
F/YR21/0702/O

**Applicant: Mr & Mrs J Humphrey Agent: Jamie Burton
Swann Edwards Architecture Ltd**

Land North Of 15, Sandbank, Wisbech St Mary, Cambridgeshire

Erect 1no dwelling (outline application with all matters reserved)

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to officer recommendation

1 EXECUTIVE SUMMARY

- 1.1. This application seeks outline planning permission for the erection of one dwelling on agricultural grassland in Flood Zone 3, on the east side of Sandbank, Wisbech St Mary. The application is made with all matters reserved for later approval, and consequently the only issue for consideration at this time is whether or not the principle of development is acceptable in this location.
- 1.2. Whilst Wisbech St Mary is a Growth Village as identified within policy LP3, the application site would extend the existing linear feature of the developed footprint of the settlement into an area of agricultural grassland. This area of grassland at the site is mirrored by agricultural land opposite, which forms a natural demarcation between the developed built form of Wisbech St Mary and the surrounding countryside beyond. Development encroaching into this land would harm the character and appearance of the area. As such, the proposal would be contrary to the requirements of policy LP12.
- 1.3. 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. The proposal is therefore contrary to both policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF as a result.
- 1.4. Thus, the principle of development is such as the proposal is considered unacceptable with regard to Policies LP3, LP12, and LP14 and hence the application is recommended for refusal.

2 SITE DESCRIPTION

- 2.1. The site is located in Flood Zone 3, on the northeast side of Sandbank on the northwest fringe of Wisbech St Mary.
- 2.2. The site comprises agricultural grassland part of a wider field, set to the north of No.15 Sandbank. The site is bounded by 1.2m post and wire fencing and at the time of site inspection appeared to be utilised as a hayfield and paddock.

3 PROPOSAL

- 3.1. The proposal is an outline planning application for the construction of a single dwelling on the land, with all matters reserved for later approval. The access to the site is indicated as being approximately in the middle of the site frontage. The submitted illustrative drawing submitted shows a detached dwelling in proximity to the northern boundary with separate detached garage, a parking and turning area to front and southern side of the dwelling and garden to rear. Also illustrated is a 1.8m wide footway across the site frontage connecting the development to the existing footway which terminates at the end of the neighbouring property.
- 3.2. Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/>

4 SITE PLANNING HISTORY

- 4.1. No pertinent planning history.

5 CONSULTATIONS

5.1. CCC Highways Authority

The principle of development from a highways point of view is acceptable and I have no objections to the planning application.

As part of the future reserved matters application I would expect to see the access arrangements, footway extension and a scheme for parking and turning in accordance with FDC's parking standards.

Ideally, the access arrangements to include details of how the access will be drained (drained away from the highway) although this could be conditioned for the reserved matters.

5.2. Environment Agency (Original comments 07.07.2021)

*In the absence of an acceptable Flood Risk Assessment (FRA) we **object** to this application and recommend that planning permission is refused.*

Reasons - *The submitted FRA (ECL0494/SWANN EDWARDS ARCHITECTURE dated May 2021) acknowledges the potential depths of 0.5m to 1m shown on the 0.5% plus 20% climate change hazard mapping.*

It is proposed to mitigate against the flood risk during a breach by setting the finished floor of the 2 storey property 0.4m above the surrounding ground level

and 0.6m of flood resistant and flood resilient construction above finished floor level.

The Wisbech Level 2 SFRA Site Specific Flood Risk Assessment Toolkit (June 2012) section 1.3.11 states "Finished floor levels for all types of development (not just dwellings) must be set above maximum flood depth ... If single storey dwellings are proposed this is essential. Where this is not possible (potentially in combination with some raising of finished floor levels) then a range of measures including safe refuge and a means of escape must be considered. This could be achieved by, but is not restricted to:

- Adding a first floor;
- The addition of a mezzanine floor;
- Altering a bungalow to become a chalet bungalow; or
- Providing room within an easily accessible loft space with velux windows added"

The FRA has not stated why the finished floor level of the 2 storey property cannot be set at 1m above surrounding ground levels.

