
F/YR20/0884/F

Applicant: Mr Earl

**Agent: Mr Scotcher
Morton & Hall Consulting Ltd**

Land To The North Of, 15 Burnthouse Road, Turves, Cambridgeshire

Erect a dwelling (2-storey, 4-bed)

Officer recommendation: Refuse

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

1 EXECUTIVE SUMMARY

- 1.1. The application seeks full planning permission to erect a 2-story, 4-bed dwelling on Land to the North of 15 Burnthouse Road, Turves, Cambridgeshire.
- 1.2. The proposed dwelling has been resized and resited to address the issues relating to the earlier refusal F/YR20/0305F regarding the dwelling's impact on the distinct character and appearance of the area.
- 1.3. However, the site is in Flood Zone 3 and as such is required to pass the Sequential and Exception tests with regard to flood risk. The evidence submitted with the application has failed to fully demonstrate that there are no sequentially preferable sites that could accommodate the quantum of development proposed under the terms of the current scheme. The Sequential Test submitted omits planning application F/YR19/0895/F, approved in January 2020, for the development of 2 dwellings. As such, this site would also be capable of accommodating the proposed scheme and thus the proposal has failed the Sequential Test. As such, it is considered that the current scheme is not compliant with Policy LP14 and the earlier reason for refusal under F/YR20/0305/F is upheld.
- 1.4. Given the failure of the Sequential Test, the recommendation is to refuse the application.

2 SITE DESCRIPTION

- 3.1. The application site is located within the side garden of an existing detached two-storey dwelling, with a 2-metre brick boundary wall to the north of the site and a 1.8 metre close board timber fence to the rear, separating the site from Red Barn.

- 3.2. The site is located on the corner of Burnt House Road and Red Barn in Turves, which is identified within the Fenland Local Plan as a Small Village. The application site is located within Flood Zone 3.

3 PROPOSAL

- 4.1. The proposal is for the construction of a two-storey detached dwelling and access/parking/turning area on land to the north of an existing two-storey dwelling located within the village of Turves. The dwelling is to be separated from the host property by a 1.8m high close boarded fence. The application details note the requirement for the potential relocation of existing telephone cables to allow for the construction of the dwelling.
- 4.2. Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/>

4 SITE PLANNING HISTORY

F/YR20/0305F	Erect 1 dwelling (2-storey 4-bed)	Refused 02.06.2020
F/YR19/1049/F	Erect 1 dwelling (2-storey 4-bed)	Refused 27.01.2020
F/YR12/0636/F	Erection of a 2-storey side extension to existing dwelling involving the demolition of existing garage 15 Burnt House Road	Granted 15.10.2012
F/YR05/0974/F	Erection of a 4-bed detached house	Granted 19.10.2005
F/YR05/0765/F	Erection of a 4-bed detached house	Refuse 11.08.2005
F/0596/89/O	Erection of detached house	Grant 21.06.1989

5 CONSULTATIONS

- 6.1. **Whittlesey Town Council**
Recommend refusal - over intensification
- 6.2. **Benwick/Coates/Eastrea Ward Councillor**
No comments received
- 6.3. **Environment & Health Services (FDC)**
The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed development as it is unlikely to have a detrimental effect on local air quality and the noise climate or be affected by ground contamination.

6.4. Cambridgeshire County Council Highways Authority

Refer to highway comments and condition recommendations provided for planning application F/YR19/1049/F [& repeated for F/YR20/0305/F].

Previous comments from F/YR19/1049/F: The proposed dwelling utilises an existing vehicular access. I have no highway objections subject to the parking and driveway being sealed and drained away from the highway.

Prior to the first occupation of the development the proposed on-site parking and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and thereafter retained for that specific use. Reason: In the interests of satisfactory site access.

6.5. Environment Agency

We have no objection to the proposed development but wish to make the following comments...

By consulting us on this planning application we assume that your Authority has applied and deemed the site to have passed the NPPF Sequential Test. Please be aware that although we have raised no objection to this planning application on flood risk grounds this should not be taken to mean that we consider the proposal to have passed the Sequential Test. ...

We consider that the main source of flood risk at this site is associated with watercourses under the jurisdiction of the Internal Drainage Board (IDB). As such, we have no objection to the proposed development on flood risk grounds. However, the IDB should be consulted with regard to flood risk associated with watercourses under their jurisdiction and surface water drainage proposals. ...

In all circumstances where flood warning and evacuation are significant measures in contributing to managing flood risk, we expect local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

6.6. Local Residents/Interested Parties

The LPA received ten representations regarding the proposal from various properties on March Road, Burnthouse Road, and Red Barn. Predominately the letters cited no objection to the scheme, others included reasons for support as follows;

- Would make a nice addition to the area;
- High standard build;
- Not likely to be detrimental to area;
- Will fit in with other development.

