

Application: F/YR14/0813/F

Minor

Parish/Ward: Benwick Parish

Date Received: 13 October 2014

Target Determination date: 8 December 2014

Applicant: Mr & Mrs Berridge

Agent: Craig Brand Architectural & Highway Design

Proposal: Erection of 3 x 2-storey 4-bed dwellings with double garages including construction of public footway

Location: Land West Of 42 Ramsey Road, Benwick, Cambridgeshire

Reason before Committee: This application is before committee as the Local Planning Authority's determination is contrary to that of the Parish Council's and the threshold of 3 dwellings proposed. Therefore in-line with the Council's constitution, the application must be determined by the Planning Committee

1. EXECUTIVE SUMMARY/ RECOMMENDATION

This application seeks full planning permission for the erection of 3No. 2-storey 4-bed dwellings with detached double garages and the construction of a public footway.

The key issues to consider are;

- Principle of development;
- Layout and Appearance
- Impact on Amenity
- Health & Wellbeing
- Economic Growth

The proposal is a resubmission of a previous approval for the same which was granted in permission in October 2011 but has since lapsed. This application follows new national and local planning policies and must be determined in accordance with these.

In addition, the site is located within Flood Zone 3, and it is considered that the applicant has failed to undertake a sequential and exception test contrary to the requirements of the NPPF and LP14 of the Local Plan. The proposal therefore fails policies LP2, LP14 and LP16 in that the development would place future occupants at risk of flooding with justification provided that would otherwise outweigh this potential harm.

The recommendation is to refuse the application as it fails to satisfy policies LP2, LP3, LP12, LP14 and LP16 of the Fenland Local Plan 2014 and guidance contained within the NPPF.

2. HISTORY

Of relevance to this proposal is:

- 2.1 F/YR11/0536/F Erection of 3 x 2-storey 4-bed dwellings with double garages including construction of public footway
Granted 12 October 2014
- F/94/0467/F - Erection of 4 floodlights to existing horse exercise area –
Granted 23 November 1994
- F/1510/88/O - Residential development (houses) –
Refused 15 December 1988

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.

Section 7: Requiring Good Design

Section 10: Meeting the challenge of climate change, flooding and coastal change

3.2 Emerging Fenland Core Strategy:

LP1: Presumption of Sustainable Development

LP3: Spatial Strategy, The Settlement Hierarchy and the Countryside.

LP12: Rural Areas Development Policy

LP14: Responding to Climate Change and Managing Flood Risk

LP16: High Quality Environments

4. CONSULTATIONS

4.1 Parish Council

The Parish Council have no objections to this planning application as long as the conditions that were applied to this site in a previous application F/YR11/0536/F are applied to this planning application. The Parish Council would also like it stated that the footpath and 2 street lights be approved and then adopted by Highways and County Council, and not end up as the responsibility of the Parish Council.

4.2 FDC Environmental Health

The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed development. The proposal is unlikely to have a detrimental effect on local air quality or the noise climate. The previous permission for the site includes the contaminated land condition; this should be retained if permission is granted.

4.3 CCC Highways

I raise no highway objections in principle

Conditions regarding vehicular access details, visibility splays, location of gates and the footway and associated drainage to be supplied prior to commencement.

4.4 Middle Level Commissioners

No comments received at time of report.

4.5 Environment Agency

No objections but makes recommendation in respect of;

- i) Flood mitigation,
- ii) Finished Floor Levels
- iii) Applying the Sequential and Exceptions Test
- iv) Foul Drainage Management
- v) Flood Proofing Measures
- vi) Flood Warning measures
- vii) Pollution Prevention

Local Residents

No comments received

5. SITE DESCRIPTION

- 5.1 The site is located at the western periphery of Benwick immediately adjacent to the existing developed footprint and comprises an area of land approximately 0.2 hectares. The site is currently used for the schooling and care of horses and is mainly surrounded by existing trees. The land lies at the end of a ribbon of development extending in a westerly direction from the village of Benwick. The proposed housing would continue this ribbon of development for approximately a further 45 metres.

