

F/YR18/0899/F

Applicant: Mr Fred Simpson

**Agent : Mr Ian Gowler
Gowler Architectural**

Site Of Former DRP Vehicle Services, Fallow Corner Drove, Manea,

**Erection of 2 x 2-storey, 3-bed dwellings and 1 x 2-storey, 4-bed dwelling
involving demolition of existing building**

Reason for Committee: The recommendation is contrary to the view of the Parish Council.

1 EXECUTIVE SUMMARY

The site is in flood zone 3 considered an area at the highest risk of flooding. The development is required to pass the Sequential and Exception Tests. The application is considered to fail and is therefore contrary to Policy LP14 of the Fenland Local Plan, the Cambridgeshire Flood and Water SPD and Paragraphs 158 and 160 of the NPPF.

The development of three large houses on this site results in an unduly cramped form of layout leading to inadequate parking, pedestrian access to the dwellings and poor levels of private amenity space for future occupier of Plot 3. The proposal is therefore contrary to Appendix A of and to Policy's LP2, LP15 and LP16 of the Fenland Local Plan.

The recommendation is therefore to refuse the application.

2 SITE DESCRIPTION

- 2.1 The application relates to an existing vehicular garage and photo studio/office site located on the southern side of Fallow Corner Drove off West Field Road on the western edge of Manea. The garage is a brick and metal clad building, which remains actively in use. The photo studio is a small modular building. To the north is a recently constructed dwelling. There is a brick-built barn attached on the eastern side. The site is within Flood Zone 3 an area at highest risk of flooding.

3 PROPOSAL

- 3.1 The application is for three two-storey detached dwellings, two with three bedrooms and one with four bedrooms. The dwellings have raised floor levels which requires ramped accesses to each dwelling. No ground levels are indicated on the layout plan although sections suggest sloping levels. The four bed house has an 'L' shaped footprint and has a rear gable with a rear 'Juliette' balcony. It has eaves at approximately 6 metres and a ridge at 8.6metres from the street level. At the narrowest point the rear garden is only 4.5 metres deep (approximately half the

width of the garden) the remainder being 7.5 metres deep. The two three bed dwellings are of simple pitched roof and gable construction.

- 3.2 The four bed house has a parking area which appears to provide four parking spaces, however two of those spaces abut the gable of Plot 2 and are narrowed to a width of 2.1 metres. The area includes a 1 metre paved area for pedestrian access. No definition of which areas serve which property, however it is not clear that the property is capable of providing more than two spaces.
- 3.3 The three bed houses plots 1 and 2 have similarly narrowed parking spaces constrained by the side porch entrances and ramp. It is not considered that these spaces are reasonably accessible.
- 3.4 The application includes a Flood Risk Assessment which proposes raising the floor level by 1 metre.

Full plans and associated documents for this application can be found at:
<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=PG9Y15HE0D800>

4 SITE PLANNING HISTORY

Proposal: Erection of 2 x 2-storey, 3-bed dwellings and 1 x 2-storey, 4-bed dwelling involving demolition of existing building

Reference	Description	Decision	Date
F/YR18/0314/F	Erection of 3 x 2-storey 4-bed dwellings involving demolition of existing building Site Of Former DRP Vehicle Services Fallow Corner Drove Ma	Withdrawn	27/04/2018
F/YR04/4339/O	Erection of 2-3 detached dwellings involving demolition of existing workshop and offices Land South Of Fallow Corner Drove Manea March Cambridges	Withdrawn	21/01/2005
F/95/0948/F	Erection of single-storey sales office and extension to existing workshop including elevational alterations Old Weighbridge Works Fallow Corner Drove Manea March Ca	Granted	21/05/1996
F/95/0646/F	Change of use of part of site to sale of agricultural machinery Old Weighbridge Works Fallow Corner Drove Manea March Ca	Granted	18/04/1996
F/91/0805/O	Erection of 2 dwellings The Old Mill Fallow Corner Drove Manea March Cambridgeshir	Granted	26/02/1992
F/1628/89/O	Erection of 2 houses Site Of Grain Store The Old Mill Fallow Corner Drove Manea M	Dismissed by Sec of State	04/10/1991
F/91/0177/O	Erection of 2 houses (siting and means of access committed at this stage) Site Of Grain Store The Old Mill Fallow Corner Drove Manea M	Refused	14/08/1991
F/0803/84/F	Change of use from mill to general industrial Old Weighbridge Works Lavender s Mill Fallow Corner Drove Manea Old Weighbridge Works Lavender s Mill Fallow Corner Drove		15/11/1984

5 CONSULTATIONS

- 5.1 The Environment Agency has no objection and has the following comments:

- *In accordance with the National Planning Policy Framework (NPPF) paragraph 158, 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 as required by the Sequential Test in the NPPF.*
- *Although we the EA raised no objection on flood risk grounds this should not be taken to mean that the EA considers the proposal to have passed the Sequential Test.*
- *The FRA states that the floor level of the properties will be raised 1m above the existing carriage way level. This should reduce the risk of internal flooding happening to the site.*
- *Due to the high flood risk at this location your Authority may wish to append a condition for the provision of a Flood Plan for the development, which should include an appropriate method of flood warning and evacuation to ensure the safe use of the development in extreme circumstances.*
- *The LPA must be satisfied with regard to the safety of people (including those with restricted mobility), the ability of such people to reach places of safety including safe refuges within buildings and the ability of the emergency services to access such buildings to rescue and evacuate those people.*

5.2 CCC Highways is concerned and has the following comments:

The applicant hasn't considered any of my comments from the previous application.

