#### F/YR20/0186/F

Applicant: Mr & Mrs J Cook

Agent : Mr Lee Bevens L Bevens Associates Ltd

Land West Of 110, Westfield Road, Manea, Cambridgeshire

Erect 1 dwelling (2-storey 4-bed) including an office and a detached double garage in association with existing business.

Reason for Committee: Number of letters of support contrary to the officer recommendation.

#### 1. EXECUTIVE SUMMARY

- 1.1. The proposal is for the construction of a two-storey dwelling with detached double garage on land outside but adjacent to the edge of the settlement of Manea, on land designated as Flood Zone 3, the zone of highest flood risk.
- 1.2. A previous application for a dwelling on this site was refused by the Planning Committee in August 2019. The current proposal involves an amended position of the dwelling within the site and additional groundworks.
- 1.3. The applicant states that the dwelling is required on the site to provide additional security to the existing haulage business operating from the adjacent site to the north, and would also result in sustainability benefits. The applicant's current address is located approximately 200 metres from the site.
- 1.4. The application is not accompanied by any information demonstrating the need for a 24-hour on-site presence.
- 1.5. The application is not accompanied by a sequential test exploring the availability of alternative sites in locations of lower flood risk.
- 1.6. The location of the proposed development would be at odds with the prevailing character of residential development in the area, which is predominantly frontage development along the main streets.
- 1.7. Recommendation is to refuse planning permission.

#### 2. SITE DESCRIPTION

2.1. The application site is an area of maintained grassland surrounded by a 2 metre high chainlink fence supported on concrete posts with barbed wire topping for security purposes. 7-bar steel gates close off the vehicular access to the site and the adjacent premises.

- 2.2. To the immediate north of the application site lie three storage buildings associated with the applicant's haulage business, with substantial amounts of concrete hardstanding and turning area for the vehicles and products associated with that use. To the west and south of the application site lies open agricultural land outside the applicant's ownership.
- 2.3. East of the application site are located a group of four large residential dwellings constructed under consents ranging from 2011 to 2017. These properties benefit from rear aspects facing north west, although only 110 Westfield Road is likely to be directly affected by the proposed dwelling.
- 2.4. Access to the highway network is via an existing access to the haulage business off Westfield Road opposite Fallow Corner Drove, with a driveway being located behind where the gate currently closes off the site, although the gate is proposed to be relocated further into the site as part of the scheme. A public right of way runs adjacent to the south boundary of the site, and a second along the eastern boundary. Neither are directly affected by the specific proposals.
- 2.5. The application site is located within flood zone 3, and lies within the boundary of Wimblington Parish.

### 3. PROPOSAL

- 3.1. The proposal is for the construction of a 4-bedroomed detached 2-storey dwelling with a separate double garage on the site, including an office to be utilised in conjunction with the haulage business. The dwelling detailed on the plans is stated as being 251m<sup>2</sup> floor area, with an additional 44m<sup>2</sup> floor area for the garage. The office use associated with the haulage business comprises 22.3m<sup>2</sup> of the floorspace of the dwelling, which equates to 8.9% of the floor area of the dwelling and 7.6% of the total floorspace proposed on the site.
- 3.2. The ground level around the dwelling is to be raised up above the existing site to mitigate against the risk of flooding, by 1.05 metres at the front entrance and 1.6 metres at the rear elevation due to the natural slope of the land.
  - 3.3. Full plans and associated documents for this application can be found at: <u>https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=Q6MKX8HE01U00</u>

#### 4. SITE PLANNING HISTORY

F/0650/83/F	Erection of a steel framed agricultural general purpose building	Permission 23/9/83
F/92/0523/AG1	Erection of a storage building	Further details not required 9/11/92
F/YR00/0624/AG1	Erection of general purpose agricultural building	Further details not required 27/7/00
F/YR18/0123/AG1	Erection of an agricultural storage building	Further details not required 2/3/18
F/YR19/0566/F	Erect 1 dwelling (2-storey 4-bed) including an office and a detached double	Refused 19/8/19

garage in association	
with existing business	

While the majority of the above applications relate to agricultural development there is no evidence provided as part of the current application to demonstrate that the site is in agricultural use

