
F/YR21/0157/F

Applicant: Mr David Russ

**Agent: Mr Ian Gowler
Gowler Architectural**

Land East Of 60, Station Road, Manea, Cambridgeshire

Erect 2 x dwellings (2-storey, 2-bed) and formation of access to 60 Station Road

Officer recommendation: Refuse

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

1. EXECUTIVE SUMMARY

- 1.1. This application seeks full planning permission for the erection of 2no. 2-storey dwellings on garden land associated with the host dwelling No.60 Station Road. In conjunction with the proposed dwellings, it is intended to create a new access/parking area for the host dwelling and amend the existing driveway to provide access and parking for the proposed dwellings to the rear.
- 1.2. Whilst Manea is a Growth Village as identified within policy LP3, by virtue of its backland nature, the proposed development would be discordant with the existing core shape and built form of the development along Station Road, which is predominately characterised by frontage residential development. Development within rear garden land at the host property would be to the detriment of the character and appearance of the area and would arguably create a precedent for further backland development at sites with similar geometry. As such, the proposal would be contrary to the requirements of policy LP12.
- 1.3. The proposed dwellings will stand approximately 2.7m higher than the modest host bungalow. As such, it is considered that the development would be particularly dominant in height and scale when compared with the host dwelling and would enclose the openness of the wider vista currently afforded between and behind the frontage development along this side of Station Road. As such, it is considered that the proposals do not comply with Policy LP16 (d), owing to the impact on the street scene.
- 1.4. The application is accompanied by a Flood Risk Assessment, which includes a section relating to the Sequential Test. The provided Sequential Test is deficient however because the application is not accompanied by sufficient documentation to demonstrate that there are no alternative sites able to accommodate the quantum of development proposed in zones of lower flood risk. Furthermore, the scheme fails to include features to address

sustainability, such as, for example, through the inclusion of renewable energy sources. Thus, the scheme fails to pass part (a) of the Exception Test. The proposal is therefore contrary to both policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF as a result.

- 1.5. On the basis of the consideration of the necessary issues the proposed scheme fails to comply with Policies LP3, LP12, LP14, and LP16(d) and hence the application is recommended for refusal.

2. SITE DESCRIPTION

- 2.1. The site is located in flood zone 3 on the east side of Station Road on the northern fringes of the village of Manea. The site comprises rear garden land of the host dwelling, No.60.
- 2.2. The host dwelling comprises a singles-storey bungalow constructed of buff brick, with a pantile hipped roof and white uPVC fenestration. The site frontage includes a lawn front garden and gravel driveway to the south side of the dwelling, shared with No.58 to the south, a gable-roofed single-storey bungalow.
- 2.3. The rear of the site tapers to the east in a triangular shape and is bounded by high, mature hedgerows to the north and south. The land is predominately grassland and includes some timber outbuildings to the south side.

3. PROPOSAL

- 3.1. This application seeks full planning permission to erect 2no. 2-storey, 2-bed dwellings on the site.
- 3.2. The dwellings are proposed as a pair of semi-detached units, measuring a total of approximately 20.1m wide by 7.9m deep, each with a small central porch section measuring approximately 2.9m wide by 0.7m deep. The roof will be of a gable style, reaching approximately 7.3m to the ridge and 3m to the eaves with a minor decrease when viewed from the front owing to ground levels.
- 3.3. The pair will appear as single-storey dwellings from the front with fenestration limited to the ground floor only with accommodation in the roof space having no front facing windows. From the rear, the dwellings will appear as 2-storey, with upper floor dormer windows with pitched roofs reaching to approximately 6.4m to their ridge.
- 3.4. The garden land is due to be subdivided lengthways and bounded with 1.8m close board timber fencing and the existing leylandii hedges to the northern boundary will be removed and replaced with 1.8m close board timber fencing. The host dwelling will have an area of retained garden bounded by 2.1m high close board timber fencing.
- 3.5. The dwellings are proposed to be constructed of facing brickwork, with a pantile roof and uPVC fenestration, with specific details to be agreed.

- 3.6. A new 5m wide shared access (utilising the path of the existing access) is proposed to be constructed of permeable block paving or similar, and will include 2 parking spaces per dwelling complete adjacent to the north and south boundaries respectively with a shared central turning area. A further access driveway is proposed to facilitate two parking spaces for the host dwelling to its northern side.
- 3.7. Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/>

4. **SITE PLANNING HISTORY**

F/YR15/0126/CERTP	Certificate of Lawful Use (Proposed): Erection of a detached timber cabin building for use as a study/ storeroom incidental to the enjoyment of the dwellinghouse at 60 Station Road, Manea	Issued 13.04.2015
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5. **CONSULTATIONS**

5.1. **Manea Parish Council**

Object: Backland development. Restricted Access. Further development of this site will make the flooding issues in Station Road a lot worse.

5.2. **Environment & Health Services (FDC)**

This proposal will not impact upon the local air quality. There are no issues concerning ground contamination. The proposal will not have an adverse impact on the local noise climate and there are no known noise sources which could adversely impact upon this site. Consequently, there are no objections to this proposal.

