
F/YR20/0099/F

Applicant: Mr F Simpson

**Agent : Mr Ian Gowler
Gowler Architectural**

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

Erect 2 dwellings (2-storey 4-bed) involving demolition of existing building

Officer recommendation: Refusal.

Reason for Committee: Number of letters of support from separate sources contrary to the Officer recommendation.

1. EXECUTIVE SUMMARY

- 1.1. The application is for the demolition of the existing commercial building on the site and its replacement with two detached dwellings.
- 1.2. The site has been refused permission for three dwellings previously by the Planning Committee in January 2019, and then substantively the same scheme as the current proposal was refused under delegated powers in July 2019.
- 1.3. The application site is located in Flood Zone 3 and the applicant has not provided a sequential test to demonstrate that the development cannot be accommodated on other sites within Manea that are at lesser risk of flooding. The scheme is therefore contrary to local and national policy.
- 1.4. In order to mitigate flood risk for the proposed dwellings the properties would be raised up above the level of the highway to the north, which combined with their appearance and position on the application site would result in an unacceptable impact on the character and appearance of the area contrary to policy.
- 1.5. The recommendation therefore is for refusal of the scheme.

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. There is a brick-built barn attached on the eastern side. To the north is a recently constructed dwelling. The site is within Flood Zone 3 an area at highest risk of flooding.

3. PROPOSAL

- 3.1. The application is for the construction of two 2-storey dwellings, both of 4 bedrooms and raised up from the surrounding land levels due to flood risk. The scheme incorporates the widening of a section of the adjacent road, with a 1.8 metre wide footpath indicated across the site frontage.
- 3.2. The scheme includes parking provision on the basis of three spaces per dwelling, however these spaces are split across three separate locations on the site, with plot 1 having a double-width parking area to the west, and 1 space of two provided side-by-side between the proposed dwellings. Plot 2 benefits from the second of these spaces, and includes a tandem arrangement for its remaining two spaces at the eastern end of the site. None of the parking spaces indicated include off-street turning provision.
- 3.3. The dwellings proposed would be surrounded by 1.8 metre high close boarded fencing to the south and west sides of the site, and also between the two dwellings, although this separating fence would be set back from the front elevations to a point towards the rear of the dwellings.

4. SITE PLANNING HISTORY

F/YR19/0459/F	Erect 2 dwellings (2-storey 4-bed) involving demolition of existing building	Refused 25.07.2019 (Delegated decision)
F/YR18/0899/F	Erection of 2 x 2-storey 3-bed dwellings and 1 x 2-storey 4-bed dwelling involving demolition of existing building	Refused 10/01/2019 (Committee decision)
F/YR18/0314/F	Erection of 3 x 2-storey 4-bed dwellings involving demolition of existing building	Withdrawn 27/04/2018
F/YR04/4339/O	Erection of 2-3 detached dwellings involving demolition of existing workshop and offices	Withdrawn 21/01/2005
F/95/0948/F	Erection of single-storey sales office and extension to existing workshop including elevational alterations	Granted 21/05/1996
F/95/0646/F	Change of use of part of site to sale of agricultural machinery	Granted 18/04/1996
F/91/0805/O	Erection of 2 dwellings	Granted 26/02/1992
F/1628/89/O	Erection of 2 houses	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)	Refused 14/08/1991
F/0803/84/F	Change of use from mill to general industrial	Granted 15/11/1984

5. CONSULTATIONS

- 5.1. **Manea Parish Council**
No objection
- 5.2. **Environment & Health Services (FDC)**
No objection to proposal, but further intrusive investigation and potential mitigation is required pre-commencement. Recommend also that an asbestos management plan is prepared prior to the commencement of relevant works.
- 5.3. **Natural England**

No objections

5.4. Environment Agency

No objection. It should be noted that the lack of objection on flood risk grounds does not mean the proposal is considered to have passed the sequential test. Strongly recommend the mitigation measures in the flood risk assessment are adhered to

5.5. Cambridgeshire County Council Local Highways Authority

“The proposed footway either needs to connect up to the existing footway network along Westfield Road or it should be omitted from the development proposal.

The proposal carriageway widening should be extended to provide seamless transition/tapper between new and existing. The existing carriageway needs to be surveyed and detailed (geometry and widths (existing/proposed)). The proposal may result in superfluous carriageway construction.

The paths and driveways within the public highway will need to be constructed to highway construction specification. Slabs/wall or ancillary house furniture should not encroach upon the PH.”

5.6. Local Residents/Interested Parties

11 letters have been received from members of the public in relation to the proposal (4 objections from 3 separate sources, 7 letters of support) raising the following points.

Support

- The village needs new non-estate housing.
- Current premises not a good reflection on the village.
- Appearance.
- Two houses would look better at the entrance of the village than derelict buildings.
- Current site a health & safety hazard.
- Will go towards meeting the need for local housing.
- Village needs investment in new property to attract new and diverse people to the community.

Objection

- Proximity of dwellings will present a road safety issue, particularly once Lavender Mill development is complete.
- High kerbstones will result in localised flooding despite the assurance regarding soakaways.
- The location map shows Amber Cottage in the wrong place.
- The site is occupied by a successful vehicle repair business.
- There are at least seven other construction sites in Manea with other still to commence, the housing market is already stagnating due to overdevelopment.
- Density/Overdevelopment.
- Devaluation of property.
- Loss of privacy.
- Proximity of property.
- Shadowing/loss of light.
- Visual impact.

- Water levels mean the houses will need to be built much higher than adjacent properties.
- Kerbing and frontage of the properties will prevent water run-off.
- Increase and disrupt flow of traffic along the highway.
- Likelihood of contamination on the site.
- Disruption during construction.
- What will be the future of the road, which cannot support much traffic at present.
- The views from Amber Cottage across open agricultural land will be lost, exacerbating the impact of the adjacent dwelling's construction.
- Last minute submission of support letters and the nature of their collective submission is somewhat suspicious given when they are dated.
- Six of the letters of support are submitted by employees/neighbours/business associates of the applicant, most of whom do not live near the site.

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)

Para 2: NPPF is a material consideration

Para 8: 3 strands of sustainability

Para 11: Presumption in favour of sustainable development

Para 127: Well-designed development

Para 130: Permission should be refused for development of poor design that fails to take opportunities for improving the character and quality of an area.

