

**Applicant: Mr Love  
Oak Tree Projects (Fenland) Ltd**

**Agent : Mr Craig Rudd  
Swann Edwards Architecture Limited**

**Land South East Of Seafield Barns, Gull Lane, Leverington, Cambridgeshire**

**Erect a 2-storey 4-bed dwelling with garage and 1.4 metre high (approx) post and rail fence and gates**

**Officer recommendation: Refuse**

**Reason for Committee: Referred by Head of Planning on Advice of Committee Chairman**

---

## **1 EXECUTIVE SUMMARY**

- 1.1 The proposed dwelling is situated in a location that has been accepted as adjacent to the settlement and as such the development complies with Policy LP12 of the Fenland Local Plan (FLP).
- 1.2 In addition, it is accepted that there are no issues of character, residential amenity or highway safety to reconcile.
- 1.3 That said the scheme has failed to demonstrate in a manner consistent with other decisions that there are no sequentially preferable sites which accommodate a single dwelling within the settlement of Leverington; accordingly the scheme fails to achieve compliance with Policy LP14 of the FLP or the Cambridgeshire Flood and Water Supplementary Planning Document and as such the correct policy response must be a recommendation of refusal.

## **2 SITE DESCRIPTION**

- 2.1 The application site is situated to the south of Seafield Farm house and south-west of the converted barn complex known as Seafield Barns. To the west of the site is a property under construction which is separated from the site by the existing access which runs to the south of the converted barns and terminating at Seafield Farmhouse.
- 2.2 The site is currently grassed paddock with a timber post and rail fence to the front boundary, which extends along the norther (side boundary). There are established trees and hedging to the northern and southern boundaries. A further post and wire fence is present along the rear boundary of the site along with a low level hedge which appears newly established beyond the rear boundary is open paddock land with views of two storey dwellings in the distance across agricultural land.

### 3 PROPOSAL

- 3.1 The proposed dwelling design has been revised during the evaluation of the submission as officers identified at an early stage concerns regarding the scale and appearance of the proposal, which was elongated and straddled almost the entire plot. The revised proposal put forward for consideration comprises a detached dwelling situated to the northern side of the plot with a main two storey wing to the southern side which features a gable end to its western and eastern elevations with the western (front) elevation featuring a glazed panel to the ground and first floor sections. The property then extends in a northerly direction, again as a two-storey element however the first floor is accommodated within the roofscape of this element with rooflights to the front aspect.
- 3.2 The maximum dimensions of the property are 18.8 metres wide x 14.3 metres deep with a maximum ridge height of 8.2 metres and an eaves height of 4.5 metres, the northern offshoot will have a maximum ridge height of 7.4 metres and eaves heights of 3.4 metres and 2.5 metres.
- 3.3 An integral double garage features in the northern end of this side wing with a gravelled drive to its front aspect. The remainder of the site is laid to grass with some incidental planting shown, existing landscaping is retained to the side and rear boundaries with the side boundaries to be reinforced by 1.8 metre high close boarded fencing. The front boundary is to comprise of 1.4 metre post and rail fencing with gates to provide pedestrian and vehicular access to the plot.

Full plans and associated documents for this application can be found at:

[www.fenland.gov.uk/publicaccess](http://www.fenland.gov.uk/publicaccess)

### 4 SITE PLANNING HISTORY

F/YR20/0620/NON MAT	Non-Material Amendment: Installation of flue and 2 x additional roof lights, changes to window and door arrangements and alteration to internal layout relating to [...] F/YR20/0302/F	Approved 12.08.2020
F/YR20/0302/F	Erection of a 2-storey 3-bed dwelling	Granted 28.05.2020
F/YR19/0769/VOC	Variation of condition 9 (imposition of a condition listing approved plans) relating to F/YR19/0362/F to enable the following changes: Plots 1, 2 and 3 - change of position to side door, and Plots 1 and 3 - handed (so all dwellings are orientated the same way)	Granted 31/10/2019
F/YR19/0362/F	Erection of 3 x 2-storey, 3-bed dwellings with associated double garages (North West Of Seafield Farm)	Granted 18/07/2019
F/YR19/0331/F	Erection of 1 x 2-storey 3-bed dwelling (Land South Of Seafield Farm)	Refused 21/06/2019 Appeal Dismissed 13/02/2020

F/YR16/1189/F	Erection of 2 x 2-storey 3-bed dwellings including additional parking for Barns 4 and 5 and alterations to access track to Seafield Farmhouse (South Of Seafield Farm)	Refused 15/02/2017
F/YR18/0051/F	Erection of 2 x 2-storey 3-bed dwellings (Land South Of Seafield Farm)	Refused 12/03/2018
F/YR14/0928/O	Erection of 3 x dwellings (North West Of Seafield Farm)	Refused 05/06/2015 Allowed on appeal
F/YR05/0537/F	Conversion of barns to form 1 x 2-bed and 2 x 3-bed dwellings including erection of single-storey front extension and detached 3-bay car port	Granted 01/07/2005
F/YR04/0039/F	Formation of new driveway to serve existing Dwelling (Seafield Farm)	Granted 10/03/2004

There are also a number of non-material and amendment submissions relating to the sites development; these are not listed above.

## 5 CONSULTATIONS

5.1 **Parish Council:** Originally recommended refusal for the following reasons:

- Overcrowding on site.
- Entrance with additional traffic problems

In respect of the revised scheme proposals maintain their objection and provide the following further observations:

- *'Over development of site. Already 10 properties on site, if you include Seafield Cottages, Seafield Farm.'*
- *'Out of character with the original Barn Conversions'*
- *'Overlooking neighbouring properties and causing loss of privacy and light'*
- *'Increase traffic flow also creating more noise'*
- *'Access is via single track Lane.'*
- *'Although the property looks smaller than the original application it is felt that it is still too big for that plot, also seems like overcrowding'.*

5.2 **Cambridgeshire County Council Highways Authority:** '*The proposal results in no material highway impact. I have no highway objections*'.