5.3. **Environment Agency (Original Comments 09.03.2021)**

*In the absence of an acceptable Flood Risk Assessment (FRA) we **object** to the grant of planning permission and recommend refusal on this basis for the following reasons:*

The submitted FRA does not comply with the requirements set out in paragraph 160 and 163 of the National Planning Policy Framework. Therefore, the FRA does not provide a suitable basis for an assessment to be made of the flood risks arising from the proposed development.

In particular:

- *Finished Floor Levels are below the predicted 1 in 100 year flood levels.*

Fenland Hazard Mapping shows that the site will flood to a depth of 1.44m, therefore internal flooding will occur. Currently the proposals have set the floor level to 0.5mAOD which is 500mm above ground levels with a further 600mm flood resistant construction therefore the flood level will be 340mm above the flood resistant construction.

5.4. **Environment Agency (Reconsultation Comments 23.08.2021)**

We are able to **withdraw our objection** to the proposed development, but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) are adhered to. In particular, the FRA recommends that:

- Finished floor levels will be set no lower than 900 mm above existing ground level.
- Flood resistant measures will be incorporated up to 600 mm above finished floor levels.
- There will be no ground floor sleeping accommodation.

Advice for the LPA In accordance with the National Planning Policy Framework (NPPF) paragraph 162, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. It is for the Local Planning Authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the NPPF. Our flood risk standing advice reminds you of this and provides advice on how to do this.

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.

With regard to the second part of the Exception Test, your Authority must be satisfied with regards to the safety of people (including those with restricted mobility), the ability of people to reach places of safety, including safe refuges within buildings, and the ability of the emergency services to access buildings to rescue and evacuate people. 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.

It is up to local planning authorities to determine whether any evacuation plan is sufficient in line with advice contained in Paragraph 58 of the Planning Practice Guidance...

5.5. **Cambridgeshire County Council Highways Authority**

The proposed access arrangements enter Station Road over an area of footway but demarked by a dotted line. This is an unsatisfactory arrangement and should be adjusted by way of footway construction and removal of the dashed line. This removes potential confusion as to whether this area is footway or not and provides for a safer facility for pedestrians and vehicle access to the highway in general.

The two parking spaces for the bungalow require the inclusion of pedestrian visibility splays to be provided and maintained.

The details can be agreed with the following conditions:

1. *Notwithstanding details on plan 428-P01 rev D development shall not commence until details of highway works to include footway construction and the means of access to serve the new dwellings and the bungalow parking have been submitted and approved in writing by the local planning authority. The access works shall be carried out in accordance with the approved details prior to the first occupation of the development and retained thereafter. For the avoidance of doubt details to include construction of footway, removal of carriageway markings, dropped kerb arrangement for the accesses, drainage and pedestrian visibility splays.*

Reason: for the safety and convenience of users of the access and of the highway.

2. *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: To ensure the permanent availability of the parking in the interests of highway safety.

3. *Prior to the first occupation of the development hereby permitted pedestrian visibility splays of 2m x 2m shall be provided each side of the vehicle accesses measured from the back of the footway. Such splays shall thereafter be maintained and free from obstruction exceeding 0.6m above the level of the footway.*

5.6. **Local Residents/Interested Parties**

Two letters of objection to the scheme from a neighbouring dwelling citing issues with the proposed access, and the development exacerbating drainage and flooding issues within the local area.

11 letters of support for the scheme have been received, including one from the applicant (from two properties on Station Road, one from Williams Way, Charlemont Drive, Cox Way, and Park Road) citing:

- Good access
- Attractive and sympathetic design
- Appropriate parking arrangements
- Limited impacts on residential Amenity

These representations in support also highlighted that the proposed development would offer employment opportunities for local tradesmen/builders and that Manea is a sustainable location for residential development of this scale owing to the varied facilities and services available 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) July 2021

Para 2: NPPF is a material consideration in planning decisions.

Para 7: Purpose of the planning system is to contribute to the achievement of sustainable development

Para 12: Conflict with an up-to-date plan should not usually be granted

Para 79: Housing should be located where it will enhance or maintain the vitality of rural communities.

7.2. National Planning Practice Guidance (NPPG)

Determining planning applications

7.3. National Design Guide 2019

Context

Identity

Built Form

Homes and Buildings

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

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

7.5. Supplementary Planning Documents/Guidance

Cambridgeshire Flood and Water SPD (2016)

8. KEY ISSUES

- **Principle of Development**
- **Design considerations and visual amenity of area**
- **Impact on residential amenity**
- **Flood Risk**
- **Other Matters**

9. ASSESSMENT

Principle of Development

- 9.1. Policy LP3 of the Fenland Local Plan sets out the settlement hierarchy for development within the district, grouping settlements into categories based on the level of services available, their sustainability and their capacity to accept further development.