Para 155: Development should be directed away from areas at highest risk of flooding.

Para 157: Need to apply the sequential and exceptions tests.

Para 158: Development should not be permitted if there are reasonably available sites in areas at lower risk of flooding.

Para 159-161: Need for the exception test.

7.2. National Planning Practice Guidance (NPPG)

Determining a planning application

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

LP4 – Housing

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

8. KEY ISSUES

- **Principle of Development**
- **Flood Risk**
- **Highway Safety and Parking**
- **Amenity Impact**
- **Visual Impact and Character**
- **Other Issues**

9. BACKGROUND

- 9.1. Three previous applications have been submitted under the terms of the current development plan, the first of which was withdrawn, the second refused by the Planning Committee and the third a delegated refusal.
- 9.2. The withdrawn application related to the provision of three 2-storey 4-bed dwellings and was withdrawn following the applicant being informed of the need to pass the sequential test and concern being raised regarding the cramped nature of the site for three large dwellings. The Committee refused application proposed a single 4-bedroom property and two 3-bedroom units, and included three reasons for the refusal. The first of these was that the development failed to pass the sequential test and demonstrate a positive approach to reducing flood risk, and had also not demonstrated any wider sustainability benefits to the community sufficient to outweigh the flood risk and therefore had failed the Exceptions Test. The second reason for refusal related to an unduly cramped layout and poor parking provision, access and amenity levels, whilst the third reason detailed the visual impact of the scheme on its surroundings.
- 9.3. The third application proposed two four-bedroomed dwellings identical to those proposed under the current application. The application was refused on two grounds, namely the lack of a sequential test to demonstrate that the development was not capable of being accommodated on land at a lower risk of flooding, and the impact of the development on the character and amenity of the surrounding area with particular regard to the scale and position of the proposed dwellings.
- 9.4. The neighbouring detached dwelling to the north west 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 Environment Agency. This explains fundamental differences between the existing house and the current application.

10. ASSESSMENT

Principle of Development

- 10.1. The application site is located at the southern edge of the village of Manea, which 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 in the Market Towns. To the south of the site itself lies open agricultural land. Manea has exceeded its threshold as defined by Policy LP12 in terms of the provision of new dwellings and therefore the policy seeks demonstration of clear local

support. However following an appeal decision where an inspector advised not to refuse applications solely on this lack of support, little weight has been given to this. 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.

Flood Risk

- 10.2. The application site lies within Flood Zone 3 as designated by the Environment Agency, which is the highest risk of flooding outside functional flood plains. Policy LP14 of the Fenland Local Plan, and paragraph 155 of the National Planning Policy Framework (NPPF) indicates that development should be directed to areas at the lowest risk of flooding, with the above policy and paragraph 157 of the NPPF requiring development in areas at higher risk of flooding to pass the sequential and exceptions tests.
- 10.3. The application is accompanied by a Flood Risk Assessment that asserts that the sequential test is met by the development as the site should be considered to be in flood zone 1 due to the protection of the Ouse Washes Barrier Bank. The designation of flood zones is made irrespective of flood protection measures in place due to the potential for failure of these protective elements, and the need to pass the sequential test is not superseded by the presence of such measures. This approach has been consistently supported at appeal, for example under decision APP/D0515/W18/3218952 where the Planning Inspector stated that it is for the applicant to provide a satisfactory sequential test. Other avenues are open to the applicant to challenge the status of the land as being within flood zone 3 however these are not within the remit of a planning application to establish.
- 10.4. No sequential test information has been submitted by the applicant to indicate that any investigation of sites at a lower risk of flooding has been undertaken, however it is evident that there are several sites within Manea that are available for development and at a lower risk of flooding than the proposed site, and therefore the sequential test is considered to be failed.
- 10.5. The Exception Test is only applied if the Sequential Test is passed. Given that there is no shortfall in housing land supply at this point in time, the need for the development does not outweigh the policy presumption against the release of land in such areas. As a result, the proposal would be contrary to the provisions of Policy LP14 of the Fenland Local Plan and paragraphs 155 and 157 of the National Planning Policy Framework.
- 10.6. This approach is consistent with other recent decisions in Manea, including the refusal by committee of a single dwelling proposed to be constructed approximately 100m from the site.

Highway Safety and Parking

- 10.7. The application site is located on a relatively narrow stretch of highway at present, approximately 4 metres in width, which is flanked by a section of concrete hardstanding that slopes down away from the road surface to the south. The proposed layout plans do not indicate any on-site turning provision, and thus require vehicles to reverse either onto or off the driveways associated with the dwellings. This is a similar arrangement to the dwelling approved to the north west of the site, but at odds with the remainder of the dwellings that gain access from Fallow Corner Drove, which are located to the north of the road. The existing businesses that are to be replaced under the current proposal benefit from sufficient on-site turning as to allow vehicles to both enter and exit the highway in a forward gear.

- 10.8. The comments received from the Local Highways Authority indicate that the proposals to widen the existing carriageway do not tie in adequately to the existing highway network, instead stopping abruptly at the edge of the site, and with the proposed footpaths not connected to any part of the wider highway network resulting in a 45 metre section of footpath adjacent to a highway that leads nowhere.
- 10.9. Although the Local Highways Authority has indicated that the plans submitted should be amended to take account of these factors and to ensure no built elements of the dwellings within the public highway, it is not clear to what extent the proposals would need to be amended and how an acceptable solution could be reached without requiring development to be undertaken on land outside of the control of the applicant. In any case, should a solution to these issues be arrived at, it would not overcome the matter of the sequential test explored above, and therefore it has not been deemed appropriate to require the applicant to go to the expense of the additional survey work required at this stage when such work is not likely to affect the outcome of the application.
- 10.10. The proposed parking spaces in between the dwellings are constrained by the proximity of the adjacent spaces and the side elevations of the dwelling, and as such their usability is restricted. Whilst not sufficient to justify refusal on its own grounds this is a detrimental factor relevant to the impact of the proposal on the surroundings, as well as to the amenity standards of the dwellings themselves.