5.3 **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 or the noise climate.*

*Previous correspondence from this service confirms that a limited contamination investigation was carried out on land adjacent this application site under*

F/YR16/0796/F. Results from sampling showed contamination levels to be within acceptable parameters.

*However, as stated in previous consultations relating to residential development at Seafield Barns, due to the potential for made ground, this service recommends that the unsuspected contaminated land condition be imposed in the event planning consent is granted to ensure the development complies with approved details in the interests of the protection of human health and the environment’.*

- 5.4 **Environment Agency:** Notes that they have no objection to the proposed development but make comments regarding the need for the sequential test to be applied. With regard to flood risk they have '*no objection to this application, but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) ref: ECL0322/Swann Edwards Architecture Ltd, dated: September 2020 are adhered to*'.

Also include advice to Applicant regarding flood resilience and flood warning.

- 5.5 **North Level Internal Drainage Board:** '*North Level District IDB have no comment to make with regard to the above application*'.

- 5.6 **Local Residents/Interested Parties:** Two letters of objection were originally received in respect of the scheme from residents within the Seafield Barns complex, however one of these letters has been withdrawn and the earlier objector has now written to support the proposal. The remaining objection is as follows:

- ‘[...] granting planning permission for this one is a step too far. We already have three houses nearing completion to the north of the barns and a further large house to be built to the south of the barns adding another house to the south east of the barns is simply overcrowding and will lead to a complete loss of any views. This is on top of loss of light and privacy of the soon to be built house overlooking our garden and house is not acceptable’.*

Two letters of support have been received from residents within the existing Seafield Barns complex these may be summarised as follows:

- ‘The developer has built very high-quality properties around the barns and lives on site. He has always consulted existing residents and has listened to their feedback’.*
- ‘Further to our initial objections some time ago we are now commenting in support ‘of the proposed planning application F/YR20/0885/F We have had time to reflect on the positive aspects Gull Lane has developed into a small individual stylish complex a mix of converted barns cottages and house. The setting is enhanced by the developer resurfacing the road tracks adding trees and flora which is encouraging the wildlife and maintaining a rural feel. The said house will complete the complex adding additional homes within the village’.*

## 6 STATUTORY DUTY

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan

for the purposes of this application comprises the adopted Fenland Local Plan (2014).

## **7 POLICY FRAMEWORK**

### **7.1 National Planning Policy Framework (NPPF)**

Para. 2 - Applications should be determined in accordance with the development plan, unless material considerations indicate otherwise

Para. 10 - Presumption in favour of sustainable development

Para. 12 - Presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making

Para. 47 – All applications for development shall be determined in accordance with the development plan, unless material considerations indicate otherwise

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

Built Form B2 - Appropriate building types and forms

Uses U2 - A mix of home tenures, types and sizes

Homes and Buildings H1 - Healthy, comfortable and safe internal and external environment, H3 - Attention to detail; storage, waste, servicing and utilities

Lifespan L3 - A sense of ownership

### **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 Area 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

### **7.5 Cambridgeshire Flood and Water Supplementary Planning Document**

Developed by Cambridgeshire County Council as Lead Local Flood Authority and adopted by FDC Full Council on 15th December 2016 as SPD

## **8 KEY ISSUES**

- **Principle of Development**
- **Character and design**
- **Residential amenity**
- **Highway considerations**
- **Flood Risk and the Sequential/Exception test**

## **9 ASSESSMENT**

### **Principle of Development**

- 9.1 The wider site has been accepted as adjacent to the settlement of Leverington, of particular reference in this regard is appeal decision APP/D0515/W/19/3237708 (LPA ref F/YR19/0331/F) which relates to the site currently under construction to the west of the site and south-west of the barn conversions. The Planning Inspector whilst dismissing this appeal on the sequential test grounds noted that 'given the site's position on the edge of the village, the principle of a dwelling in this location is in accordance with the Policies of the Fenland Local Plan (FLP), May 2014'. The earlier refusal was overcome through a revised submission which addressed sequential test issues.
- 9.2 Against this backdrop it must be found that similarly this scheme meets the settlement and locational criteria of Policies LP3 and LP12. The proposal does however remain to be considered in terms of its policy fit relating to LP2 and LP16 (residential amenity), Policies LP12 & LP16 (character and visual amenity), LP15 (highways) and LP14 (flood risk).

### **Character and design**

- 9.3 Matters of character and setting were raised by the LPA in respect of the appeal referred to above; these were dismissed by the Planning Inspector who in response noted that *'the residential character of the area is evident due to car parking, stove pipes and roof lights on the barn conversions themselves'*. Furthermore the Inspector even when recognising that the *'appeal proposal [which was within a more prominent position within the site] would interrupt views of the barn conversions, when viewed from Gorefield Road'* concluded that the barns are not listed nor did they lie in a conservation area and as such limited weight was attached to this aspect.
- 9.4 The design and character issues arising from this proposal are no more acute than those considered with regard to the dwelling to the west. Indeed it must be acknowledged that the proposal currently under consideration occupies a secondary position to the barns and house to its west and as such must be deemed to have a lesser impact than the dwelling previously considered by the planning inspectorate.
- 9.5 Accordingly, it is not considered that matters of character would warrant refusal of the scheme. Simple design detailing and the use of black cladding and brick to match the approved dwelling to the west will add visual interest to the property and create synergy with the wider development. The agent has clarified that the roof tiles will be Imerys Tile Pannes, in an Old North colourway which are a blended pantile. It is noted that the dwelling under construction to the west is to have Redland Rosemary Blue Brindle roof tiles which are blue tile with a terracotta accent; whilst the tiles now proposed will be a contrast to these they will pick up on the terracotta pantiles which are a feature of the barn conversions and will add appropriate contrast within the scheme.

### **Residential amenity**

- 9.6 The proposed property is to be located some 13 metres with the common boundary with the barns to the north-east and circa 20 metres wall to wall (both measurements at the closest point). Accordingly, it is considered that appropriate separation distances are achieved. It is further noted that the majority of first floor windows in the front elevation of the proposed dwelling are to be rooflights (serving a dressing room, en-suite and hall (2) with only the gable end to the

southern end of the property featuring a glazed panel, which serves both ground floor living room and a first floor bedroom.