- 9.2. Manea is classed as a Growth Village, where development and new service provision either within the existing urban area or as small village extensions will be appropriate. The broad principle of developing the site for two dwellings would be consistent with this policy. However more detailed assessment of the proposal and its impacts must also be given.

Character and Appearance

- 9.3. Policy LP12 of the Local Plan provides guidance as to the restriction of such development to ensure that it has an acceptable impact on the settlement and its character.
- 9.4. Policy LP12 requires development to meet certain criteria in order to be supported. The site must be in or adjacent to the existing developed footprint of the village, it must not result in coalescence with any neighbouring village, and must not have an adverse impact on the character and appearance of the surrounding countryside and farmland. Similarly, the proposal must be in keeping with the core shape and form of the settlement, without resulting in the extension of linear features or create ribbon development, and must retain natural boundaries, respect ecological features, important spaces etc. Finally the proposal must be served by sustainable infrastructure, and must not put people or property in danger from identified risks.
- 9.5. The proposal seeks to erect two dwellings in rear garden land of the host dwelling, No.60 Station Road. By virtue of its backland nature, the proposed development would be discordant with the existing core shape and built form of the development along this part of Station Road, which is predominately characterised by frontage residential development, save for sporadic outbuildings or commercial/agricultural premises. Development encroaching into rear garden land at the host property would be to the detriment of the character and appearance of the area and would arguably create a precedent for further backland development at sites with similar geometry.
- 9.6. Whilst it is noted that there are some instances of backland development along Station Road, these are located closer to the central built framework of Manea and not within this part of Station Road, where backland development such as this would be detrimental to the more fringe, rural character. As such, the proposal would be contrary to the requirements of policy LP12.
- 9.7. In addition, Policy LP16 (d) seeks to ensure that development makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting, reinforces local identity and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or landscape character of the surrounding area.
- 9.8. Within the vicinity of the site, Station Road includes a mixture of single and two-storey detached properties of mixed ages and characters. The host dwelling No.60 and adjacent dwelling No.58 are both modest single-storey bungalows, with further 2-storey dwellings flanking the site to the north and south. Opposite the site, the properties are newer and have more distinct design styles. All dwellings in the vicinity include a mix of styles and materials. As such, the proposed design and materials intended for the

proposed dwellings are unlikely to be incongruous within the surrounds in this regard.

- 9.9. However, the plans and elevations submitted with the application, and in particular the street scene depiction, suggests that the proposed dwellings will be visible within the street scene behind the host dwelling and neighbouring No.58. The host dwelling is approximately 4.6m high to the ridge, and as such the proposed dwellings will stand approximately 2.7m higher behind the modest host bungalow, which appears necessary owing to the flood risk mitigation requirements to raise finished floor levels 900mm above ground levels. However, due to this requirement the resultant dwellings will be particularly dominant in height and scale when compared with the host dwelling and will enclose the openness of the wider vista currently afforded between and behind the frontage development along this side of Station Road. As such, it is considered that the proposals do not comply with Policy LP16 (d).

Impact on residential amenity

- 9.10. The proposed dwellings will be set at a significant distance from the host dwelling (approximately 19m) and further still from other dwellings within the vicinity. Owing to this separation and the inclusion of appropriate boundary treatments, the proposed dwellings are unlikely to result in adverse impacts to neighbouring residential amenity with regard to overlooking or overshadowing. As such, the proposal is considered compliant with Policy LP2 and LP16 (e) in this regard.

Flood Risk

- 9.11. Policy LP14 of the Fenland Local Plan and section 14 of the National Planning Policy Framework deal with the matter of flooding and flood risk, and the siting of dwellings on land at the risk of flooding. The site is located within Flood Zone 3.

Sequential Test

- 9.12. 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 Cambridgeshire Flood and Water SPD (2016). As such, the settlement of Wisbech St Mary is the area of search for the Sequential Test for this application.
- 9.13. The application is accompanied by a Flood Risk Assessment, which includes a section relating to the Sequential Test. The assessment states:

Large parts of the Fenland District between the River Nene and River Great Ouse, around the towns of March and Chatteris, lie in Flood Zone 3. The site is protected by the Middle Level Barrier Bank which was not considered during the preparation of the Environment Agency Flood Maps. When the Middle Level Barrier Bank is considered the site has a low probability of flooding and the development is considered to pass the Sequential Test.

Whilst this statement is acknowledged, there are areas of Manea that fall within lesser Flood Zones (1 & 2). Thus the Sequential Test is deficient

because the application does not include sufficient documentation to demonstrate that there are no alternative sites in zones of lower flood risk.

- 9.14. For example, the Sequential Test submitted omits planning application F/YR20/0279/F, approved in June 2020, for the development of 2 dwellings in Flood Zone 1; or application F/YR19/0970/O, approved in January 2020, for the development of up to 3 dwellings in Flood Zone 1. As such, these sites would be capable of accommodating the proposed scheme here and are both in areas of lesser flood risk. Thus for the purposes of the Sequential Test as set out in the SPD these are classed as being available for development, and as such the sequential test is considered to be failed.
- 9.15. Upon re-consultation with the Environment Agency regarding the revised Flood Risk Assessment, they were able to remove their objection owing to the mitigation measures outlined within the report. Notwithstanding, the EA's comments of no objection should not be taken to mean that they consider the proposal to have passed the Sequential Test. As a matter of principle therefore refusal is required by the relevant planning policies as, owing to the lack of sufficient evidence to the contrary, the Sequential Test has not been passed.