Amenity Impact

- 10.11. The proposal will result in a variety of amenity impacts on the surrounding properties, although some of those raised in the responses received in relation to the scheme are not material to the determination of the planning application such as impacts on views across the landscape and the proximity to nearby dwellings (proximity itself is not a material factor, although there could be specific other impacts arising due to such proximity). The application site itself is located alongside an existing dwelling to the north west, with further properties located across the other side of Fallow Corner Drove to the north east. The existing building flanking the site to the south east is to remain, however it is not in residential use.
- 10.12. The main impact of the proposal therefore in relation to neighbouring amenity is in relation to the dwelling to the north west, with the proposed two-storey dwelling located approximately 6.5 metres from the shared boundary, and 10 metres from the side elevation of that property, which does not contain any windows.
- 10.13. The location of a residential use in such close proximity to the neighbouring dwelling would not automatically result in a detrimental impact on the neighbouring amenity, and with no overlooking of the private rear aspects of that property. Concerns have also been raised regarding privacy and overlooking of the other dwellings in the area, however those properties are separated from the site by the existing highway, and their rear gardens would not be overlooked to an extent that would result in an unacceptable impact on their privacy due to the intervening distance and the structures located between them and the site.
- 10.14. The proposed use would not by its nature lead to unacceptable impacts on other amenities through issues such as noise, and any impacts in this regard would therefore be controlled by other legislation, whilst the separation between the site

and the dwellings to the north would ensure no unacceptable loss of natural light to those dwellings at a scale that would justify refusal of the scheme.

Visual Impact and Character

- 10.15. The application proposes two dwellings to be built on the site, which is located on ground slightly lower than the adjacent highway and is within flood zone 3. These factors combine to result in the proposed design being considerably taller than would normally be the case for dormer-style dwellings due to the internal floor levels within the dwellings being raised up 1 metre above the adjacent land levels for reasons relating to flood protection, which includes stepped/ramped access to the dwellings.
- 10.16. The appearance of the dwellings is particularly unusual due to the proposal to raise the internal floor levels 1 metre above the adjacent land levels. The result of this is that the dwellings appear overly tall in comparison to their proposed design, and would therefore represent an incongruous feature within the street scene. Such an impact would be contrary to the requirements of policy LP16 of the Fenland Local Plan, which requires development to make a positive contribution to the local distinctiveness and character of an area, enhancing its local setting and responding to and improving the character of the local built environment.
- 10.17. The proposals are similar in style to the adjacent dwelling to the northwest, however given the raised floor levels they will appear to be taller within the street scene and are also substantially greater in height than the existing commercial buildings on the site, which are single-storey.
- 10.18. Similarly, the dwellings to the north of the highway are also single-storey in nature, and this factor, combined with the significant set-back from the street of the majority of these dwellings gives a more open, spacious feel to the area than would be the result of the proposal, which would result in the two dwellings dominating the area. This would be exacerbated by the position of, in particular, plot 2, which includes a forward facing gable that is located projecting approximately 3 metres closer to the road than the adjacent brick built structure, which is currently the dominant feature of the street scene. This building would remain taller than the proposed dwellings however the more prominent location of the proposed plot 2 would increase its impact on the street scene. The scheme will result in an adverse impact on the character and visual amenity of this area of the settlement, particularly given its close relationship with the open countryside beyond.

Other Issues

- 10.19. Several other issues have been raised in relation to the proposed scheme, including the devaluation of nearby property, which is not a material factor in a planning decision, the mis-labelling of some of the nearby dwellings (this is a label present on the ordnance survey base map and therefore not an issue of the applicant's making, it is also not relevant to the application site itself) and the density of the development, which is acceptable in this case given the development density of approximately 23 dwellings per hectare is proportionate to several of the other properties in the vicinity.
- 10.20. Contamination of the land has also been raised as a concern, and the applicant has provided a Phase I & II Geo-Environmental Assessment alongside an addendum letter to that report. The detailed report has been assessed by the Environmental Health team and is considered acceptable, subject to further

intrusive assessment, approval of a validation report to demonstrate the remediation work has been carried out satisfactorily and successfully, and the submission and approval of an asbestos management plan relating to asbestos removal and site demolition operations.

11. CONCLUSIONS

- 11.1. The proposal is for the construction of a dwelling in flood zone 3 which is the zone of highest flood risk where local and national policy indicates development should be avoided. The applicant has not provided any details to satisfy the requirement of the sequential test in that regard and that test is therefore failed.
- 11.2. The scheme also results in the presence within the street scene of several buildings of significant height, which is exacerbated by the need to raise floor levels within the buildings to mitigate against the flood risk of the site, and this results in a detrimental impact on the character and amenity of the area within which they are located, contrary to the provisions of policy LP16 of the Fenland Local Plan (2014).
- 11.3. Other issues raised are acceptable or are capable of being made so by appropriately worded planning conditions.

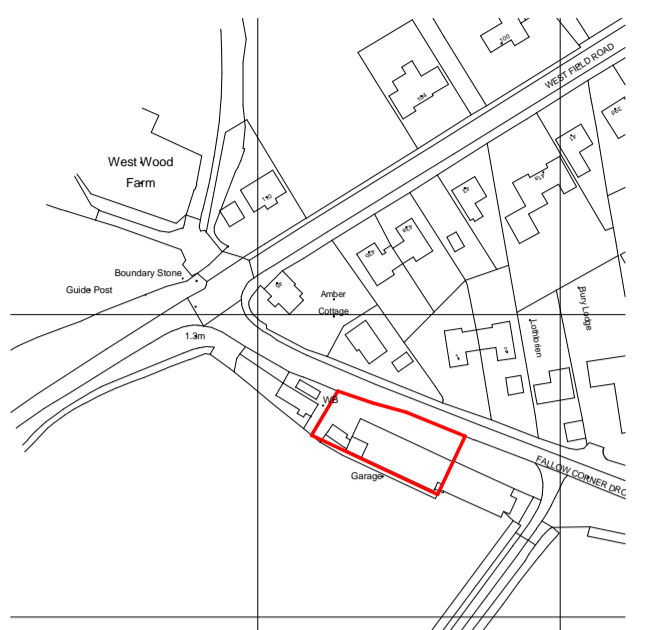
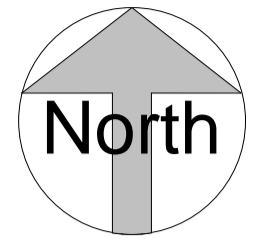
12. RECOMMENDATION