- 9.7 Again the separation distances (circa 24 metres) are such that a refusal could not be substantiated on these grounds. Although it is accepted that there will be some loss of amenity arising from an additional dwelling being situated in this location this would not be so significant as to warrant refusal of the scheme on amenity grounds.
- 9.8 As separation distance of circa 26 metres is achieved to the common boundary with properties to the south, allowing for the intervening land and drains. Within the southern flank wall at first floor level including 3 first floor windows; with two of these windows serving en-suites and one serving a bedroom. The intervening boundary treatment and separation distances are such that there are no adverse consequences in terms of existing residential amenity.
- 9.9 With regard to the relationship of the proposed dwelling with Seafield Farmhouse to the north it is noted that there is a separation distance wall to wall of circa 23 metres again with intervening landscaping in addition there are no first floor windows in this elevation; accordingly there are no matters of residential amenity to reconcile. To the east of the site is paddock land for some distance and as such no residential amenity issues arising in this regard.
- 9.10 The proposed dwelling makes appropriate provision for private amenity space at 45% of the overall plot.
- 9.11 Based on the above evaluation there are no grounds to withhold consent in respect of Policies LP2 and LP16 of the Fenland Local Plan (2014).

### **Highway considerations**

- 9.12 The observations of the Parish Council are noted with regard to the access to the site, however the LHA have not raised any objection to the proposal in terms of highway safety and as such there is no justification to withhold consent on these grounds.
- 9.13 Appropriate provision is made for parking and turning within the site in accordance with the adopted parking standards contained within Appendix A of the FLP (2014) noting that 4 spaces are available on the proposed driveway and a further two spaces within the integral garage.

### **Flood Risk and the Sequential/Exception test**

- 9.14 Policy LP14 Part B as well as Paragraph 155 of the NPPF express that new developments should adopt a sequential approach to flood risk, where new developments are steered to areas with the lowest possibility of flooding. Paragraph 158 states development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. Therefore, proposals for housing should be directed to Flood Zone 1 areas followed by Flood Zone 2 areas and then Flood Zone 3 areas as a last resort.
- 9.15 The application includes a sequential test evaluation as part of the submitted Planning Statement (PS), this document seeks to demonstrate that there are no available alternative sites within a lesser flood risk designation.

- 9.16 The Cambridgeshire Flood and Water SPD identifies reasonable available sites to be:
- Local Plan allocations;
  - Sites with planning permission for the same or similar development, but not yet developed;
  - Five-year land supply and/or annual monitoring reports;
  - Housing and Economic Land Availability Assessments;
  - Local property agents' lettings;
  - Historic windfall rates, where appropriate.
- 9.17 The submitted Sequential Test has been duly considered however it is noted that outline planning permission F/YR18/0606/O as quoted remains extant (permission granted 08/11/2018); this approval for up to 4-dwellings and relates to a site located within Flood Zones 1 & 3. Given that this site benefits from planning permission it must be deemed sequentially preferable and capable of accommodating the development proposed by this application. This site has been discounted by the agent on the following grounds:
- 'Swann Edwards Architecture Limited are currently working with the developer and can confirm that the developer intends to develop this site. A search of property sale sites and this site is not offered for sale. As such it is not reasonably available and cannot be considered as part of the sequential test.'*
- 9.18 Although this may be the current position it does not preclude the site from being available in the future and as such the argument postulated may not be accepted in this instance. Whilst it is noted that an earlier submission for this site did accept this argument this is not the correct interpretation of the Flood and Water SPD and to continue on this basis would not be deemed consistent with the application of the ST elsewhere.
- 9.19 It is therefore considered that the accompanying sequential test has not fully explored reasonably available site and subsequently renders the sequential test deficient.
- 9.20 Given the failure to pass the sequential test there is no requirement to assess whether the scheme passes the exception test, however it is acknowledged that the FRA has been accepted by the Environment Agency, thereby addressing the 2<sup>nd</sup> part of the exception test. Furthermore the PS highlights that renewable energy measures would be incorporated into the building design to address the requirement for 'wider sustainability benefits' as part 1 of the exception test, with such measures having been previously accepted and conditioned on similar scheme approvals. Although it must be noted that the site to the south approved under F/YR20/0302/F did not condition this element as the land was within a flood zone 2 location and as such the exception test was not applicable.
- 9.21 Notwithstanding the likely compliance with the exceptions test the failure of the scheme to satisfy the Sequential Test renders the proposal contrary to Policy LP14 and as such the scheme must be recommended for refusal on these grounds.

