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**F/YR23/0460/FDC**

**Applicant: Mr Peter Lapham  
Fenland District Council (FDC)**

**Agent: Mr R Papworth  
Morton & Hall Consulting Ltd**

**Land At Inhams Close Murrow, Cambridgeshire**

**Erect 2 dwellings (2-storey 3-bed)**

**Officer recommendation: Refuse.**

**Reason for Committee: FDC is the landowner**

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## **1. EXECUTIVE SUMMARY**

- 1.1. The site has an area of 0.05ha and is located in the north-west corner of Inhams Close within the `Small Village` of Murrow.
- 1.2. The proposed residential development would be acceptable in principle as it is an infill development within the continuous built form of Murrow. Further, the proposal would not result in an adverse impact on visual amenity and would not prejudice highway safety.
- 1.3. The site lies in Flood Zone 3, the highest risk of flooding and has failed to demonstrate that it is not possible for the development to be located on a site with a lower risk of flooding and the development does not provide any wider sustainability benefits, as such both the Sequential and Exception tests fail.
- 1.4. The bedroom windows at the first-floor level along the south elevation would result in some loss of privacy serving the rear garden of no.5 Inhams Close.
- 1.5. As such, the proposal would conflict with Policies LP12 and LP14 Fenland Local Plan 2014.
- 1.6. The application is recommended for refusal.

## **2. SITE DESCRIPTION**

- 2.1. The site is located in the north-west corner of Inhams Close between nos. 5 and 14, and north of an access to an Anglian Water Pumping Station. The site is flat grassland occupied by two trees and divided by a 1.8m high close bounded fence which partly defines the garden area serving the adjacent property, no.14.
- 2.2. The surrounding area is predominantly residential characterised by single and a two storey detached and semi-detached dwellings.

- 2.3. The site is within Flood Zone 3 (high risk), does not relate to any heritage assets and there are no Tree Preservation Orders (TPO`s) on site or adjacent the site boundary.

### **3 PROPOSAL**

- 3.1 This planning application seeks full planning permission for the erection of two, three-bedroom dwellings of a two-storey, semi-detached design.
- 3.2 The proposed dwellings would benefit from a shared gable roof, front elevation dormer roof-edge features and front elevation porch features. The proposed materials would include brickwork, tiles and UPVC. Each dwelling would benefit from front and rear garden amenities and close boarded boundary treatments. In terms of parking provision, each dwelling would benefit from two parking spaces along their side elevations (tandem) with a means of access from the south via an existing drive (private).
- 3.3 Full plans and associated documents for this application can be found at: [F/YR23/0460/FDC | Erect 2 dwellings \(2-storey 3-bed\) | Land At Inhams Close Murrow Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR23/0460/FDC | Erect 2 dwellings (2-storey 3-bed) | Land At Inhams Close Murrow Cambridgeshire (fenland.gov.uk))

### **4 SITE PLANNING HISTORY**

N/A.

### **5 CONSULTATIONS**

- 5.1 **Wisbech St Marys Parish Council. Approve.**

- 5.2 **FDC Environmental Health. No objection, subject to conditions.**

*Environmental health has no objection to this application. However, given the potential for noise nuisance complaints from neighbouring residential properties the following working times are considered reasonable and typically requested by this service:*

*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.*

- 5.3 **CCC Highways. No objection, subject to conditions.**

*On the basis of the information submitted, the Local Highway Authority has no objections in principle, however, the following points require attention to make the development acceptable in highway terms:*

*The extent of hard landscaping is to increase with this proposal. The applicant will need to ensure that appropriate measures are taken to ensure that the associated private surface water will not discharge onto Inhams Close, noting that permeable surfacing isn't accepted by the LHA in isolation. The driveways must be constructed to fall away from Inhams Close or otherwise a suitable means of surface water interception included at the boundary e.g., a channel drain.*