- *The LHA will not accept permeable paving within the public highway. This should be constructed as a hard surfaced, sealed and drained away from the public highway (Tarmac). Private water should not discharge onto the public highways and vice versa.*
- *The red line is still incorrect. This should be drawn to the back of the highway boundary.*
- *Vehicle to vehicle visibility splays should be detailed in accordance with the posted speed limit and vehicle to pedestrian visibility splays should be detailed as 2m x 2m with no obstruction over 0.6m.*
- *Parking spaces should be dimensioned and be a minimum of 2.5m x 5m. Without out this requirement occupants are unlikely to use the vehicle spaces and the LHA will end up with kerb side parking within the area. FDC should be mindful of this point when determining this application and how this is likely to have an effect on public amenity.*

The applicant appears to seek too much development onto a small parcel of land. It would be better to lose a plot in favour of being able to accommodate suitable parking and turning on site.

5.3 FDC Environmental Health has no objection but states the following:

Details submitted in support of the application is a phase I and II Geo Environmental Assessment dated 13th March 2017. The report was submitted in response to application made under F/YR14/0168/F. This was subsequently discharged via Environmental Health in dated 17th May 2017. However remaining part of the suite of contamination condition needs to be imposed on any approval given to ensure remediation works are undertaken. Additional information required should include remediation strategy, completion /

verification statement / report confirming the remediation objectives, methods, results and conclusions of all remediation works are to the highest standards. Imported soils used for the landscaped / garden areas should be of correct quality and free from any contaminant, placed to the correct depth. All gas protection measures should be installed in accordance with specification stated in the recommendation section of the report.

5.4 Manea Parish Council has no objection.

5.5 Representations

2 letters of objection were received from the occupier of Amber Cottage opposite the site refer to the following:

- The close proximity of the dwellings to an already congested roadway that is subjected to heavy haulage traffic and continual movement of large items of agricultural equipment exaggerated once the Lavender Mill Development is completed.
- the absence of any street lighting, combined with there no speed restrictions at Fallow Corner Drove will be a Road Safety issue.
- Once high kerbstones are installed to the new development surface rainwater will be corralled and is likely to cause localised flooding to the grounds of Amber Cottage despite the assurances from the Water Authorities that soak a ways will be employed to take away the surface water.
- That the rural aspect and outlook from Amber Cottage be retained.
- Density/Over development
- Devaluing property
- Loss of view/Outlook
- Overlooking/loss of privacy
- Proximity to property
- Shadowing/loss of light
- Visual Impact
- Concerns of misrepresentation of the position of Amber Cottage,

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

7.1 National Planning Policy Framework (NPPF)

Paragraph 2 & 47: Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise;

Paragraph 8: The three dimensions to sustainable development.

Paragraph 11: Presumption in favour of sustainable development.

Paragraph 127: Seek to ensure high quality design and a good standard of amenity for all existing and future occupants.

Paragraph 102-107: Promoting sustainable transport

Chapter 5: Housing land supply

Chapter 14: Meeting the challenge of climate change, flooding and coastal change. Paragraphs 155-165
Paragraphs 170, 175-177: Conserving and enhancing the natural environment
Paragraphs 34, 54-57: Planning conditions and obligations.

7.2 National Planning Practice Guidance (NPPG)

7.3 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
LP5: Meeting Housing Need
LP6: Employment, Tourism, Community Facilities and Retail
LP12: Rural Areas
LP14: Climate Change and Flood Risk
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

7.4 Cambridgeshire Flood and Water Supplementary Planning Document (SPD) (2016): Section 4 – Sequential and Exception Tests. The SPD gives detailed advice on how Applicant's should undertake the Sequential and Exception Tests for assessment by the Local Planning Authority. It advises that reasonably available sites to be identified include:

- Local Plan Allocations
- Sites with planning permissions for the same or similar development, but not yet developed;
- 5 year land supply
- Housing and Economic Land Availability Assessments Local Property listings
- Historic windfall rates where appropriate

The SPD also states that reasonably available sites will include a site or combinations of sites capable of accommodating the proposed development. Developers should list the reasonably available sites considered and where they obtained the information within the report.

7.5 Delivering and Protecting High Quality Environments in Fenland SPD (2014): Policy DM3 – making a Positive Contribution to Local Distinctiveness and Character of the Area.

8 BACKGROUND

- 8.1 The applicant withdrew a previous application for three dwellings. He was informed of the need to pass the sequential test and concern was raised regarding the cramped nature of the site for three large dwellings.
- 8.2 The neighbouring detached dwelling to the north was granted planning permission in 2014. A previously refused scheme in 2013 referred to an inadequate FRA but did not refuse the scheme on the grounds of a failed Sequential test. Subsequently the Council considered that in the 2014 instance the sequential test had been passed. Also that scheme raised the floor level by only 300mms from the ground level. The Flood Authorities did not object and therefore the dwelling was built at that level. The current application includes an FRA which considered it necessary to raise the floor by 1 metre, subsequently supported by the Flood Authorities.

Therefore this explains fundamental differences between the existing house and the current application.

9 KEY ISSUES

- **Principle of Development**
- **Character of the Area**
- **Impact on Residential Amenity**
- **Economic Growth**
- **Flood Risk**
- **Other (delete as appropriate)**

10 ASSESSMENT

Principle of Development

- 10.1 Manea is a Growth Village within the Settlement Hierarchy as defined by Policy LP3 where development may be appropriate albeit of a more limited scale than the Market Town areas. Manea has exceeded its threshold as defined by Policy LP12 and therefore the policy seeks demonstration of clear local support. However following a recent appeal decision where an inspector advised not to refuse applications only on this lack of support, little weight has been given by the Council to this aspect. It is therefore considered subject to compliance with criteria a-k of policy LP12, it is possible that the principle of development could be acceptable.

Character of the Area

- 10.2 Policy LP16(d) considers the impact of development upon the character of the area. This proposal seeks to redevelop the existing employment premises with three large houses, each having raised floor levels due to flood concerns highlighted in the applicant's Flood Risk Assessment. This results in buildings elevated by 1 metre. They will face bungalows on the northern side of Fallow Corner Drive. Such large facades positioned near to the highway boundary will appear unduly prominent and over-dominant when viewed in the context of the street scene where across the road all dwellings are single-storey and largely set back from the highway. It is considered therefore the proposed houses would unbalance the street scene and is therefore out of keeping. Therefore it is considered that the substantial scale together with the cramped form of the development would result in significant visual harm to the character of the area and therefore is contrary to policy LP16(d).