#### 5. CONSULTATIONS

- 5.1. Wimblington Parish Council: No objections.
- 5.2. Manea Parish Council: No objections.
- 5.3. **FDC Environmental Health:** No objections, but would question if the intention is to tie the occupation of the building to the business due to the proximity to its premises and the potential for associated noise impacts.
- 5.4. Cambridgeshire County Council Highways Authority: No objection.
- 5.5. **Cambridgeshire County Council Public Rights of Way:** Request a condition requiring a public access scheme to include design of public rights of way routes and any proposals for diversion and closure of public rights of way and alternative route provision.
- 5.6. **Cambridgeshire Constabulary:** Consider the area to be of low vulnerability to the risk of crime.
- 5.7. **Natural England:** Proposal requires the assessment of recreational pressure impacts on sensitive Sites of Special Scientific Interest
- 5.8. **Environment Agency:** No objection. Note that the lack of objection does not mean that the scheme is considered to have passed the sequential test.
- 5.9. Local Residents/Interested Parties: 12 responses have been received in relation to the proposal from 12 separate sources, including 3 businesses using the services provided by the applicant from the adjacent land, and 4 employees of the applicant. The letters note the following points.
  - Products stored on the site are required 24 hours a day.
  - Value of goods stored on the site.
  - Site requires close monitoring.
  - Proposal will result in less disturbance to neighbours due to fewer vehicle movements to and from the site.
  - Site is more sustainable than the current location.
  - Increased site security.
  - Proposal will enhance the entrance to the village.
  - Proximity of the proposed office to the business premises will facilitate a more efficient business.

### 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)

Para 2: NPPF is a material consideration

Para 8: 3 strands of sustainability

Para 11: Presumption in favour of sustainable development

Para 78: Housing should be located where it will enhance or maintain the vitality of rural communities.

Para 79: Avoid the development of isolated homes in the countryside unless specified exceptions apply

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.

#### National Planning Practice Guidance (NPPG)

Determining a planning application

#### 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

LP16 – Delivering and Protecting High Quality Environments across the District

#### 8. KEY ISSUES

- Principle of Development
- Justification for the Location of the Dwelling
- Flood Risk
- Visual Impact & Character
- Residential Amenity
- Highway Safety
- Other Matters

#### 9. BACKGROUND

- 9.1. The site was the subject of an application for the construction of a dwelling in summer 2019, which the Planning Committee refused. The current application has not been the subject of pre-application advice.
- 9.2. The scheme has been amended from the previous refusal, relocating the dwelling on the site by approximately 2 metres, and by proposing the raising of the ground level around the property.

#### **10. ASSESSMENT**

#### **Principle of Development**

10.1. The application site is located outside the developed part of the settlement of Manea, but immediately adjacent to the current edge of the village. Manea is identified within the settlement hierarchy set out in policy LP3 of the Fenland Local Plan (2014) as a Growth Village, where development within the existing urban area or as small village extensions will be appropriate albeit at a more limited scale than that appropriate to the Market Towns. Policy LP12 of the Fenland Local Plan (2014) indicates that sites adjacent to the existing developed footprint of a village can be considered for development subject to site specific impacts.

#### Justification for the Location of the Dwelling

- 10.2. The Design and Access Statement submitted alongside the application states in section 4 that "a key consideration in the development of the proposal is that the applicant currently lives in Manea but has to make regular trips from home to the site and back again as part of his daily routine." The statement then goes on to assert that the proposal would therefore provide a more sustainable solution, avoiding regular car trips and providing security for the site.
- 10.3. From the application form submitted alongside the application, and as noted above, the applicant currently resides in Manea. The address given is located approximately 200 metres from the application site however, and as a result it is not considered that the scheme would result in significant sustainability benefits given that the existing distances involved in travelling from their place of residence to the site are well within what would be considered to be a reasonable walking distance, taking approximately 2½ minutes to walk at average walking speeds.
- 10.4. The application also states that there will be increased security for the business from living adjacent to its premises. Security is a matter to be considered in relation to the acceptability or otherwise of a planning application, however it would not be uncommon or unreasonable for business premises of the type present on the adjacent land to operate under a scheme of security cameras and alarms typical of the majority of commercial premises, and the site is overlooked from the adjacent dwellings to the east that provide natural surveillance of the premises. There are no welfare issues to consider from livestock present at the site. No evidence has been provided alongside the application of a history of crime or theft from the premises, and Cambridgeshire Constabulary have confirmed that they consider the area to be of low vulnerability to crime.
- 10.5. It is not considered therefore that the increased security from the applicant residing adjacent to the site is a material factor sufficient to overcome the policy requirement to direct development away from such sites.