- 5.4 **FDC Environmental Agency. No objection, subject to condition.**

*We have reviewed the documents as submitted and have no objection to the proposed development. We have provided further details below.*

#### **Flood Risk**

*In order for the proposed development to meet the National Planning Policy Framework's requirements in relation to flood risk, we advise that the development should be carried out in accordance with the submitted flood risk assessment (ref ECL0995a/MORTON & HALL CONSULTING LTD dated May 2023 ) and the following mitigation measures it details:*

- *Finished floor levels shall be set a minimum of 0.3m above ground level and a minimum of 0.3m of flood resilient construction above finished floor level.*

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

#### **5.5 FDC Tree Officer. No objection.**

*The proposed development requires the removal of two early mature trees that provide some biodiversity and visual amenity to the area. Replacement trees must be provided including to the front and rear of the plots. Due to limited space, the use of fastigate forms will be appropriate. The use of root trainers to the front of the plots should be used due to the close proximity of hard surfaces to direct the roots downwards.*

#### **5.6 FDC Valuation and Estates Team. No comments received.**

#### **5.7 North Level District IDB. No objection received.**

*North Level District IDB have no observations on the above planning application.*

#### **5.8 Local Residents/Interested Parties. 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

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

### **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

LP3: Spatial Strategy for Employment Development

LP4: Securing Fenland's Future

LP5: Health and Wellbeing

LP7: Design

LP20: Accessibility and Transport

LP22: Parking Provision

LP27: Trees and Planting

LP28: Landscape

LP32: Flood and Water Management

## **8 KEY ISSUES**

- **Principle of Development**
- **Flood Risk**
- **Visual Amenity**
- **Residential Amenity**
- **Impact on the Highway**
- **Ecology and Trees**

## **9 ASSESSMENT**

### **Principle of Development**

- 9.1 Policy LP3 of the Local Plan identifies Murrow as a 'Small Village' where development will be considered on its merits but will normally be limited in scale to residential infilling or a small business opportunity. Regarding the proposal and considering the position of the adjacent dwellings of nos. 14 and 5 Inhams Close, the proposed development would be residential infilling.
- 9.2 Policy LP12 is also relevant which outlines the criteria to be met for supporting development in villages. LP12 Part A requires that new developments should be in or adjacent to the existing developed footprint, is of a scale and in a location that is in keeping with the core shape and form of the settlement and will not adversely harm its character and appearance amongst other criteria. This proposal will introduce two dwellings onto a site which is within the continuous built form of Murrow.
- 9.3 The proposal is therefore considered in keeping with the core shape and form of the settlement and is in keeping with the overall character and setting of Murrow. It is therefore considered to be acceptable within Policies LP3 and LP12 of the Fenland Local Plan 2014.

- 9.4 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 of this report.

### **Flood Risk**

- 9.5 The application site is within Flood Zone 3 (high risk) and the proposal is classed as more vulnerable. Local and national planning policy sets very strict tests for development in high areas of flood risk and requires that a sequential approach to development is adopted i.e.. developing out the areas at lowest risk of flood (Flood Zone 1) before then proceeding to develop Flood Zone 2 and then Flood Zone 3 areas. The Council has adopted the Cambridgeshire Flood and Water SPD which clarifies the approach to development in higher areas of flood risk and supports policy LP14 of the Fenland Local Plan 2014.
- 9.6 In order to comply with LP14, where development is proposed in Flood Zone 2 and 3, applicants are required to undertake a Sequential Test, to demonstrate that there are no other areas reasonable available to accommodate the development in lower areas of risk. Only if this test is met should development in Flood Zone 2 and the Flood Zone 3 be allowed to proceed and this is then on the basis that the Exceptions Test can be met.
- 9.7 *Site Sequential Test*

The applicant has undertaken a Sequential Test. The area of scope was the settlement of Murrow as per the 'Flood Risk Sequential Test Methodology' adopted by the LPA in Feb 2018 which agreed that where development is proposed within a defined settlement, that settlement should be the area of focus for the Sequential Test. This area of scope is accepted by the LPA and 25-30 sites were identified.