6. PLANNING ASSESSMENT

- 6.1 The key issues to consider are;

- Principle of development;
- Flood Risk
- Access, Appearance, Landscaping, Layout and Scale
- Impact on Amenity
- Health & Wellbeing
- Economic Growth

6.2 Principle of Development –

The site is located within the settlement of Benwick. The village is identified as a 'small village'. In accordance with Policy LP3 of the Local Plan development in small villages will be considered on its merits but will normally be of a very limited nature and normally be limited in scale to residential infilling or a small business opportunity.

6.3 Flood Risk

The site lies within Flood Zone 3. The approach of the NPPF, its associated Planning Practice Guidance (PPG) and policy LP14 of the Local Plan is not to rely on mitigation measures in area at high risk of flooding but instead to direct development away from such areas unless robust justification is provided to demonstrate the wider sustainability benefits of the development.

Accordingly the sequential test is applicable and if that test is passed, the Exception Test should then follow. The situation within Benwick is unusual as the vast majority of the village falls within flood zone 3a. There are however areas that fall within lower flood risk zones (Zones 1 and 2).

In-line with the NPPF, PPG and LP14 (Part B) of the Local Plan, in this instance, the application of the sequential test is required to identify whether more suitable sites in areas of lower risk are available for the development. The agent has not undertaken the sequential test as required and has incorrectly advised that it is for the LPA to undertake.

Therefore in this regard, it is considered that the applicant has failed to adequately demonstrate through the sequential test or exception test that the development could be delivered in lower areas of flood risk or would provide wider sustainability benefits to the community that would otherwise outweigh flood risk.

6.4 Access, Appearance, Landscaping, Layout and Scale

The proposed layout of the site indicates the continuation of frontage development which is characteristic in this location. The proposed houses are considered to be of a good standard of design with ample gardens and turning and parking is available within the site. The scale of the development is considered acceptable

The proposal allows for the retention of the majority of the existing landscaping with the exception of the high conifer trees on part of the western boundary which will be removed and replaced with 1.5 m high hedging and post and rail fencing.

6.5 Impact on amenity

The dwellings have been designed so as to minimise the impacts of overlooking and overbearing on each other. The adjacent existing dwelling is separate from the development by an access road and therefore it is considered that future occupants of this dwelling and those proposed will not be adversely affected.

6.6 Health and Wellbeing

The dwellings proposed will be sited within Flood Zone 3a which is an area of highest risk of flooding. The approach of the NPPF, its associated Planning Practice Guidance (PPG) and policy LP14 of the Local Plan is not to rely on mitigation measures in area at high risk of flooding but instead to direct development away from such areas. It is considered that the applicant has failed to demonstrate that the harm of potential flood risk to future occupants of the proposed dwellings is outweighed by any wider sustainability benefits to the community and therefore fails policy LP14 of the Local Plan.

6.7 Economic Growth

The introduction of further dwellings in this growth village location will support the growth of Benwick and the district in general.

6.8 Other matters

The applicant has provided confidential information advising as to why the previous permission was not implemented in time. Having given due consideration to its contents it is concluded that the matters do not constitute material planning considerations.