Impact on Residential Amenity

- 10.3 The nearest neighbour across the road is orientated towards the recently built dwelling. The southern corner of the bungalow measures approximately 14.5 metres to the front façade of Plot 1 which will have an eaves height of 5.5 metres and a pitched roof ridge height of approximately 7.9 metres. Such a relationship across a road is not considered unusual, and the harm in terms of privacy, loss of light or over-dominance, in such a front-to-front juxtaposition (and the front window aspect of the bungalow is not directly facing Plot 1) is not considered sufficient to sustain a reason for refusal.
- 10.4 The proposal does not provide reasonably accessible parking spaces, and plots 1 and 2 have insufficient width of parking immediately next to the ramped access to the entrance doors. A car parked would result in the inability of pedestrians to pass the car in order to access the ramp. Added to this is concern regarding insufficient garden space for Plot 3. The rear garden has a rear depth of only 4.5 metres in front of the rear gable and is approximately 31.4% of the entire plot.

This is below the minimum 1/3rd identified in Policy LP16(h). In this instance the dwelling is a large 4 bedroom house capable of accommodating a large family. That garden area will also have part of the gable of the existing barn almost abutting the side boundary. Therefore the private rear garden space proposed is not considered likely to provide adequate levels of amenity for future occupiers of Plot 3. The proposal is therefore considered contrary to policies LP16(e) and LP16(h).

Economic Growth

- 10.5 Policy LP6 seeks to retain high quality land and premises in use for B1/B2/B8 employment purposes and gives a criteria for assessment 1-9 which includes the size of settlement, physical constraints, character and setting and flood risk. The premises are not considered to be the highest in quality. However they are not considered to be in a poor or dilapidated condition. Officers considered that the garage appeared to be well used providing an employment facility and service for the village. Therefore although the retention of the premises is not considered a reason on which to refuse the application, it does not follow that the site as it stands represents an eyesore or a non-conforming activity from which the Village would benefit from its redevelopment.

Flood Risk

- 10.6 The applicant's Flood Risk Assessment states the following:

The site is currently a redundant commercial premises.

The Sequential Test and Exception Test will require to be applied by the Local Planning Authority, but the development may be permitted as the site is protected against the 1 in 100 year return period fluvial event, meeting the requirements of NPPF. The development is for 3 dwellings to replace commercial premises at a site with a known flood risk but with flood mitigation measures incorporated to reduce the flood risk and ensure the safety of the inhabitants.

The FRA proposes raising the finished floor levels by 1 metre.

- 10.7 At the time officers visited the site the garage appeared fully operational and officers were informed that the photo studio retained some business activity. Therefore the statement regarding a redundant commercial premises was incorrect. Furthermore, the premises does not appear to be in a poor state of repair. As the building appears to be an effective employment facility serving the village, in this instance it does not appear necessarily desirable for the facility to be removed.
- 10.8 The Application provides no supporting evidence regarding the sequential or exceptions test and makes no reference to the County Council's Flood and Water SPD. From a brief viewing of property marketing web-sites it is evident that land in Manea larger than the application site, but with extant planning permission and located in Flood Zone 1, is currently available. Therefore it is considered that the proposal fails the sequential test.
- 10.9 In circumstances where the Sequential Test has not been passed the Exception Test would not be applied. The only reference to the exceptions test is the development be that of a commercial premises and that due to flood mitigation proposed this is an enhancement. However, a commercial premises as detailed in the Cambridgeshire SPD is not such a vulnerable use as housing. There is currently no housing supply shortfall in Fenland and the premises appears to be

an active employment operation. Therefore it is not considered that in this instance the need for development does not outweighs releasing land in areas of high flood risk. Therefore, the Exceptions Test is also not considered to be passed and in that respect is contrary to the requirements of the NPPF (paragraph 158 and 160) and local policies LP14 of the Fenland Local Plan 2014 and the Cambridgeshire Flood and Water SPD.

- 10.10 In summary, it is concluded that the proposed development would cause undue harm to flood risk. The proposal would not comply with national and local planning policy which seeks to steer new development away from areas at highest risk of flooding and be contrary to both Policy LP14 and the NPPF.

Other Considerations

- 10.11 The neighbour's representation regarding incorrect detailing of their dwelling on the eastern side of the highway therefore misrepresenting the impact of the proposal is not considered significantly misleading.

11 CONCLUSIONS

- 11.1 The proposal is within Flood Zone 3 an area considered to be of high risk. There are sequentially preferable sites available in Manea. It is considered that the proposal fails to pass the sequential and exceptions test and is therefore contrary to Policy LP14, paragraphs 158 and 160 of the NPPF and the Cambridgeshire Flood and Water SPD. The proposed layout is considered unduly cramped and fails to provide adequate pedestrian access, off street parking and rear private amenity space. The proposal is therefore contrary to Policies LP2, LP15 and Appendix A, and LP16(e and h) of the Fenland Local Plan 2014. Also the proposed houses are of such scale and prominence they will appear out of keeping with the street scene and due to scale and design will adversely impact on the character of the area contrary to Policy LP16(d) of the Fenland Local Plan 2014.

