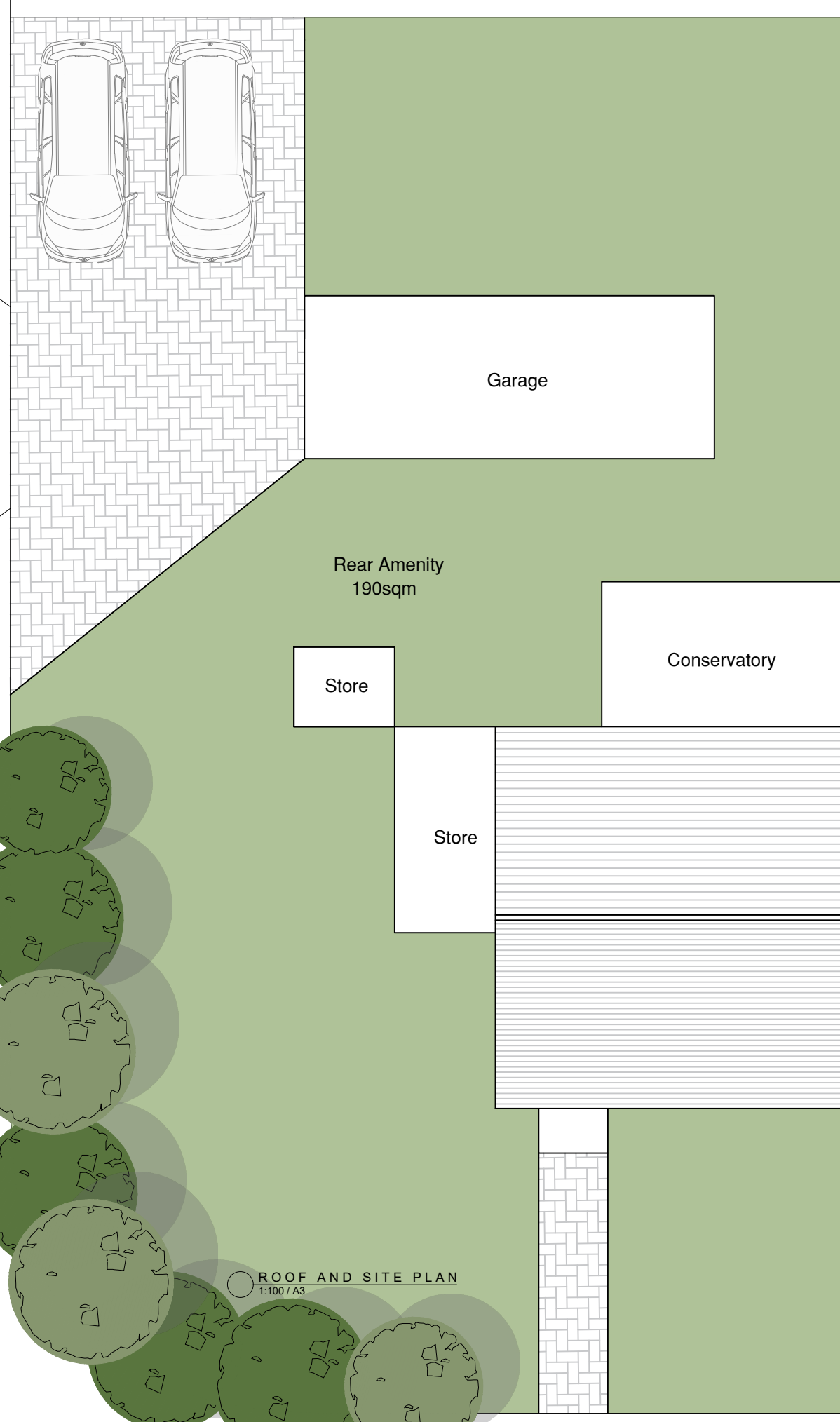
GROUND FLOOR PLAN
1:100 / A3



FIRST FLOOR PLAN
1:100 / A3

SCALE 1:100 @A3
0 10m

Existing Cross Over



ROOF AND SITE PLAN
1:100 / A3

SCHEDULE		GIA
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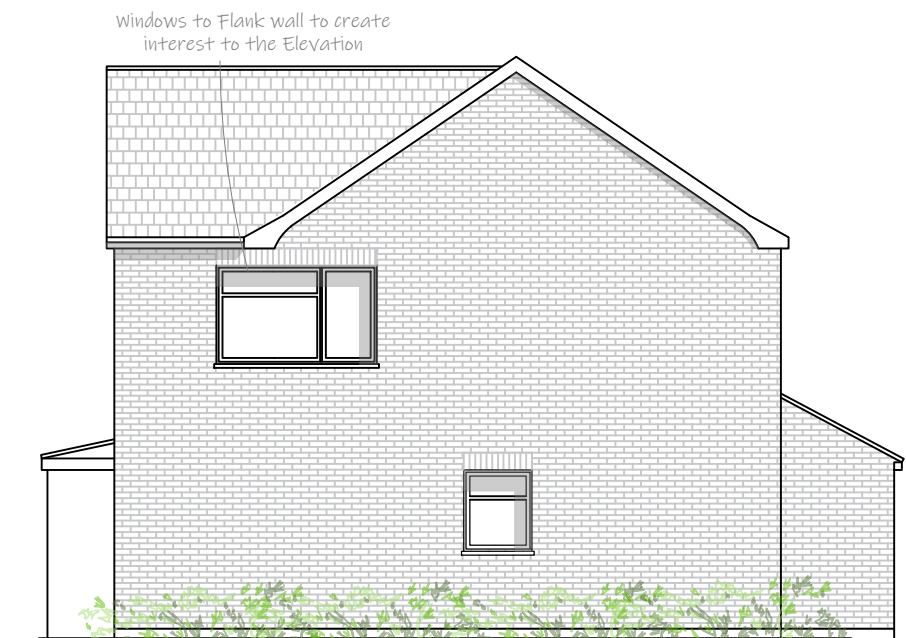
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PE13 3JW**

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SITE PLANS**