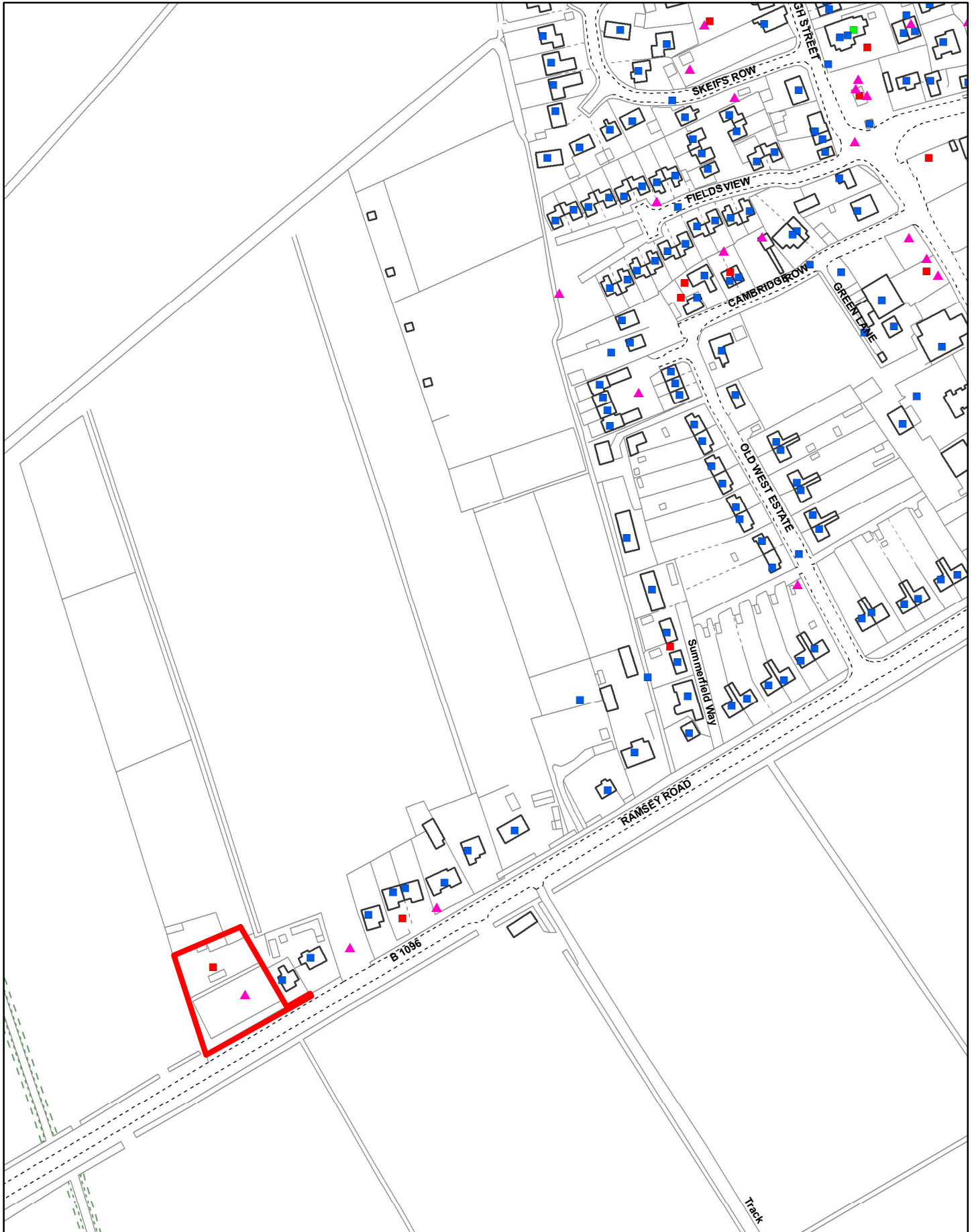
7. CONCLUSION

- 7.1 The application has been considered in-line with core planning principles of the National Planning Policy Framework and with policies LP2, LP3, LP12, LP14 and LP16 of the Fenland Local Plan 2014.
- 7.2 The proposed development is not considered to be infill as required by policy LP3 and instead would form an extension of linear development away from the core of the settlement which is contrary to policy LP12 Part A (e). In addition the applicant has failed to demonstrate that the development cannot be delivered elsewhere in the settlement at lower risk areas of flooding and that the development would provide wider sustainable community benefits that outweigh the flood risk thereby failing policy LP14. Therefore, in view of the identified risks of flooding that future occupants would be exposed to, the proposal fails to satisfy policies LP2 and LP16 as it does not deliver a high quality environment and instead puts future occupants at risk from flooding.

8. RECOMMENDATION

8.1 Refuse for the following reason :

- 8.2 1. Policy LP14 (Part B) of the Local Plan requires development in Flood Zone areas 2 and 3 to undergo a sequential test, and if appropriate an exception test to demonstrate that the development cannot be delivered elsewhere in the settlement at lower risk areas of flooding and if not, to demonstrate that the development would provide wider sustainable community benefits that outweigh the flood risk. The applicant has failed to demonstrate that the proposal meets an identified need on the site, to justify an exception to policy LP14 of the Fenland Local Plan.
- 8.3 2. Policies LP2 and LP16 seek to deliver high quality environments, ensuring that people are not put at identified risks from development thereby avoiding adverse impacts. The site lies within Flood Zone 3 which is a high risk flood area. Therefore the proposal fails to satisfy policies LP2 and LP16 of the Fenland Local Plan as it fails to deliver a high quality environment and instead puts future occupants at higher risk from flooding