Notwithstanding the above, the Sequential Test is considered to be inadequate as it discounts smaller/larger sites which could accommodate the quantum of development.

Planning Practice Guidance (Paragraph: 028 Reference ID: 7-028-20220825) states that: 'Reasonably available sites' are those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development. These could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development. This is also outlined in 'stage b' of the Cambridgeshire Flood and Water SPD. Such lower-risk sites do not need to be owned by the applicant to be considered 'reasonably available'.

- 9.8 *Exceptions Test*

The exception test is only a relevant consideration when the Sequential Test has been passed. As has been stated already, officers consider that the Sequential test has not been passed. For the exceptions test to be passed it must be demonstrated that a) *the development provides wider sustainability benefits to the community that outweigh flood risk;* and b) *a site-specific flood risk assessment (FRA) must demonstrate that the development will be safe from all sources of flood risk, will not increase flood risk elsewhere, and, where possible, will reduce flood risk overall.*

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.

The Environmental Agency (EA) do not object to the application and therefore the application passes part b) of the Exception Test. The development would make use of a brownfield land and so could be said to pass part a) of the Exception Test.

- 9.9 The proposal has failed the Sequential and therefore is contrary to Chapter 14 of the National Planning Policy Framework 2023, Policies LP12 & LP14 of the Fenland Local Plan 2014 and The Cambridgeshire Flood and Water Supplementary Planning Document.

### **Visual Amenity**

- 9.10 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. This is further supported within Paragraph 126 of the National Planning Policy Framework 2021.
- 9.11 The area consists of traditional single storey bungalows and two-storey dwellings (semi and detached). Whilst the application site provides an area of amenity space in an otherwise built-up area, this in itself would not exclude development of the area. The area is built-up and the siting of a further two dwellings will have a neutral impact overall.
- 9.12 In terms of layout, the proposed dwellings would have a building line that would respond positively to the neighbouring property, no.14 and would appear as a natural continuation to the row of dwellings along the north side of Inhams Close. Further, the development would be set-in from the east and west boundaries which allows the built form to sit comfortably with the surrounding built environment whilst maintaining an acceptable dwelling to plot ratio. Regarding footprint, the proposed rectangular footprint will be of a size similar to surrounding properties and will not prejudice the surrounding pattern of development.
- 9.13 In terms of scale and appearance, the proposed dwellings will be of a two-storey form and would complement the two-storey form of the adjacent dwellings, nos. 14, 12 & 10, by way of appropriately sized eave heights and ridge levels therefore, the proposed scale will be befitting to the streetscene. Regarding appearance, the proposal will be of a traditional design and benefit from a gable roof, front elevation features such as apex roofs and dormer features whilst also benefiting from appropriate residential window detailing. It is considered the frontage of the proposal will appear visually interesting and architecturally sympathetic to the local area. The proposed materials have not been confirmed however, these can be controlled via a condition.

9.14 The proposal will not adversely impact the street scene of Inhams Close, the settlement pattern or landscape character of the surrounding area and would accord with the Fenland Local Plan Policy LP16.

### **Residential Amenity**

9.15 Policy LP16 of the Fenland Local Plan 2014 requires development proposals to deliver and protect high quality environments throughout the district. Section (e) states, proposals must demonstrate they do not adversely impact on the amenity of neighbouring users such as, loss of privacy and loss of light.

9.16 Additionally, section (h) relates to private amenity and states proposals must provide sufficient private amenity space, suitable to the type and amount of development proposed.

9.17 The nearest properties are no.14 to the east, no.5 to the south (front) and the properties to the rear along Mill Road.