Exception Test

- 9.16. Notwithstanding the failure of the sequential test, had this been deemed as passed it would then be necessary for the application to pass the Exception Test, which comprises of demonstration of the following:
- (a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
 - (b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall.
- 9.17. (a) *Wider sustainability benefits*
Section 4.5.8 of the Cambridgeshire Flood and Water SPD sets out the sustainability themes and issues which development could help to address in order to achieve wider benefits, which are:
- Land and water resources;
 - Biodiversity and green infrastructure;
 - Landscape, townscape and historic environment;
 - Climate change mitigation and renewable energy;
 - Flood risk and climate change adaptation;
 - Pollution;
 - Healthy and inclusive and accessible communities
 - Economic activity; or
 - Transport.
- 9.18. Having regard to the scale and nature of development, it would likely be difficult to achieve wider benefits through much of the list above. However, it is often possible to achieve wider benefits on smaller housing schemes thought the inclusion of climate change mitigation and renewable energy features to a level which exceeds normal Building Regulations requirements. The proposal does not offer any features to address these issues and as such the scheme would not satisfy the Exception Test in relation to (a).

9.19. (b) *Flood safety*

The inclusion of flood mitigation measures including raised finished floor levels, flood resilient construction measures and sustainable drainage systems within the proposal are highlighted within the flood risk assessment that address the need for safety in times of flooding at the site, and as such would satisfy the Exception Test with regard to (b).

9.20. *Flooding and Flood Risk - Conclusion*

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. Furthermore, the scheme fails to include features to address sustainability, such as, for example, through the inclusion of renewable energy sources. Thus, the scheme fails to pass part (a) of the Exception Test. As such, it is considered that the current scheme is not compliant with Policy LP14 and should be refused.

Other Matters

9.21. There are no issues relating to private amenity space for either the proposed dwellings or the retained garden space for the host dwelling as these areas are in excess of a third of the overall plots.

9.22. Consultations with the Highways Authority returned no objection to the scheme, subject to conditions relating to footway construction (prior to commencement of development), parking and turning retention and visibility splays. The LPA have pre-emptively obtained agreement from the applicant relating to the proposed pre-commencement condition in the event that the Planning Committee seek to approve the scheme against officer recommendation. Subject to the compliance with these conditions, the proposed access, parking and turning arrangements for both the host dwelling and the proposed dwellings are considered acceptable in relation to Policy LP15.

10. CONCLUSIONS

10.1. On the basis of the consideration of the above issues the proposed scheme fails to comply with Policies LP12 and LP16(d) owing to the harm caused to the character and appearance of the area by virtue of the inclusion of backland development and a dominance of the development within the street scene. Furthermore, the application failed to demonstrate how the development is unable to be accommodated in areas at a lower risk of flooding and accordingly failed the Sequential Test in contravention of Policy LP14. As such it is concluded that the application is contrary to the relevant planning policies of the development plan and must therefore be recommended for refusal.

11. RECOMMENDATION

Refuse, for the following reasons:

Reasons

1. Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the district, and policy LP12 details a range of criteria against which development within the villages will be assessed. The application site proposes the construction of two dwellings located in existing garden land to the rear of frontage residential development along Station Road. By virtue of its backland nature, the proposed development would be discordant with the existing core shape and built form of the development along Station Road to the detriment of the character and appearance of the area and would create a precedent for further backland development at sites with similar geometry. Furthermore, the scale of the proposed development would result in the dwellings exerting a dominance over the host dwelling and would therefore detrimentally impact the street scene within the wider setting. Thus proposal would therefore fail to comply with the requirements of Policy LP12 and Policy LP16 (d) of the Fenland Local Plan (2014).
2. Policy LP14 of the Fenland Local Plan (2014) requires that development proposal within flood zone 3 are accompanied by a Sequential Test demonstrating how the development is unable to be accommodated in areas at a lower risk of flooding. This policy is compliant with section 14 of the National Planning Policy Framework, which also requires such a test to be satisfied prior to approving development within flood zone 3. The Sequential Test within the Flood Risk Assessment accompanying the application does not sufficiently demonstrate that there are no alternative sites in zones of lower flood risk. Furthermore, the scheme fails to include features to address sustainability, such as, for example, through the inclusion of renewable energy sources. Thus, the scheme fails to pass part (a) of the Exception Test. The proposal is therefore contrary to both policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF as a result.



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Scale = 1:1,250



Notes
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 Unless stated otherwise, this drawing has been assessed for risks and nothing is deemed to be outside of normal good safe working practice that would be covered by a contractors Construction Phase Health and Safety Plan.