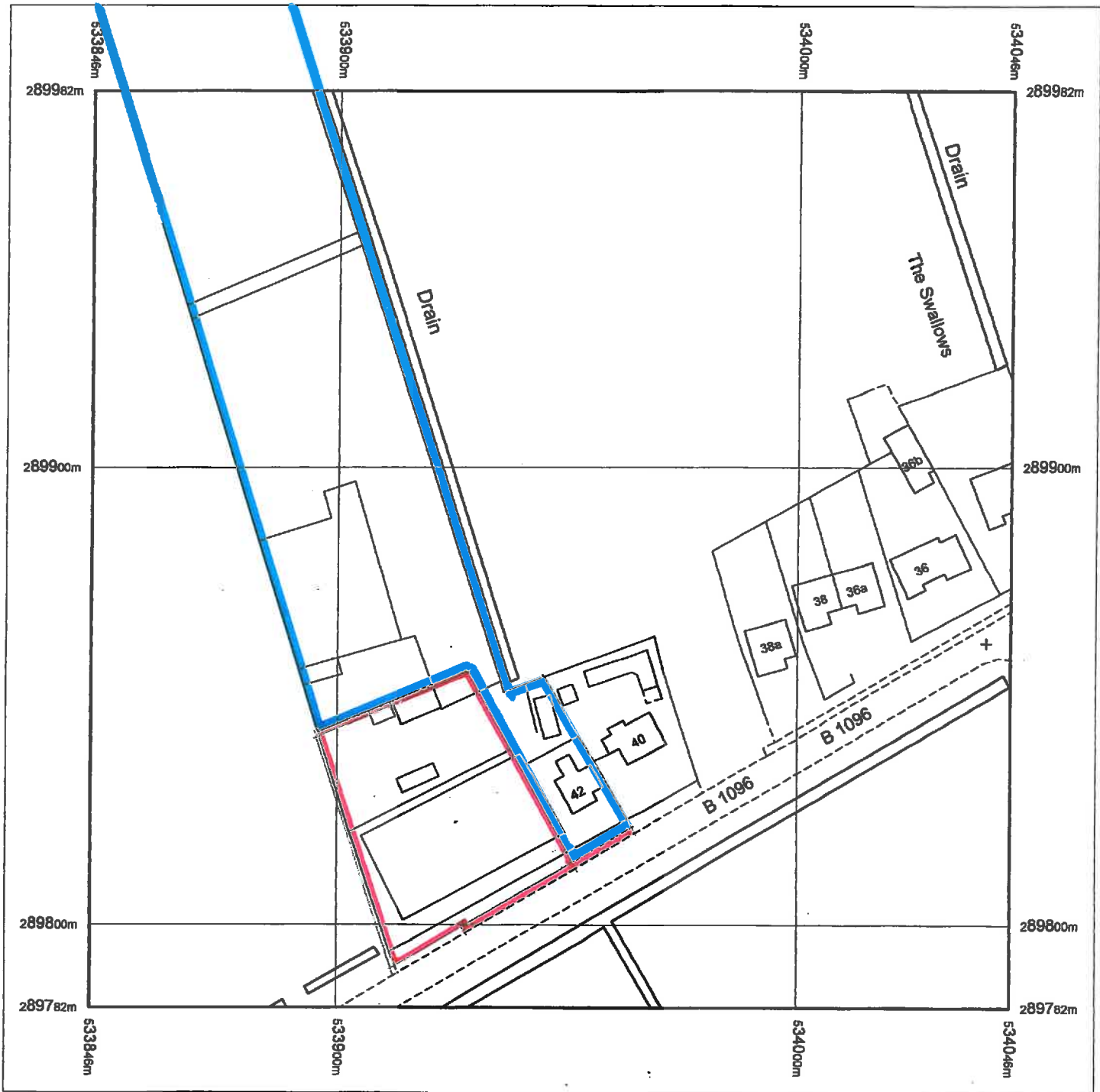


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**Land West of
42 Ramsey Road,
Benwick**
Scale = 1:2,500





