
F/YR20/0740/F

Applicant: Mr M Large

**Agent: Mr D Broker
David Broker Design Services**

Land to the south of 125 Fridaybridge Road, Elm

Erect a 2-storey 3-bed dwelling

**Reason for Committee: Number of representations contrary to the Officer
Recommendation**

1. EXECUTIVE SUMMARY

- 1.1. The application proposes the construction of a new, 2-storey dwelling within a Limited Growth Village.**
- 1.2. The application site is located between a plot with planning permission and an existing dwelling, and is also on land within Flood Zone 3.**
- 1.3. Residential dwellings have been refused on the application site under delegated powers on two separate occasions in the last 2½ years.**
- 1.4. The application is not accompanied by a satisfactory sequential test.**
- 1.5. The proposal is therefore considered to be unacceptable in its current form and amendments would not overcome the in-principle issue relating to development on the site within Flood Zone 3.**
- 1.6. The proposal is therefore recommended for refusal.**

2. SITE DESCRIPTION

- 2.1.** The site lies to the west of Fridaybridge Road and east of Back Road, Elm. To the immediate north is an attractive cottage with a modest garden and to the south is an area of open land with consent for the construction of a new dwelling. Beyond that site to the south is a large recently constructed two-storey dwelling with attached garage. Properties in Back Road form a backdrop to the site, of particular note is Carnaby House – a rendered cottage with slate roof and dormer windows. The site is vacant and overgrown with scrub grass and weeds.
- 2.2.** The east and west boundaries of the site are part hedgerow, part open, although with more native species in the eastern boundary. The southern boundary is open, with a closeboard fence separating the land to the south from the existing dwelling beyond, and a similar boundary treatment proposed as part of the approved dwelling on the land immediately to the south. The northern boundary is partly closeboard fencing with the remainder formed by the side wall of an outbuilding associated with the cottage on that land.

2.3. The application site lies mainly within flood zone 3.

3. PROPOSAL

3.1. The proposal is for the construction of a two-storey 3-bedroom dwelling with a detached single garage and parking/turning provision.

3.2. The dwelling proposed is 8.4m tall, with an integral chimney projecting above the ridge at the northern end. The main entrance is located on the front (east) elevation as viewed from Fridaybridge Road. The elevations shown detail solar photovoltaic panels on both the east and west elevations of the main roof.

3.3. The footprint of the dwelling measures approximately 10m by 8m, with a private garden area identified as being 127m².

3.4. The dwelling is proposed to be served by its own independent access off Fridaybridge Road with parking and turning to the side and front of the dwelling.

3.5. Full plans and associated documents for this application can be found at:
<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=QDVLHSHE03000>

4. SITE PLANNING HISTORY

F/YR20/0297/F	Erect a 2-storey 3-bed dwelling with garage	Refuse 28/5/20
F/YR18/0441/F	Erection of a 2-storey 3-bed dwelling, a 1.8m high (max height) close boarded rear boundary fence and the formation of a new access	Grant 26/6/18
F/YR17/0946/F	Erection of 1x2-storey 3-bed dwelling with detached garage and 1x2-storey 3-bed dwelling, installation of 1.8m high close boarded boundary fence to the rear and the formation of two new vehicular accesses	Refused 21/3/2018
F/YR17/0161/F	Erection of 2x2-storey 3-bed dwellings with detached garages	Withdrawn 31/3/2017

5. CONSULTATIONS

5.1. Parish Council

Comments awaited

5.2. FDC Environmental Health

No objections. Recommend condition regarding unsuspected contamination.

5.3. Cambridgeshire County Council Highways Authority:

No highways objections subject to the inclusion of conditions regarding construction of the vehicular access, visibility splays, parking and turning prior to occupation, and the limitation of vehicular access gates at the premises.

5.4. Environment Agency

Paragraph 158 of the NPPF states that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Local Planning Authority must

determine if the sequential test is passed. Comments are made on the assumption that the proposals have passed the sequential test.

No objection to the proposal, but strongly recommend the mitigation measures set out in the FRA are adhered to.

5.5. Local Residents/Interested Parties:

7 responses were received from members of the public in relation to the application (Back Road, Fridaybridge Road, and Broad Lane - Elm, Bevis Lane - Wisbech St Mary, Mountbatten Drive – Wisbech)

The reasons given for the support were as follows:

- Natural infill
- Enhance the street scene
- Improve the appearance of 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

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.

