
F/YR21/0804/F

Applicant: Mr Hayden Snart

**Agent: Mr Chris Walford
Peter Humphrey Associates Ltd**

**Land West Of 256 Ramsey Road Accessed Via, Milk And Water Drove,
Pondersbridge, Cambridgeshire**

**Erect 1 x dwelling (single-storey, 4-bed) involving the formation of a new
access**

Officer recommendation: Refuse

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

1 EXECUTIVE SUMMARY

- 1.1. This application seeks full planning approval to erect one single-storey, 4-bed dwelling involving the formation of a new access on disused garden land associated with 256 Ramsey Road, Pondersbridge.
- 1.2. The proposal represents minimal issues in terms of visual amenity and is acceptable in design, amenity space, and parking terms. However, the proposed scheme is considered to be contrary to the requirements of Policy LP14 on the basis of a failed sequential test. Details provided within the application have failed to demonstrate that there are no sites available which would be, sequentially, able to accommodate the quantum of development proposed.
- 1.3. There are no material considerations that justify the approval of the scheme contrary to Policy LP14 of the Fenland Local Plan (2014), Section 14 of the National Planning Policy Framework (2021) and Cambridgeshire Flood and Water Supplementary Planning Document (2016); and as such is recommended for refusal.

2 SITE DESCRIPTION

- 2.1. The site is to the rear but within the curtilage of 256 Ramsey Road, a two-storey detached dwelling constructed of buff brick with a pantile roof and white uPVC fenestration, which sits at the end of a row of houses on a corner plot. It contains a garage, several trees to its southern boundary and overgrown area of garden that is currently disused.
- 2.2. The site is bounded by 1.8m close boarded timber fencing to all sides with an additional substantial row of mature trees to its southern side.
- 2.3. The host property fronts onto Ramsey Road (B1040), with vehicular access from the B1095 Ramsey Road. The site is within Flood Zone 3.

3 PROPOSAL

- 3.1. This application seeks full planning approval to erect one single-storey, 4-bed dwelling involving the formation of a new access on disused garden land associated with 256 Ramsey Road, Pondersbridge.
- 3.2. The scheme includes creation of a new access adjacent to the existing access of the host dwelling off Milk and Water Drove (B1095 Ramsey Road), leading to a gravel parking/turning area with parking space for three vehicles.
- 3.3. The proposed dwelling at the site is an entirely flat-roof single-storey structure indicated as a maximum of 14.75m wide by 20m deep, reaching a maximum height of approximately 3.5m.
- 3.4. The dwelling is proposed in a contemporary style, constructed of white render and timber cladding detailing, with black aluminium or uPVC fenestration with a flat, grey EDPM roof.
- 3.5. The site will be bounded by 1.8m close board timber fencing and will retain some of the hedgerows and mature vegetation bounding the site, with some clearance necessary to enable siting of the dwelling.

4 SITE PLANNING HISTORY

F/YR17/0519/O	Erection of a dwelling following demolition of existing garage (Outline with matters committed in respect of access)	Granted 10.08.2021
F/0203/83/O	Erection of two dwellings at rear of 256 Ramsey Road Pondersbridge	Refused 23.06.1988
F/0975/84/O	Erection of 2 dwellings r/o 256 Ramsey Road Pondersbridge	Refused 17.01.1985
F/0285/82/F	Erection of a house and garage 256 Ramsey Road, Pondersbridge	Granted 29.06.1982
F/0841/78/O	Erection of a dwellinghouse Ramsey Road, Pondersbridge	Granted 21.07.1978

5 CONSULTATIONS

5.1. Cambridgeshire County Council Highways Authority

The details are broadly acceptable. I have noted that the sealed section of the access does not extend to the full length of the highway boundary. This can be dealt with when the site is constructed and as per the condition below. I have no objections to planning permission being granted subject to the following conditions:

1. *Notwithstanding details on the approved plan 6302/01F prior to the first occupation of the development the vehicular access where it crosses the public highway shall be constructed in accordance with the Cambridgeshire County Council construction specification. For the avoidance of doubt the access to be sealed and drained onto the site between the carriageway edge and the boundary to the site.*

Reason: In the interests of highway safety and to ensure satisfactory access into the site.

2. *Prior to the first occupation of the development the proposed on-site parking 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 / manoeuvring area, in the interests of highway safety.

Informative

This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicants responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.

5.2. Arboricultural Officer (FDC)

The application is to erect 1 x single-storey, 4-bed dwelling and construction of a new access.

The applicant has submitted an AIA/AMS detailing the impact on the tree population and a methodology for the protection of retained trees during the project.

I have no objections to the findings of the report and it is a fair representation of the existing tree population.

The condition of the mature multi-stemmed White Willow is note and I agree with its urgent removal due to the structural condition of the base.