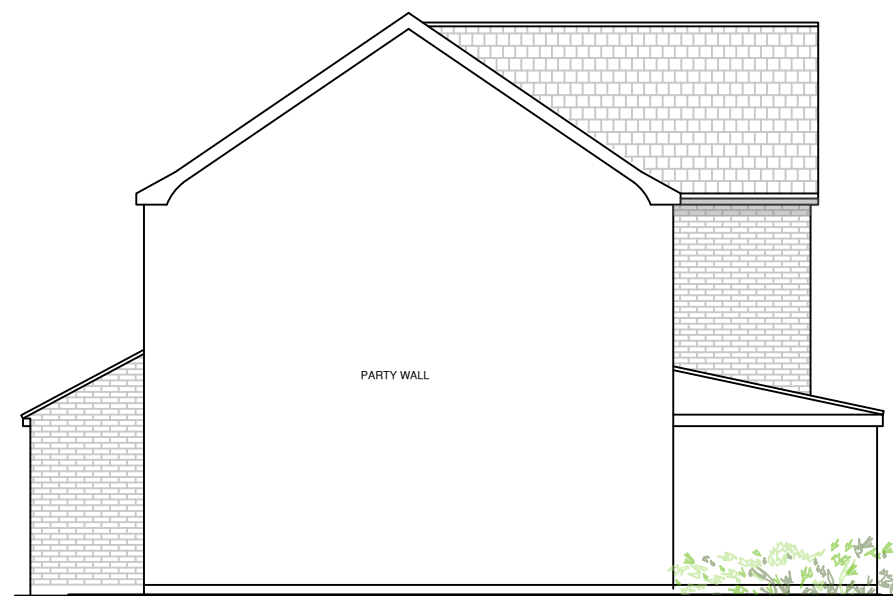
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FRONT ELEVATION
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SIDE ELEVATION
1:100 / A3



SIDE ELEVATION
1:100 / A3



REAR ELEVATION
1:100 / A3

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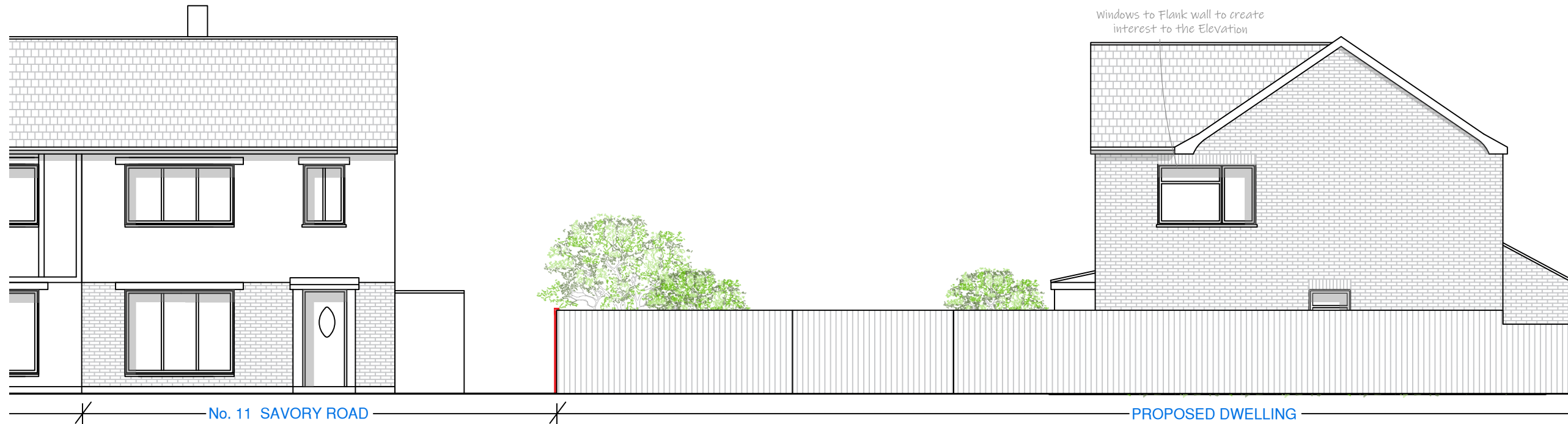
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**114 OSBORNE ROAD,
PE13 3JW**

