#### F/YR20/0271/F

Applicant: Mr & Mrs Holliday

Agent : Mr Craig Rudd Swann Edwards Architecture Limited

#### Pescy, High Road, Guyhirn, Wisbech

Erect a 2-storey 4-bed dwelling with garage including the siting of 2no temporary caravans during construction

Officer recommendation: Refuse

Reason for Committee: Number of representations received contrary to Officer recommendation.

#### 1 EXECUTIVE SUMMARY

- 1.1 The application seeks permission to replace an existing mobile home with a detached dwelling and associated garage.
- 1.2 The proposal would enable the effective use of land for a residential property following the removal of an existing, relatively restrictive mobile unit and would provide a high quality living environment for future occupiers which would not compromise the amenity of neighbouring occupiers or result in any adverse highway impacts.
- 1.3 However, the proposed dwelling, due to its scale and massing, would fail to respect the rural context of the site, scale of local built form and general character of the area. In addition the scheme would be contrary to policy as the existing residential accommodation is a mobile home.
- 1.4 The development would adversely impact on the character and appearance of the area contrary to policy LP12 Part C and LP16(d) of the Fenland Local Plan (2014), DM3 of the Delivering & Protecting High Quality Environments in Fenland Supplementary Planning Document (2014) and Chapter 12 of the National Planning Policy Framework.
- 1.5 In addition the proposal has failed to demonstrate that the occupants of the site will be safe from flooding, both during the construction phase of the development and with regard to the future occupation of the replacement dwelling. In the absence of an acceptable Flood Risk Assessment which demonstrates appropriate flood risk mitigation and management the scheme fails to comply with Policy LP14 of the Fenland Local Plan (2014) and Chapter 14 of the National Planning Policy Framework.
- 1.6 The recommendation is to refuse the application.

#### 2 SITE DESCRIPTION

- 2.1 Pescy comprises a mobile home situated some 140 metres north-west of High Road, Guyhirn. The curtilage on which the mobile home sits (which has been accepted as lawful) comprises the area to the front of the site which functions as a driveway and extends up to the bus depot, with the common boundary being marked by the placement of a shipping container/lorry body and covered area and a narrow section of land immediately to the rear of the mobile unit. It is noted that the garden land associated with Pescy as shown on the submitted layout drawings extends some 18 metres north-west of the mobile unit and 13.5 metres to the north-east. Aerial images of the site dating from 2011 show the mobile unit with no defined curtilage.
- 2.2 There is a detached dwelling known as lvydene, although this dwelling benefits from substantial extensions it is largely screened by existing landscaping when viewed from a south-eastern aspect situated to the north-west of the site however this is well screened by existing landscaping from public vantage points; the wider context of the site is open countryside
- 2.3 Between the site and the High Road is the long established bus depot with associated buildings, immediately to the south-east of the front boundary of the site is the open parking area associated with that depot.
- 2.4 The access to the site whilst hard-surfaced and serving the bus depot parking is of varying widths along its length and is unlit.

# 3 PROPOSAL

- 3.1 The application proposes the erection of detached two-storey dwelling situated in a similar orientation as the existing mobile unit on the site. The property features an attached single storey garage to the south-western end of the property with a balcony to the north-west giving an outlook onto the open land beyond.
- 3.2 Full dimensions of the proposed property are given in section 10.9 of this report.
- 3.3 The existing mobile home on the site will be removed to enable the construction of the dwelling and two caravans are proposed along the north-west of the application site to provide temporary accommodation for the duration of the build.
- 3.4 Full plans and associated documents for this application can be found at: <u>https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=Q7RAEXHE01U00</u>

## 4 SITE PLANNING HISTORY

F/YR19/0619/Certificate of lawfulness (Existing): Siting of<br/>a caravan for residential use for a period in<br/>excess of 10 yearsIssued<br/>08.11.2019

#### 5 CONSULTATIONS

- 5.1 Wisbech St Mary Parish Council: Recommend Approval
- 5.2 **Cambridgeshire County Council Highways Authority**: No highway objections. The proposal results in no material highway impact

- 5.3 **Environment & Health Services (FDC)**: The Environmental Health Team note and accept the submitted information and have 'No Objections' as it is unlikely to have a detrimental effect on local air quality and the noise climate, or be affected by ground contamination.
- 5.4 **Environment Agency**: Originally objected to the application noting that the FRA did not comply with the requirements for site-specific flood risk assessments and did not adequately assess the flood risks posed by the development.