Refuse, for the following reasons

1. Policy LP14 (part B) of the Fenland Local Plan (2014) requires development proposals in higher flood risk areas to undergo a sequential test to demonstrate through evidence that the proposal cannot be delivered elsewhere in the settlement at lower risk of flooding. Policy LP2 seeks to deliver high quality environments ensuring that people are not put at identified risks from development thereby avoiding adverse impacts in the interests of health and wellbeing. The site lies within flood zone 3 which is an area of high risk. The applicant has failed to demonstrate that the development could not be delivered in an area of lower flood risk and thereby fails to accord with 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. Consequently the proposal also fails to satisfy policy LP2 of the Fenland Local Plan (2014) as it fails to deliver a high quality environment and unjustifiably puts future occupants and property at a higher risk of flooding.

2. The proposed houses by reason of scale and position in the street, alongside the increased height of the dwellings due to the requirement for floor levels to be raised 1 metre above the surrounding ground level, will result in an incongruous and unduly prominent visual impact unbalancing the appearance of the street scene particularly in relation to smaller surrounding buildings nearby to the north. 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).

Notes
 Any discrepancies to be brought to attention of Author as soon as possible.
 All dimensions shown in "mm" unless otherwise shown.
 Unless stated otherwise, this drawing has been assessed for risks and nothing is deemed to be outside of normal good safe working practice that would be covered by a contractors Construction Phase Health and Safety Plan.
 Do not scale from this drawing.



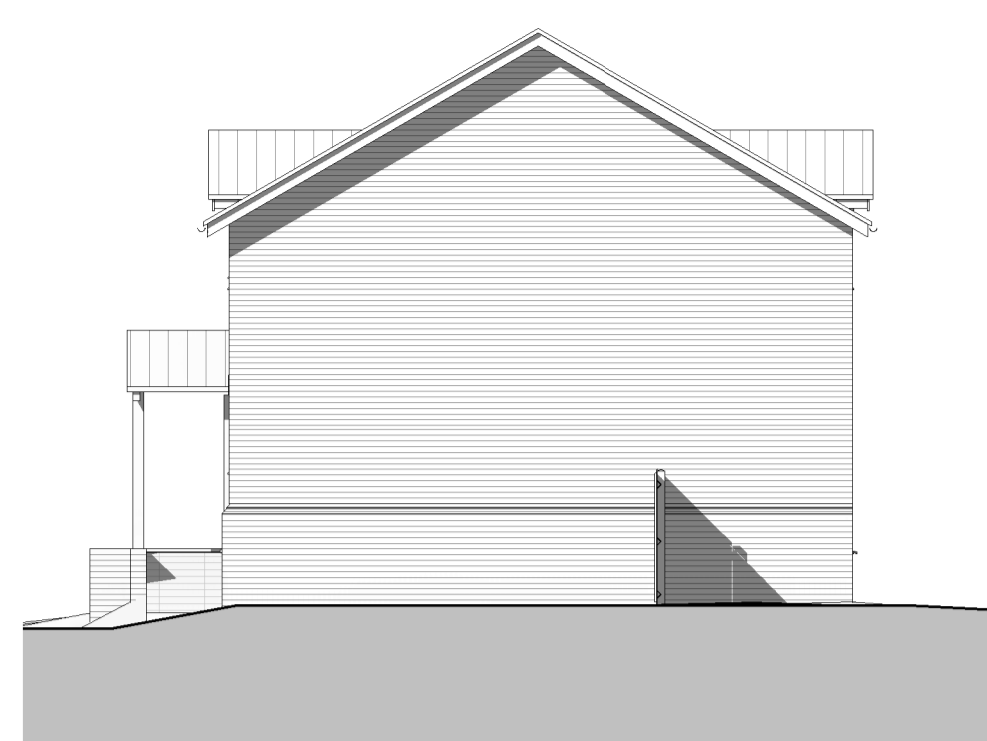
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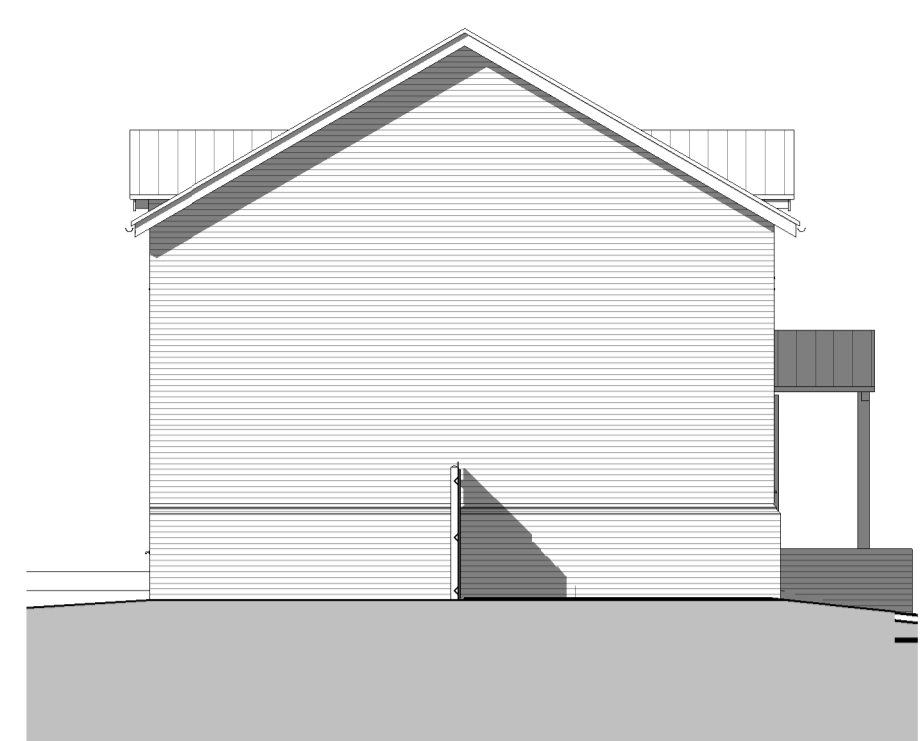
Planning Plot 1 Front
 Scale 1 : 100