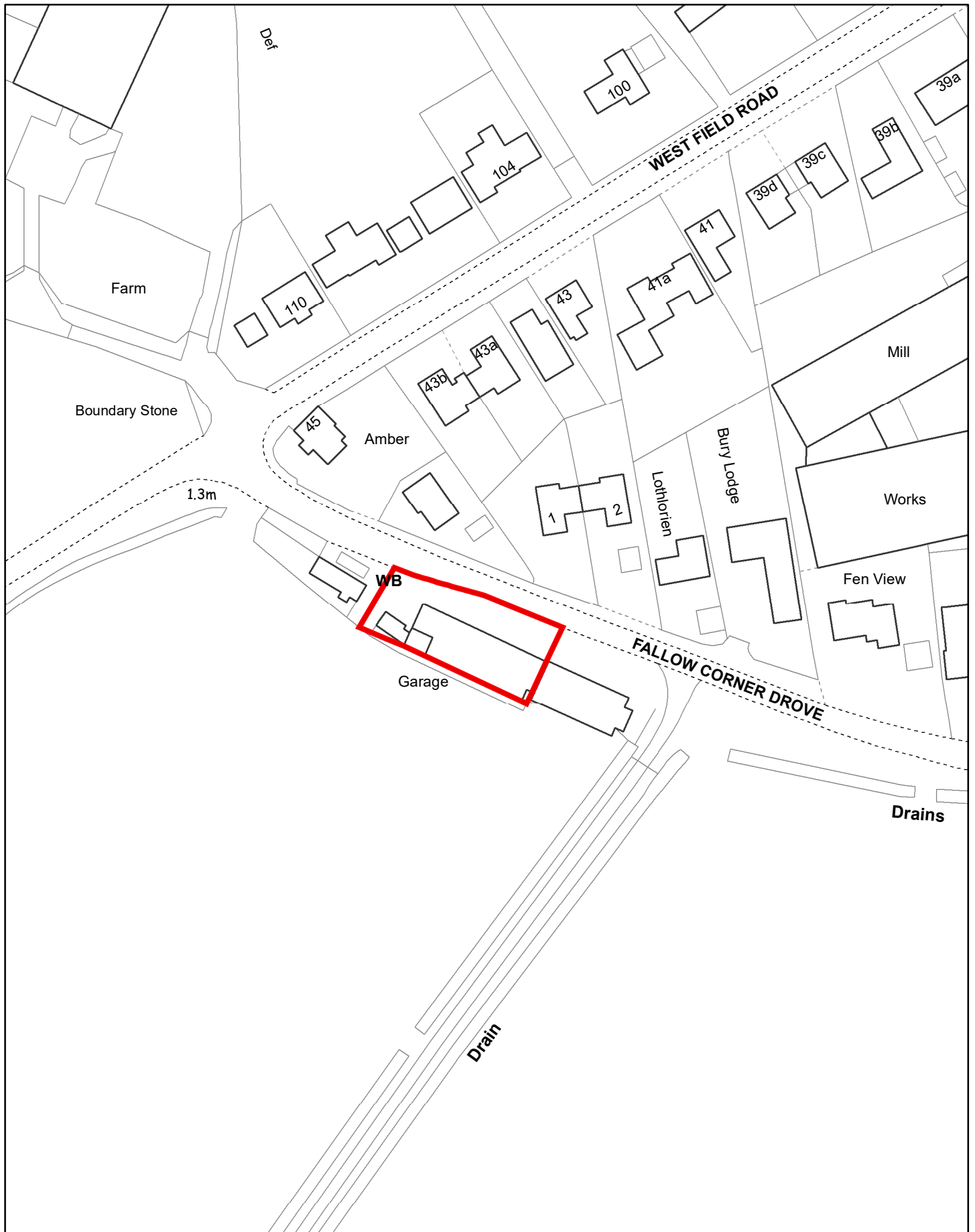
12 RECOMMENDATION

Refuse

- 1 The site is located within Flood Zone 3 an area of highest flood risk. The Local Planning Authority has considered the development in accordance with guidance detailed in the Cambridgeshire Flood and Water Supplementary Planning Document in that it is considered there are reasonably available alternative sites in sequentially preferable locations. Therefore it is considered that the development fails to pass the Sequential Test. Also it is not considered that the Exceptions Test has been passed in that it has not been demonstrated that the development would provide wider sustainability benefits to the community that outweigh the flood risk. Whilst the application proposes the raising of the floor level 1.1 metres above ground level and provides safe refuge at first floor levels, it does not demonstrate a positive approach to reducing flood risk in terms of access during flooding without reliance on emergency services contrary to Policy LP14(d).

The proposal would therefore not meet the requirements of Section 14 of the NPPF (paragraph 158 and 160) and local policies LP14 of the Fenland Local Plan 2014 and the Cambridgeshire Flood and Water SPD.

2. The proposed layout results in an unduly cramped form of development leading to inadequate parking and poor pedestrian access considered contrary to Appendix A and Policy LP15 of the Fenland Local Plan 2014, Furthermore the unduly cramped form of development is considered likely to result in poor levels of amenity for future occupiers due to inadequate off street parking, cramped pedestrian access to the dwellings and poor level of private amenity space for the occupiers of Plot 3. The proposal is therefore considered contrary to Policy LP2, LP15 and Appendix A and LP16(e and h) of the Fenland Local Plan 2014.
3. The proposed houses by reason of scale and position in the street will result in unduly prominent visual impact unbalancing the appearance of the street scene particularly in relation to smaller surrounding buildings nearby. It is therefore considered that the proposal fails to make a positive contribution to local distinctiveness and is out of keeping with the character of the area which is predominantly of buildings of modest scale. The proposal therefore results in adverse impact in design and scale on the street scene and would therefore not meet the requirements of Section 12 of the NPPF that seeks to achieve well designed places and in particular para 127, and being contrary to Policy LP16(d) of the Fenland Local Plan 2014 (2014).