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

8.1. National Planning Policy Framework (NPPF)

Para 2: NPPF is a material consideration

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 127: Well-designed development

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

Para 157: Need to apply the Sequential and Exception Tests.

8.2. National Planning Practice Guidance (NPPG)

Determining a planning application

8.3. National Design Guide 2019

Context

Identity

Built Form

Homes and Buildings

Resources

8.4. 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

LP4 – Housing

LP12 – Rural Areas Development Policy

LP14 – Responding to Climate Change and Managing the Risk of Flooding

LP15 – Facilitating the Creation of a More Sustainable Transport Network

LP16 – Delivering and Protecting High Quality Environments across the District

8.5. Supplementary Planning Documents/Guidance

Delivering and Protecting High Quality Environments in Fenland SPD (2014)

Cambridgeshire Flood and Water SPD (2016)

8 KEY ISSUES

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

9 BACKGROUND

9.1. There was a previous refusal in June 2020 regarding a similar proposal at the site (F/YR20/0305/F), refused for two reasons:

1. *Policy LP16 of the Fenland Local Plan (2014) requires development to deliver and protect high quality environments through, amongst other things, making a positive contribution to the local distinctiveness and character of the area, enhancing its setting, responding to and improving the character of the local environment, reinforcing local identity and not adversely impacting in design or scale terms on the street scene, settlement pattern or landscape character of the surrounding area. The proposal is for the construction of a two-storey dwelling on the land adjacent to an existing property. The proximity of the dwelling to the public boundary of the site would result in the new dwelling having a dominant, overbearing impact on the street scene that would be harmful to the distinct character and appearance of the area, in particular the feeling of space created by the spacious area evident at the junction of Burnt House Road and Red Barn. The proposal would therefore be contrary to the requirements of policy LP16 of the Fenland Local Plan (2014).*
2. *Policy LP14 of the Fenland Local Plan, and section 14 of the National Planning Policy Framework (2019) require development proposals to adopt a sequential approach to flood risk from all forms of flooding, and policy LP14 states that development in an area known to be at risk will only be permitted following the successful completion of a Sequential Test, an Exception Test, and the demonstration that the proposal meets an identified need and appropriate flood risk management. The proposal is for the construction of a new dwelling and is accompanied by a Sequential Test document. The document however fails to fully identify land available within the settlement of Turves that is available for development of the scale proposed by the application, and the test is therefore considered to be failed. The proposal is therefore contrary to policy LP14 of the Fenland Local Plan (2014) and Section 14 of the National Planning Policy Framework (2019).*

9.2. This application is a revised proposal that seeks to address and overcome these reasons for refusal.

10 ASSESSMENT

Principle of Development

- 10.1. Policy LP3 notes that Turves is classed as a Small Village within the settlement hierarchy, where development will be considered on its merits but will normally be of a very limited nature and limited in scale to residential infilling.
- 10.2. In this respect, the application site is located in amongst existing development, which given the application seeks the construction of a single dwelling, satisfies the broad requirement for development to be of a limited nature and scale. There are issues raised by the location of the site within

Flood Zone 3 however these are considered below under the heading Flooding and Flood Risk. The location of the site within Flood Zone 3 is not a matter of principle if a Sequential Test is passed.

Impact on Character and Appearance

- 10.3. Policy LP16 requires development to deliver and protect high quality environments through, amongst other things, making a positive contribution to the local distinctiveness and character of the area, enhancing its setting, responding to and improving the character of the local environment, reinforcing local identity and not adversely impacting in design or scale terms on the street scene, settlement pattern or landscape character of the surrounding area.
- 10.4. The immediate surroundings of the development are comprised of two parts – the first is the frontage development along Burnt House Road itself, and the second a more recent development along Red Barn on the land to the rear.
- 10.5. Both elements that make up the surroundings of the site are relatively modern in appearance, and distinctive elements that make up the character of the area include common usage of dormer windows at first floor level, and the feeling of space along the highways created by generous front gardens to the dwellings in the area and open agricultural land to the west of Burnt House Road.
- 10.6. The proposal is for the construction of a two-storey dwelling including a covered front porch with pitched roof and a gable style roofline to the main dwelling, including cross-gable elements above the main first floor windows to the front elevation; Whilst not specifically ‘dormers’, these smaller cross-gable elements above windows are reflective of design elements evident along both Burnt House Road and Red Barn.
- 10.7. The proposed dwelling is set in from an existing 2m high brick boundary wall and a blank gable wall faces the north of the site. The dwelling is indicated as 10.2m deep (not including the front porch projection) by a width of 8.5m. Its ridge will reach approximately 7m, some 0.7m higher than the existing property at the site but comparable with dwellings on the south side of Red Barn. It is noted that the depth of the dwelling will result in a particularly shallow roof pitch; however, roof pitches are not consistent within the wider setting of the scheme. This is considered to be offset by the use of front-gable ‘dormer’ projections that will help assimilate the dwelling into the local vernacular. In addition, there is evidence of porches and covered entryways that are of varying styles within the wider setting, hence the inclusion of this element is not considered to be out of character.
- 10.8. The nearest development along the south side of Red Barn offers a building line that is set back approximately 7m from the rear edge of the public footpath. Using the same datum, the proposed dwelling’s northern elevation will be set approximately between 6m and 6.5m away from the footpath, with the retained 2m high brick wall in between. Thus, when viewed from Red Barn, the proposed dwelling will project slightly forward (1 – 1.5m) of the