Planning Plot 1 Rear
 Scale 1 : 100



Planning Plot 1 Side (north west)
 Scale 1 : 100



Planning Plot 1 Side (south east)
 Scale 1 : 100



Planning Plot 2 Front
 Scale 1 : 100



Planning Plot 2 Rear
 Scale 1 : 100



Planning Plot 2 (south east)
 Scale 1 : 100



Planning Plot 2 Side (north west)
 Scale 1 : 100

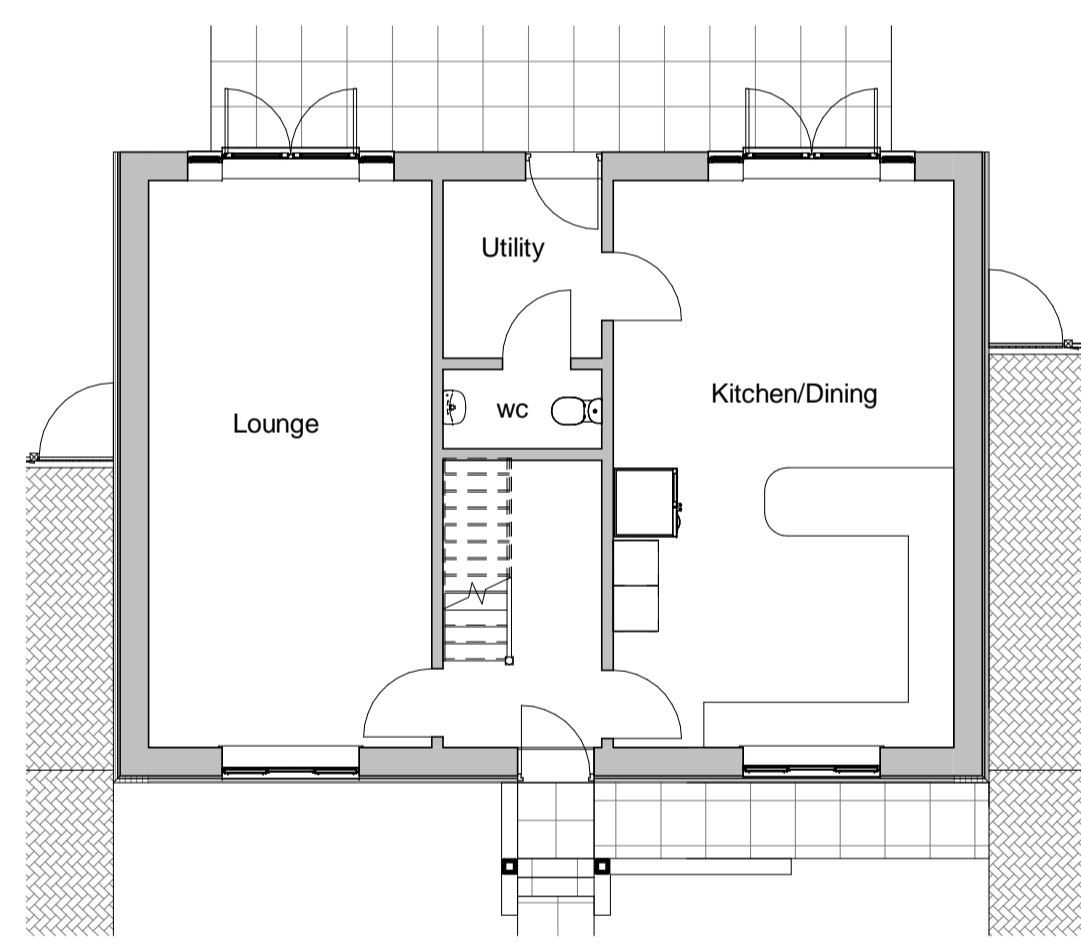
PERMIABLE AREAS

TOTAL AREA = 880msq

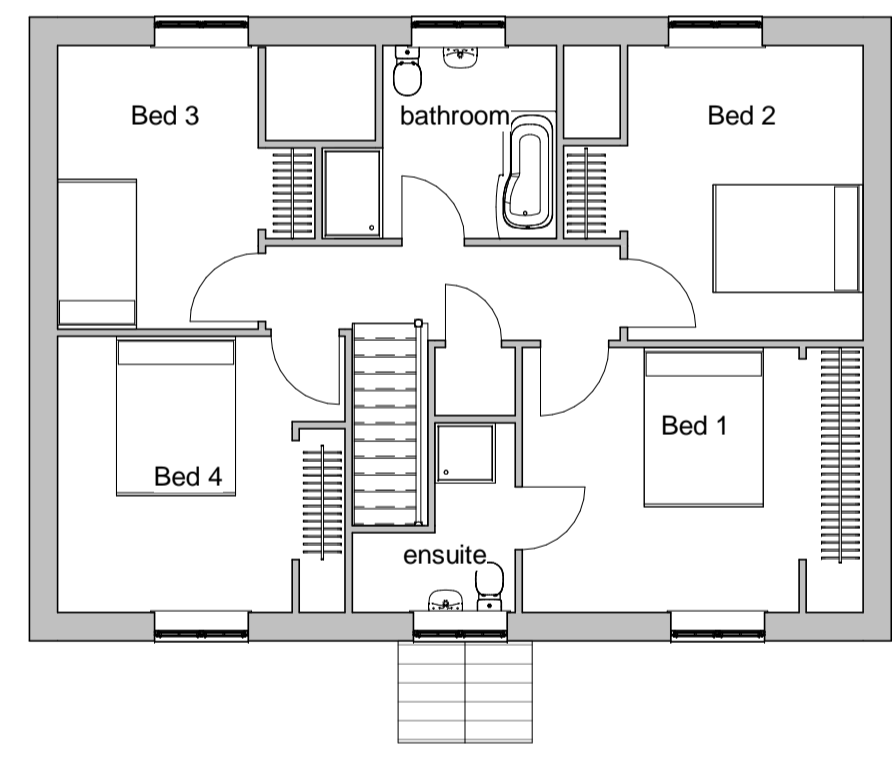
Existing 100% impermeable
 Existing buildings = 412msq
 Concrete paving = 468msq
 Total impermeable area = 880