5.3. **Environment Agency (Reconsultation Comments 08.09.2021)**

We are able to **remove our objection** and wish to make the following comments.

National Planning Policy Framework Flood Risk Sequential Test

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 probability 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.

Review of Flood Risk Assessment (FRA)

We have no objection to this application, but strongly recommend that the development is carried out in accordance with the submitted flood risk assessment (ECL0494a/SWANN EDWARDS ARCHITECTURE dated July 2021) and the following mitigation measures it details:

- 2 storey dwelling
- finished floor levels to be set a minimum of 1.0m above the surrounding ground level
- 0.3m of flood resilient construction above finished floor levels

5.4. **Wisbech St Mary Parish Council**

At the meeting of Wisbech St. Mary Parish Council on 12th July 2021, the Council recommended APPROVAL.

5.5. Environment & Health Services (FDC)

The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed scheme as it is unlikely to have a detrimental effect on local air quality and the noise climate or be affected by ground contamination.

5.6. North Level Internal Drainage Board

My Board has no objections to this application in principle.

The Board's Sayers Field Drain forms the southern boundary to the site and therefore the Board's byelaws apply. In particular, Byelaw no.10 which states that 'no person without the previous consent of the Board shall erect any building or structure whether temporary or permanent within 9 metres of the drain'.

It is also noted that surface water is to discharge to this watercourse and therefore a development levy will be payable...together with formal consent from the Board.

5.7. Local Residents/Interested Parties –

Nine letters of support received (seven from residents of Sandbank, one from a resident of High Side and one from a resident of Elm) for the application on the grounds that the proposal would be an acceptable extension to the village and would not appear to cause any detrimental amenity impacts.

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**

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. Wisbech St Mary 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 a single dwelling would be consistent with this policy.
- 9.3. However, 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 development proposed would extend the existing linear feature of the developed footprint of the settlement, by adding a further dwelling to the line of ribbon development along Sandbank, into an area of agricultural grassland. This area of grassland at the site is mirrored by agricultural land opposite, and forms a distinct and natural demarcation between the developed built form of Wisbech St Mary and the countryside beyond. Development encroaching into

this land would be to the detriment of the character and appearance of the area and would arguably create a precedent for further ribbon development. As such, the proposal would be contrary to the requirements of policy LP12.

Character and appearance

- 9.6. Within the vicinity of the site, Sandbank includes a mixture of semi-detached and detached two-storey properties of mixed ages and characters. To the east side, the properties are older, of similar gable-roof profiles, and constructed of similar materials whilst to the west the dwellings are generally larger, and have a more modern appearance, with a mix of styles and materials.
- 9.7. The indicative site plan submitted with the application suggests that the dwelling may have a gable roof profile, be of a similar footprint and follow a similar building line to the existing dwellings along the east of Sandbank. Matters relating to the specific appearance, layout and scale will be committed at Reserved Matters stage, however, the indicative site plan suggests that a suitably designed dwelling on the site could be achieved.
- 9.8. Whilst it may be noted that the proposed dwelling could reflect the existing character of development to the east of Sandbank in terms of similar design features, owing to recommendations regarding the mitigation of flood risk from the Environment Agency (and set out within the submitted FRA), namely: the raising of finished floor levels to 1m above ground level; and a two-storey dwelling, this may impact on the streetscene as a result of this overall height, which could detrimentally impact the character of the local vernacular resulting in a dwelling of a significantly larger scale than neighbouring dwellings.
- 9.9. Therefore this requirement to raise the finished floor level of the dwelling and the potential for this to result in the dwelling being taller than those adjacent would exacerbate the detrimental impact on the overall landscape character owing to the proposed position of the site on agricultural land that forms a 'buffer' between development within Wisbech St Mary (as discussed above).