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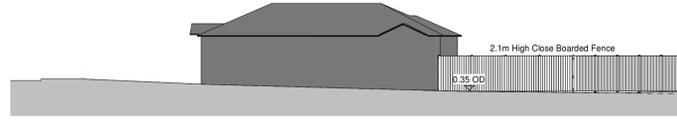
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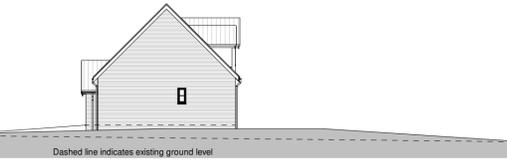
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Side Elevation (south)
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Site Section
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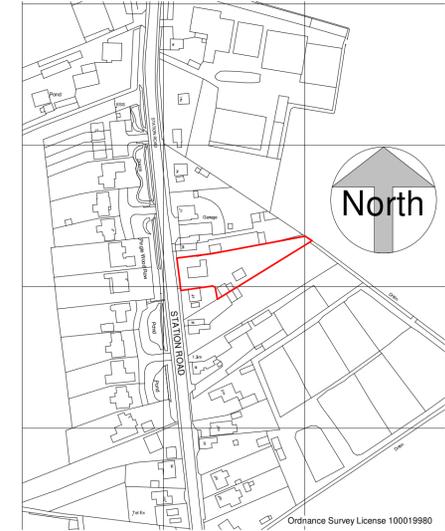
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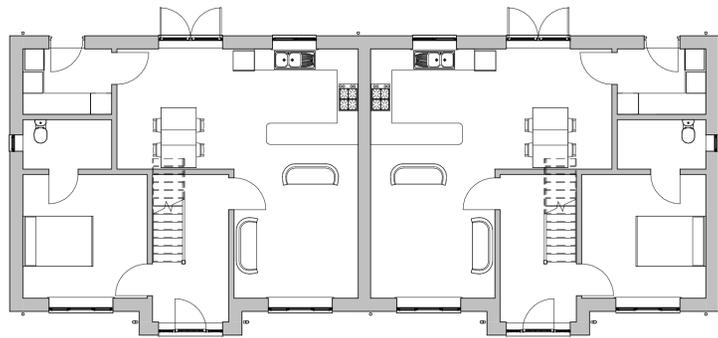