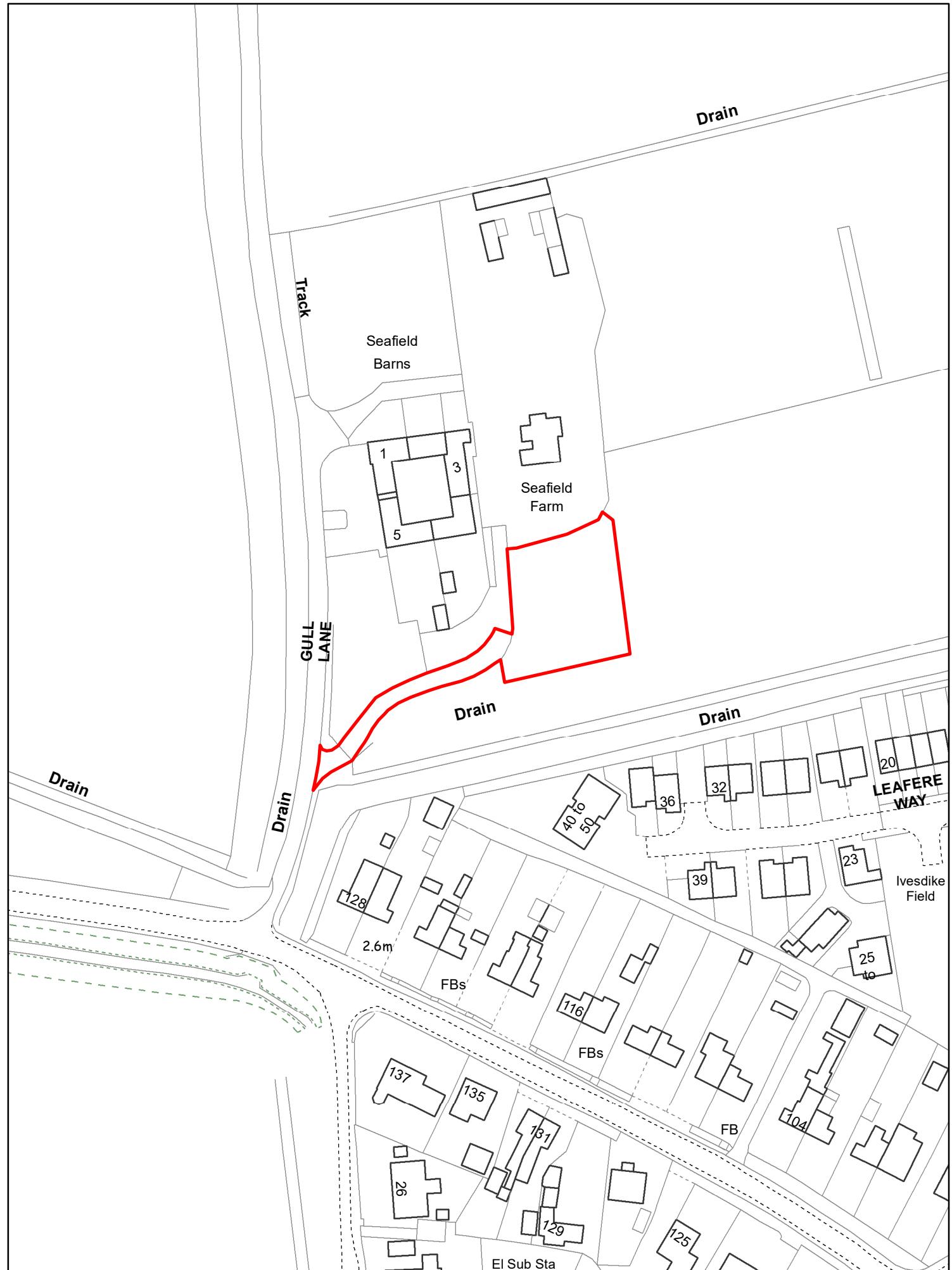
## 10 CONCLUSIONS:

- 10.1 Whilst the scheme has demonstrated adherence to policy in respect of its form and appearance and is also viewed as acceptable in terms of residential amenity impacts and highway safety it fails to demonstrate compliance with the Sequential Test. Noting that there are other reasonably available sites on which such a development may be located the only response to this proposal must be to withhold consent on flood risk grounds.

## 11 RECOMMENDATION

### Refuse

1	Policy LP14 Part B of the Fenland Local Plan 2014, Paragraphs 155 and 158 of the National Planning Policy Framework 2012 and the Cambridgeshire Flood and Water SPD state a sequential test should be applied where new developments are located in areas known to be at risk from any form of flooding. The Policies also express that developments should not be permitted if there are reasonably available sites. The proposed development fails to explore all the reasonably available sites within the settlement of Leverington and therefore provides a deficient sequential test. As such, the proposed development fails to comply with the aforementioned policy.
---	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