Residential Amenity

- 9.10. There were no indicative floor plans or elevations offered with the application and as such the LPA are unable to establish definitively if issues such as overlooking will need to be reconciled. However, owing to the relative position of the proposed dwelling, shown indicatively, it would appear that there may be negligible issues relating to impacts on residential amenity to reconcile from the scheme.
- 9.11. The illustrative site plan also indicates that suitable amenity space may be provided within the site to meet the requirements of Policy LP16 of the Local Plan

Flooding and flood risk

- 9.12. 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

- 9.13. 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.
- 9.14. The application is accompanied by a Flood Risk Assessment, which includes a section relating to the Sequential Test. The assessment states that an internet search of available development sites within Wisbech St Mary has resulted in no available sites being found. The Sequential Test is deficient however because the application is not accompanied by sufficient documentation to demonstrate that there are no alternative sites in zones of lower flood risk.
- 9.15. For example, the Sequential Test submitted omits planning application F/YR20/0416/O, approved by Committee in October 2020, for the development of 2 dwellings in Flood Zone 1; or application F/YR20/1155/O, approved by Committee in March 2021, for the development of 1 dwelling 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.
- 9.16. 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

- 9.17. 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. Features such as the installation of photovoltaic panels, air source heat pump, or means to sustain and encourage biodiversity could be utilised to assist in achieving sustainability benefits. These measures could be considered and included at Reserved Matters stage and may result in the satisfactory compliance with the Exception Test in this regard.

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 in this regard.

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. As such, it is considered that the current scheme is not compliant with Policy LP14 and should be refused.

Highway Safety

9.21. It is noted and accepted that the specific details of the access are to be considered later as part of a reserved matters submission, however it is appropriate to consider at this stage the indicated point of access to the highway and whether or not the principle of such an access is acceptable.

9.22. There are several properties currently accessed off Sandbank. It is therefore not considered that access onto Sandbank would be harmful to highway safety as a matter of principle, and the lack of objection from the highways authority in this regard supports that conclusion. Details of the proposed access construction would be required to be approved as a reserved matter should the outline proposal be granted consent, and therefore it is not considered necessary to require those plans at this stage. The indicative scheme provided shows that there is sufficient space to allow for vehicles to turn around within the site and thus they would be able to both enter and leave the site in a forward gear.

9.23. It is considered therefore that there are insufficient grounds to justify refusal as a matter of principle on the basis of the highways impact.

Agricultural Land

- 9.24. The site is Grade I agricultural land, the highest quality. While planning policy seeks to restrict development on such sites it is not considered that it would be reasonable to refuse the application on this basis given the abundance of high quality agricultural land within the district.