The arboricultural report notes in section 5.9 (Reporting and Monitoring Procedures) the need for regular site visits by a competent arboriculturist. To ensure this takes place we will require brief reports from the project arboricultural consultant covering visits during works that may impact on retained trees e.g., installation of protective fencing/ground protection, root pruning, and final update on the condition of retained trees following the completion of all works on site.

5.3. PCC Wildlife Officer

Comment:

The recommendations made within the Ecological Impact Assessment are suitable and proportionate for a development of this size. It is highly recommended that any soft landscaping plans are discussed with the ecologists to ensure a high level of biodiversity.

Recommendation:

No objection subject to conditions.

Recommended condition(s):

- (a) *All ecological measures and/or works shall be carried out in accordance with the details contained in section 8 of the Ecological Impact Assessment (Greenwillows Associates Ltd, 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.*

Reason: Protected species are a material concern for Local Planning Authorities as per the National Planning Policy Framework and Fenland Local Policy. The disturbance of protected species may be an infraction as described within the Wildlife and Countryside Act 1981.

- (b) *The development hereby permitted shall not be occupied until at least 1 bird boxes and 1 bat box have been suitably designed into the scheme in accordance with best practice methodology as set out by the Royal Society for the Protection for Birds and the bat conservation trust, evidence of the inclusion of these boxes should be provided to the Local Planning Authority.*

Reason: to secure the long-term protection of the nesting bird potential.

- (c) *If the development hereby approved does not commence within 2 years from the date of the planning consent, the approved ecological measures secured through the conditions above shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to*
- i. establish if there have been any changes in the presence and/or abundance of breeding birds or bats; and*
 - ii. identify any likely new ecological impacts that might arise from any changes.*

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

5.4. Environment Agency

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

National Planning Policy Framework Sequential Test

In accordance with the National Planning Policy Framework (paragraph 158), 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. Our flood risk standing advice reminds you of this and provides advice on how to apply the test.

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 the Flood Risk Assessment

We have reviewed the submitted Flood Risk Assessment (FRA) with regard to tidal and designated main river flood risk sources only.

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. [...]

5.5. Whittlesey Town Council

The Town Council have no objection and therefore recommend approval.

5.6. 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.

5.7. Local Residents/Interested Parties – no comments received

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 – Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise;

Para 11 – Presumption in favour of sustainable development but in accordance with the development plan;

Para 110 – 112 – promoting sustainable transport;

Para 126 – 130 – creation of high quality buildings;

Para 159 – 168 – development in flood risk areas.

7.2. **National Planning Practice Guidance (NPPG)**

7.3. **National Design Guide**

Context – C1

Identity – I1, I2, I3

Built Form – B2

Homes and Buildings – H1

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

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

LP19 - The Natural Environment

7.5. **Cambridgeshire Flood and Water SPD**

8 **KEY ISSUES**

- **Principle of Development**
- **Design considerations and visual amenity of the area**
- **Residential amenity**
- **Flood risk**
- **Access and parking**
- **Ecology/Trees**
- **Other matters**

9 **ASSESSMENT**

Principle of Development

- 9.1. Within the Local Plan Policy LP3 - Settlement Hierarchy, Pondersbridge is classified as a 'other' village where residential development will be assessed on its own merits; usually restricted to single plots within an existing built up frontage. The proposed development meets the policy criteria, in that it is a single plot. The rear gardens of the adjacent row of houses extend some distance from the properties. The proposed plot is within the existing building line to the rear of these properties, and although the frontage will be to Ramsey Road, it is on balance considered to be in compliance with LP3.
- 9.2. Policy LP16 supports the principle of development subject to the significance of, and the likely impact on, the amenity of neighbouring properties and users in its design and appearance. Policy LP2 seeks to ensure that development does not result in harm to the amenity of the area or the environment in general. Policy LP14 suggests that development proposals should adopt a sequential approach to flood risk and support these proposals in principle subject to the scheme demonstrating a positive approach to flood risk management. Policy LP15 supports the principle of development that is acceptable in terms of transport and highway safety. The principle of the development is therefore acceptable subject to the further policy considerations set out below.