In particular, the submitted FRA undertaken by Ellingham Consulting Ltd (ref: ECL0200/Swann Edwards Architecture, dated February 2020) fails to adequately assess the risk of flooding to all aspects of the development and consider how people will be kept safe from the identified flood hazards for the lifetime of the development.

In respect of the proposed caravans the EA also noted that the 'FRA does not address the siting of 2 no. caravans for the duration of the build. This site lies within Flood Zone 3a which is land defined by the PPG as having a high probability of flooding. The siting of a caravan for permanent residential use is classed as highly vulnerable in accordance with table 2 of the Flood Zones and flood risk tables of the PPG. Tables 1 and 3 make it clear that this type of development is not compatible with this Flood Zone and therefore should not be permitted'.

Although the EA acknowledged that the site has a certificate of lawfulness (F/YR19/0619/CERTLU) for the siting of a caravan for residential use they have highlighted that they were not consulted and did not make any representation on the certificate of lawfulness. The EA note that they 'would expect to see betterment in terms of flood risk. How long is it proposed that the caravans are to be sited for and what mitigation for flood risk is proposed? The applicant should advise why the existing park home cannot be moved and retained for the duration of the build and why two caravan units, rather than one, are now proposed?'

Finally the EA give guidance regarding flood emergency response procedures recommending that the LPA consult with their emergency planners and the emergency services to determine whether the proposals are safe in accordance with the guiding principles of the PPG.

Following re-consultation in respect of the revised FRA the EA have maintained their objection reiterating the observations made regarding the stationing of the caravans. they note that although the revised FRA confirms that the caravans will be anchored to the concrete base, set on a slightly elevated part of the site and will be on site for 2 years with a FFL 'more than 0.5 m above ground level' this has not been quantified in terms of the FFL of the caravans; It is also requested that the applicant clarify why two caravans, rather than one, are now proposed.

With regard to the dwelling the EA 'request that the FRA should consider further mitigation measures (e.g. demountable defences) to mitigate against the likely flood depths of 1.6 m'.

- 5.5 **Local Residents/Interested Parties**: 7 letters of support have been received in connection with the proposal, these may be summarised as follows:
- Applicants are very supportive of us and are well accustomed to village ways

- [The proposal] can only improve the look of the surrounding area (which we are versant with) and are in keeping with the properties being built in the village at present.
- [Applicants] are good neighbours and good village residents
- Mrs Holiday has grown up in the village and they are hard workers who embrace village life
- [Applicants] have become very supportive members of the community over the years and the building of a permanent dwelling would ensure that this continues
- Plans look sympathetic to the area [...] seems [..] to be sensible as [..] it would improve the family security, be more environmentally acceptable and would enhance the look of the surrounding area.
- Proposal will enhance the look of the and provide [applicants] with their forever home
- Given that they have permission to permanently live in a caravan on the site [..] see no reason why their existing park home should not be replaced with a more substantially built property
- House more aesthetic for the area than a caravan and [..] more environmentally friendly
- Two storeys will provide a place of refuge for the family in a flood situation
- House more sustainable than a caravan

It should be noted that a number of these comments do not refer to material planning considerations.

## 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 - Applications must be determined in accordance with the development plan unless other material considerations indicate otherwise Paragraph 10 - Presumption in favour of sustainable development Paragraph 12 - Applications must be determined in accordance with the development plan unless other material considerations indicate otherwise Paragraph 47 – All applications for development shall be determined in accordance with the development plan, unless material considerations indicate otherwise otherwise

Paragraphs 55-56 - Outline the tests to be applied with regard to conditions Chapter 14 - meeting the challenge of climate change, flooding and coastal change

## 7.2 National Planning Practice Guidance (NPPG)

## 7.3 National Design Guide 2019

Context: C1 - Relationship with local and wider context Identity: I1 - Respond to existing local character and identity and I2 - Welldesigned, high quality and attractive Built Form B2 - Appropriate building types and forms Movement: M3 - Well-considered parking, servicing and utilities infrastructure for all users