#### Flood Risk

- 10.6. The site is located within an area designated as Flood Zone 3. Policy LP14 of the Fenland Local Plan and paragraph 157 of the National Planning Policy Framework require development to be the subject of a sequential test, which aims to direct new development to areas at the lowest risk of flooding.
- 10.7. The application is accompanied by a flood risk assessment, which states that the site is protected by flood defences that were not considered when flood zones were designated and therefore the site has a low probability of flooding when these are taken into account. It then goes on to state that the proposed dwelling is to be occupied by the manager of West Wood Farm to facilitate its

day to day running and therefore the development cannot be undertaken at an alternative site.

This does not constitute a sequential test. The matter of need for the dwelling to be located on the site is addressed above, however given the number of permissions currently in place within the village of Manea on land not within flood zone 3 that would meet the functional requirements of the application in terms of the number of dwellings to be provided it is not considered that a sequential test would be passed.

#### **Visual Impact & Character**

- 10.8. The proposed dwelling is of substantial scale, with a ridge height of 8.1m above the raised ground level, resulting in a height above existing levels of between 9.15 and 9.7m, with an overall width of 18.1 metres (not including chimney/bay window). In height terms this is proportionate to the recently approved dwellings to the east fronting Westfield Road, and although those properties are also approximately 18 metres in width, their built form incorporates double garaging to the side of the main dwellings meaning the residential part of the properties is generally of the order of 12 metres wide. The application proposes a detached garage 7.3 metres wide by 6.8 metres deep in addition to the 18 metre width of the house and located forward of the proposed front elevation and facing the vehicular access to the premises.
- 10.9. The site would mainly be visible when approaching Manea from the south west along Toll Drove where the built environment consists of the recently constructed dwellings fronting Westfield Road and Fallow Corner Drove, with the application site forming a green open space in front of the commercial buildings comprising the storage units for the agricultural and general haulage use of the adjacent land. The current proposal includes the raising of the ground levels around the dwelling, which would result in the proposal being constructed on the top of a grass mound, exacerbating the scale of the building and its visual impact on the character and appearance of the surrounding area.
- 10.10. The proposal would introduce an additional element of residential development away from the existing strong focus of residential dwellings comprising frontage development along Westfield Road and Fallow Corner Drove, introducing a more backland style relationship which would be detrimental to the distinct character of the area and the entrance to the village.
- 10.11. The comments submitted in support of the visual impact of the proposal are noted with regard to the entrance to the village, however as noted above, it is the distinction between the location of this property as a backland site and the distinctive frontage development elsewhere that results in the harmful impact.

#### **Residential Amenity**

10.12. The proposed dwelling is located with its front elevation facing towards the adjacent dwellings to the east of the site from a distance of approximately 20 metres. Two of the first floor bedrooms within the dwelling and its gallery landing look out towards this boundary, beyond which is the private residential garden of 110 Westfield Road. Policy LP16 of the Fenland Local Plan (2014) requires development not to adversely impact on the amenity of neighbouring users due to issues such as a loss of privacy. Although there would be the potential for some views of the neighbouring private amenity space should the dwelling be permitted, the distance between the windows in question and the adjacent garden, combined with the partial restriction of such views due to the position of

the proposed double garage is such that the impact will not be sufficient to justify refusal of the scheme on these grounds.

10.13. Turning to the matter of the residential amenities of the dwelling itself, it is noted that the scheme meets the one third plot size requirement for private amenity space set out in policy LP16. The comments of the Environmental Health team are also noted regarding the potential for the operation of the adjacent business to constitute a detrimental impact on the residential amenity of the property itself and the associated need to tie the occupation of the building to the operation of the adjacent business. In that regard should permission be granted it would be appropriate to impose such a condition.