Design considerations and visual amenity of the area

- 9.3. Policy LP16 refers to development making a positive impact to local distinctiveness and the character of the area and amongst other things should not have an adverse impact on landscape character. It is also a core planning principle in the NPPF that recognises the intrinsic value of the countryside; therefore consideration needs to be given to any harm caused.
- 9.4. The proposed dwelling is of a contemporary style and design, and is not of a typical dwelling form, particularly in comparison with other dwellings in the vicinity. However, the proposed property is positioned at a significant distance to the rear of the host dwelling (and properties to the north and south) and is intended to front Milk and Water Drove (B1095 Ramsey Road). As such, the site refers more to the surrounding countryside than that of the adjacent built form. As such it is necessary to consider the proposed scheme on its own merits within the landscape. Given the singularity of the siting of the site, this gives the applicant more scope for the design of the scheme.
- 9.5. Its simple profile, modest roof height and clean architectural style offers an individuality that is uncommon to the wider setting. However, owing to the flat-roof profile, modest height and the intended retention of the mature vegetation to the southern boundary adjacent to the highway, it is likely that only glimpses of the dwelling will be visible within the streetscene, which is supported by the street scene depiction on the submitted plans. As such it is considered that the unique design of the proposal will not cause harm to the overall countryside landscape.
- 9.6. Given the above, it is considered that the proposal complies with Policy LP16 and is acceptable with regard to design and character.

Residential amenity

- 9.7. The nearest dwelling to the site is the host dwelling, set approximately 36m to the east of the proposed dwelling. Further dwellings, including Nos. 254 and 258 Ramsey Road, are located approximately 43m to the northeast and 54m to the southeast, respectively. Given these separation distances, it is considered there are no issues to reconcile with regard to overbearing, overshadowing or overlooking in relation to the proposed scheme.

Thus, the scheme is compliant with Policies LP2 and LP16 (e) of the Fenland Local Plan in this regard.

Flood risk

- 9.8. 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

- 9.9. 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 Pondersbridge is the area of search for the Sequential Test for this application.

- 9.10. The application is accompanied by a Flood Risk Assessment, which includes a section relating to the Sequential Test. The assessment argues that the whole of Pondersbridge and the surrounding area is located within Flood Zone 3 and as such there are no sequentially preferential sites at lower flood risk available. Whilst it is accepted that there are no specific sites within Pondersbridge within a lower flood risk area, the Sequential Test is considered deficient because the application is not accompanied by sufficient documentation to demonstrate that there are no alternative sites available that could accommodate the quantum of development proposed.
- 9.11. For example, the Sequential Test submitted omits planning application F/YR21/0375/O, approved in May 2021, for the erection of a 2-storey 4-bed dwelling involving the demolition of existing outbuildings. As such, this site would also be capable of accommodating the quantum of development proposed within this application, 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

- 9.12. 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.

(a) *Wider sustainability benefits*

- 9.13. 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.
- 9.14. 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.

- 9.15. The Flood Risk Assessment submitted with the application (ECL0482a Dated Sept 2021) includes an Exception Test that details the following sustainable benefits will be included as part of the development:
- a PV solar panel system on the roof of the development to provide electricity;
 - solar thermal panels to warm water;
 - air source heat pump to heat the dwelling; and
 - triple glazing.
- 9.16. These details are also detailed within the Design and Access Statement and plans provided with the application. Furthermore, conditions regarding the provision of bat and bird boxes have been recommended to be included within the scheme by the PCC Wildlife Officer to sustain and encourage biodiversity.
- 9.17. Thus, given these considerations to utilise renewable energy sources and encourage biodiversity, the Exception Test is considered to be passed in this regard.

(b) Flood safety

- 9.18. The inclusion of flood mitigation measures including raised finished floor levels, flood resilient construction measures, sustainable drainage systems within the proposal and registration to the Environment Agency's Flood Warning Service 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).

Flooding and Flood Risk - Conclusion

- 9.19. 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.

Access and parking

- 9.20. Policy LP15 requires development to provide to provide a well-designed, safe and convenient access for all, and well-designed car parking appropriate to the amount of development proposed, ensuring that all new development meets the Council's defined parking standards.
- 9.21. 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.
- 9.22. Whilst the proposed site plan does not depict residual parking for the host dwelling, during site inspection the Case Officer observed that there would be ample residual space at the site for parking for the host dwelling via the existing access.
- 9.23. The comments of the Highways Authority are noted with regard to the proposed access and parking along with the recommendation of necessary

conditions to ensure highways safety. The Highways Authority have confirmed that they have no objections to the scheme, subject to the imposition of the recommended conditions.

Ecology/Trees

- 9.24. Policy LP19 seeks to protect the natural environment. An ecological impact survey and a tree report/plans have been submitted with the application. Consultations with both Peterborough City Council's Wildlife Officer and FDC's Arboricultural Officer resulted in no objection to the proposal, subject to the imposition of necessary planning conditions to safeguard the retained trees along with the security and enhancement of ecology and biodiversity at the site. The development is therefore considered compliant with LP19.

Other matters

- 9.25. The scheme has no implications with regard to private amenity space associated with either the host or proposed dwellings as both plots are substantial enough to ensure the private amenity space for each remains in excess of a third of their respective overall plots.

10 CONCLUSIONS

- 10.1. The proposal represents minimal issues in terms of visual amenity and is acceptable in design, amenity space, and parking terms. However, 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, able to accommodate the quantum of development proposed herein. There are no material considerations that justify the approval of the scheme contrary to Policy LP14 and as such a non-favourable response is forthcoming.