Drawing Title :
PROPOSED ELEVATIONS

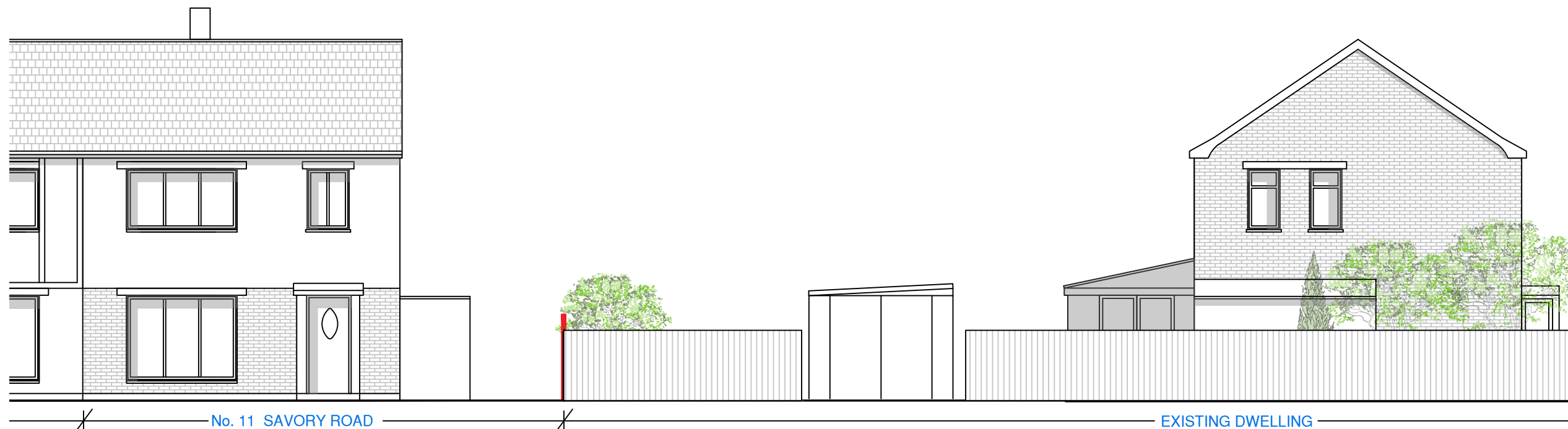
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PL-05b