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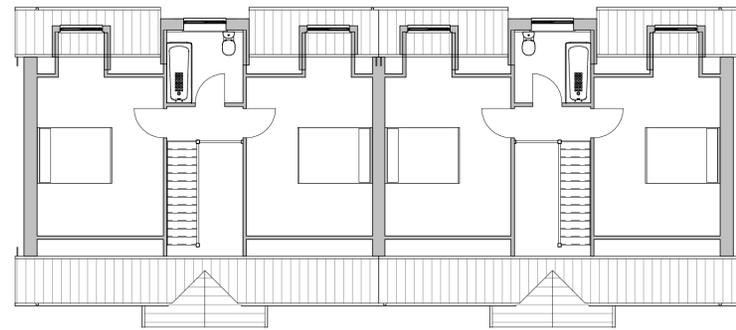
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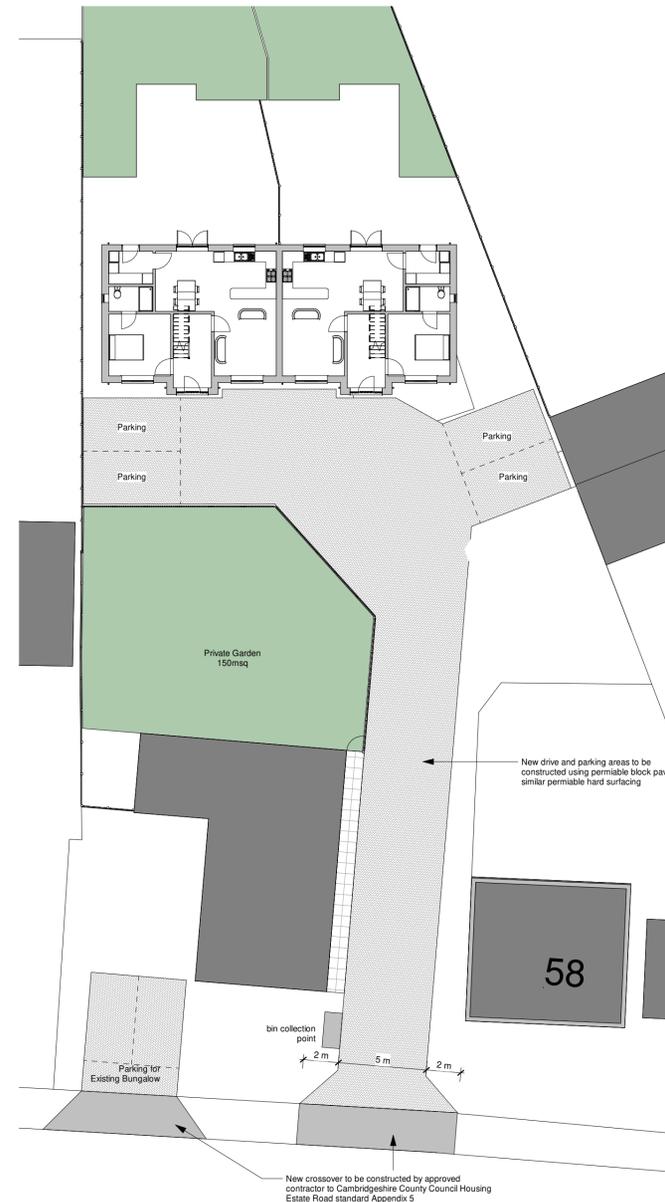
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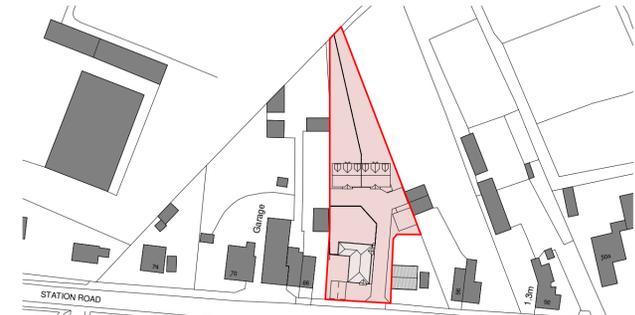
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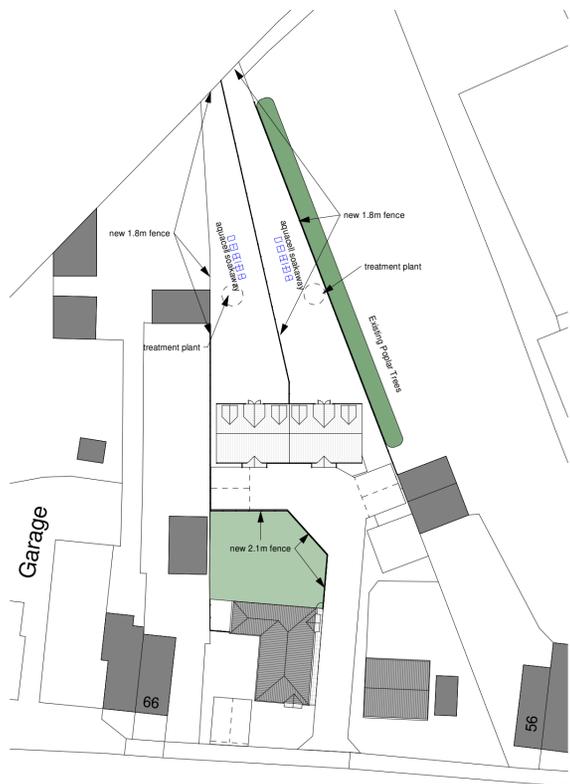
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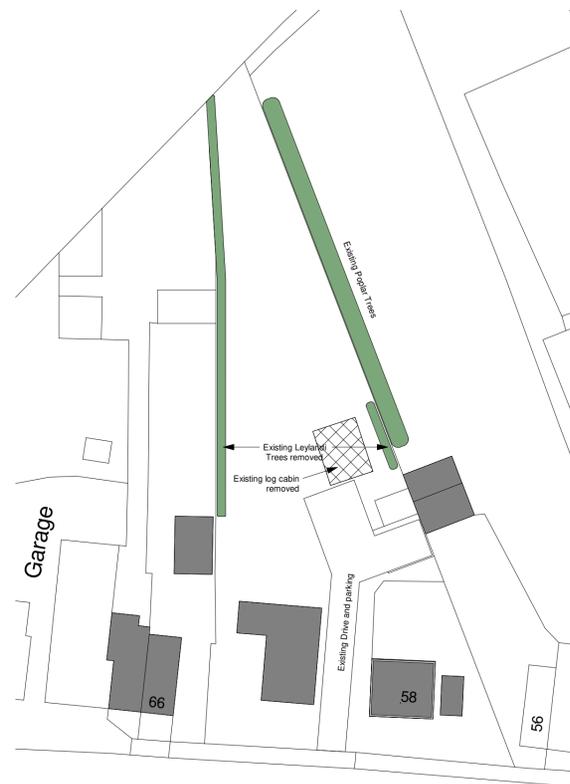
Proposed Site Plan
1 : 200