Homes and Buildings: H1 - Healthy, comfortable and safe internal and external environment and H3 - Attention to detail: storage, waste, servicing and facilities Resources R3 - Maximise resilience

# 7.4 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

# 7.5 **Supplementary Planning Documents/ Guidance:**

Delivering & Protecting High Quality Environments in Fenland SPD (2014) Cambridgeshire Flood and Water Supplementary Planning Document (2016)

# 8 KEY ISSUES

- Background
- Principle of Development
- LP12 considerations relationship with the built footprint of the village
- LP12 considerations replacement dwelling
- Residential amenity
- Flood risk
- Highway safety
- Agent's justification
- Other matters

## 9 BACKGROUND

- 9.1 A certificate of lawfulness was granted in 2019 which acknowledged the lawful use of the land for siting of a caravan for residential use. The applicant originally submitted this application to establish a lawful use of the land for the erection of a single-storey 3-bed dwelling, however, insufficient information was provided to demonstrate the lawfulness of the aforementioned use.
- 9.2 However from the supporting information provided by the Applicant and the records held by the Council, there was sufficient evidence to demonstrate that the caravan on the application site has been occupied for residential use in excess of 10 years. As such, the proposed description and redline were amended by the Council in accordance with Paragraph: 009 Reference ID: 17c-009-20140306 of the Planning Practice Guidance and the certificate issued on this basis.

## 10 ASSESSMENT

## Principle of Development

10.1 The village of Guyhirn is identified as a small village where development would be considered on its merits but will normally be of a very limited nature and normally limited in scale to residential infilling or a small business opportunity.

The scheme proposed whilst limited in nature, being as it is a single dwelling, is not an infill opportunity. Accordingly the scheme fails to comply with the spirit of Policy LP3 as acknowledged by the agent within the submission. Notwithstanding this the agent considers that the proposal should be considered in the context of Policy LP12 which allows for replacement dwellings in such locations and this is considered below.

10.2 Notwithstanding the LP12 considerations it is also necessary to ensure that the scheme represents no issues in terms of residential amenity and the character of the area as required by Policy LP16. Similarly site constraints with regard to flood risk and highway safety should also be considered in accordance with LP14 and LP15.

## LP12 considerations - Relationship with the built footprint of the village

- 10.3 LP12 allows for development adjacent to the developed footprint of the village which is defined as the continuous built form of the settlement and excludes individual buildings or groups of dispersed or intermittent buildings that are clearly detached from continuous built up area of the settlement. It is considered that the delivery of a dwelling per se in this location would be at odds with general considerations of Policy LP12 given that the site is not adjacent to the continuous built form of the settlement.
- 10.4 It is apparent that the site occupies a back land setting with a greater affinity with the open countryside than the built form of the village which is predominantly frontage development in this location. Although the property lvydene is situated to the north-west of the application site this is clearly an 'intermittent' building detached from the continuous built up area, and which appears to 'pre-date' planning. lvydene was originally a modest bungalow, which was substantially extended circa 2009 under F/YR09/0194/F.

## LP12 considerations - Part C Replacement dwelling

- 10.5 Policy LP12 Part C supports the principle of replacement dwellings in locations outside of the developed footprint subject to 6 criteria as follows;
  - (a) The residential use of the original dwelling has not been abandoned; and
  - (b) The original dwelling is not important to retain due to its character and/or contribution to the landscape; and
  - (c) The original dwelling is not a temporary or mobile structure, such as a caravan; and
  - (d) It is of a design appropriate to its rural setting; and
  - (e) It is of a similar size and scale to the original dwelling; and
  - (f) It is located on the footprint of the original dwelling unless an alternative position within the curtilage would enhance the setting of the building on the plot and have no adverse impact on the wider setting.
- 10.6 In respect of (a) the use has not been abandoned. Nor is it considered that the existing dwelling is important to retain (b). In respect of criteria (c) the dwelling although benefiting from a certificate of lawfulness is a mobile structure and as such the scheme fails to comply with Policy LP12 Part C. In addition the dwelling is not of a similar size and scale to the original dwelling and as such fails to accord with Part C (e). Matters of design (d) and positioning (f) are further considered below.