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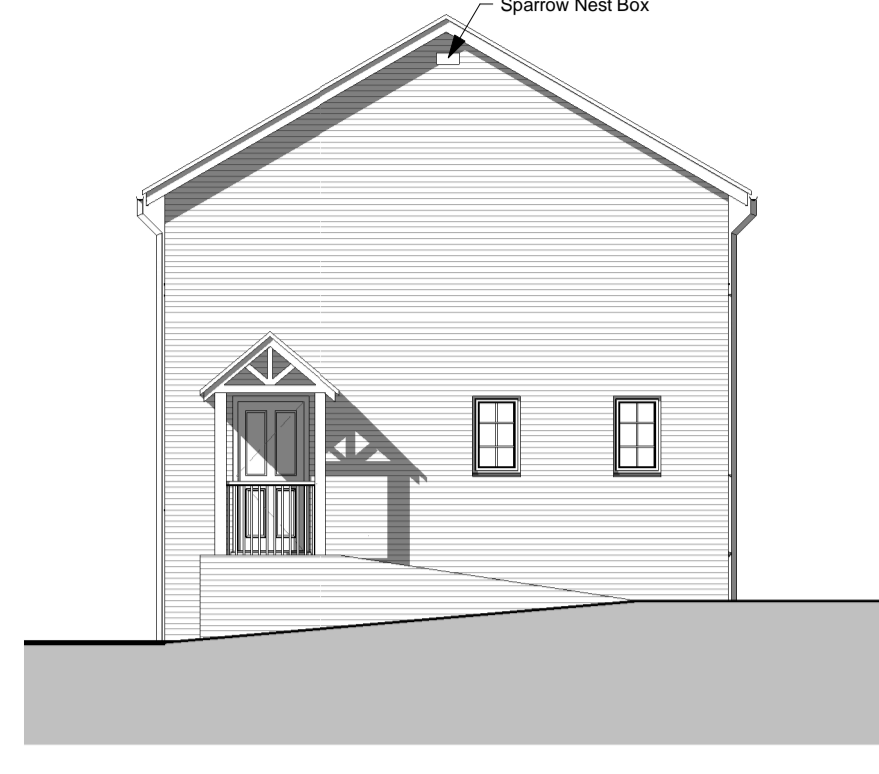
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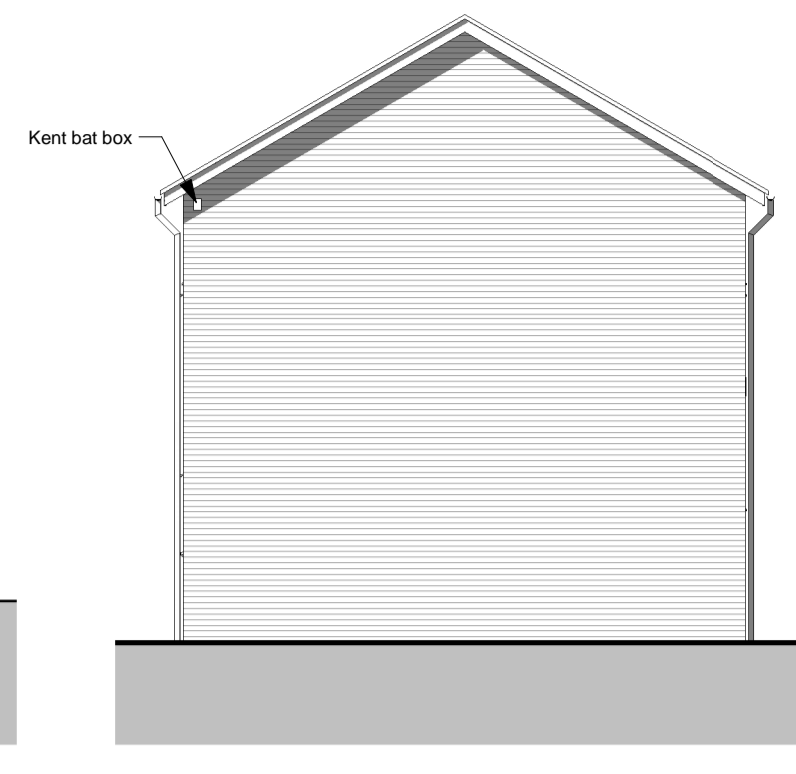
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Plots 1 and 2 Rear Elevation
 Scale 1 : 100