Created on: 29/09/2020

© Crown Copyright and database  
rights 2020 Ordnance Survey  
100023778

F/YR20/0885/F

Scale = 1:1,250

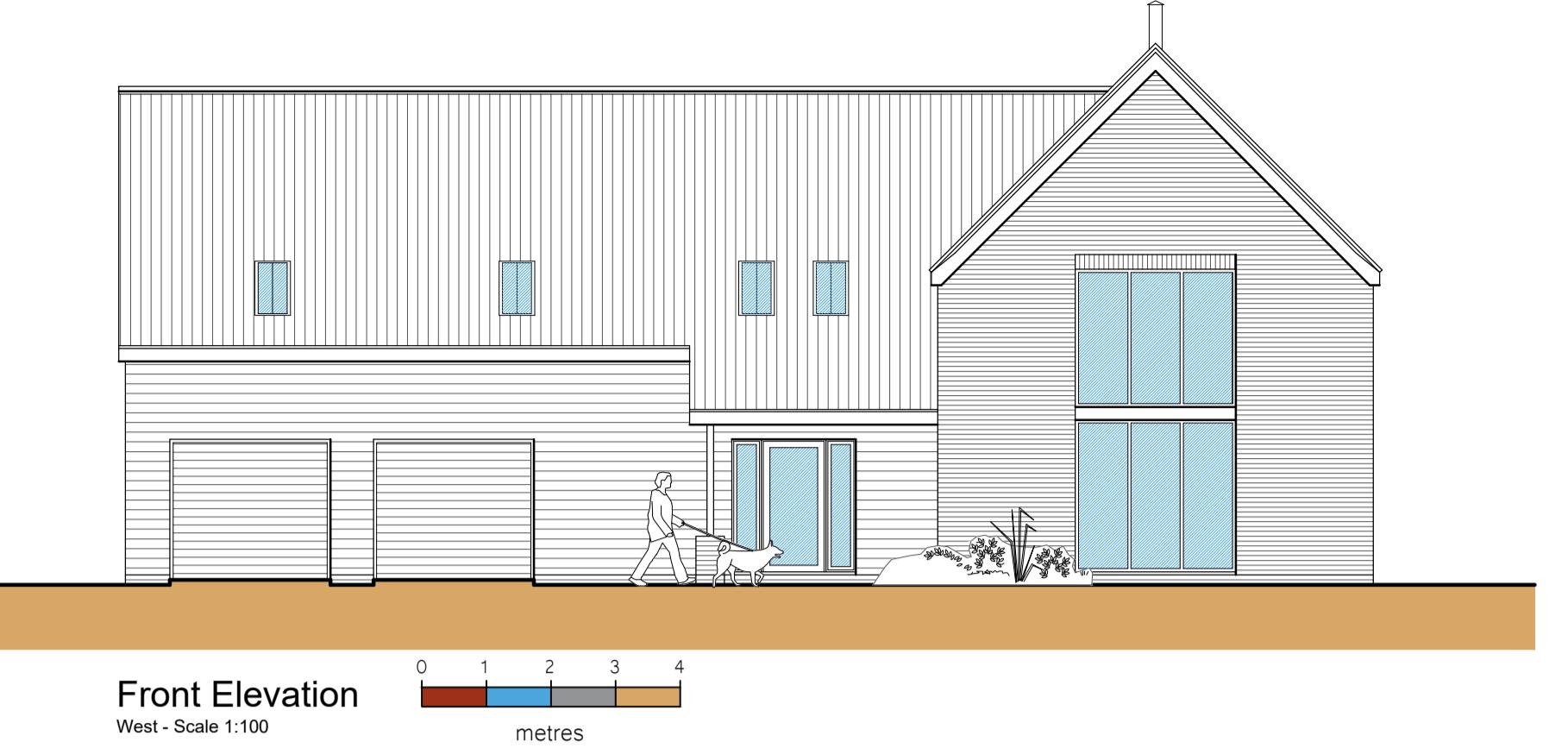
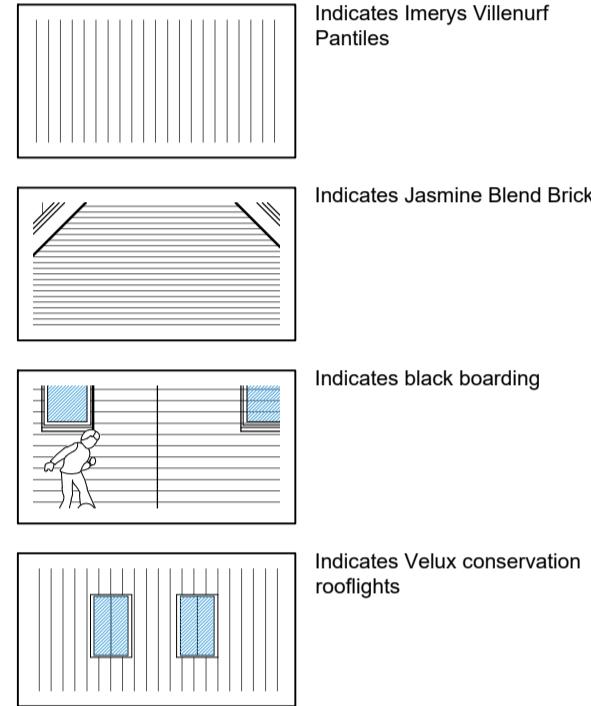