- 10.7 The scale of dwelling does not reflect the general characteristics of the area. The dwelling is more akin to that which would be found in a more urban setting and as such it is considered that the scheme is at odds with its rural setting thereby failing to accord with Policy LP12 Part C (d).
- 10.9 In respect to scale again the scheme fails to correspond with the aims of Policy LP12 Part C (e); a comparison table has been produced below to evidence this further;

	Existing mobile home	Proposed dwelling (excluding attached garage)	Variance
Maximum length	18 metres	20 metres	2 m longer overall
Maximum width	6 metres (not including porch and steps)	13.8 metres	7.8 m wider
Maximum Ridge height	3.7 metres	8.8 metres	4.3 metres higher
Maximum Eaves Height	2.9 metres	6.2 metres	3.4 metres higher
Floor area (Ground floor)	115 square metres	225 square metres	195% of existing floor space
Floor area (First floor)	-	182 square metres (excluding balcony)	
Total floor area	115 sq. m	407 square metres	353% of existing floorspace

This table clearly identifies that the dwelling proposed is significantly larger than the dwelling on site. Accordingly the scheme fails to comply with Policy LP12 Part C (e)

- 10.10 It is further noted that the residential curtilage proposed to serve the dwelling is substantially enlarged from that 'lawfully' associated with the current mobile unit; albeit it does correspond with the defined boundaries of the current site.
- 10.11 It is acknowledged that design considerations may be deemed subjective and it could also be further argued that there is merit in pursuing a replacement dwelling on this site in terms of future resilience in terms of flood safety and the comfort of the residents going forward. However the current policy framework is such that the scheme which seeks to replace a mobile home is not policy compliant and as such has no potential to accord with Policy LP12 (c).

#### **Residential amenity**

- 10.12 No objections have been received in respect of the scheme as to any adverse amenity impacts arising from the development and indeed the immediate neighbour to the north-west has written in support of the development.
- 10.13 Having regard to the layout of the development relative to neighbouring property, it is considered that residential amenity would not be compromised, for example through overlooking, loss of light or negative outlook. As such, the scheme accords with the aims of LP16 (e).

- 10.14 In addition, the development would afford the future occupiers adequate private amenity space and a pleasant environment in accordance with the aims of LP2 and LP16 (h) of the FLP. There are also benefits accruing from adopting a permanent residential dwelling on the site with regard to soundproofing, as can be seen from the 'agent's justification' below.
- 10.15 Based on the above evaluation there are no matters to reconcile with regard to residential amenity and compliance with Policies LP2 and LP16 is achieved in this respect.

#### Flood risk

- 10.16 Policy LP14 seeks for proposals to be safe from the risk of flooding and to not exacerbate flood risk elsewhere within the locality. As the proposal is for a replacement dwelling it will not result in an additional dwelling within a flood zone 3 location and therefore the scheme is deemed to pass the sequential test.
- 10.17 Although the agent has been given the opportunity to address the FRA deficiencies and has submitted an updated FRA the Environment Agency have been unable to withdraw their objection as they consider their concerns regarding the stationing of two caravans for the duration of the build has not been satisfactorily addressed. Furthermore they consider that the scheme (dwelling) should consider further mitigation measures (e.g. demountable defences) to mitigate against the likely flood depths of 1.6 m'.
- 10.18 In light of the EA recommendation it is not considered that the scheme achieves compliance with Policy LP14 at this time; albeit subject to the satisfactory resolution of these outstanding matters the potential for compliance does exist and indeed it could be argued that a level of betterment will be achieved given that the proposals for a new dwelling will see the introduction of a safe refuge for the intended occupants.

## **Highway safety**

10.19 The Local Highway Authority (LHA) has raised no objection to the scheme which details appropriate parking provision which accords with the adopted standards contained within the FLP (2014). It is concluded that the development would achieve safe and effective access for future users and would not compromise highway safety in accordance with policy LP15 of the FLP.