existing development along the south side of Red Barn. Subsequent to earlier proposals this projection has been considerably reduced in the current scheme to help the proposed dwelling assimilate into both frontages. As such, it is now considered that the initial concern regarding dominance and overbearing of the dwelling particularly when viewed from Red Barn will be somewhat mitigated by its relocation. Whilst any projection forward of the building line on Red Barn is regrettable and some impact will remain, it is considered that the feeling of enclosure considered within the earlier reason for refusal will be mitigated enough to overcome detrimental impact on the open character of the junction. On this basis, it is considered that the first reason for refusal within F/YR20/0305/F has been satisfactorily overcome.

Impact on Residential Amenity

- 10.9. Policy LP16 requires development to deliver and protect high quality environments through, amongst other things, demonstration that the proposal does not adversely impact on the amenity of neighbouring users.
- 10.10. There are two properties directly adjoining the site that have the potential to be affected by the proposed dwelling, these are the host property, 15 Burnt House Road, and the dwelling immediately to the east of the site, 2 Red Barn. A further dwelling is located to the north of Red Barn on the opposite side of the road to the application site; however, given the relationship between the sites the proposal is unlikely to affect that dwelling's amenity.
- 10.11. The host property has three windows on the elevation facing the application site, one at first floor level and two at ground floor. Typically, these would be secondary windows or to rooms not forming main accommodation. The proposed boundary treatment between the two properties is a 1.8m timber close board fence, which would prevent any issues of overlooking or privacy impact in relation to the ground floor windows. In addition, the proposed ground floor window within the proposed dwelling is indicated as obscure glazed to safeguard the amenity of the host dwelling.
- 10.12. The dwelling to the east, 2 Red Barn, is located slightly further to the south than the proposed dwelling, and as such the rear elevation of the proposed dwelling would be facing directly onto its side elevation. No.2 has only a single, small ground-floor window on the west elevation facing the site and would be separated from the proposal by a 1.8m close board fence. This window does not appear to serve a room forming main accommodation. Some obscure views would be possible into the garden of No.2 from the rear windows of the proposed dwelling; however, these would be less direct than the existing views from the host dwelling onto that land. Therefore, whilst the scheme would result in an increase in the perception of being overlooked due to the presence of a greater number of windows visible from its garden, the actual impact in terms of loss of privacy would be limited and insufficient to justify refusal of the scheme given the current relationship.

Flooding and Flood Risk

- 10.13. Policy LP14 requires development proposals to adopt a sequential approach to flood risk from all forms of flooding, and states that development in an area

known to be at risk will only be permitted following the successful completion of a Sequential Test, an Exception Test, and the demonstration that the proposal meets an identified need and appropriate flood risk management.

Sequential Test

- 10.14. It is for the applicant to demonstrate through an assessment that the Sequential Test has been met. In February 2018, the Council amended the approach to agreeing the scope of the Sequential Test to a settlement by settlement basis, instead of the entire district as set out in the SPD. As such, the settlement of Turves is the area of search for the Sequential Test for this application.
- 10.15. The application is accompanied by a Sequential and Exception Test document, dated 23 October 2020. The Sequential Test identifies five planning permissions within the settlement of Turves, stating that three of these are under construction, with two further applications cited as approved for single dwellings, but are not for sale and as such for the purposes of the Sequential Test as set out in the Cambridgeshire Flood and Water SPD (2016) these are classed as being available.
- 10.16. However, the Sequential Test submitted omits planning application F/YR19/0895/F, approved in January 2020, for the development of 2 dwellings. As such, this site would also be capable of accommodating the proposed scheme here, notwithstanding that the site also lies in Flood Zone 3. Officers have reviewed the evidence provided and believe that this site would be available for development, and as such the sequential test is considered to be failed.