Para 170: Contribution to and enhancement of the natural and local environment.

Para 175: Harm to habitats and biodiversity.

National Planning Practice Guidance (NPPG)

Determining a planning application

National Design Guide 2019

Context

Identity

Built Form

Nature

Uses

Homes and Buildings

Resources

Lifespan

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

LP19 – The Natural Environment

8. KEY ISSUES

- **Principle of Development**
- **Flooding and Flood Risk**
- **Visual Appearance and Character**
- **Residential Amenity**
- **Highway Safety**

9. BACKGROUND

- 9.1. Planning permission has been refused on two previous occasions for development of the land in question, which lies within flood zone 3. The applications were not accompanied by suitable sequential test documents.
- 9.2. Consent was granted in 2018 for the construction of a dwelling on the land to the south, which lies within flood zone 1.

10. ASSESSMENT

Principle of Development

- 10.1. The application site is located within the settlement of Elm, on land designated within flood zone 3, the zone of highest flood risk. There are therefore two matters of principle relevant to the consideration of the application. The first of these is whether or not development at this scale is appropriate within the settlement of Elm, and the second is whether or not the development is justified in terms of flood risk. The second of these issues is considered separately below under the heading Flooding and Flood Risk.
- 10.2. Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the District, setting out the scale of development appropriate to each level of the hierarchy.
- 10.3. Elm is a Limited Growth Village, one of five such settlements in the third level of the hierarchy where policy LP3 identifies that *“For these settlements a small amount of development and new service provision will be encouraged and permitted in order to support their continued sustainability, but less than would be appropriate in a Growth Village”*.
- 10.4. On that basis, and due to its location as an infill site between existing dwellings and an approved permission, the principle of the construction of a new dwelling within Elm is considered to be acceptable, and consideration is therefore given to the site specific impacts of the proposal.

Flooding and Flood Risk

- 10.5. The application is located within Flood Zone 3, which is the flood zone of highest risk outside functional flood plains. Policy LP14 of the Fenland Local Plan and paragraphs 155-165 of the National Planning Policy Framework set out the approach to developing land in relation to flood risk, with both documents steering development in the first instance towards land within lower flood risk areas.
- 10.6. This is achieved by means of requiring development proposals to undertake a sequential test to determine if there is land available for development in lower flood risk areas than the application site, and only resorting to development in those higher flood risk areas if it can be demonstrated that there are no reasonably available sites at a lower risk of flooding.
- 10.7. The application is accompanied by a Flood Risk Assessment, produced by Ellingham Consulting in February 2020, which was also submitted alongside the most recently refused application on the site (F/YR20/0297/F).
- 10.8. The Flood Risk Assessment includes a section regarding the sequential test identifying a single site, off Back Road, as being reasonably available for development. This site is then ruled out of consideration as the ground levels at the application site are higher by approximately 0.2m.
- 10.9. The sequential test is deficient as it has failed to fully consider all reasonable available sites for development within the settlement. There is no evidence submitted alongside the application to suggest the applicant has conducted an assessment of the permissions granted within Elm to establish how many of those sites are classed as reasonably available and should be considered as part of the sequential test.
- 10.10. Given the number of dwellings permitted in Elm within the last three years there is no justification for requiring the current proposal to be granted permission without a full and proper sequential test being undertaken.
- 10.11. On that basis, the proposal is considered to be contrary to the requirements of policy LP14 of the Fenland Local Plan (2014) and section 14 of the National Planning Policy Framework (2019) in respect of the issue of Flood Risk.

Visual Appearance and Character

- 10.12. Policy LP16 of the Fenland Local Plan (2014) requires development proposals to deliver and protect high quality environments throughout the district. Proposals must demonstrate they make a positive contribution to the local distinctiveness and character of the area, enhancing their local setting and both responding to and improving the character of the local built environment whilst not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area.
- 10.13. This area of Fridaybridge Road has seen a significant level of development over the past few years and there are a number of properties of similar character and scale evident within the streetscape. The road runs parallel with Back Road to the west and as such views through to properties along Back Road are afforded through gaps within the street scene. The site layout has been amended from the previous refusal of permission so as to retain this feature, although it does result in the north gable of the building being located within 1m of the site boundary.