10 CONCLUSIONS

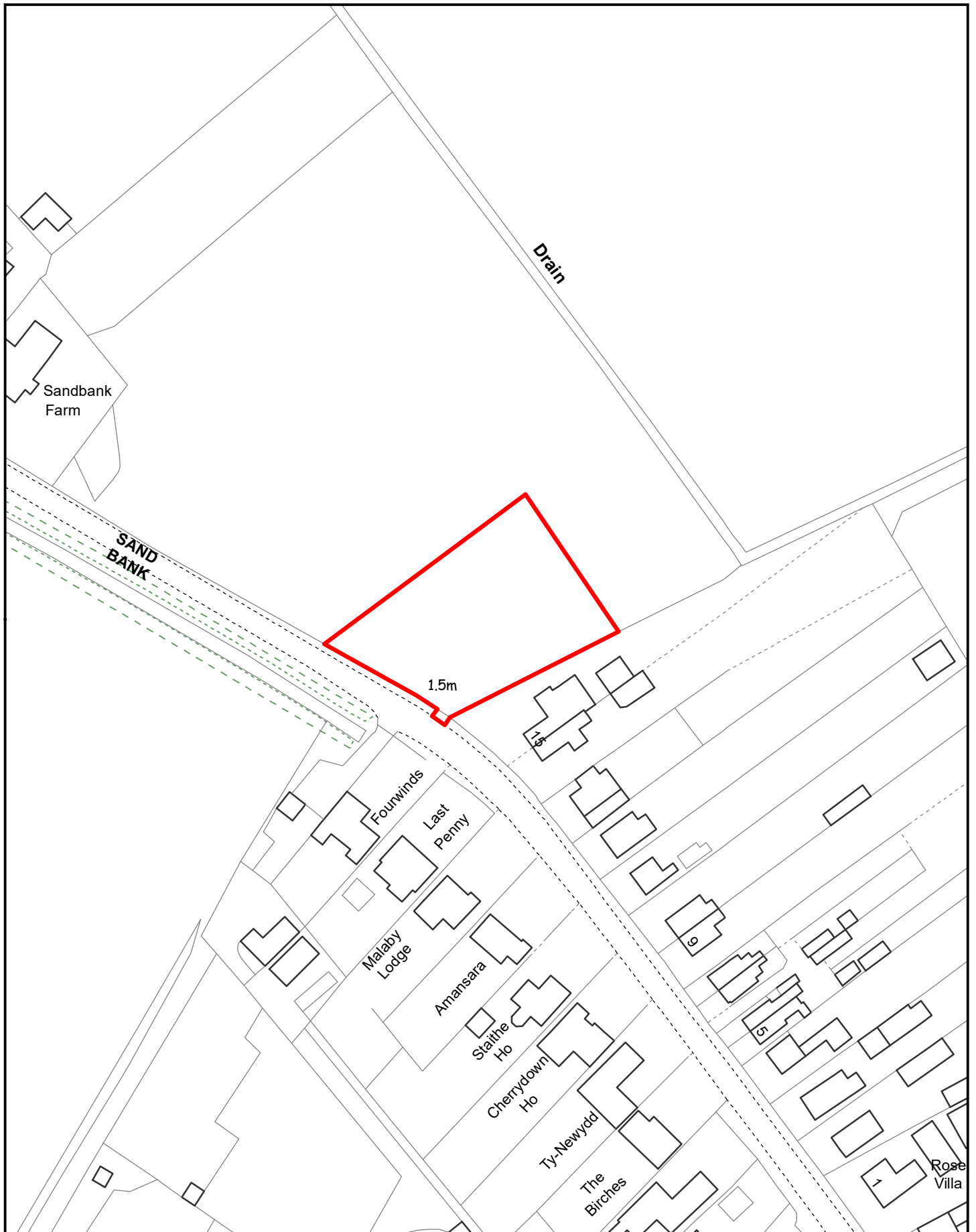
- 10.1. On the basis of the consideration of the three elements contributing to the principle of the development of the site listed above, there would be conflict with adopted planning policy in two of those areas. Such conflict arises through the principle of the development of the site rather than as a result of matters that could be addressed at the design stage, and 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

- 11.1. **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 a dwelling located beyond the existing built up edge of the settlement, extending the developed frontage into the countryside. Development encroaching into this land would detrimentally impact upon the character and appearance of the countryside, exacerbated by the requirement for the finished floor level to be above existing ground level by one metre and could set a precedent for further development failing to make a positive contribution to local character and the streetscene as set out in Policy LP16 (d). The application would therefore fail to comply with the requirements of policies LP12 and LP16 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. The proposal is therefore contrary to both policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF as a result.