Development Plan
1 : 1250



Proposed Block Plan
1 : 500



Existing Site Plan
1 : 500

D	Road widened to 5m	16-08-21
C	Design Amended	20-07-21
B	Levels amended to suit Flood Risk Assessment	11-05-21
A	Street Scene Added	01-02-21

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Proposed Development at 60 Station Road, Manea for Mr Dave Russ

Planning Drawing

date created	scale	drawing no.	rev.
09/11/20	As indicated @ A1	428 - P01	D

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Front Elevation
1 : 100



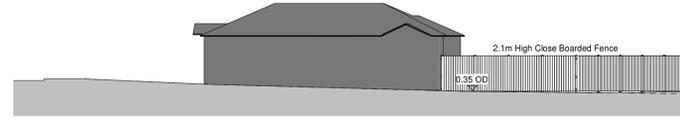
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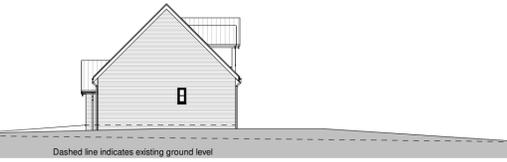
Side Elevation (north)
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Side Elevation (south)
1 : 100



Site Section
1 : 200



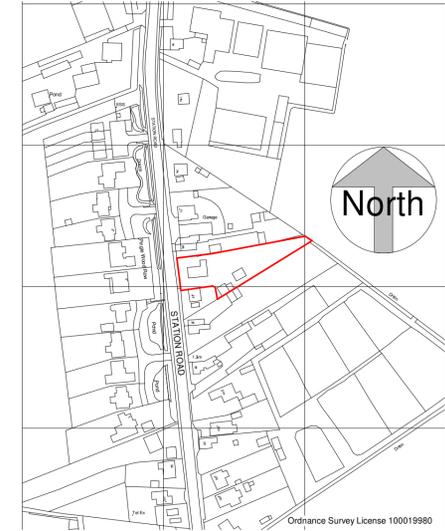
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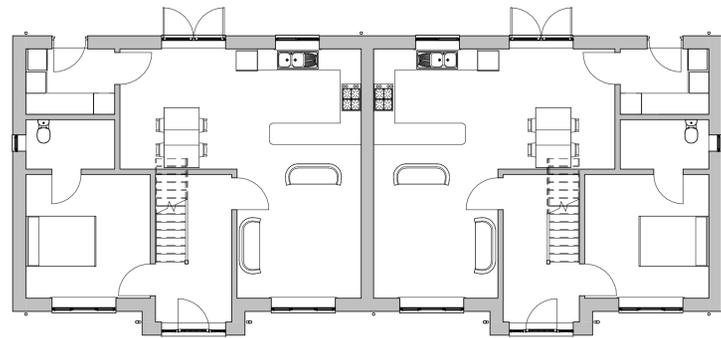
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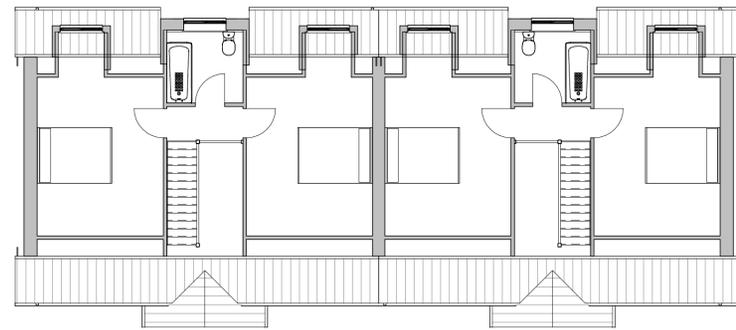
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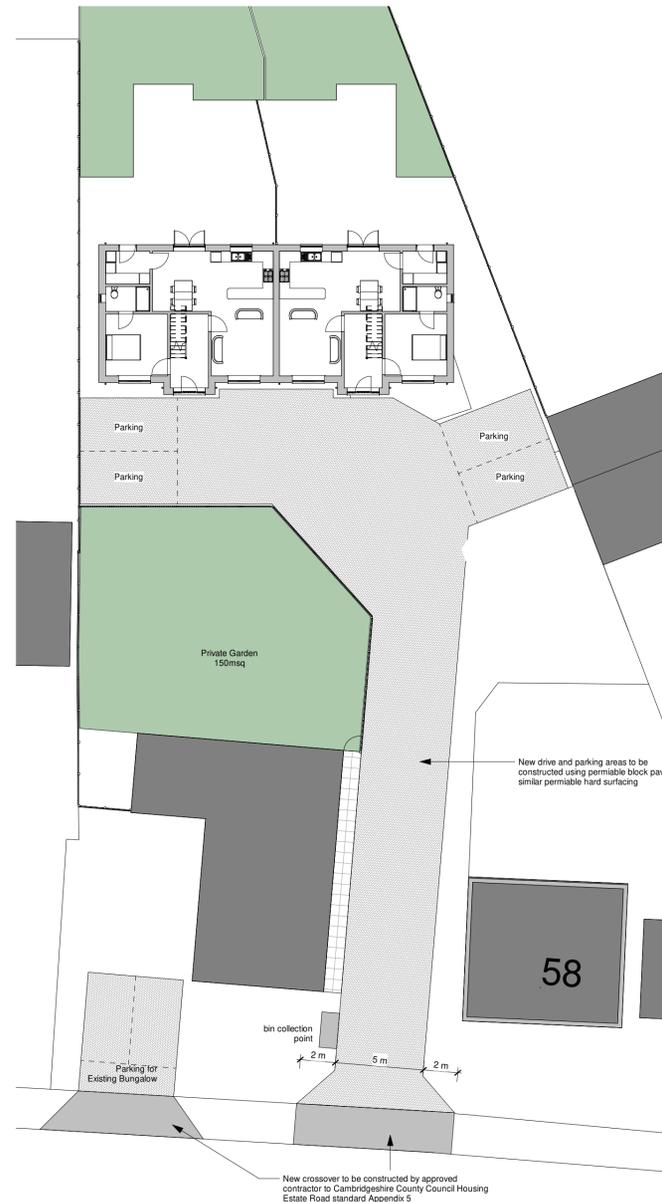
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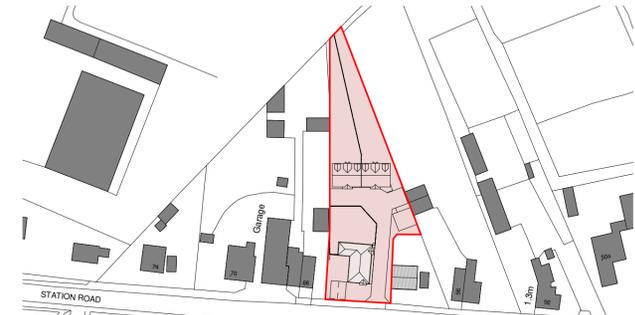
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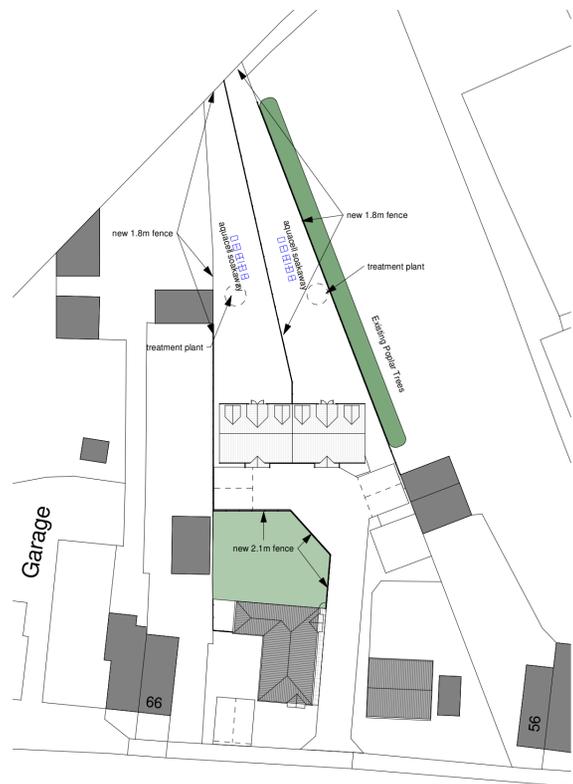
Proposed First Floor
1 : 100