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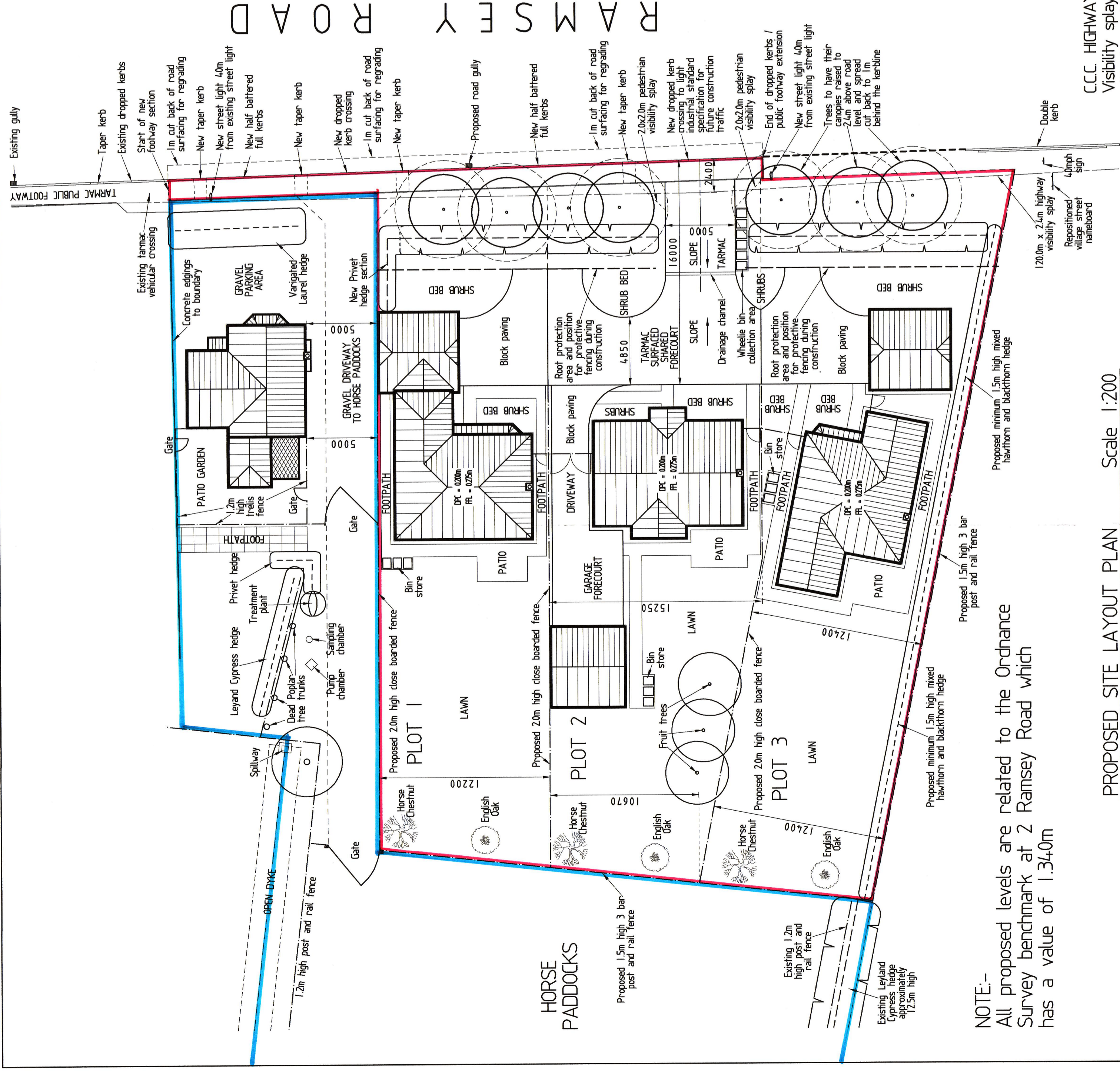