Proposed Impermeable Area 35%
 Proposed Buildings = 242msq
 Proposed Footpath = 74msq
 Proposed Impermeable area = 316msq

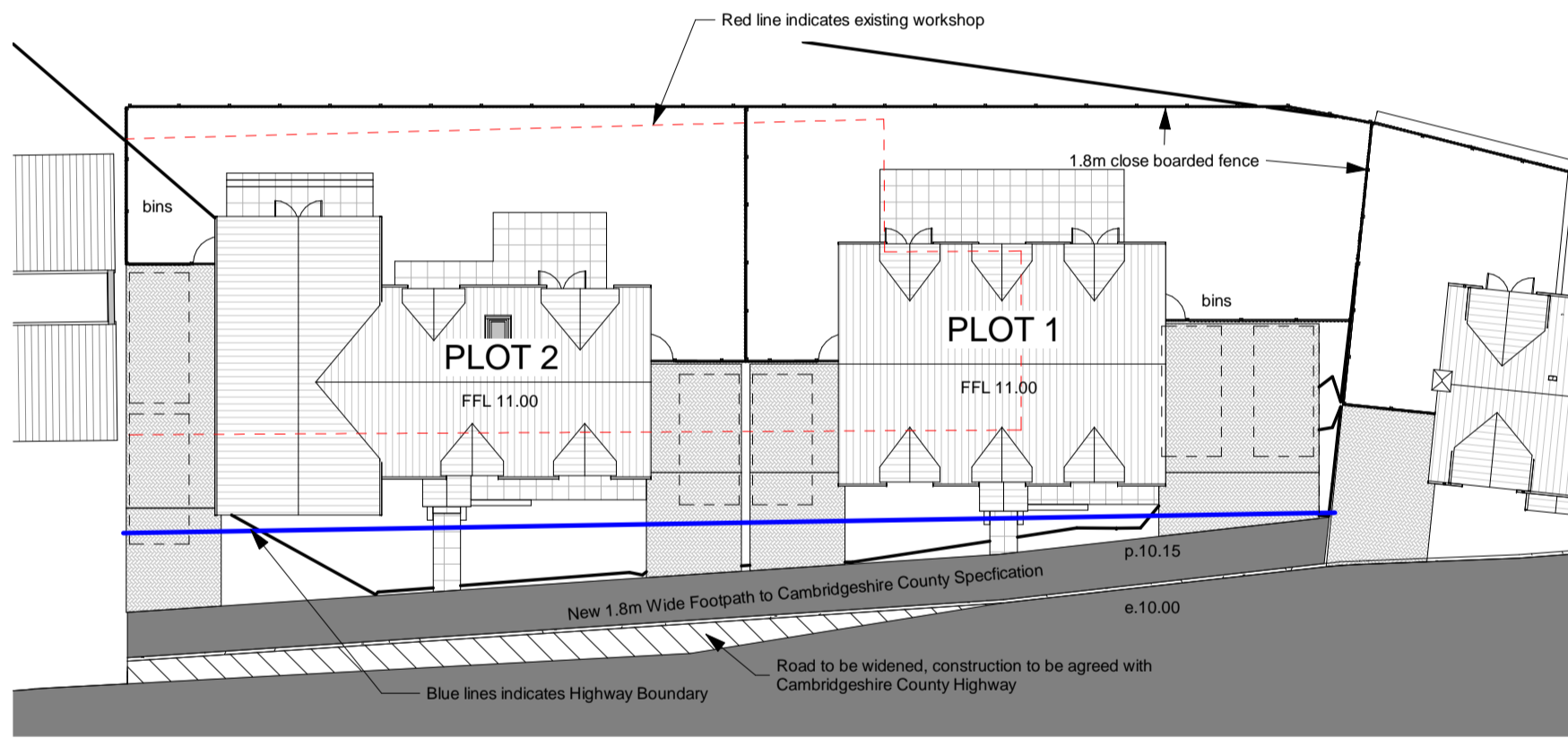
Drives constructed with permeable paving



