

Application Number: F/YR13/0718/F

Minor

Town Council/Ward: Wisbech Town Council/Peckover

Date Received: 23rd September 2013

Expiry Date: 18th November 2013

Applicant: Mr & Mrs Bird

Agent: Mr G Edwards, Swann Edwards Architecture

Proposal: Erection of a 3-bed 2-storey dwelling

Location: Land North of 2 The Water Gardens, Wisbech

Site Area: 347.5 sq. metres

Reason before Committee: This application is before committee due to a member call in by Cllr Oliver who considers the proposal is consistent with the Districts plan to provide buildings of good proportions, style and location for professional families.

1. EXECUTIVE SUMMARY/RECOMMENDATION

This application seeks full planning permission for the erection of a 3-bed 2-storey dwelling at Land North of 2 The Water Gardens, Wisbech. This application has been assessed in line with Local and National Planning Policies in relation to issues including the form and character of the area; the layout, design, scale and appearance of the proposal, the impact upon the residential amenities of the occupants of neighbouring properties.

The proposed development by virtue of its siting, layout and relationship with adjoining properties would create the appearance of a cramped form of development that would not be in keeping with the form and character of the area. It is considered that the proposed development is contrary to Policy E8 of the Fenland District Wide Plan (1993), Policy CS16 of the emerging Fenland Local Plan-Core Strategy (2013) and the provisions of Section 7 'Good Design' of the NPPF.

Furthermore, in terms of flood risk assessment, the site does not meet the criteria within Policy CS14 (Part B) of the emerging Local Plan – Core Strategy, as taking into account Flood Zones, Policy CS4 broadly identifies potential for 3000 homes to be delivered across various locations in Wisbech which are lesser flood risk areas. Therefore, in policy terms there are more suitable sites for residential development within the district and it has not been demonstrated that the proposal meets an identified need. Accordingly, the proposal fails to meet with Policy CS14 Part B of the emerging Fenland Local Plan – Core Strategy (Feb 2013) and the NPPF.

Therefore, the proposal fails to comply with local and national planning policies and accordingly it is recommended that planning permission is refused.

2. HISTORY

Of relevance to this proposal is:

2.1 F/YR13/0405/F – Erection of a 3-bed 2-storey dwelling – Withdrawn (11/09/2013);

3. PLANNING POLICIES

3.1 National Planning Policy Framework:

Paragraph 2: Planning law requires that applications for planning permission must be determined in accordance with the development plan.

Paragraph 14: Presumption in favour of sustainable development.

Paragraph 17: Seek to ensure high quality design and a good standard of amenity for all existing and future occupants.

3.2 Emerging Fenland Local Plan - Core Strategy (Submission Version) Sept 2013:

CS3: Spatial Strategy, The Settlement Hierarchy and the Countryside

CS14: Managing the Risk of Flooding in Fenland

CS16: High Quality Environments

3.3 Fenland District Wide Local Plan (1993):

H3: Development should be within the existing settlement

E8: Landscape and Amenity Protection

TR3: Parking

4. CONSULTATIONS

4.1 Town Council

Recommend Approval as members have no objections or observations in respect of this application.

4.2 CCC Highways

The Water Gardens is a private street; the existing street has adequate footway and carriageway width to cater for the proposed development, however, the street lacks a comprehensive street lighting system or a usable/ workable turning head suitable for service/ delivery/ fire tender vehicles. The street could also be regarded as being in poor condition in terms of footway and carriageway surfacing.

However, in the context of the existing level of development served (8 dwellings), the development is likely to generate only a nominal level of additional impact in terms of vehicle/ pedestrian trips and servicing demand and, accordingly, CCC Highways have no objections.

CCC Highways have outlined that the LPA may wish to consider consulting the Fire and Rescue Service with regard to the accessibility of the dwelling located at the end of the cul-de-sac which, contrary to Para 3.4 of the D&A does not have a suitable fire tender turning area. The Fire

and Rescue Service have been consulted however no comments have been received at the time of report writing.

CCC Highways have also outlined that the LPA may wish to secure a photographic 'Condition Survey' of the street prior to the commencement of the development, such that any material damage apparent through the construction period can be reinstated appropriately.

Finally, the existing footway adjacent The Water Gardens terminates at the access to No.2; it would be appropriate to extend the existing footway to link to the proposed dwelling access. CCC Highways requested that plans should be amended accordingly. However, given the overriding issues with the proposal this was not considered necessary on this occasion.