## Agent's justification:

10.20 The agent highlights within the application that 'The original dwelling is singlestorey and the proposal is for a larger 2-storey building. It is acknowledged that this perhaps goes beyond the requirements of LP12 [however] the necessity for a 2-storey building derives from the fact that the site lies within flood zone 3 and the current occupants are at risk of flooding. Given that the use of the site for a permanent residential dwelling has already been established under F/YR19/0619/CERTLU and that the proposal provides a betterment for the health and wellbeing of the occupants by providing a brick built structure with a place of refuge which will be constructed to modern Building Regulation standards, it is submitted that benefits gained in terms of health and wellbeing and flood risk (related to policies LP2 and LP14) outweigh any potential harm caused by a loose compliance with LP12. It is therefore submitted that the principle of the development is acceptable'

#### Other matters:

10.21 Due regard has also been given to matters of reverse sensitivity between the existing commercial bus depot and the proposed dwelling, however as there is an existing lawful residential unit on the site it is not considered that noise mitigation could be reasonably warranted as part of this proposal and as such this matter has not been pursued.

#### 11 CONCLUSIONS

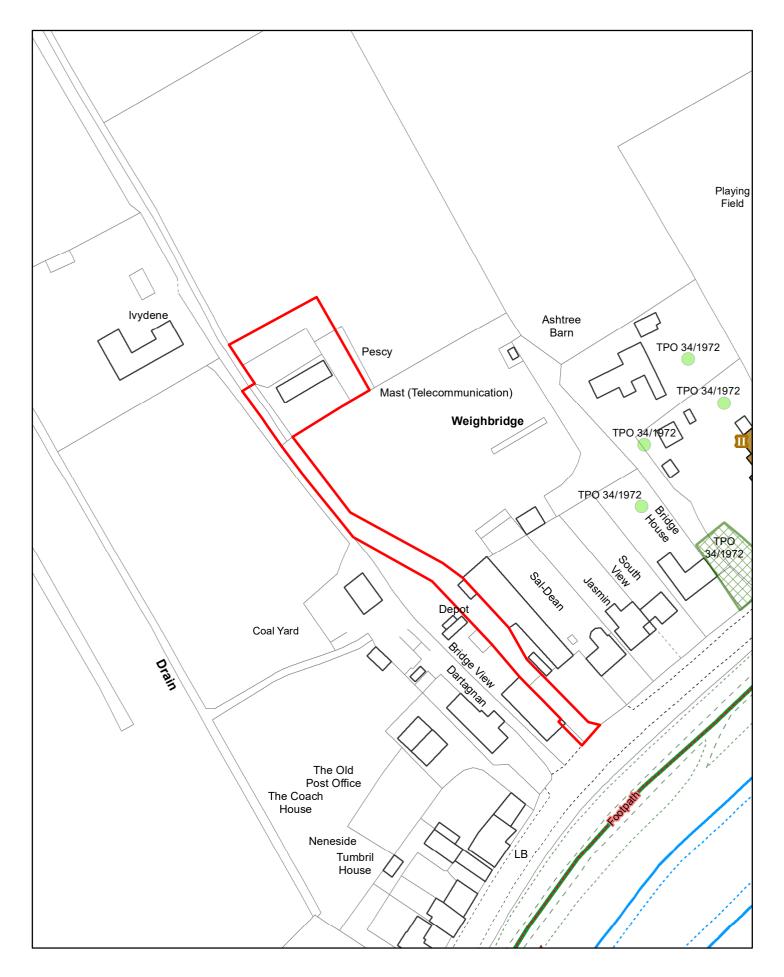
- 11.1 The proposal would enable the effective use of land for a residential property following the removal of an existing, relatively restrictive dwelling and would provide a high quality living environment for future occupiers which would not compromise the amenity of neighbouring occupiers or result in any adverse highway impacts.
- 11.2 Weight has been given to the justification put forward by the agent with regard to enhanced living conditions and potential flood risk betterment, notwithstanding that the latter has not be demonstrated to the satisfaction of the Environment Agency.
- 11.3 However such benefits could be accrued through a more modest dwelling of lesser scale which would be more in keeping with the surrounding area and more commensurate with the lawful curtilage associated with the existing mobile home. Furthermore, and perhaps more significantly, the policy framework is explicit in disallowing the replacement of mobile homes with permanent dwellings
- 11.4 It is clear that even if the LPA accepted the principle of replacing the current mobile home the replacement dwelling, which is substantial in terms of its scale and massing, is considered to be at odds with the more modest scale and design of development in this rural area. As a result, the development would adversely impact on the rural context and character of the area and would ultimately fail to make a positive contribution to the local distinctiveness and character of the local built environment contrary to Policy LP12 Part C and LP16(d) of the Fenland Local Plan (2014), DM3 of the Delivering & Protecting High Quality Environments in Fenland Supplementary Planning Document (2014) and Chapter 12 of the National Planning Policy Framework.
- 11.5 Furthermore the current proposal fails to justify why 2 caravans will be required for the duration of the build, nor that the occupiers of these caravans will be safe from flooding for the duration of the construction; in addition the proposed dwelling design does not incorporate appropriate measures to mitigate against the likely flood depths of 1.6 m as recommended by the Environment Agency.
- 11.6 Due to this clear conflict with both Local and National Policy the proposal is considered to be unacceptable.