#### **Highway Safety**

- 10.14. The proposal is to use the existing vehicular access from Westfield Road that currently serves the haulage business to allow the occupants of the dwelling to access the wider highway network. Given the use of this current access by HGV's and the comparatively low levels of additional traffic that would result from the additional use by a single dwelling, the proposal is considered not to have a detrimental impact on highway safety.
- 10.15. The comments from the Public Rights of Way Officer are noted, however the proposals do not impinge upon the public footpath that crosses the site and therefore it is not considered necessary to impose a condition requiring proposals for changes to the footpath, its route and surfacing etc.

#### **Other Matters**

10.16. The comments from Natural England are noted with regard to the impact of the proposal on the Ouse Washes SSSI. The proposal is for a single dwelling and the guidance provided by Natural England with regard to the screening of such proposals indicates that *"it should be possible for most proposals below 50 dwellings to be screened out for likely significant effect."* Notwithstanding that statement however, the application does not include any supporting justification to screen out the potential recreational pressure impacts of the proposal on the SSSI.

### **11. CONCLUSIONS**

- 11.1. Despite their assertion that the proposal would result in greater security for the commercial operations undertaken from the adjacent land to the north of the application site, the applicant has not demonstrated any functional requirement for them to be resident on the land that would preclude them being resident in the wider vicinity of the site as is currently the case. As a result, the proposal is required to be subject to a sequential test given its location within flood zone 3.
- 11.2. The application is not accompanied by a sequential test with regards to flood risk. It is therefore contrary to the requirements of policy LP15 of the Fenland Local Plan (2014) and paragraph 158 of the National Planning Policy Framework (2019), which justify its refusal. This approach is supported by decisions made by the Planning Inspectorate, including appeal APP/D0515/W18/3218952 where the Inspector concluded that development not within flood zone 1 needed to be the subject of a Sequential Test.
- 11.3. The proposal would result in a new residential dwelling beyond the current developed part of the village, in a location that would detract from the distinctive character of its surroundings. In particular, this is due to the detached nature of

the site from the highway network, where the predominant character of development is for properties to be in close proximity to and fronting the highway. The proposal would as a result be contrary to the provisions of policies LP12 and LP16 of the Fenland Local Plan (2014).

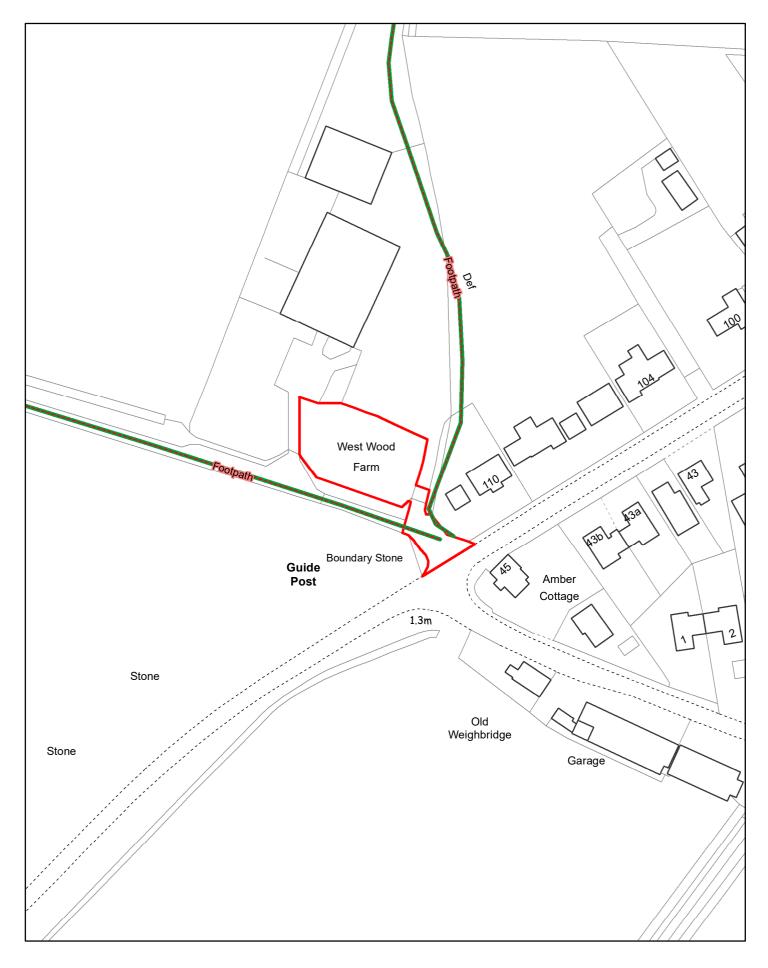
- 11.4. The proposal will have some impact on the residential amenity of the neighbouring property to the east, known as 110 Westfield Road, however this would not be of sufficient magnitude to warrant the refusal of the application on these grounds.
- 11.5. The scheme will not have any adverse highway impacts, and although no supporting justification is given to confirm that the proposal will not have an adverse impact on the recreational pressures from residential development on the nearby Ouse Washes Site of Special Scientific Interest, this is not sufficient to justify refusal of the scheme in view of the scale of the proposal and the lack of likely effects.