Side Elevation  
South - Scale 1:100

metres

ELEVATION KEY



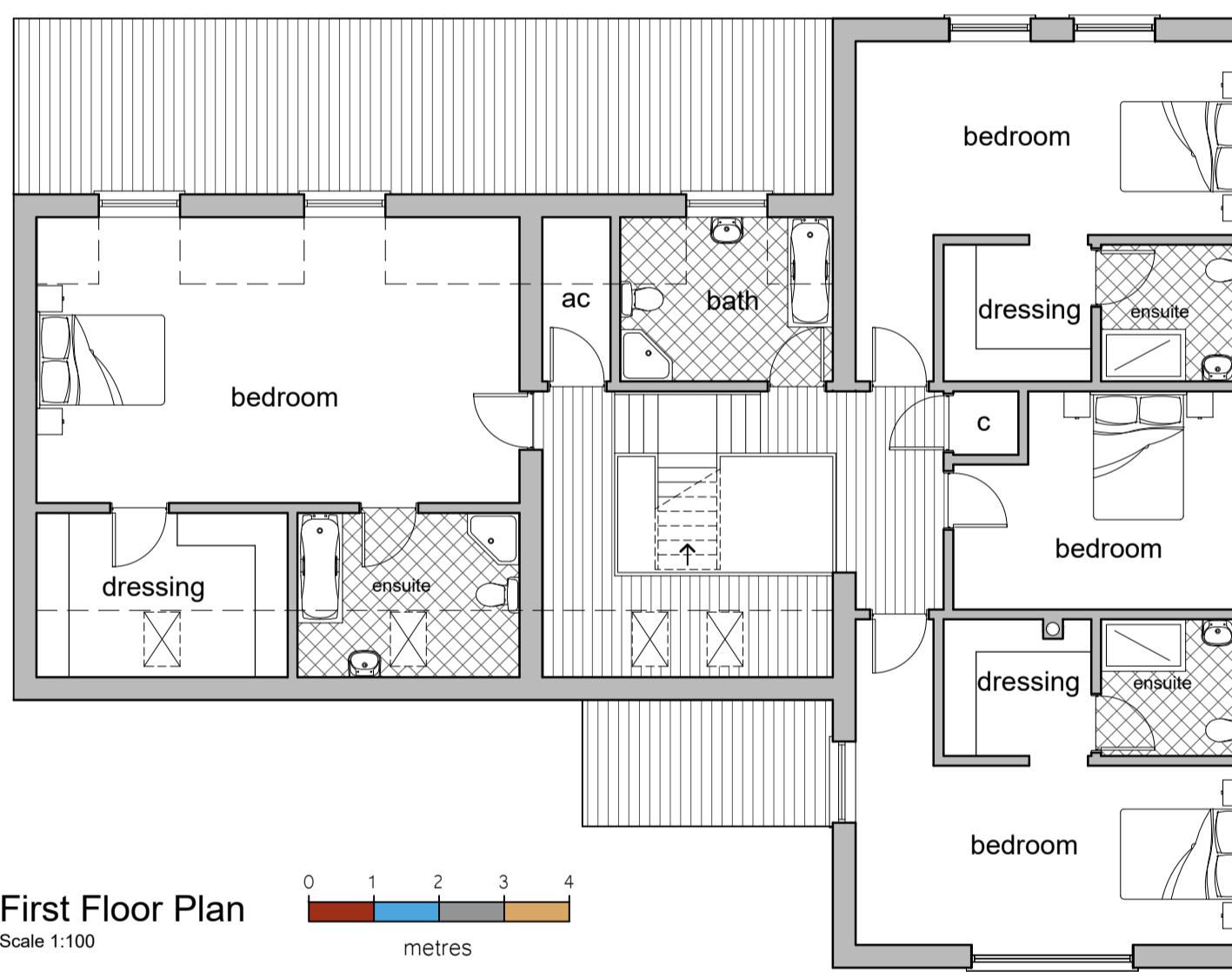
Front Elevation  
West - Scale 1:100

metres



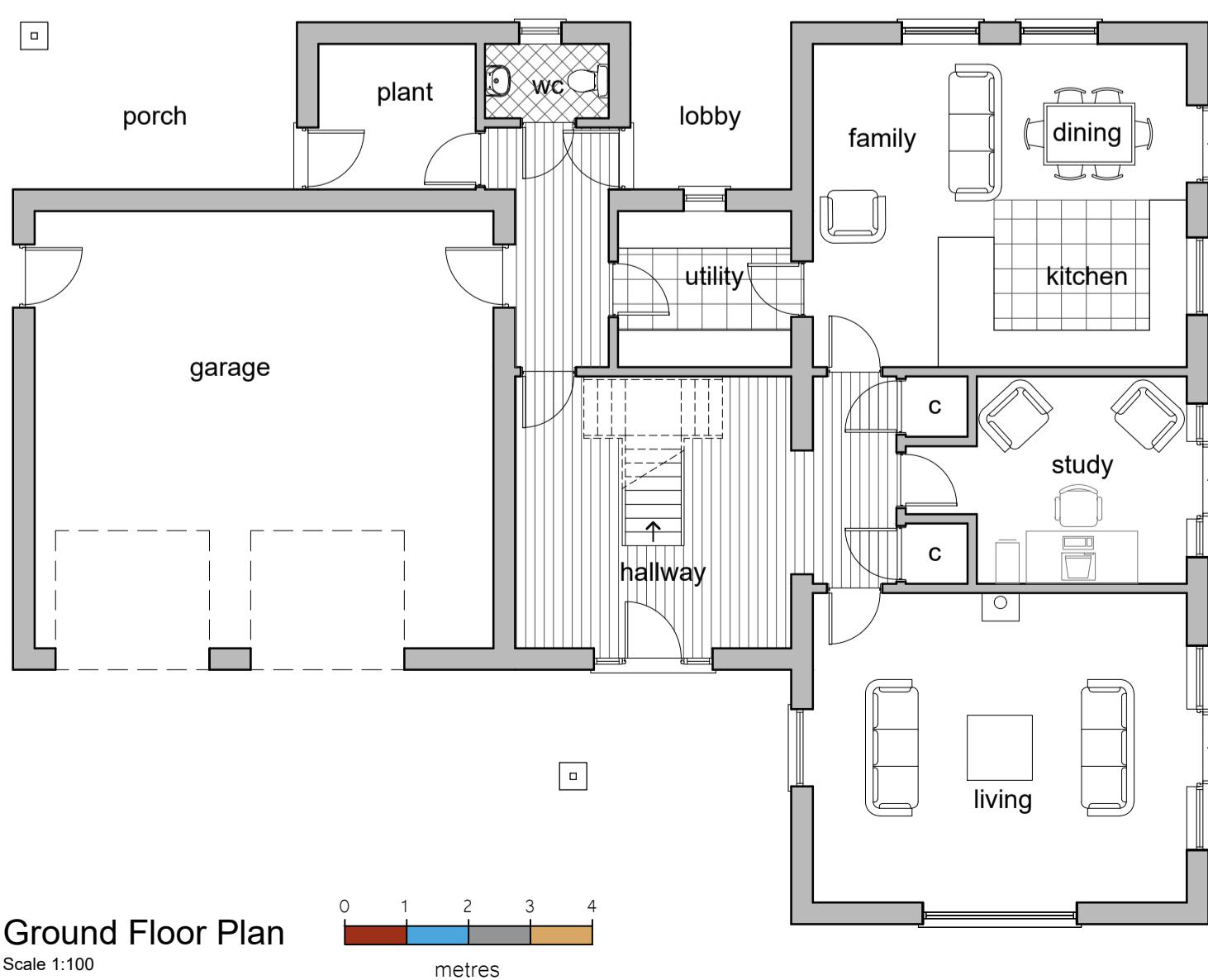
Side Elevation  
North - Scale 1:100

metres



First Floor Plan  
Scale 1:100

metres



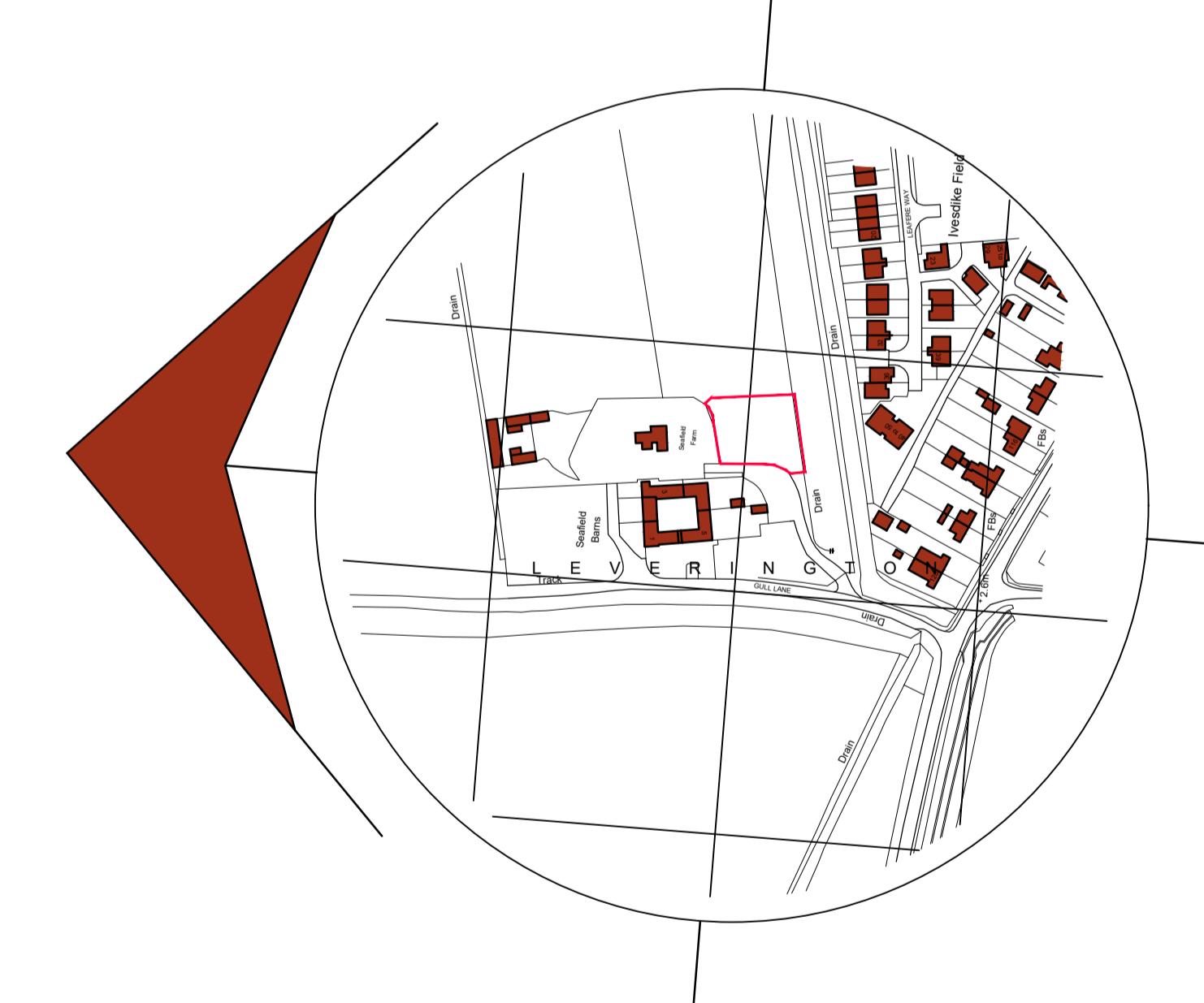
Ground Floor Plan  
Scale 1:100

metres



Rear Elevation  
East - Scale 1:100

metres



Location Plan  
Scale 1:2500

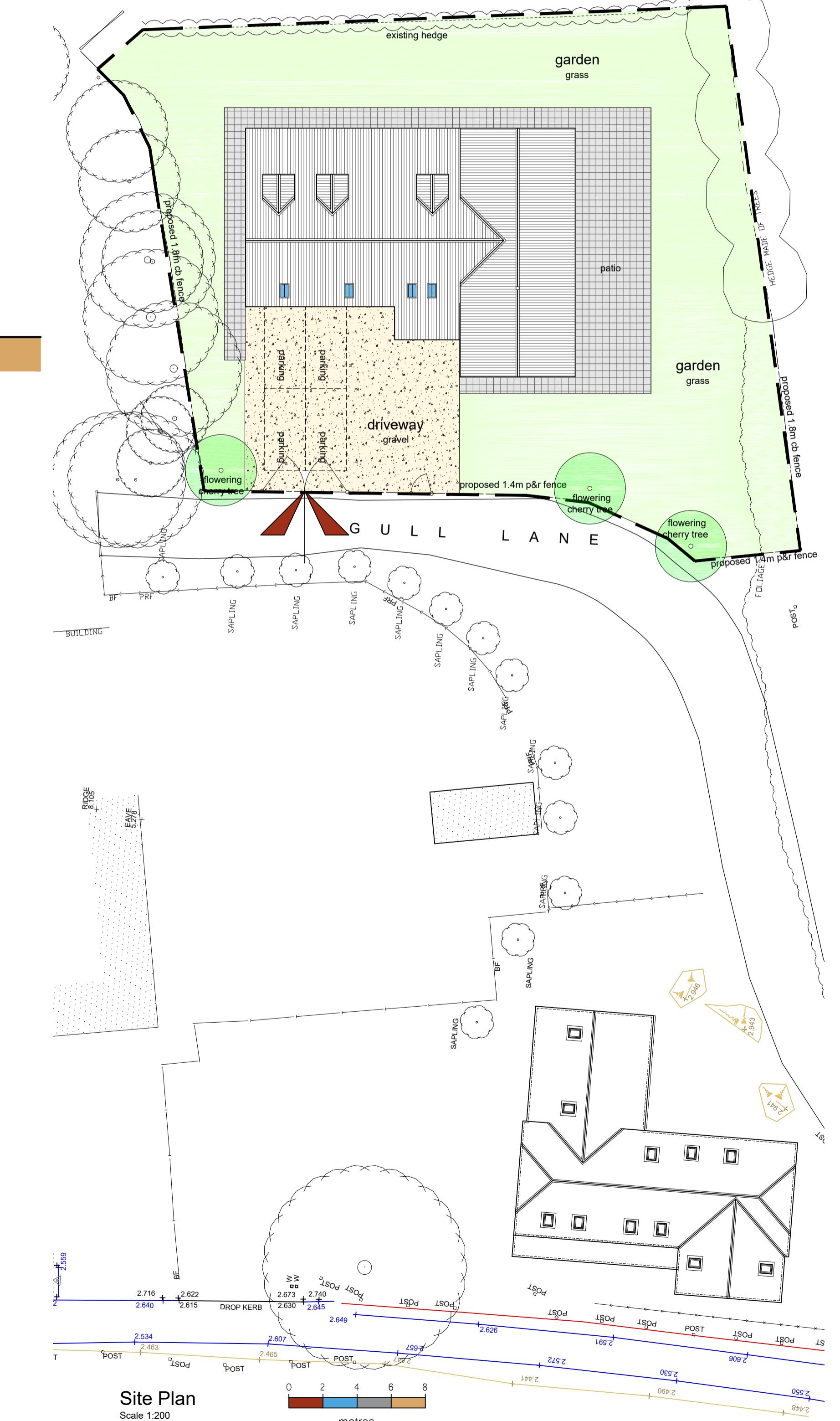
metres

Protection of trees on site during construction

- Prior to the commencement of any construction work on site, protective fencing shall be erected around each tree or tree group. Protective fencing in accordance with BS 5837 unless otherwise agreed in writing with the local Planning Authority. Please see protected areas marked on proposed site plan.
- No trenches or pipe runs for services and drains shall be sited within 4m of the trunk of any trees retained on the site, unless otherwise agreed in writing with the local Planning Authority.