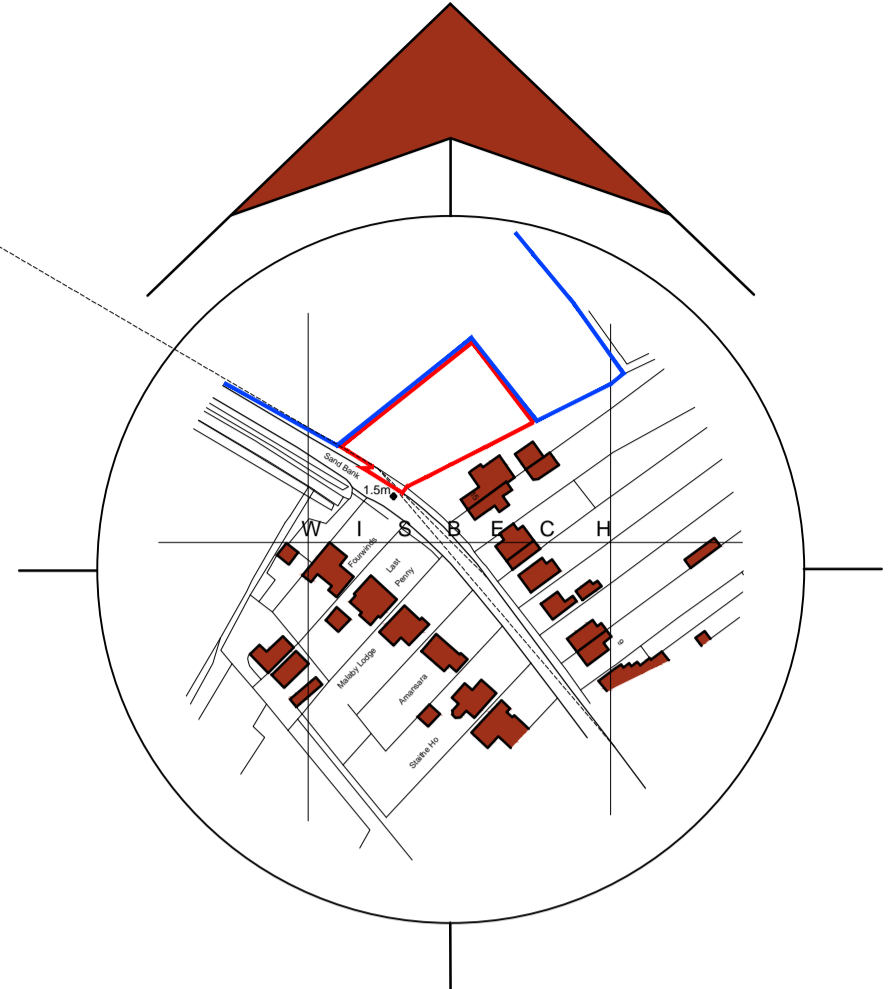
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F/YR21/0681/VOC

Scale = 1:1,250





Location Plan
Scale: 1:2500
metres



Indicative Site Plan
Scale: 1:200
metres

- General Notes
1. All dimensions are shown in 'mm' unless otherwise stated.
 2. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
 3. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and specifications.
 4. Any discrepancies are to be brought to the designers attention.

AREA SCHEDULE
APPLICATION SITE AREA = 1946m²

SITE PLAN KEY

- Un-surveyed buildings taken from OS map
- Proposed development
- Existing vegetation
- Proposed trees and vegetation
- Proposed grass
- Proposed private drive
- Proposed crossover to Cambridgeshire County Council standards to be drained and sealed to ensure no water from site enters highway and vice-versa. Full details to be submitted with Reserved Matters Application
- Indicates 1.8m wide footpath extension. Full details to be provided with Reserved Matters Application and will be subject to Highways Approval

Revisions

A	Aug 2021	Plot Size Reduced as Planning Officer Request and Access Relocated
B	Sept 2021	Visibility Splays Clarified

Status
FOR APPROVAL



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Job Title	Date	Drawn by
Proposed Dwelling	April 2021	JB
Land North of 15 Sand Bank		Checked by
Wisbech St Mary, PE13 4SE		RS
Drawing Title	Job No.	Sheet Size
Planning Drawing	SE-1624	A1
	Dwg No.	Revision
	PP1000	B