9.18 Regarding privacy, the proposed dwellings will have a forward and rearward outlook. To the front, no.5's side elevation will be sited approx. 13m away and does not benefit from any habitable windows therefore, there would be no window-to-window overlooking. Given the position of the proposed left hand dwelling, it would partly front the rear garden (and conservatory) of no.5 therefore, the proposed habitable first floor bedroom window along the frontage (south elevation) of the dwellings will overlook and result in some loss of privacy for no.5. Given the degree of separation, the angled nature of the relationship and the existence of the utility access track, on balance it is considered that the relationship is acceptable.

9.19 The proposed dwellings will back onto the properties along Mill Road in a rear-to-rear arrangement, however, they will be separated by a distance of more than 20m which will mitigate overlooking impacts. Additionally, this rear-to-rear arrangement would be in-keeping with the arrangement currently serving the existing properties nos. 14 & 12 to the east and so is acceptable. Two side elevation windows are proposed and would serve ensembles however these can be controlled via an obscure-glazed condition.

9.20 The proposed dwellings will be of an appropriate scale, will be well-positioned within the plot and set-in from boundaries in that there would be no loss of daylight serving neighbouring properties.

9.21 In terms of private amenity, both dwellings would benefit from adequate rear gardens and modest front gardens to serve future occupants. The recommending planning officer acknowledges much of the garden space serving no.14 will be lost to the development however, on balance, the remaining rear garden space will adequately serve the occupants of no.14.

9.22 In light of the above, the proposed development, by virtue of the bedroom windows at the first-floor level along the south elevation, would result in an adverse loss of privacy serving the rear garden of no.5 Inhams Close.

9.23 The proposal would conflict with Policies LP2 and LP16 (e) of the Fenland Local Plan 2014.

### **Impact on the Highway**

- 9.24 Policy LP15 of the Fenland Local Plan 2014 requires development schemes to provide well designed, safe and convenient access and provide well designed car 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.
- 9.25 Regarding parking provision, Appendix A sets out that two car parking spaces are provided, per dwelling. The proposal outlines each will benefit from two parking spaces in a tandem arrangement which will accord with the parking provision standard.
- 9.26 Regarding access, the highway consultee has no objection, and recommended a condition in relation to surface water discharge.
- 9.27 The proposed parking and access are not objected to and would accord with the Fenland Local Plan Policy LP15.

**Ecology and Trees**

- 9.28 Whilst there is an existing hedgerow along the west boundary to be removed to accommodate the development, the recommending planning officer visited the site and noted the hedgerow has low ecological value. Additionally, the two existing trees on site which are proposed to be removed, are not protected, and currently have a neutral impact on the character of the area therefore, their loss is not objected to. The FDC Tree Officer has reviewed the application and has no objection. A landscape scheme will be conditioned, if approved.

**10 CONCLUSIONS**

- 10.1 The site lies in Flood Zone 3, the highest risk of flooding and has failed to demonstrate that it is not possible for the development to be located on a site with a lower risk of flooding and the development does not provide any wider sustainability benefits, as such both the Sequential and Exception Tests fail.
- 10.2 The proposed development would be contrary to local and national planning policies.

**11 RECOMMENDATION**

**Refuse;** for the following reason(s)

1	<p>The site lies in Flood Zone 3, the highest risk of flooding. Policy LP12 Part A (j) seeks to ensure that developments would not put people or property in dangers from identified risks, such as flooding. Policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF seek to steer developments to the areas with the least probability of flooding and development will not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. If it is evidenced by an adequate Sequential Test that it is not possible for development to be located in areas with a lower risk of flooding the Exception Test will then apply.</p> <p>Insufficient assessment has been undertaken and inadequate information submitted to demonstrate that it is not possible for the development to be</p>
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	<p>located on a site with a lower risk of flooding and the development does not provide any wider sustainability benefits, as such both the Sequential and Exception Tests fail. As such, the proposal would conflict with Chapter 14 of the National Planning Policy Framework 2023, Policies LP12 &amp; LP14 of the Fenland Local Plan 2014 and The Cambridgeshire Flood and Water Supplementary Planning Document.</p>
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