- 10.14. The property is typical of a modern 3-bedroomed dwelling, with a dual-pitch roof and a north-south ridge, with an integral chimney at the northern end. The elevation details show an off-centre main entrance under a canopy porch, with the most notable features being a central window spanning the ground and first floor to provide illumination to the staircase, and solar photovoltaic panels detailed on both the front and rear elevations of the roof.
- 10.15. The ridge height of the building is shown as 8.4m, which is marginally higher than the 8.2m ridge approved immediately to the south. The proposed materials of construction are a textured red brick used in the construction of a recent dwelling to the south of the site, and a concrete pantile in a terracotta finish, which is present in only limited quantities in the wider vicinity of the application site. It would be reasonable to impose a condition relating to materials of construction should permission be granted, with a note to the applicant requiring the roof tiles to be more in keeping with their immediate surroundings, and as such this is not considered to justify refusal of the application.

Residential Amenity

- 10.16. Policy LP2 of the Fenland Local Plan (2014) requires development proposals to promote high levels of residential amenity, and policy LP16 requires development proposals to demonstrate that they do not adversely impact on the amenity of neighbouring users whilst providing sufficient amenity space for the proposal, with the guideline for non-flat development being one third of the plot area.
- 10.17. The plan submitted details a private amenity space of 36% of the site area, which is sufficient to meet the policy guideline minimum. This provision does however result in unusual parking and turning arrangements for the property, with one space immediately in front of the living room window and main entrance
- 10.18. The impact of the proposal on the residential amenity of the neighbouring properties must also be considered. The main aspects of the dwelling are from its front and rear elevations, with only limited openings to the south elevation and none at all on the north side. The relationships between these main windows and the properties towards which they face are typical of separation distances in the vicinity and will not result in unacceptable levels of harm to nearby residential amenity. The location of the proposed dwelling on the plot along with the design of the neighbouring permission ensures that there will be no adverse impact on the amenities of that dwelling. There will however be some impact on the garden area of the dwelling to the north, and its associated garden from the proximity of the proposed dwelling.
- 10.19. The proposed scheme would result in the construction of the side elevation of the dwelling only 1m from the shared boundary, and located immediately to the south of that garden area. There would therefore be some loss of light to that garden area however this would not affect early morning or evening sun, and the impact during the middle of the day would be more limited due to the angle of the sun in the sky at those times.

Highway Safety

- 10.20. Policy LP15 of the Fenland Local Plan (2014) requires development to provide a well-designed, safe and convenient access for all, giving priority to the needs of pedestrians, cyclists, and people with impaired mobility and users of public transport.

- 10.21. Appendix A of the Fenland Local Plan sets out the parking standards associated with development proposals, noting that for properties of up to three bedrooms, two parking spaces are required.
- 10.22. The proposal makes provision for the parking and turning of two vehicles on site, and the Highways Authority has noted that subject to conditions securing the provision of the details shown on the plans at an appropriate stage during the development they have no objections to the scheme.
- 10.23. There is therefore no justification for refusal of the scheme on Highways Safety grounds.