Exception Test

- 10.17. The failure of the sequential test negates the need to follow with an Exception Test. However, information submitted with the application indicates that the Exception Test may have been passed due to possible provision of renewable energy and ecological features and the inclusion of flood mitigation measures.

Flooding and Flood Risk – Conclusion

- 10.18. The evidence submitted has failed to fully demonstrate that there are no sequentially preferable sites that could accommodate the quantum of development proposed under the terms of the current scheme and thus the proposal has failed the Sequential Test. As such, it is considered that the current scheme is not compliant with Policy LP14 and the earlier reason for refusal under F/YR20/0305/F is still relevant.

Highway Safety

- 10.19. Policy LP15 requires development to provide to provide a well-designed, safe and convenient access for all, and well-designed car and cycle parking appropriate to the amount of development proposed, ensuring that all new development meets the Council's defined parking standards.
- 10.20. The proposal details 3 parking places to be provided as part of the scheme, which is for the construction of a 4-bedroom dwelling. The parking standards

set out in Appendix A of the Fenland Local Plan (2014) require 3 spaces to be provided for dwellings of this size and therefore the scheme meets that requirement.

- 10.21. Comments from the Highway Authority are noted, with regard to the proposed access, along with the presence along Burnt House Road of several similar driveways serving residential dwellings. The presence of an existing section of dropped kerb serving the host dwelling is noted and therefore the principle of the access to serve a new dwelling is considered to be acceptable. The Highways Authority have confirmed that they have no objections to the scheme, subject to the imposition of necessary conditions.

11 CONCLUSION

- 11.1. For the reasons identified above, the proposed scheme is considered to be contrary to the requirements of Policy LP14 on the basis that it has failed to be demonstrated that there are no sites available which would be, sequentially, at a lower risk of flooding. There are no material considerations that justify the approval of the scheme contrary to those policies and as such a non-favourable response is forthcoming.

12 RECOMMENDATION

Refuse for the following reason:

1.	Policy LP14 of the Fenland Local Plan, section 14 of the National Planning Policy Framework (2019) and Cambridgeshire Flood and Water Supplementary Planning Document (2016) require development proposals to adopt a sequential approach to flood risk from all forms of flooding, and policy LP14 states that development in an area known to be at risk will only be permitted following the successful completion of a Sequential Test, an Exception Test, and the demonstration that the proposal meets an identified need and appropriate flood risk management. The proposal is for the construction of a new dwelling and is accompanied by a Sequential Test document. The document however fails to fully identify land available within the settlement of Turves that is available for development of the scale proposed by the application, and the test is therefore considered to be failed. The proposal is therefore contrary to policy LP14 of the Fenland Local Plan (2014), Section 14 of the National Planning Policy Framework (2019) and Cambridgeshire Flood and Water Supplementary Planning Document (2016).
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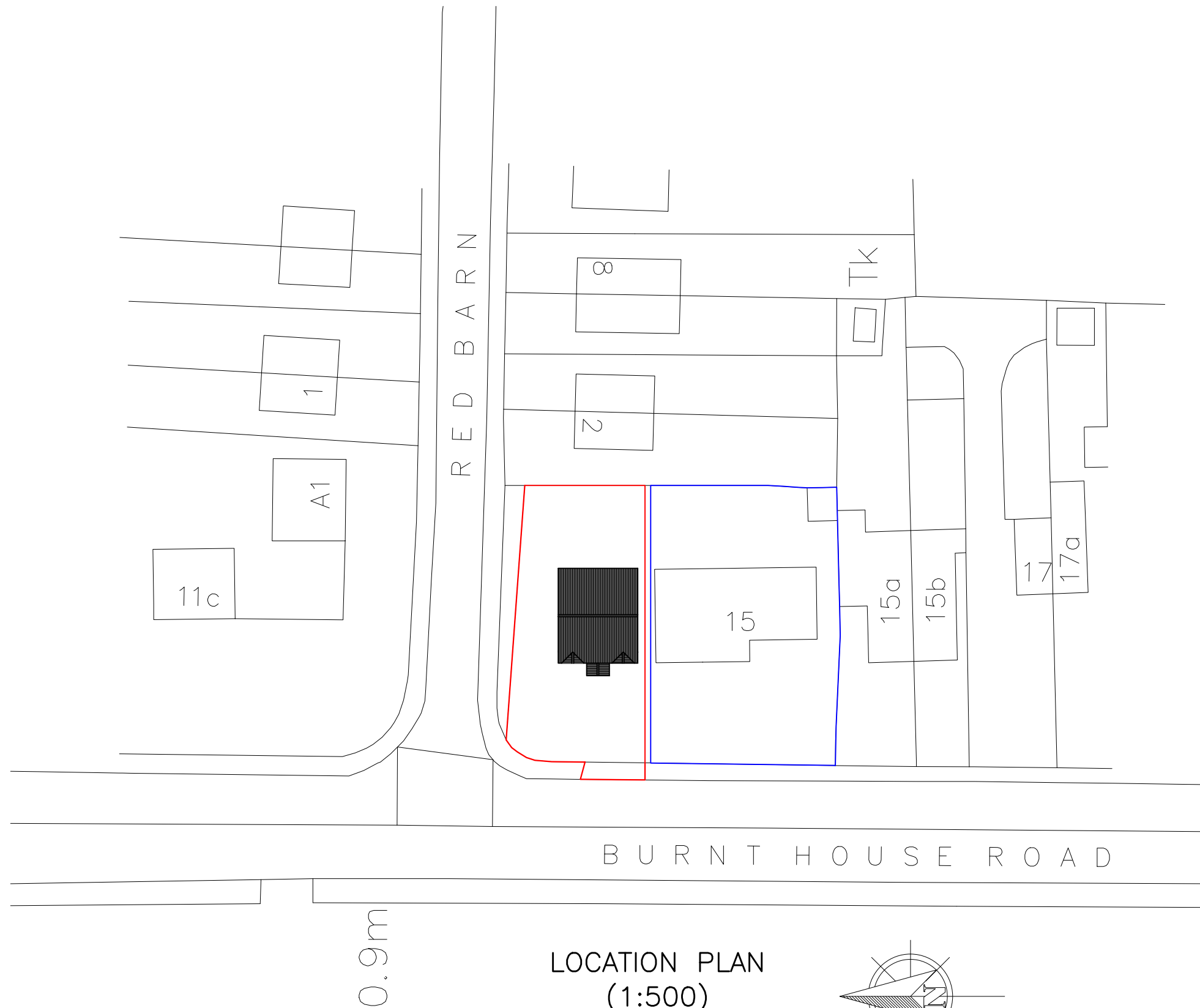
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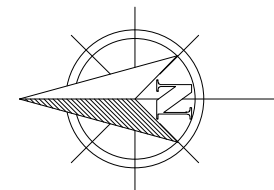
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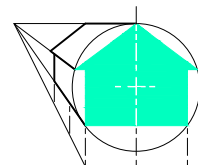


LOCATION PLAN
(1:500)
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client

Mr Earl

title

Location Plan

project

Adj to 15 Burnt House Rd
Turves
Peterborough
PE7 2DP

REVISION	A	NOV 2020
drawn	R.Papworth	checked
scale	As Shown	date Nov 20
drawing no	H6683/100A	

**PROPOSED GROUND FLOOR PLAN
(1:50)**

**PROPOSED FIRST FLOOR PLAN
(1:50)**

PROPOSED LHS ELEVATION (1:100)

PROPOSED RHS ELEVATION (1:100)

PROPOSED FRONT ELEVATION (1:100)

PROPOSED REAR ELEVATION (1:100)

PROPOSED STREET SCENE (1:200)

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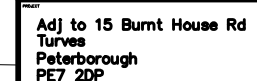
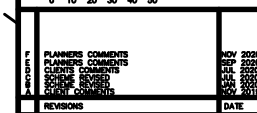
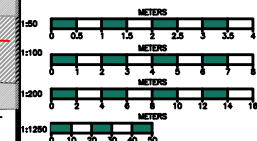
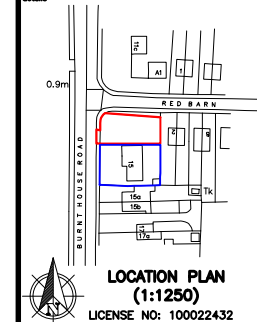
Where materials, products and workmanship are not fully specified they are to be of the standard appropriate to the use and available to the contractor or reasonably to be inferred from the drawings and specifications. The contractor is to ensure that all good building practice and BS 6800 to the extent that it applies to the work is followed.

Materials products and workmanship to comply with all British Standards and BS standards with, where appropriate, an EDO standard.

All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers instructions.

The contractor is to arrange inspections of the works by the BCR (or IBC) as required by the Building Regulations and to submit complete applications and forward to the Engineer.

All finishes, insulation and cladding to be applied to architect's specification.



**EXISTING SITE PLAN
(1:200)**

**PROPOSED SITE PLAN
(1:200)**