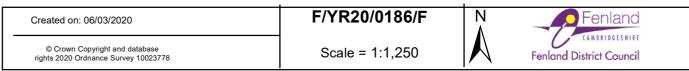
#### **12. RECOMMENDATION**

Refuse, for the following reasons.

1.	Policy LP14 part B of the Fenland Local Plan (2014) states that <i>"all development proposals should adopt a sequential approach to flood risk from all forms of flooding"</i> and that <i>"development in areas known to be at risk from any form of flooding will only be permitted following…the successful completion of a sequential test"</i> . No justification has been provided demonstrating that a dwelling is required on the site to allow the operation of the adjacent haulage business. The application is not accompanied by a sequential test and on that basis, the proposal is contrary to the requirements of policy LP14 of the Fenland Local Plan (2014), and paragraphs 155-165 of the National Planning Policy Framework (2019).
2.	Policy LP14 part B of the Fenland Local Plan sets out the requirements for development proposals to undertake a sequential test, whilst section 4 of the Cambridgeshire Flood and Water Supplementary Planning Document (2016) sets out the process for undertaking such as test. This process requires developers to identify and list reasonably available sites, obtain flood risk information for those sites and state reasons why they are unsuitable for the development or are not available. Given the number of sites that are considered to be reasonably available within the adjacent settlement of Manea that could accommodate the quantum of development proposed, and their location within areas identified as being within flood zone 1, the application site would not be able to pass the sequential test and the scheme is therefore contrary to policy LP14 part B, and paragraph 158 of the National Planning Policy Framework (2019).
 2	Policy I D16 of the Feeland Local Dian (2014) requires new
3.	Policy LP16 of the Fenland Local Plan (2014) requires new development to make a positive contribution to the local distinctiveness and character of an area, enhancing its setting and not adversely impacting on the street scene and settlement pattern of an area. Policy LP12 requires development adjacent to villages to not have an adverse impact on the character and appearance of the surrounding countryside and farmland, and be in a location in keeping with the core shape and

form of the settlement without adversely affecting its character and appearance. The site of the proposed dwelling is at odds with the prevailing character of residential development in the area, which is characterised by frontage development along Westfield Road and Fallow Corner Drove. The scheme would extend the residential development of the settlement out into the countryside in front of the existing agricultural style storage buildings to the north of the site, which provide a visual link between the settlement and the more open countryside beyond. The proposal would therefore be contrary to the requirements of policies LP12 and LP16 of the Fenland Local Plan (2014) and the aims and objectives of section 12 of the National Planning Policy Framework (2019).