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Tel:07436007718



PROPOSED STREET SCENE
1:100 / A3



EXISTING STREET SCENE
1:100 / A3

SCALE 1:100 @A3
0 10m

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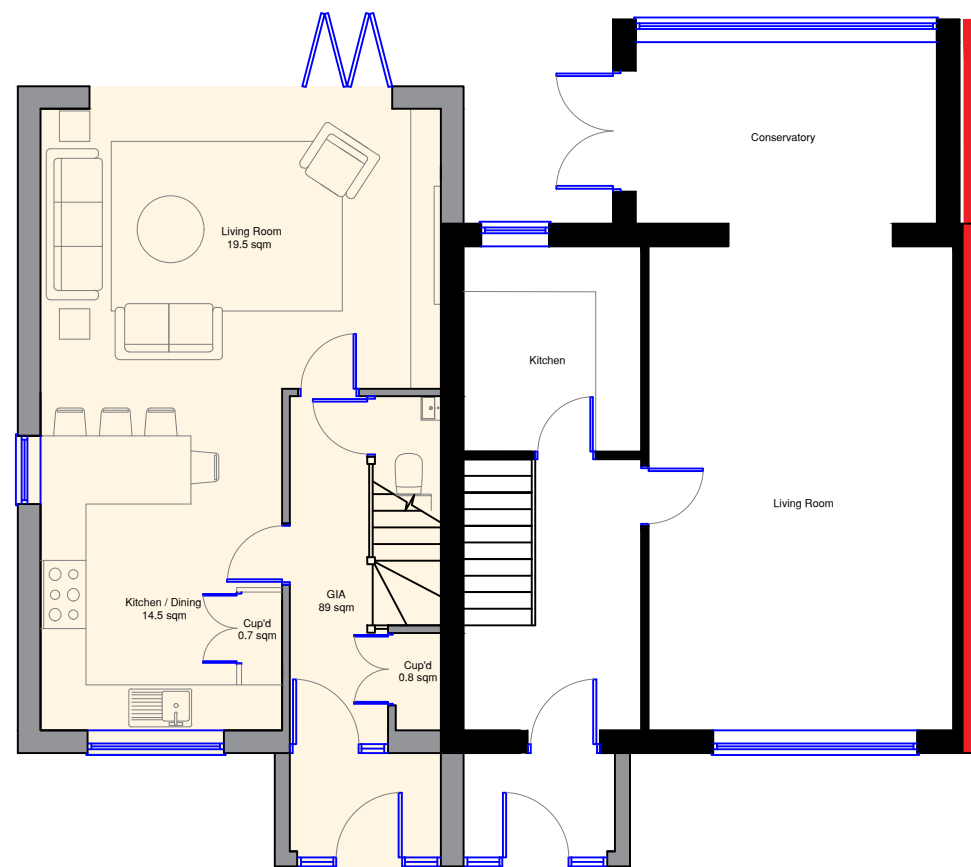
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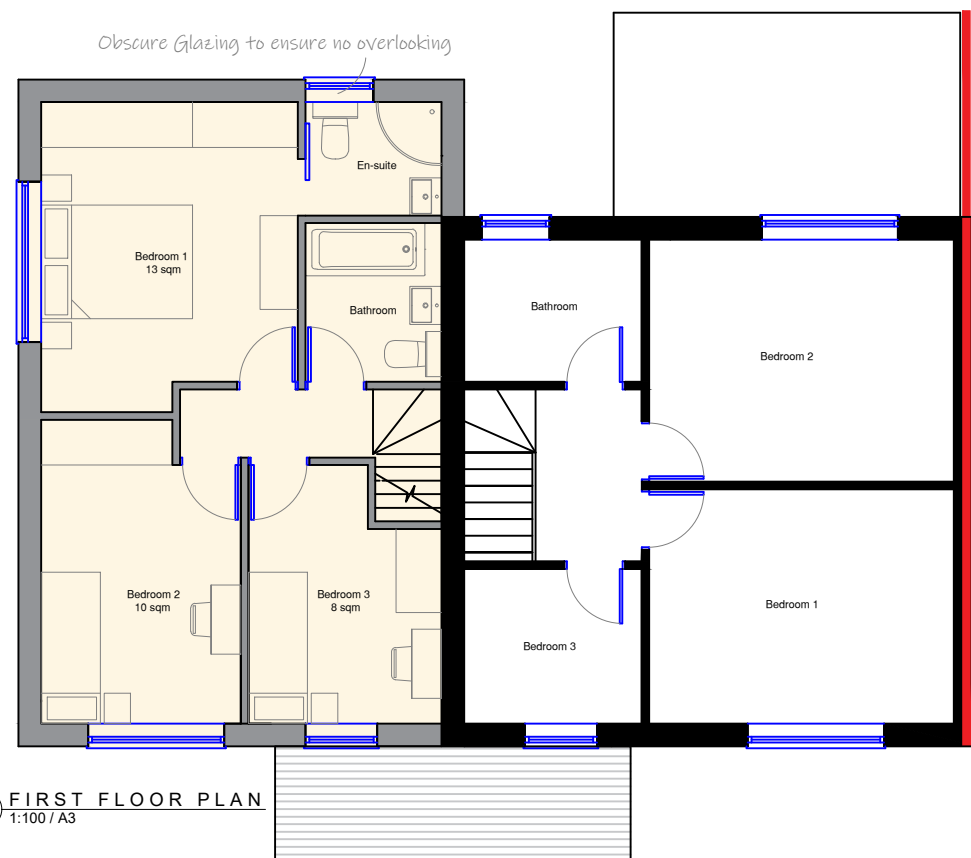
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Drawing Title :
SAVORY RD STREET SCENE