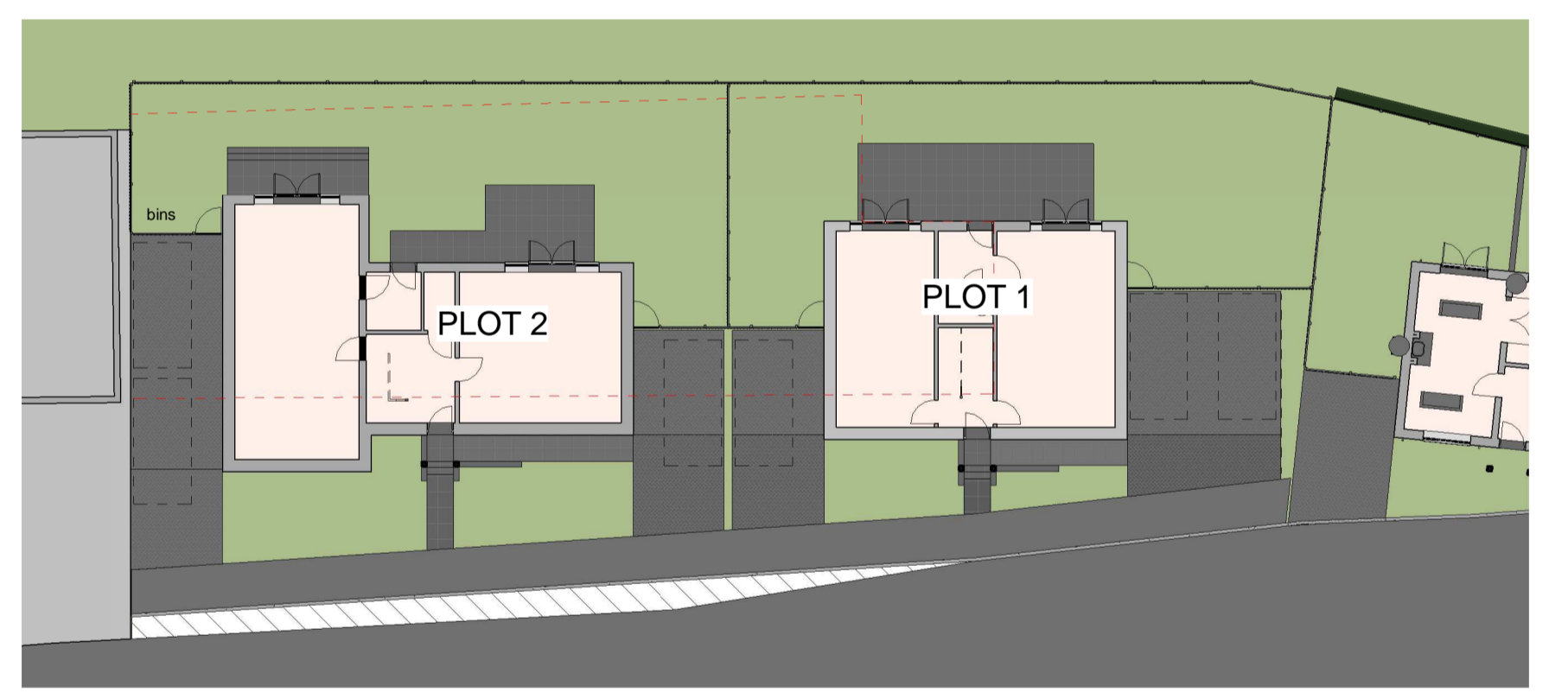
Plot 1 Ground Floor
 Scale 1 : 100



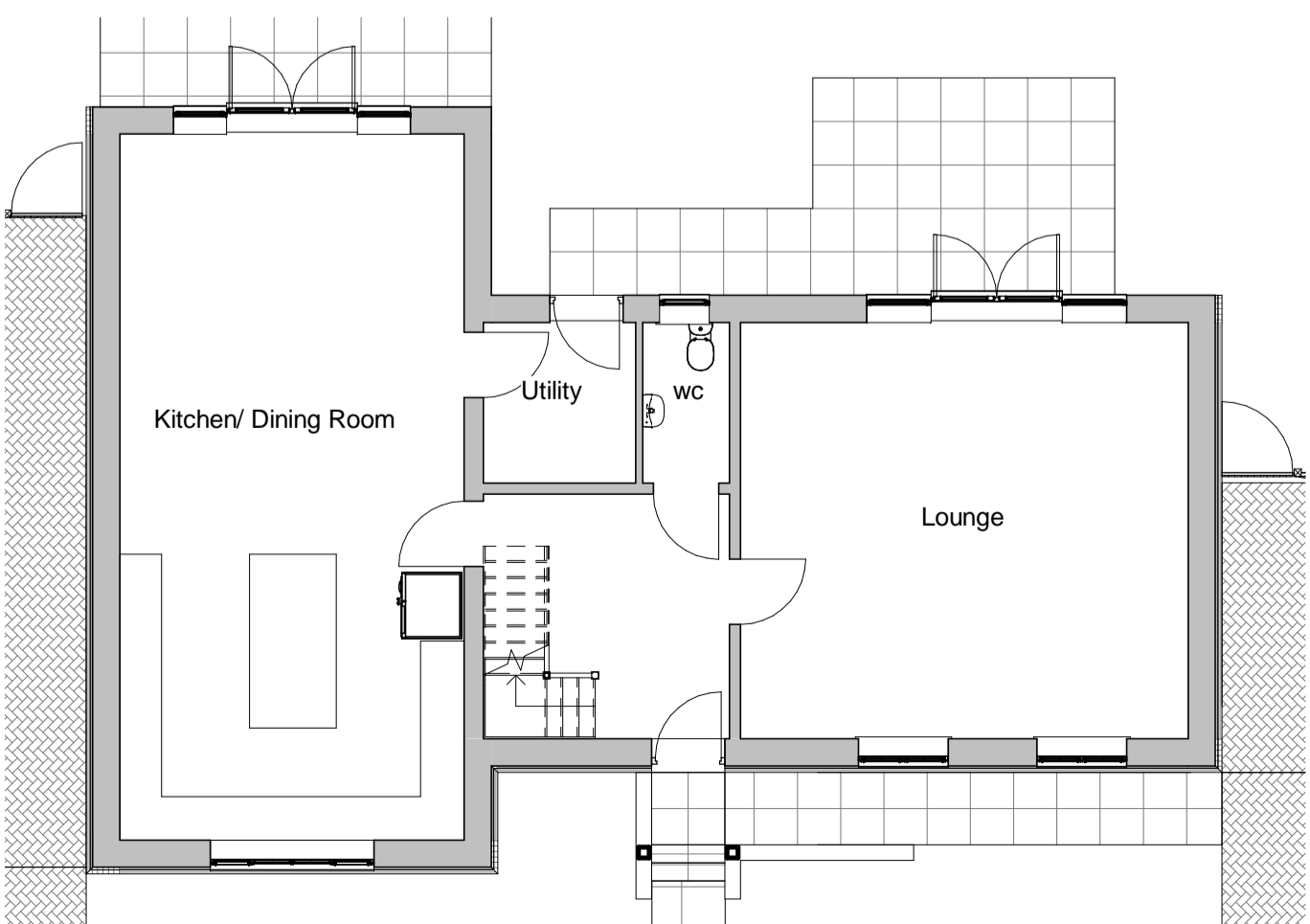
Plot 1 First Floor
 Scale 1 : 100



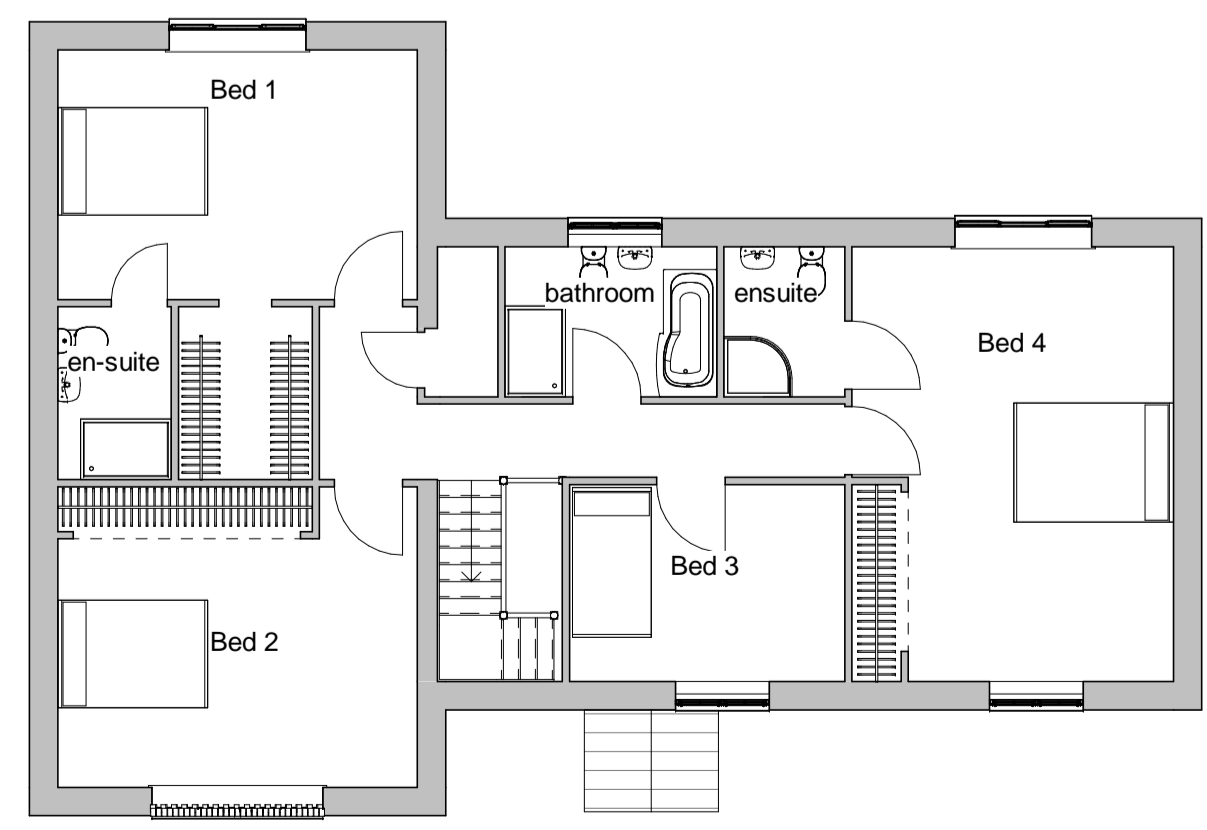
Planning Site Plan
 Scale 1 : 250



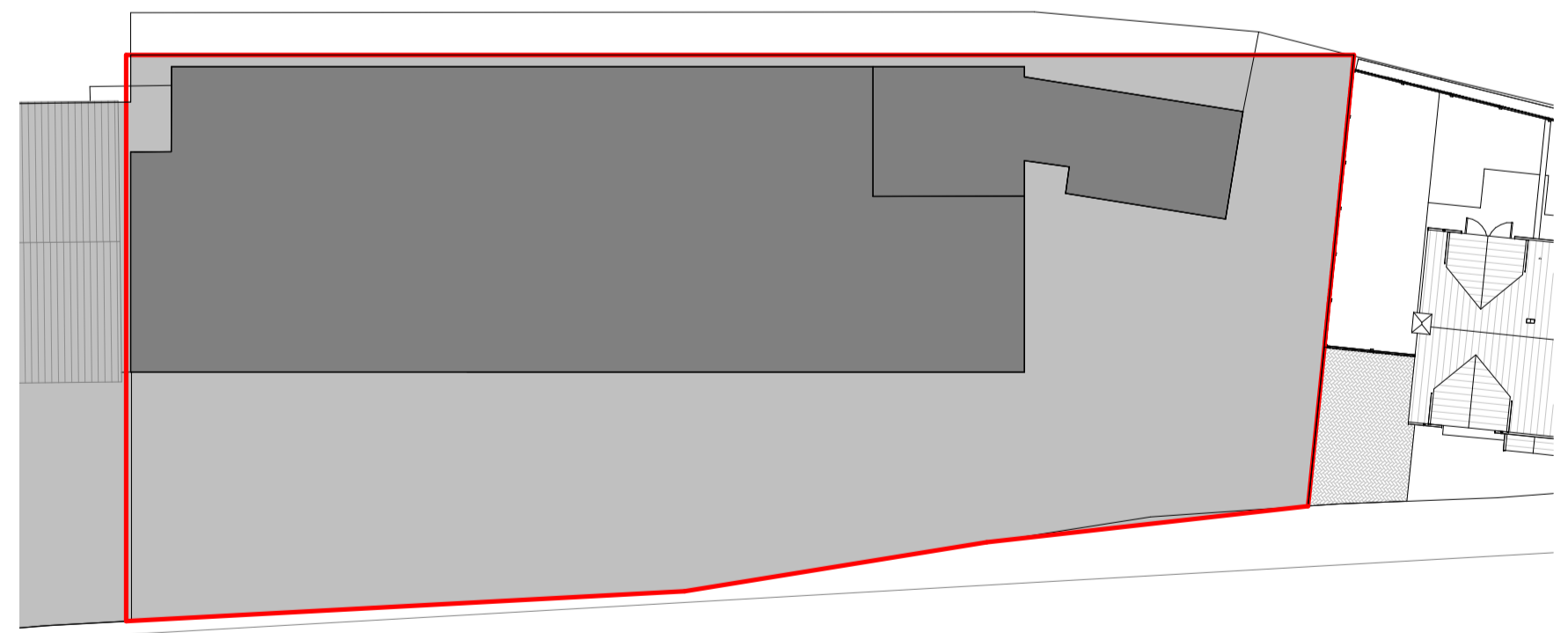
Planning Block Plan
 Scale 1 : 250



Plot 2 Ground Floor
 Scale 1 : 100



Plot 2 First Floor
 Scale 1 : 100



Planning Existing Site Plan
 Scale 1 : 250



Street Elevation
 Scale 1 : 200

A | Layout Amended | 31-12-19

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

Planning Drawing

date created	scale	drawing no.	rev.
17-03-19	As indicated @ A1	225 - P20	A