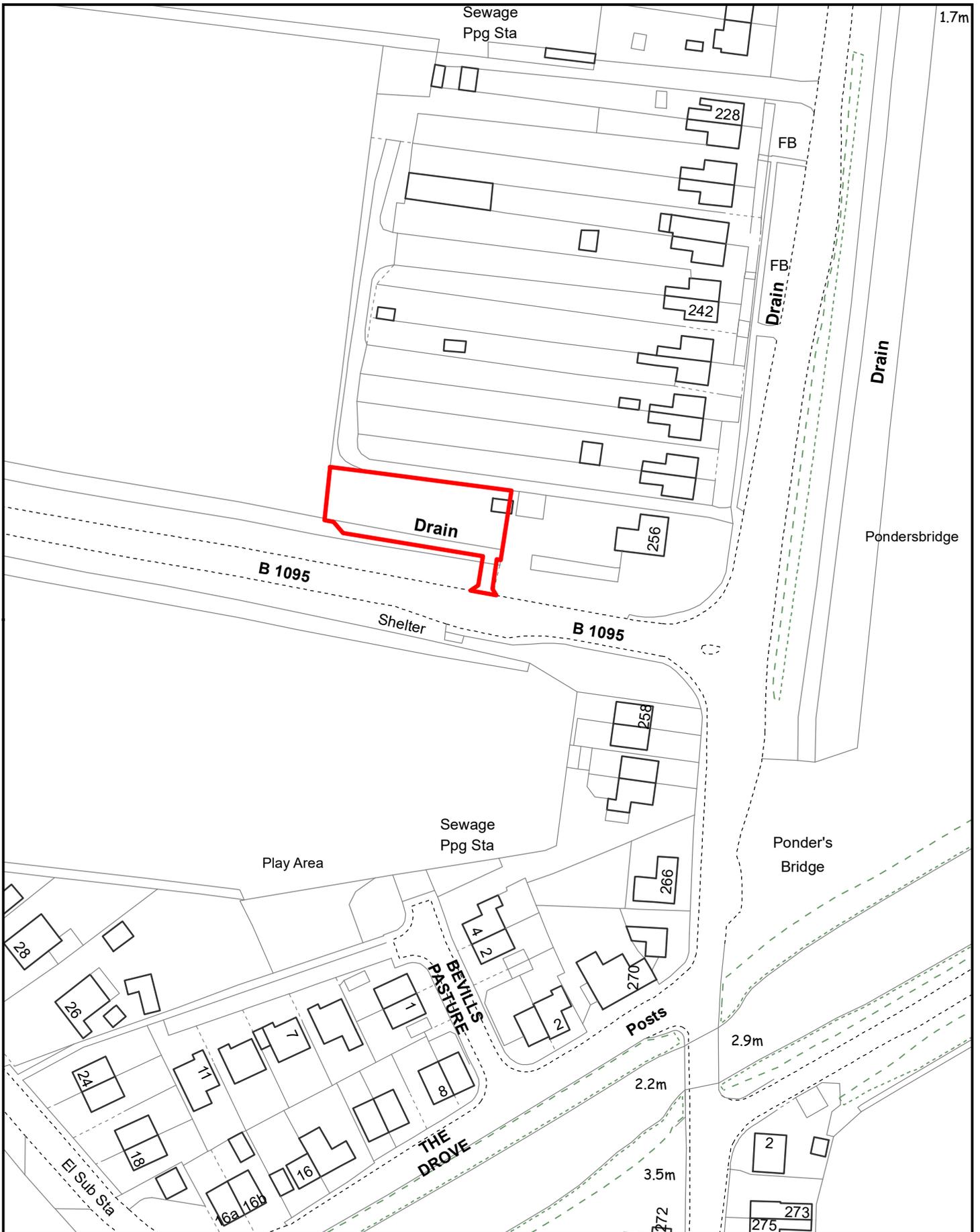
11 RECOMMENDATION

- 11.1. **Refuse**, for the following reason

Reason

1	<p>Flood Risk</p> <p>Policy LP14 of the Fenland Local Plan, section 14 of the National Planning Policy Framework (2021) 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 argues that the Sequential Test is not relevant in this case owing that the whole of the settlement of Pondersbridge lies within Flood Zone 3. However, the Sequential Test fails to fully identify land available within the settlement of Pondersbridge that is available for development of the scale proposed by the application, and the test is therefore considered to</p>
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	be failed. The proposal is therefore contrary to policy LP14 of the Fenland Local Plan (2014), Section 14 of the National Planning Policy Framework (2021) and Cambridgeshire Flood and Water Supplementary Planning Document (2016).
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