Plots 1 and 2 Side Elevation (north west)
 Scale 1 : 100



Plots 1 and 2 Side Elevation (south east)
 Scale 1 : 100



Plot 3 Front Elevation
 Scale 1 : 100



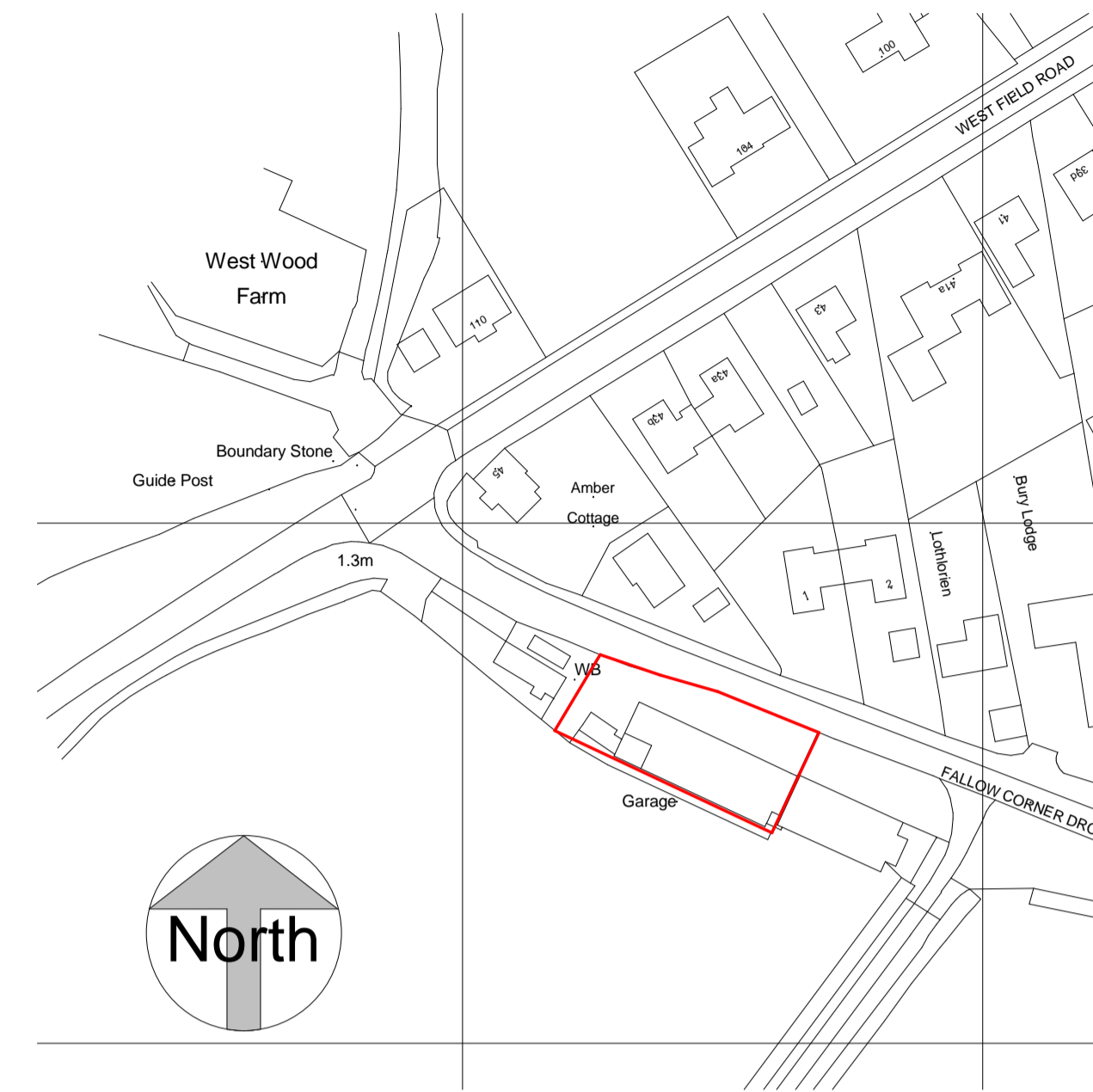
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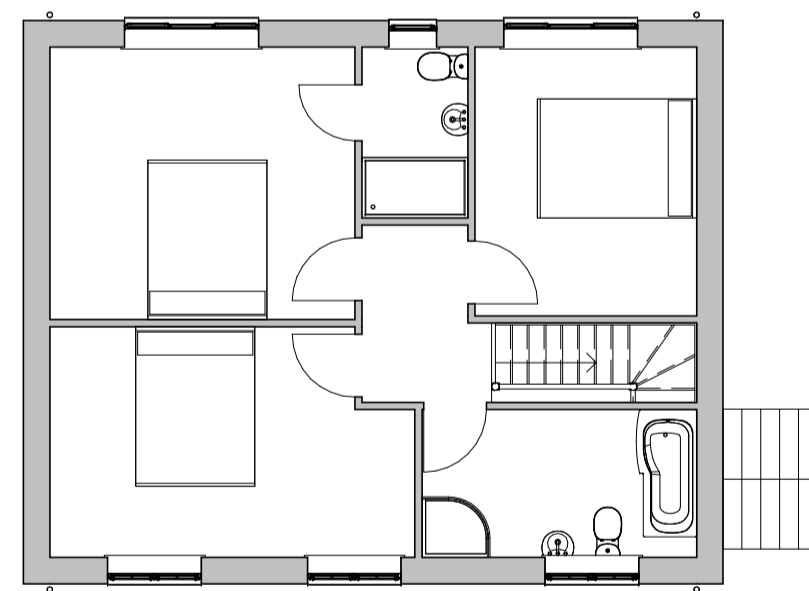