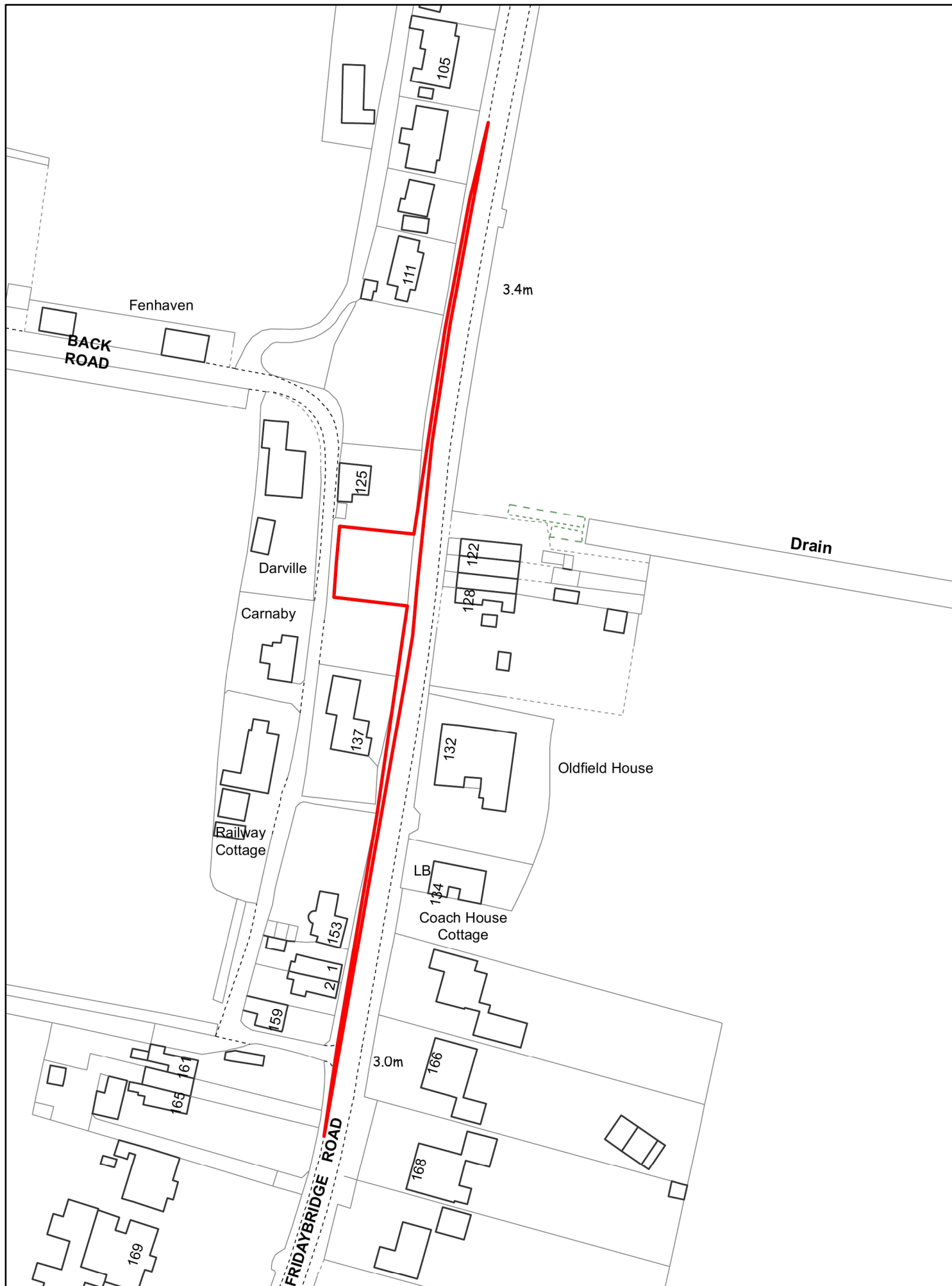
11. CONCLUSIONS

- 11.1. The proposal is for the construction of a single dwelling with associated parking and turning. The proposal would constitute infill development within a settlement designated as a Limited Growth Village, where such a proposal could be acceptable.
- 11.2. The site is located on land within Flood Zone 3 however, and is not accompanied by a sequential test demonstrating that there are no available sites within zones of lower flood risk capable of accommodating the development. The proposal therefore fails the sequential test and as such is contrary to planning policy LP14 of the Fenland Local Plan, and paragraphs 155-165 of the National Planning Policy Framework.
- 11.3. The proposal would also, due to its size and position within the site, have an unacceptable impact on the residential amenity of the neighbouring dwelling, contrary to the requirements of policies LP2 and LP16 of the Fenland Local Plan (2014).

12. RECOMMENDATION

REFUSAL, for the following reasons.

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| <p>1. Policy LP14 of the Fenland Local Plan and Section 14 of the National Planning Policy Framework set out a sequential approach to development with regards to flood risk, requiring development proposals to demonstrate that there are no sequentially preferable locations for the proposed development. The application is for the construction of a single, 3-bedroom 2-storey dwelling, on land that is designated as Flood Zone 3. There is no full sequential test accompanying the application identifying and assessing the extent of other reasonably available sites for development within the settlement to demonstrate that the proposal is required to be located on land lying within flood zone 3, and therefore the proposal is contrary to the requirements of policy LP14 of the Fenland Local Plan (2014) and section 14 of the National Planning Policy Framework (2019).</p> |
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Name			
Client	M.I. CONSTRUCTION		
Project No.	20-02-00 PROJECT PLAN INDICATING VERIFIABILITY SLATS		
Drawing No.	000002 1:10000000 - EXIST. 10/07/01 HONGKONG HONGKONG AIRPORT AUTHORITY AIR AND LAND DEVELOPMENT AIR AND LAND DEVELOPMENT		
Project Name	LAND SURVEY OF 121 PRESENT REEVE ROAD HLM		
Particulars	PERMITS	Drawn	Checked
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