- | | |
|---|---|
| 4.3 North Level IDB | No comments received at time of report. A full update will be given at Committee. |
| 4.4 Environment Agency | No comments received at time of report. A full update will be given at Committee. |
| 4.5 FDC Assets and Projects | No comments received at time of report. A full update will be given at Committee. |
| 4.6 FDC Environmental Protection | 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. From the information provided contaminated land is not considered an issue. |
| 4.7 Cambridgeshire Fire & Rescue | No comments received at time of report. A full update will be given at Committee. |

4.8 Neighbours/Interested Parties

3 x letters of objection/concern received including 2 from the same property.

Concerns raised included;

- Plans indicate a small site disproportionate to neighbouring properties;
- small gardens to front and rear;
- The siting and angle of building is not characteristic of Water Gardens;
- Potential on-street parking;
- Impact on privacy and overlooking to 16 and 20 Ashdale Park and 1 Water Gardens;
- If granted would possibly create a precedent for similar developments on large plots within this small private development;
- Questioned whether the services (e.g. sewerage and drainage) would be adequate for any additional properties.

5. SITE DESCRIPTION

- 5.1 The site comprises part of the garden of 2 The Water Gardens, Wisbech. The site has a frontage to Water Gardens, a small cul-de-sac development of 8 dwellings, with the area characterised by large detached dwellings positioned within large plots, with large buffer zones between each of the dwellings.

6. PLANNING ASSESSMENT

6.1 Policy Considerations

The site, which has been the subject of pre-application advice is located within a reasonably sustainable location within the built up limits of Wisbech where the principle of residential development is acceptable in line with Policy H3 of the existing Fenland District Wide Local Plan and Policy CS3 of the emerging Fenland Local Plan – Core Strategy (Sept 2013).

Paragraph 53 of the NPPF, sets out that consideration should be given to whether the proposal would cause harm to the local area and this paragraph also points out that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens. The NPPF excludes residential gardens from the definition of previously developed land which was the case under PPS3 (Planning Policy Statement 3). However, whilst land that might previously have fallen within this category is no longer a priority for development, neither the NPPF nor local policies preclude applications affecting garden land from being considered each on their own particular merit. Therefore, it is necessary to assess how the proposal now fits with policy at the current time.

Policy CS16 of the emerging Fenland Local Plan – Core Strategy (Sept 2013) seeks to ensure that high quality environments are delivered and protected throughout the district. It sets out relevant criteria including requiring development to be of a scale that is in keeping with the shape and form of the settlement pattern, does not adversely impact upon the amenity of neighbouring users, and provides sufficient private amenity space in line with policy requirements. It should be noted that development will only be permitted if it can be demonstrated that the proposal meets all of the listed criteria. Similarly Policy E8 of the existing Fenland District Wide Local Plan (1993) requires that proposals should be of a design compatible with their surroundings and have regard to the amenities of adjoining properties.

Furthermore, national policy in Section 7 of the National Planning Policy Framework (NPPF) attaches great importance and weight to the design of the built environment, a key aspect of sustainable development which is indivisible from good planning. The 'Core Planning' principle of 'always seeking to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings' is outlined in paragraph 17 of the NPPF.

Although, Policies H3 and CS3 broadly support the principle of residential development at this location, it is necessary to ensure that the proposal meets the requirements of the design policies within the existing Local Plan (Policy E8), the emerging Local Plan - Core Strategy (Policy CS16) and guidance contained within the NPPF (Section 7) which stipulate that new development should seek to ensure that issues including the scale, style, character, appearance, amenity and access and parking are taken into consideration.

Therefore, in light of national and local policies it is appropriate to assess the proposal in terms of form and character, design, layout and impact upon amenity.

6.2 Layout, Design and Impact on Amenity

The site comprises part of the garden of 2 The Water Gardens, Wisbech. The site has a frontage to Water Gardens, a small cul-de-sac development of 8

dwelling, with the area characterised by large detached dwellings positioned within large plots, with large buffer zones between each of the dwellings.

This proposal involves the subdivision of the existing garden of 2 The Water Gardens and the erection of a dwelling. In view of the size of the site and the siting, scale and positioning of the proposal and the character of the surrounding area it is considered that the proposed development would result in a cramped form of development on this site.

In terms of Policy CS16 the proposal has not met the applicable criteria. Policy CS16 (h) seeks to ensure that all new dwellings provide sufficient private amenity space, with the local character of the area a key guide. Therefore, in view of the character of the area which features large dwellings set in large gardens, it is considered that the proposal fails to provide sufficient private amenity space both to the occupants of the proposed dwelling and the existing dwelling at 2 The Water Gardens. In view of this and the NPPF which highlights the importance of a good standard of amenity for all existing and future occupants of land and buildings it is considered that the proposal would be contrary to Policy E8 of the existing Fenland Local Plan 1993 and Policy CS16 of the emerging Fenland Local Plan – Core Strategy (2013) and the NPPF.