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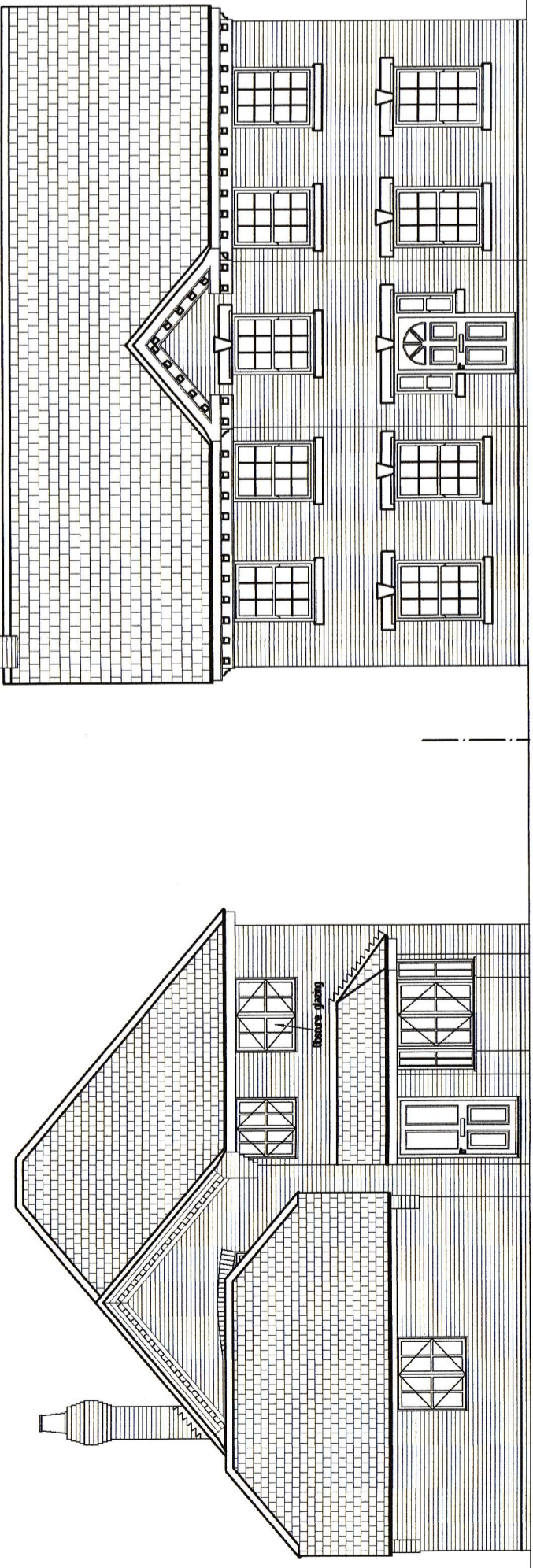
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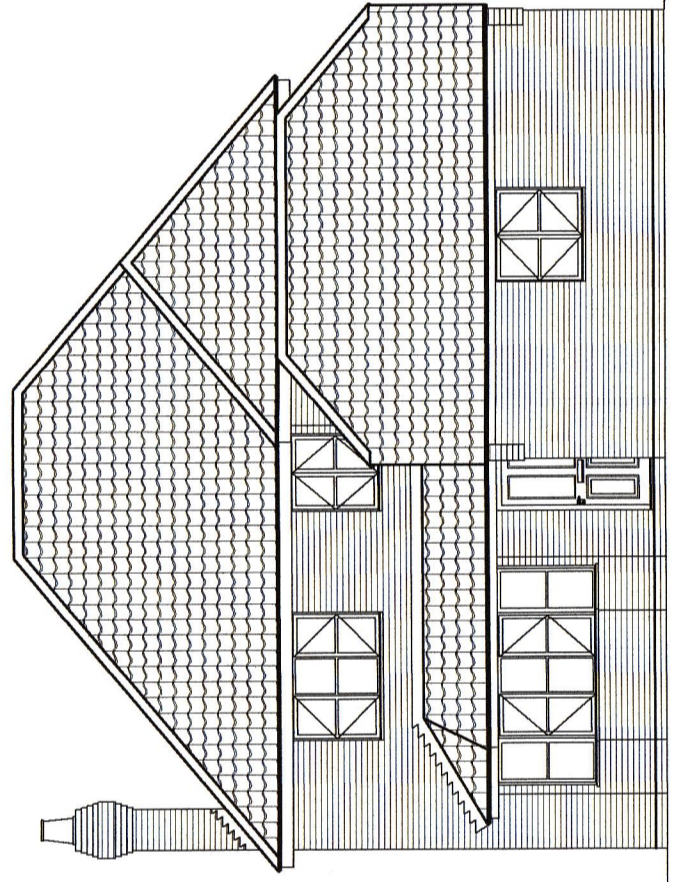