- New hard surfaces or paths in accordance with minimum recommended distances for protective fencing.
- No burning shall take place in a position where the flames could extend to within 5m of foliage, branches or the trunk of any tree to be retained.

Nature conservation

- The existing remaining tree on site is to be protected as above for the duration of the construction to safeguard the habitats of any nesting birds that may be present.



Site Plan

Scale 1:200

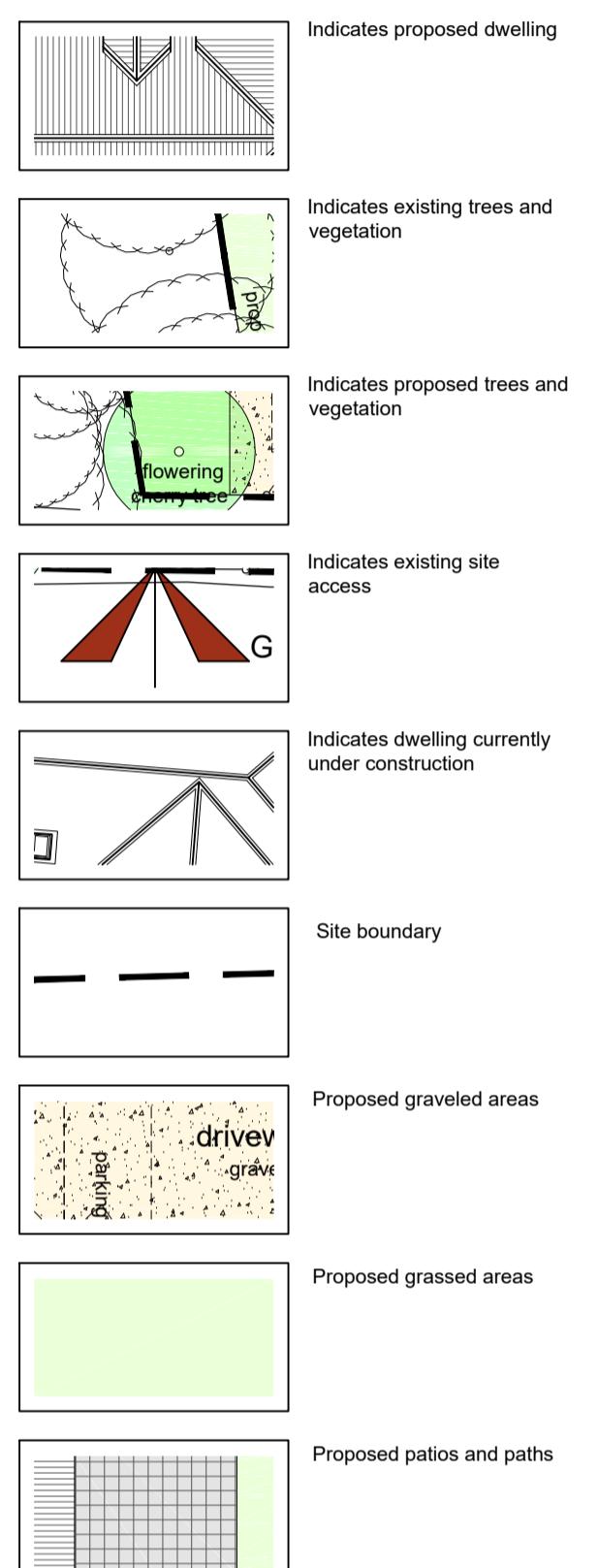
metres

General Notes  
1. This drawing shall not be scaled, figured dimensions only to be used.  
2. All dimensions are in metres unless otherwise stated.  
3. The contractor, sub-contractors and suppliers must use 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.

CONSTRUCTION DESIGN & MANAGEMENT REGULATIONS 2015

The following information must be read in conjunction with the project Risk register. This drawing highlights significant design related Health & Safety Risk prevention, Construction and Removal Risks which may be present on site at completion. Other Health & Safety Risks associated with Construction Activities may be present, and must be identified by the Principal Contractor prior to works commencing. Design Risks relating to specialist design items must be identified by the relevant specialist designers/ consultants ad issued to the Principal Designer.

SITE PLAN KEY



FOR APPROVAL

SWANN  
EDWARDS

ARCHITECTURE

Swann Edwards Architecture Limited, Swann Edwards Architecture, Black Barn, Fen Road, Guyhirn, Wisbech, Cambs. PE13 4AA, t 01945 450694 e info@swannedwards.co.uk w www.swannedwards.co.uk

Job Title  
Proposed Dwelling  
Gull Lane, Leverington  
Wisbech, Cambs. PE13 4AA  
Oaktree Projects (Fenland) Ltd  
Date  
March 2021  
Drawn by  
G.E.  
Checked by

Planning Drawing  
Plants, Elevations, Site Plan  
and Location Plan  
Job No.  
SE1429  
Dwg No.  
PP1005  
Sheet Size  
A1  
Revision