PL-06c

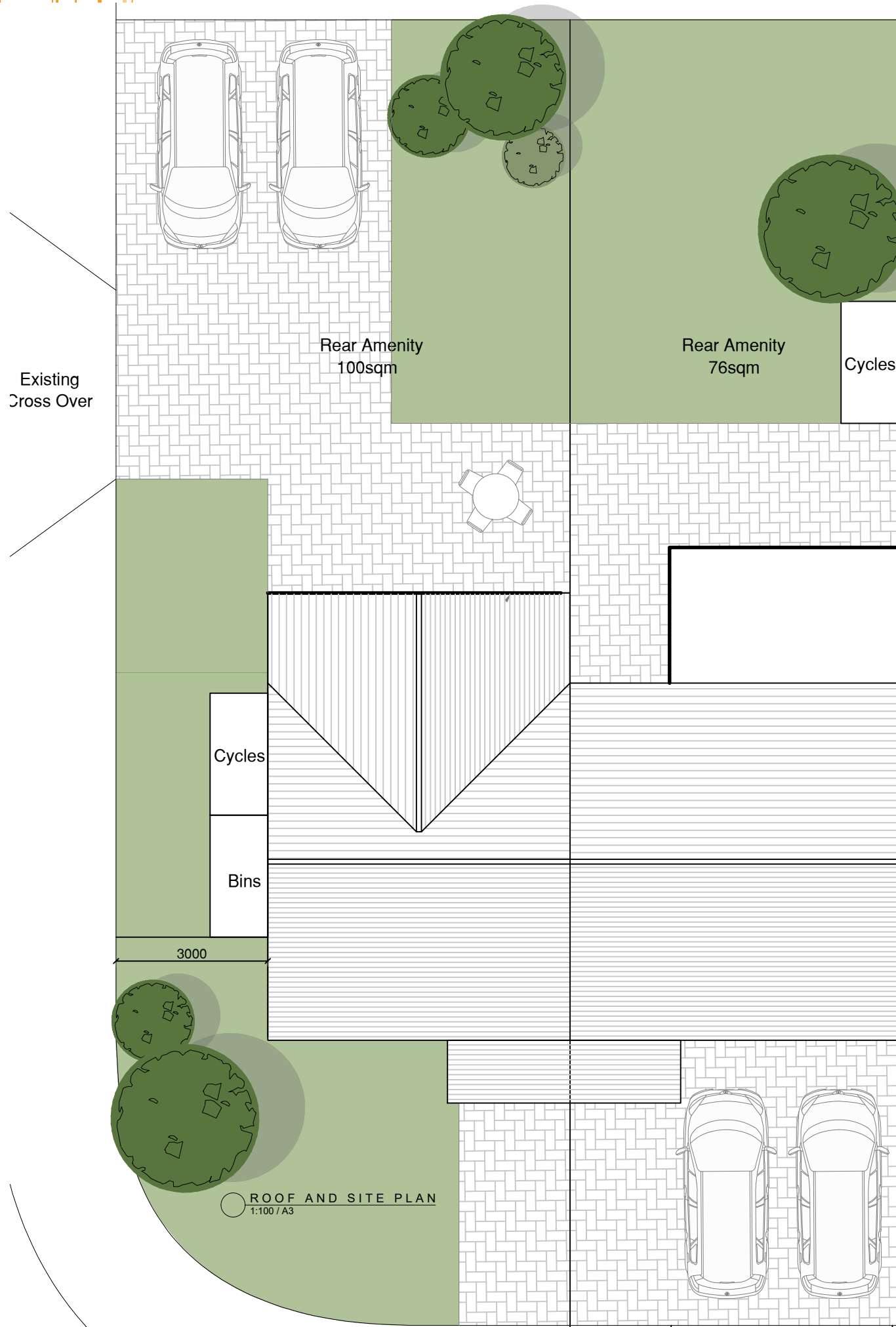


GROUND FLOOR PLAN
1:100 / A3



FIRST FLOOR PLAN
1:100 / A3

SCALE 1:100 @A3



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SCHEDULE

	GIA
Site Area	453 sqm
Proposed Dwelling	89 sqm
Proposed Dwelling Amenity	100 sqm
Existing Dwelling	93 sqm
Existing Dwelling Amenity	76 sqm
2 Parking Spaces per Dwelling	
2 Cycle Spaces per Dwelling	

Rev	Detail	Date
Drawing No. : 2217_PL04c	Drawn by : RJ	
Scale : 1:100 @ A3	Date : 09.11.2022	

Project Title :
**114 OSBORNE ROAD,
PE13 3JW**

Drawing Title :
**PROPOSED FLOOR, ROOF
AND SITE PLANS**

PL-04c

r&R
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