NOTE:-
All proposed levels are related to the Ordnance Survey benchmark at 2 Ramsey Road which has a value of 1.340m

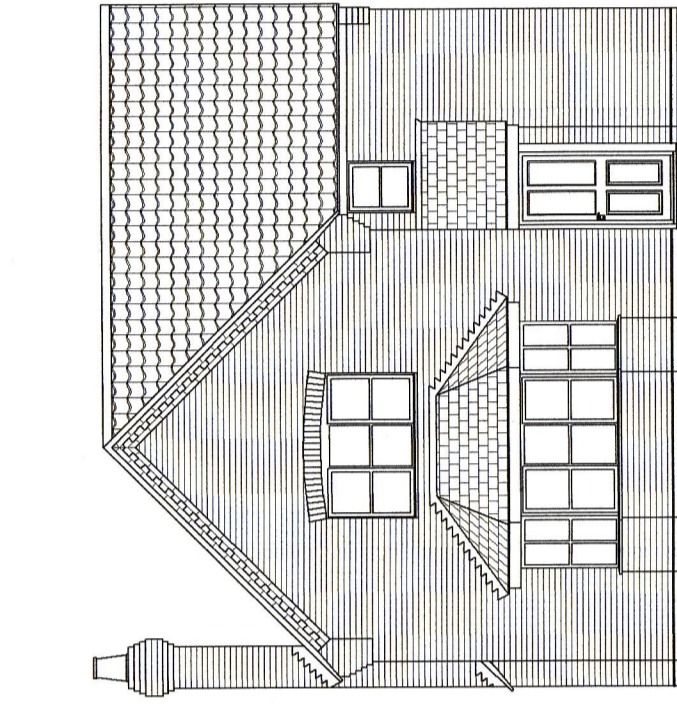
PROPOSED SITE LAYOUT PLAN Scale 1:200



PLOT 1

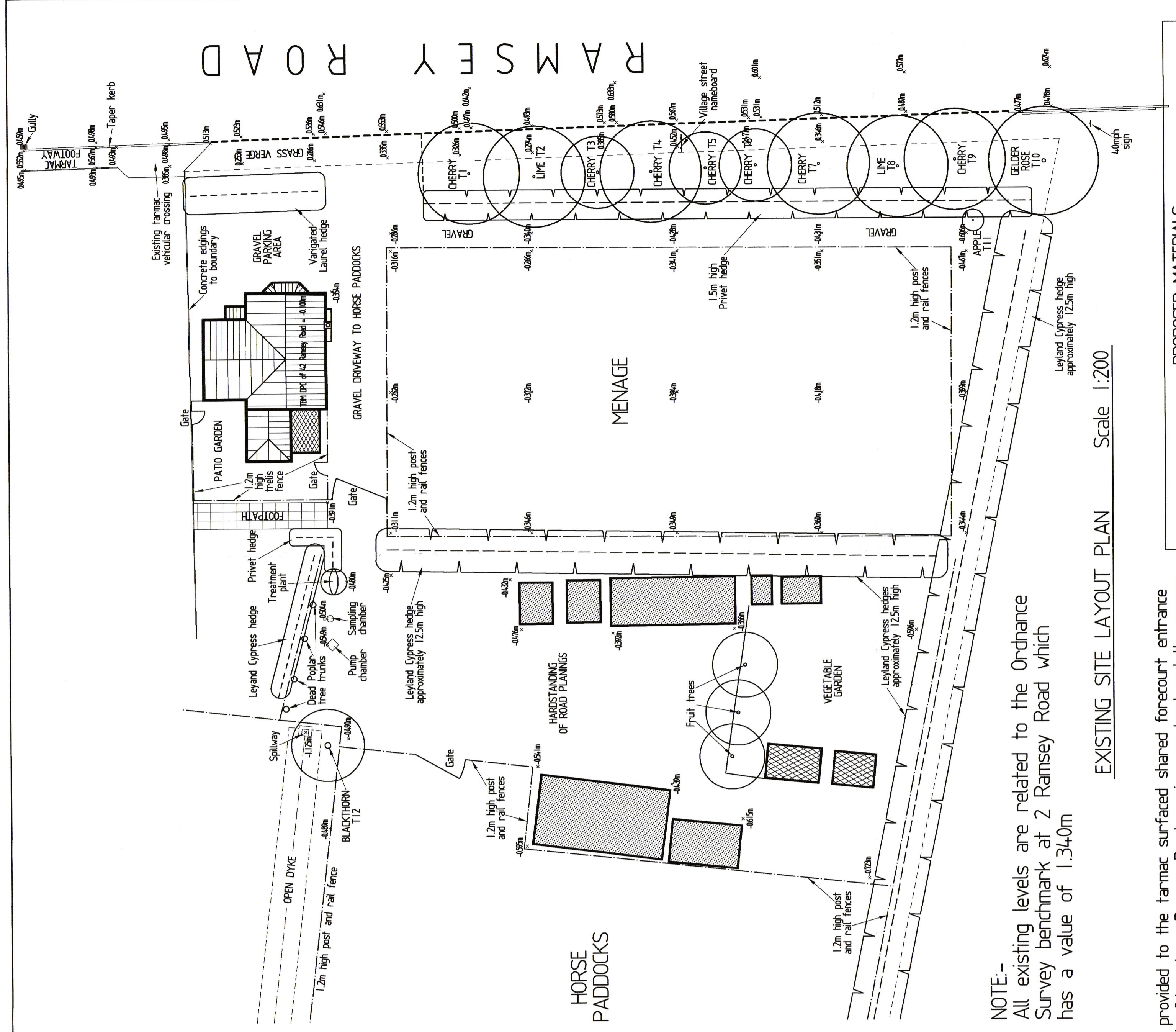


PLOT 2



PLOT 3

PROPOSED STREETSCENE Scale 1:100



NOTE:-
All existing levels are related to the Ordnance Survey benchmark at 2 Ramsey Road which has a value of 1.340m

EXISTING SITE LAYOUT PLAN Scale 1:200

CCC. HIGHWAY REVISION NOTES

Visibility splays of 2.4m x 120m to be provided to the tarmac surfaced shared forecourt entrance with the existing tree canopies raised to 2.4m above Ramsey Road carriageway level and the canopy spread reduced to 1m behind the kerb line
New 1.6m wide footway to be constructed from the end of the existing footway outside 4.0 Ramsey Road upto the new shared entrance with a new street light provided in the positions to be agreed with Cambridgeshire County Council. Street lights shown at 4.0m centres from existing street light.
All new footway construction works, vehicular crossings and street lighting to be in accordance with the latest Cambridgeshire County Council construction specifications, carried out and supervised by the Highway Authority under a Section 278 formal highway agreement