#### 12 RECOMMENDATION

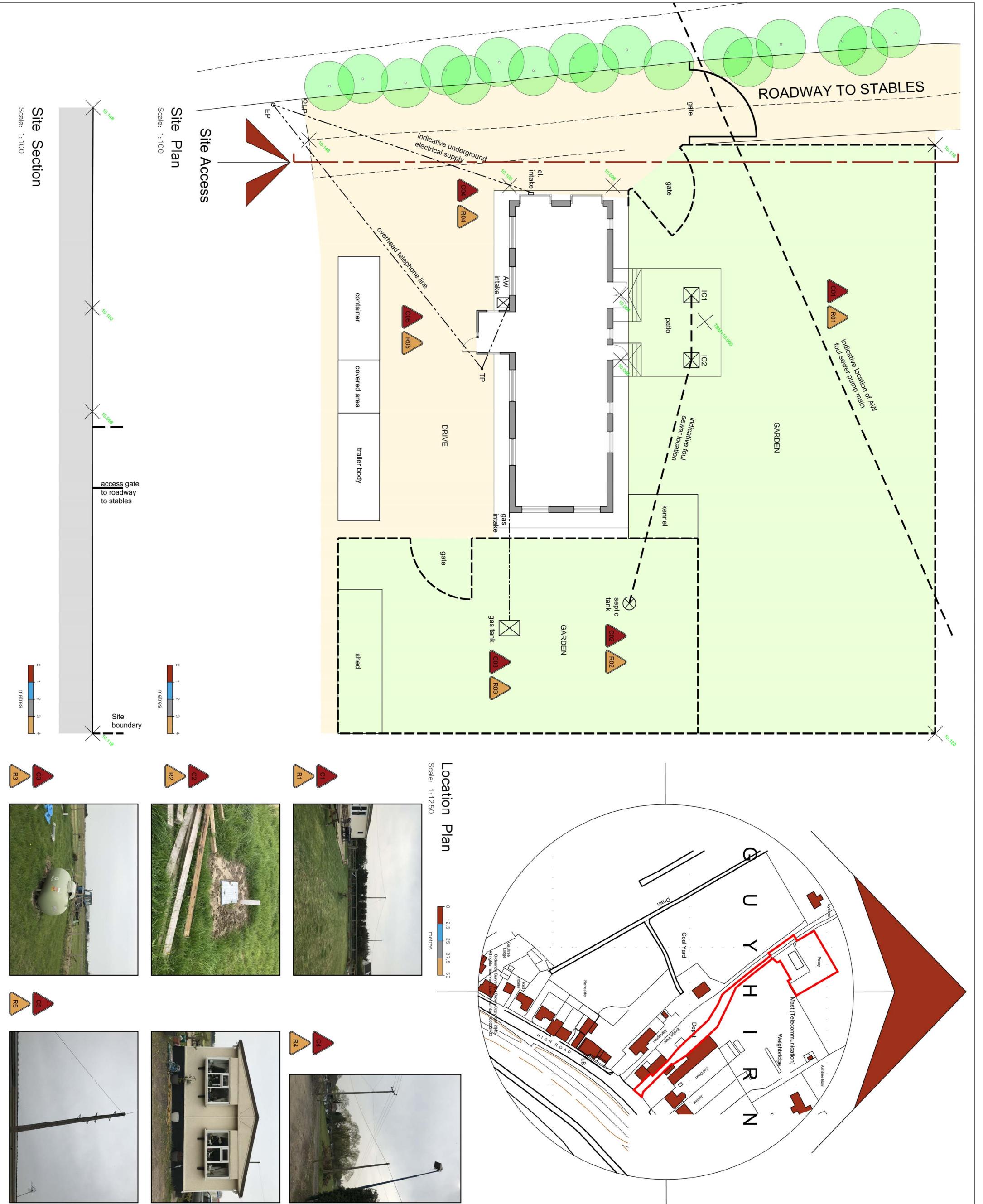
REFUSE for the reasons set out below:

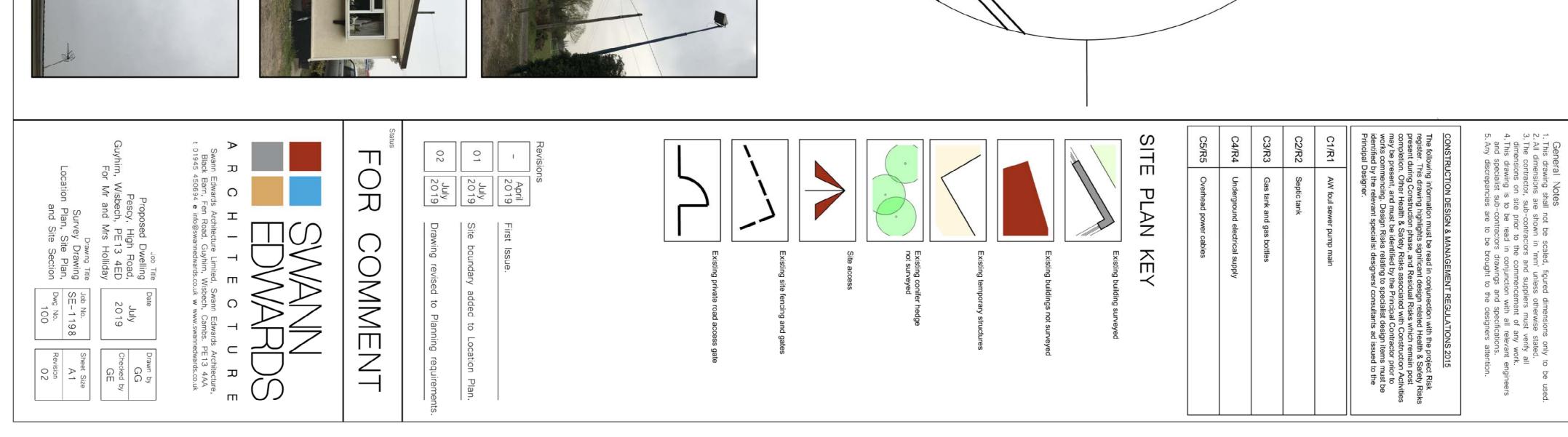
1 The existing residential unit on site comprises a mobile home which is

	specifically excluded from replacement by virtue of Policy LP12 - Part C (c); as such the scheme must be considered as a new dwelling and subject to Policies LP3 and LP12 of the Fenland Local Plan (2014) which both seek to restrict elsewhere development within open countryside locations.
2	The proposed dwelling by reason of its large scale and massing is at odds with the general character of the locality. As a result, the development would adversely impact on the rural context and character of the area and would ultimately fail to make a positive contribution to the local distinctiveness and character of the local built environment contrary to policy LP12 Part C and LP16(d) of the Fenland Local Plan (2014), DM3 of the Delivering & Protecting High Quality Environments in Fenland Supplementary Planning Document (2014) and Chapter 12 of the National Planning Policy Framework
3	The proposal has failed to demonstrate compliance with Policy LP14 of the Fenland Local Plan (2020) and the National Planning Policy Framework with regard to mitigating against and managing flood risk, both during the construction phase, in respect of the siting of caravans, and during the future occupation of the proposed dwelling given the failure to satisfactorily consider flood risk mitigation.



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- This drawing shall not be scaled, figured dimensions only to be used.
  All dimensions are shown in 'mm' unless otherwise stated.
- 3. The contractor, sub-contractors and suppliers must verify all
- dimensions on site prior to the commencement of any work.
- 4. This drawing is to be read in conjunction with all relevant engineers
- and specialist sub-contractors drawings and specifications. 5. Any discrepancies are to be brought to the designers attention.