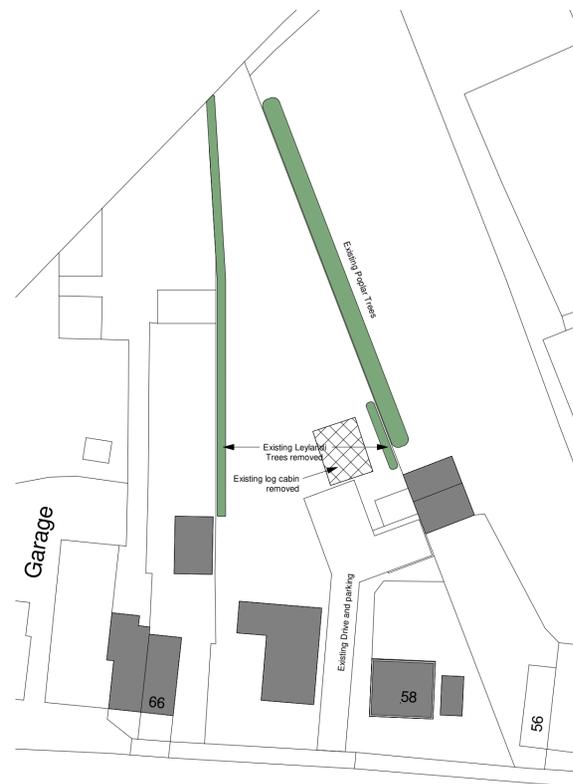
Proposed Site Plan
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Development Plan
1 : 1250



Proposed Block Plan
1 : 500



Existing Site Plan
1 : 500

D	Road widened to 5m	16-08-21
C	Design Amended	20-07-21
B	Levels amended to suit Flood Risk Assessment	11-05-21
A	Street Scene Added	01-02-21

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Proposed Development at 60 Station Road, Manea for Mr Dave Russ

Planning Drawing

date created	scale	drawing no.	rev.
09/11/20	As indicated @ A1	428 - P01	D