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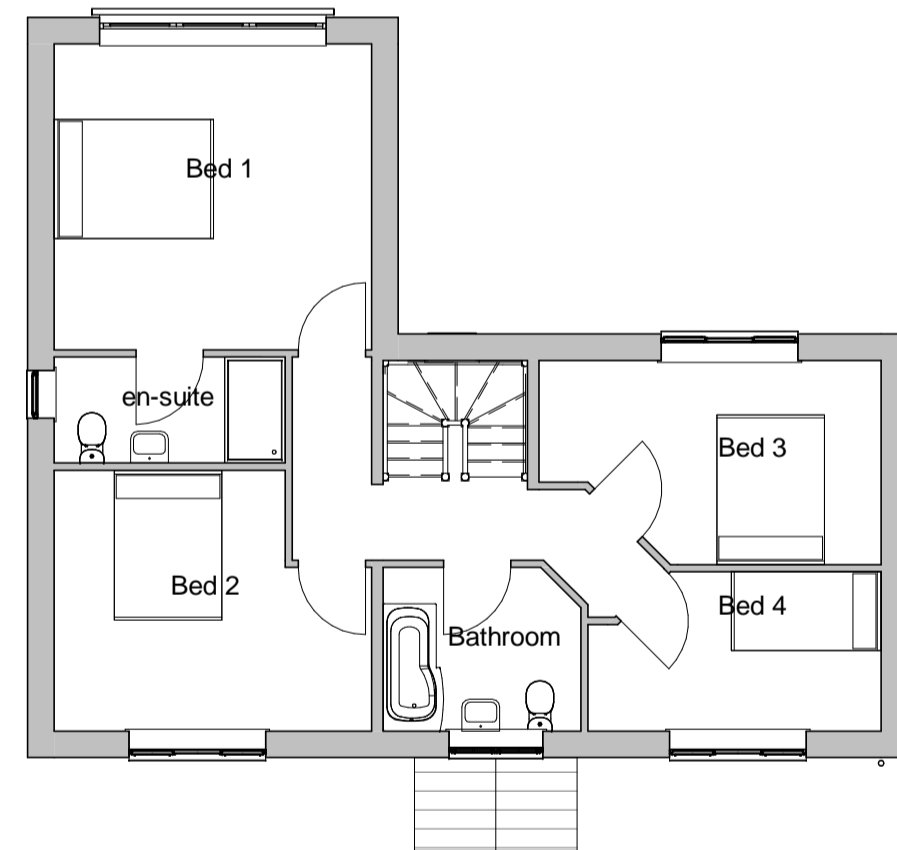
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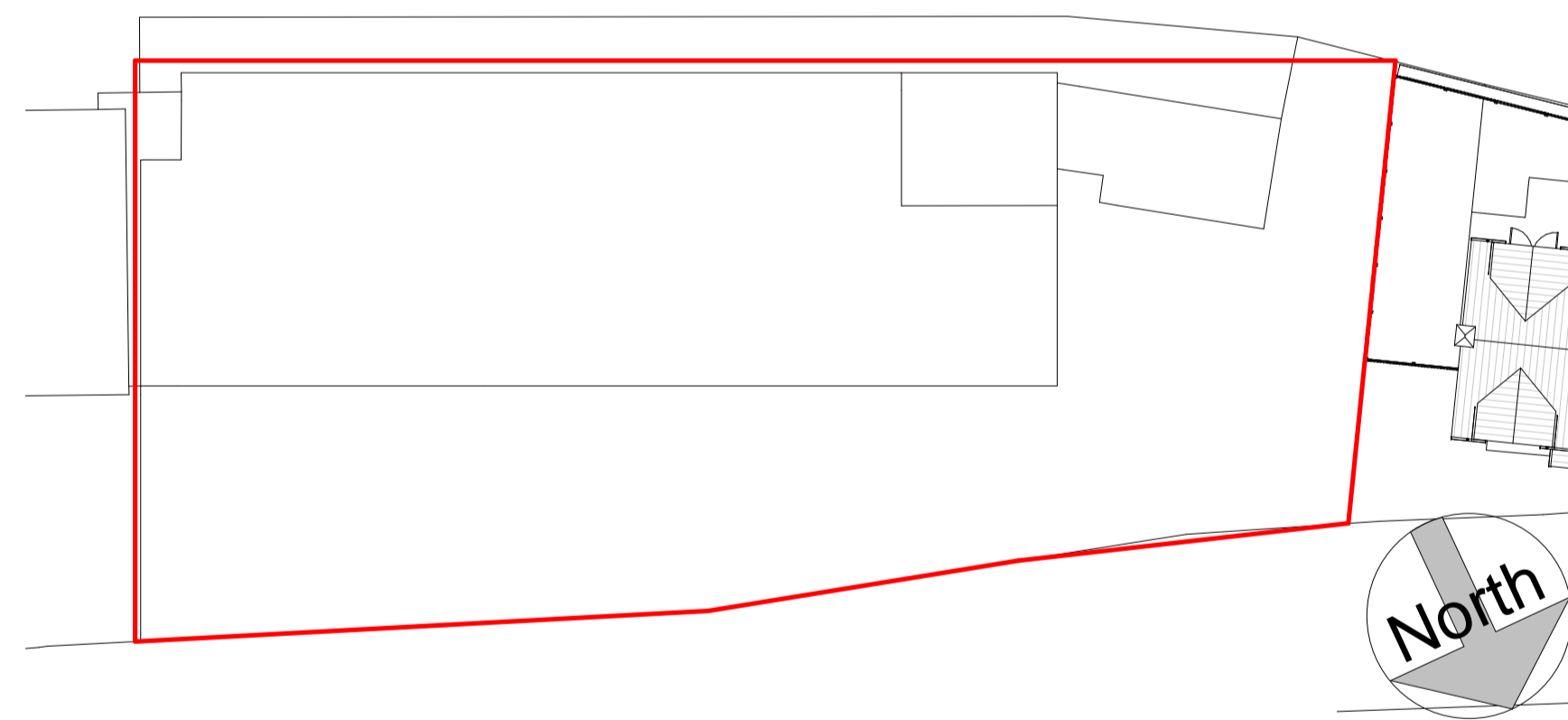
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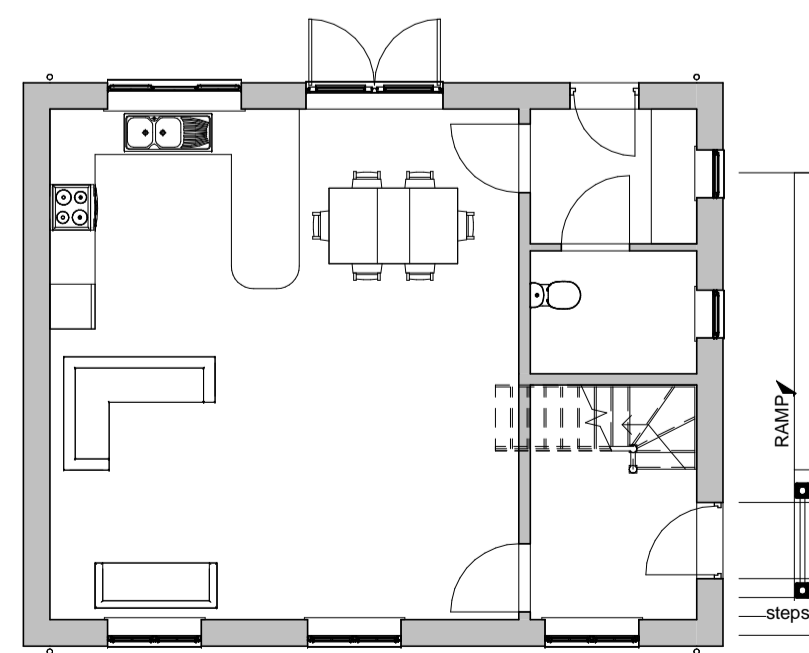
Plot 1 and 2 First Floor
 Scale 1 : 100