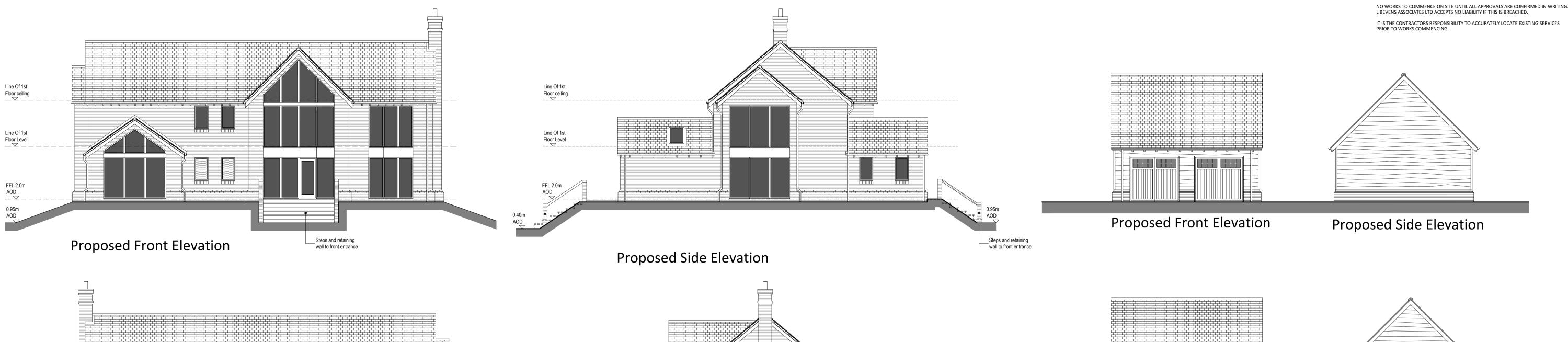


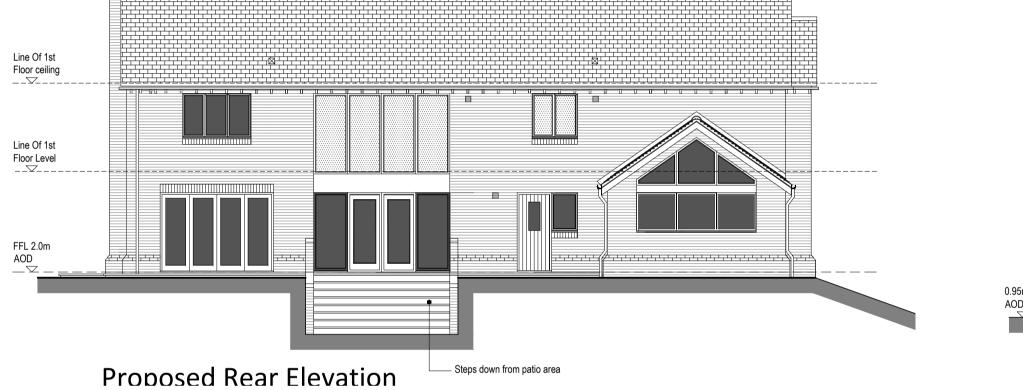


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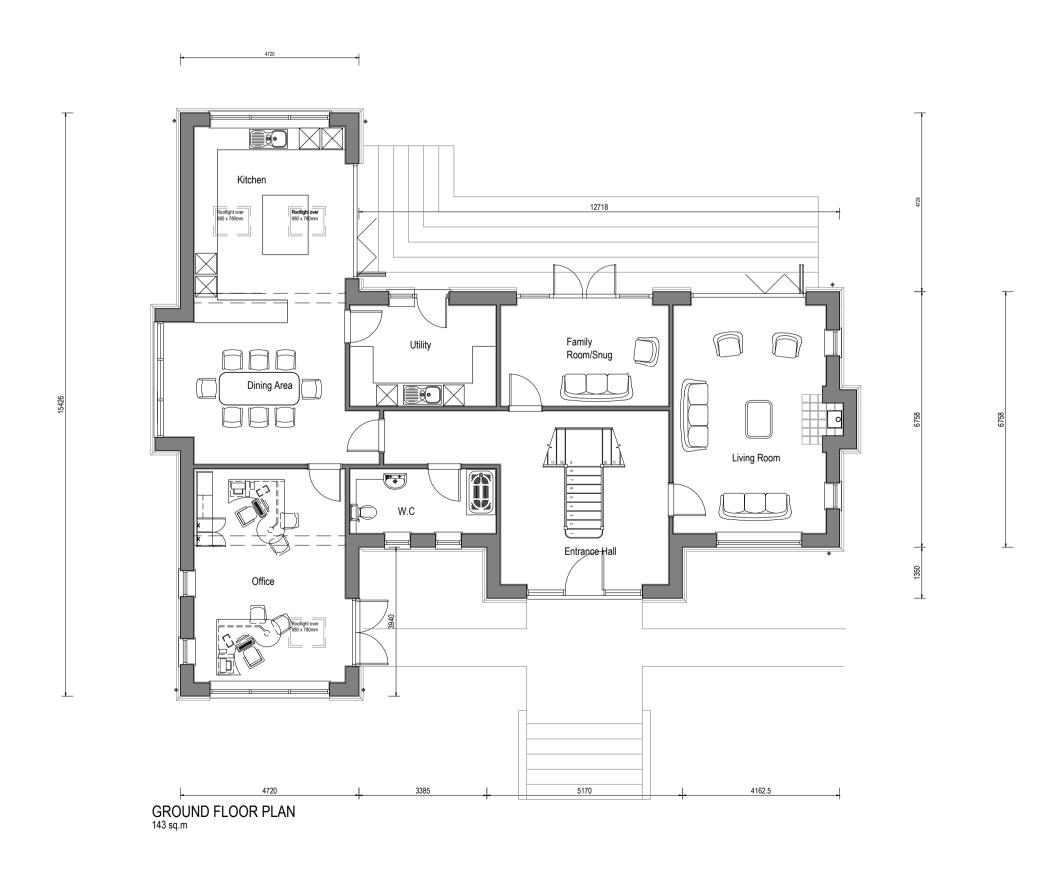












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Proposed Side Elevation

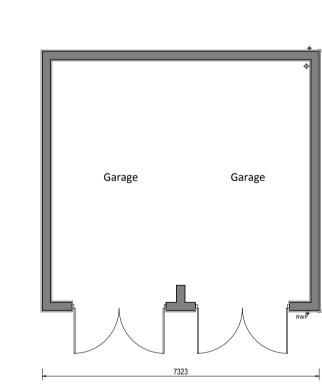
Line Of 1st Floor ceiling

Line Of 1st

Floor Level

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GROUND FLOOR PLAN 44 sq.m

#### **General Notes** Quality Standards

The overall quality standard for the project shall be that which is expected from a quality residential development. The project is to comply with all current British or European Standard Statutory Regulations, and good practice. However these are to be considered as the minimum requirements as set out in all relevant legislation and any statutory instrument, Building Regulation, by law, or European Standard and Code of Practice.

The buildings will be designed with materials, components and techniques that are readily available, reliable and maintainable and that the building should be maintained in accordance with good practice and the guidelines and recommendations contained in the maintenance manuals.

1. L Bevens Associates Architects Ltd drawings are to be read in conjunction with other relevant engineers and specialists drawings for the project.

2. Dimensions are not to be scaled from drawings, either manulayy or electronically. 3. All dimensions and setting out information is to be checked on site prior to work

commencing. Any dimensional discrepancies are to be reported to L Bevens Associates Architects Ltd before the affected work proceeds. 4. Any discrepancies found on the drawings or between the drawings and any other relevant information must be brought to the attention of L Bevens Associates Architectsas

soon as they are discovered. 5. Construction Design & Management (CDM) Regulations 2015; This project is subject to these regulations. The drawings and notes provided by L Bevens Associates Architects Ltd are to be included in the Health and Safety Construction Phase Plan and forwarded to the

Principal Contractor. 6. All materials used in this project must be in accordance with British and European Standards and Codes of Practice and/or any other regulations current at the date of initial issue of the drawing.

7. No substances that may cause harm or damage shall be used in the project in particular substances not in accordance with current British and European Standard Specifications and Codes of Practice.