MATERIAL	PLOT 1	PLOT 2	PLOT 3
BRICKWORK	TECCA Elizabeth light Bronze Puffin	TECCA Oak Woodford Red Puffin	TECCA Heritage Old English Puffin
ROOF TILES	Marley Plan Tiles in Acorn Brown	Marley Moorath Slates in Animate with Iven finish	Marley Merdy Tiles in Heritage Burnt Red
FASCIAS AND BARGEBOARDS	Eurocell PVC in Light Oak	Eurocell PVC in Cream	Eurocell PVC in Cream
RAINWATER GOODS	Osma Stormline in White	Osma Stormline in Black	Osma Stormline in Black
WINDOW FRAMES	Light Oak UPVC casement windows	Osma UPVC sash windows	White UPVC casement windows
FRONT DOOR	Composite Door in Green	Composite Door in Black	Composite Door in Red
OTHER		Artificial stone lintels and sills by Warrick Stone in tonstone	

Planning Permission for the erection of three two storey dwellings with attached double garages and associated court access land south of 42 Ramsey Road, Benwick.

Client: ANDREW and JOANNE BERRIDGE
HUNTERS LODGE, 42 RAMSEY ROAD, BENWICK.
Scales: 1:200 Date: APRIL 2011 Drawing No: CAD 189 / 1 / B Rev: B
Tel: (01354) 65977