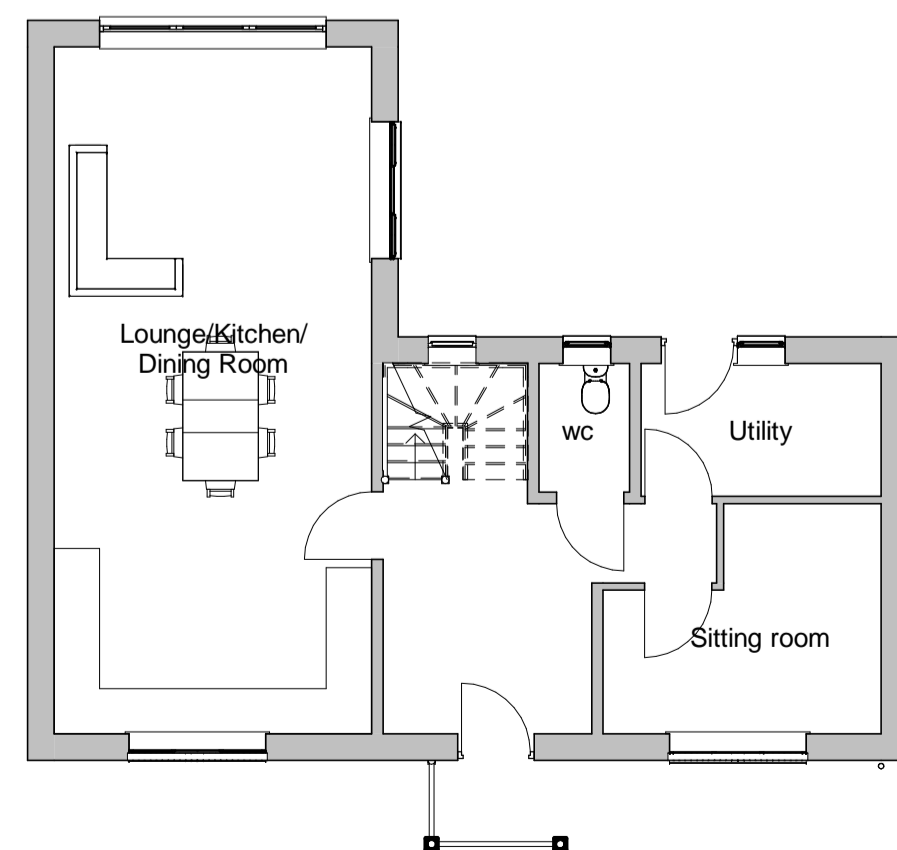
Plot 3 First Floor
 Scale 1 : 100



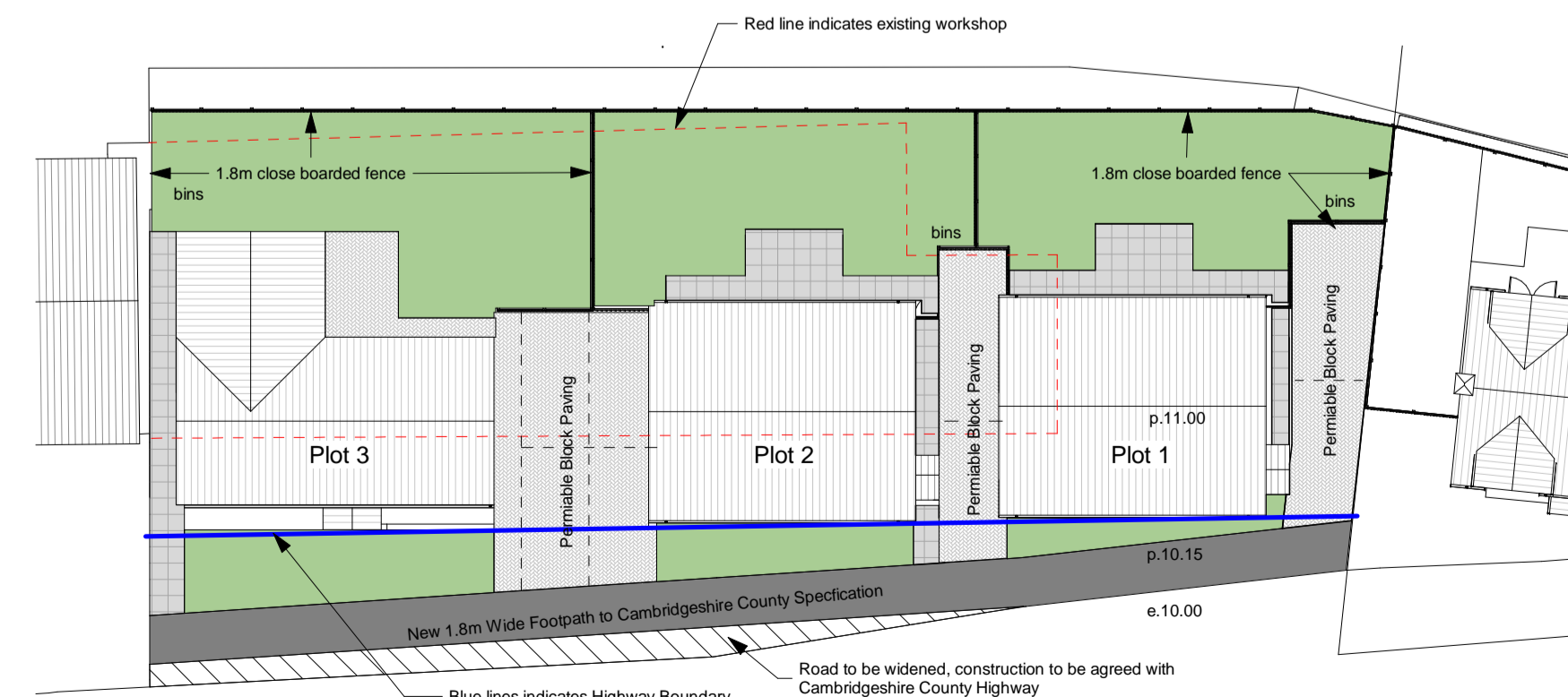
Planning Existing Site Plan
 Scale 1 : 250



Plot 1 and 2 Ground Floor
 Scale 1 : 100



Plot 3 Ground Floor Plan
 Scale 1 : 100



Planning Site Plan
 Scale 1 : 250

B	Site Plan Amended	18-10-18
A	North Points Added, Plot numbers added	9-10-18

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3 Proposed Dwellings at The Weighbridge, Fallow Corner Drive, Manea for Mr F Simpson

Planning Drawing

date created	scale	drawing no.	rev
18-09-18	As indicated @ A1	225 - P05	B