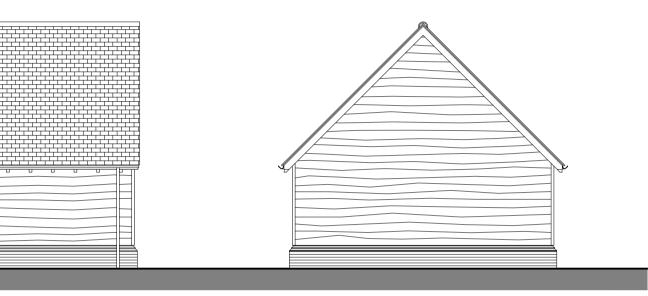
# DO NOT SCALE FROM THIS DRAWING

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REPORTED TO THE ORIGINATOR. ALL WORKS TO COMPLY WITH CURRENT CDM REGULATIONS AS APPROPRIATE. IT IS THE CLIENT'S RESPOSIBILITY TO FULLY COMPLY WITH THE CDM 2015 REGULATIONS INCLUDING

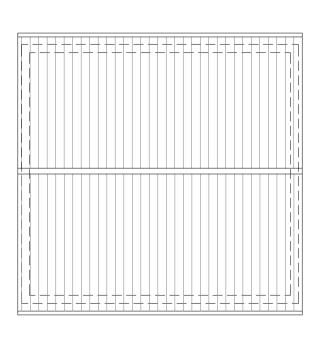
APPOINTING A PRINCIPAL DESIGNER AND PRINCIPAL CONTRACTOR FOR PROJECTS WITH MORE THAN ONE CONTRACTOR ON SITE.

IT IS THE CONTRACTORS RESPONSIBILITY TO ACCURATELY LOCATE EXISTING SERVICES



**Proposed Rear Elevation** 

Proposed Side Elevation



ROOF PLAN

#### CDM 2015 Notes

- 1. ALL BUILDING WORKS ARE TO BE CARRIED OUT IN ACCORDANCE WITH CURRENT HSE REQUIREMENTS. 2. EXISTING ELECTRICAL AND PLUMBING SERVICES TO BE CLEARLY IDENTIFIED
- AND ADEQUATE MEASURES TAKEN TO ENSURE THEY ARE SAFE BEFORE WORK COMMENCES ON SITE. 3. ENSURE SAFE ACCESS INTO AND OUT OF THE BUILDING AT ALL TIMES
- DURING COMMENCEMENT OF WORKS ON SITE. DEMOLITION/REMOVAL WORK ON SITE TO BE CARRIED OUT BY COMPETENT 4. PERSONS AND DONE IN A SAFE AND COHERENT MANNER.
- 5. ALL FLOOR, WALL AND ROOF ELEMENTS ARE TO BE SUITABLY PROPPED/BRACED DURING THE WORKS. TEMPORARY WORKS ARE TO BE
- DESIGNED BY A SUITABLY COMPETENT PERSON. 6. PROVIDE SUITABLE SCAFFOLDING DECKS AND WORKING PLATFORMS.
- ENSURE MATERIALS STORED ABOVE GROUND LEVEL ARE PROVIDED WITH SUITABLE SUPPORT. ENSURE ANY NEW OR EXISTING FLOOR DECKS ARE NOT OVERLOADED. 7. ENSURE SAFE LIFTING PROCEDURES ARE IN PLACE FOR DELIVERY AND
- MOVING OF MATERIALS AND DURING INSTALLATION OF STRUCTURAL MEMBERS. ALL CRANE AND MACHINE OPERATIVES TO BE SUITABLE COMPETENT.
- 8. ENSURE ADEQUATE FIRE ESCAPE IS MAINTAINED FROM BUILDING AT ALL TIMES DURING WORKS ON SITE. 9. GIVE CAREFUL CONSIDERATION TO ANY NEW MECHANICAL OR ELECTRICAL EQUIPMENT, LIGHT FITTINGS, SECURITY DEVICES TO ENSURE ADEQUATE
- ACCESS IS MAINTAINED WITHIN BUILDING AND CIRCULATION ROUTES ARE MAINTAINED. 10. HALF BOARD SIZES FOR PLASTERBOARD SHEETS ARE ENCOURAGED TO MAKE HANDLING EASIER ON SITE.
- 11. OFF-SITE FABRICATION AND PREFABRICATED ELEMENTS ARE ENCOURAGED TO MINIMISE ON SITE HAZARDS.