Policy CS16 (e) states that development should make a positive contribution to the local distinctiveness and character of the area, enhance its local setting, respond to and improve the character of the local built environment, reinforce local identity and not adversely impact, either in design or scale terms, on the streetscene, settlement pattern or the landscape character of the surrounding area. The proposed development by virtue of its siting, layout and relationship with neighbouring properties (in particular to No.2 The Water Gardens) would create the appearance of a cramped form of development that would not be in keeping with the shape and form of the settlement pattern and would harm the character and appearance of the surrounding area.

The proposal also includes the positioning of roof lights on the side elevation. In view of this and the location of the window on the side elevation of the existing dwelling (No. 2), concern is raised as to the impact upon the living conditions of the occupants of 2 The Water Gardens as there may be a perception of overlooking. It is noted that there may be design solutions which could overcome this issue, and normally officers would negotiate on such issues. However, in this instance given the overriding issues discussed above revised plans were not sought.

Therefore, it is considered that the proposed development would be contrary to policy CS16 of the emerging Fenland Local Plan – Core Strategy (2013), E8 of the existing Fenland District Wide Local Plan (1993), and would not be consistent with the 'good design' principles of the NPPF.

6.3 Other Issues

The site is located within Flood Zone 3 and requires assessment in terms of flood risk. With regards to this application consultation responses are awaited from both the Environment Agency (EA) and North Level IDB. However, notwithstanding this, the NPPF and Local Policy requires the Council to steer all development towards areas of low risk and therefore it is necessary to assess

this site in terms of local and national policy.

In terms of flood risk assessment, the site does not meet the criteria within Policy CS14 (Part B) of the emerging Local Plan – Core Strategy, as taking into account Flood Zones, Policy CS4 broadly identifies potential for 3000 homes to be delivered across various locations in Wisbech which are lesser flood risk areas. Therefore, in policy terms there are more suitable sites for residential development within the district and it has not been demonstrated that the proposal meets an identified need. Accordingly, the proposal fails to comply with Policy CS14 Part B of the emerging Fenland Local Plan – Core Strategy (Feb 2013) and the NPPF.

CCC Highways have outlined that ‘The Water Gardens is a private street; the existing street has adequate footway and carriageway width to cater for the proposed development, however, the street lacks a comprehensive street lighting system or a usable/ workable turning head suitable for service/ delivery/ fire tender vehicles. The street could also be regarded as being in poor condition in terms of footway and carriageway surfacing. However, in the context of the existing level of development served (8 dwellings), the development is likely to generate only a nominal level of additional impact in terms of vehicle/ pedestrian trips and servicing demand and, accordingly, CCC Highways have no objections’.

7. CONCLUSION

7.1 This application has been assessed in line with Local and National Planning Policies in relation to issues including the form and character of the area; the layout, design, scale and appearance of the proposal, the impact upon the residential amenities of the occupants of neighbouring properties.

The proposed development would create the appearance of a cramped form of development that would not be in keeping with the shape and form of the settlement pattern and would harm the character and appearance of the surrounding area.

Therefore, it is considered that the proposed development is not acceptable in light of the requirements of Policies E8 of the Fenland District Wide Plan (1993), Policy CS16 of the emerging Fenland Local Plan-Core Strategy (2013) and the provisions of Section 7 ‘Good Design’ of the NPPF.

Furthermore, in terms of flood risk assessment, the site does not meet the criteria within Policy CS14 (Part B) of the emerging Local Plan – Core Strategy, as taking into account Flood Zones, Policy CS4 broadly identifies potential for 3000 homes to be delivered across various locations in Wisbech which are lesser flood risk areas. Therefore, in policy terms there are more suitable sites for residential development within the district and it has not been demonstrated that the proposal meets an identified need. Accordingly, the proposal fails to comply with Policy CS14 Part B of the emerging Fenland Local Plan – Core Strategy (Feb 2013) and the NPPF.

8. RECOMMENDATION

Refuse

1. The proposed development would result in a cramped form of development that is out of keeping with the form and character of this area. As a result the proposal would cause harm to the visual and residential amenities of the area contrary to Policy E8 of the Fenland DWLP (1993), Policy CS16 of the emerging Fenland Local Plan-Core Strategy (2013) and the requirement for 'good design' within paragraph 56 of the NPPF.

- 2 The site is located within Flood Zone 3. The proposal is considered to have failed to demonstrate the acceptability of locating housing development on this site in sequential terms when compared to other sites in the district which have a lower probability of flooding and it has not been demonstrated that the proposal meets an identified need. Therefore, the proposal is considered to be contrary to Policy CS14 Part B of the emerging Fenland Local Plan – Core Strategy (2013) and the NPPF.