Application: F/YR15/0132/F

Minor

Parish/Ward: Benwick Parish/Benwick, Coates and Eastrea

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: The application is before the Planning Committee as the previous application was determined by Committee. This application seeks to overcome the reasons for refusal.

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
- Flood Risk
- Layout & Design
- Access
- Landscaping
- Health and Wellbeing
- Economic Growth

The proposal is a resubmission of a previous application refused by the Planning Committee in December 2014 as it failed to successfully pass the sequential and exception test addressing flood risk and providing wider community sustainability benefits. This application has therefore been submitted and attempts to overcome the previous reasons for refusal.

The applicant has provided a robust risk assessment ensuring that future occupants of the development will be adequately protected from risk of flooding and has successfully completed the sequential test. Furthermore, the development now proposes a wider sustainability benefit to the community, informed by the Fenland Sustainability Appraisal 2013 that outweighs flood risk. It is considered therefore that the exception test has also been met.

The recommendation is to approve the application as it is now considered to satisfy policies LP2, LP3, LP12, LP14, LP15, LP16 and LP19 of the Fenland Local Plan 2014 and guidance contained within the NPPF.

2. SITE DESCRIPTION

2.1 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 land lies at the end of a ribbon of development extending in a westerly direction from the village of Benwick.

The site is currently laid out for equestrian use with stables and paddock to the rear and ménage area to the front. The site is bordered along the northern and western boundary by tall, mature evergreen trees and with mature, short fruit trees along the southern boundary fronting the highway. The eastern boundary, adjacent to No 42 Ramsey Road, is relatively open, forming the access for the existing ménage area. The land lies at the end of a ribbon of development extending in a westerly direction from the village of Benwick.

3. PROPOSAL

3.1 This application proposes the erection of 3 detached, 4-bedroom dwellings. In addition the development includes the construction of a public footway to link with the existing highway thereby connecting to the settlement.

The dwellings will continue the linear frontage layout as seen along Ramsey Road, with rear gardens extending north out towards the agricultural fields to the rear. Each dwelling has a double garage and driveway top support at least 3 vehicles.

The line of established evergreen trees along the western and northern boundary will be removed to accommodate the development with mixed hedge and 1.5m high post and rail fence replacing the trees along the western boundary and 1.5m high post and rail fence forming the northern boundary.

English Oak and Horse Chestnut trees are proposed to be planted in the rear gardens of each plot.

4. SITE PLANNING HISTORY

4.1 F/YR14/0813/F Erection of 3 x 2-storey 4-bed dwellings with double garages including construction of public footway.

Refused 11 December 2014

F/YR11/0536/F - Erection of 3 x 2-storey 4-bed dwellings with double garages

including construction of public footway

Granted 12 October 2011

F/94/0467/F - Erection of 4 floodlights to existing horse exercise area –

Granted 23 November 1994

F/92/0077/F - Use of land and outbuildings for the schooling of horses

and livery

Granted 15 July 1992

F/1510/88/O - Residential development (houses) -

Refused 15 December 1988

5 CONSULTATIONS

5.1 Consultation Date: 24 February 2015 to 17 March 2015

5.2 **Environment Agency**

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk Assessment (Ref: GCB/BRAND, dated October 2014) submitted with this application are implemented and secured by way of a planning condition on any planning permission;

Condition 1. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA), Ref: GCB/BRAND, dated October 2014, and the following mitigation measures detailed within the FRA: Finished floor levels are set no lower than 0.275m above Ordnance Datum (AOD).

Reason- To reduce the risk of flooding to the proposed development and future occupants.

The application form indicates that foul water from the proposed development will discharge to a septic tank or private sewage treatment plant. We have no objection in principle to the above application provided the applicant connects to the nearby foul sewer network which is located within 30 metres from the proposed development. The proposed septic tank of package treatment plant in the presence of a nearby foul sewer network is not acceptable. No justification has been provided for the use of a non-mains foul drainage system.

Accordingly we consider that the following condition should be added to any subsequent planning permission. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would Object to the application;

Condition 2. The development hereby permitted shall not commence until such time as a scheme to dispose of foul water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure a satisfactory method of foul water disposal and to prevent the increased risk of pollution to controlled waters.

5.3 Middle Level Commissioners

Comments not yet received

5.4 Cambridgeshire County Council Highways Authority

I have no highway objections. Comments and condition recommendations relating to planning application F/YR14/0813/F are still applicable.

5.5 Parish/Town Council

Benwick Parish Council have no objections to raise with regard to the above planning application.

5.6 FDC Scientific Officer (Land Contamination)

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.

5.7 **FDC Arboricultural Officer**

The proposed development indicates that the significant trees are to be retained with the removal of two small cherries (<7.5cm dbh and therefore not covered by BS5837:2012) and 69 Leyland cypress (forming a boundary hedge).

The proposed site layout (drawing number CAD 189/1 REV B) indicates the planting of a native blackthorn/hawthorn hedge on the west boundary in place of the existing Leyland cypress, and this is acceptable and will improve the biodiversity of the site.

I also note the proposed planting of horse chestnut and English oak on the north boundary and again, this is a welcome addition to the site.

The trees fronting the Ramsey Road are semi-mature and likely to be tolerant of minor root severance where it is indicated that the new road kerb is to be formed on the periphery of the RPAs. Reference is made to a new footway extension and this is shown in the RPAs of the retained trees. As the existing surface is grass, this represents a major change in environment for the tree roots and a reduced dig construction with permeable wearing surface will be required.

Whilst I have no objections in principle the above points need to be addressed.

5.8 Local Residents/Interested Parties

1 letter received from local resident raising no objection to the proposal

6 RELEVANT POLICY CONTEXT

6.1 Relevant Development Plan Policies (Fenland Local Plan 2014)

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

LP15: Sustainable Transport Networks

LP16: High Quality Environments

LP19: The Natural Environment

6.2 Other Material Considerations

Fenland Sustainability Appraisal (SA) 2013

6.3 **Central Government Guidance**

National Planning Policy Framework 2012(NPPF) National Planning Policy Guidance 2014 (NPPG)

7 KEY ISSUES

Principle of development Flood Risk Layout & Design Access Landscaping Health and Wellbeing Economic Growth

8 BACKGROUND

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.

A similar proposal was put before the planning Committee in November 2014 whereby it was refused for the following reasons;

- 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.
- 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

This resubmission therefore seeks to overcome these reasons for refusal as detailed below.

Members will recall that at December's planning committee, discussion took place over whether or not the site constitutes brownfield (previously developed) land or greenfield land. This is clarified below;

9 ASSESSMENT

9.1 **Principle**

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.

Policy LP12 sets out requirements in respect of development in rural locations, such as Benwick. It identifies criteria which must be met whereby amongst other things it aims to protect the character and appearance of the open countryside and the core shape and form of the settlement.

The proposed development would essentially form an extension of linear development away from the core of the settlement along Ramsey Road which is an inherent feature of this area. Therefore the proposal cannot be considered as infill development as defined in Appendix C – Glossary of the Development Plan which defines 'residential Infilling' as "Development of a site between existing buildings". Therefore the principle of development in this location is not strictly supported by the LP3 of the Local Plan.

Notwithstanding this, the land has more intrinsic connectivity to the developed (residential) land to the east by virtue of the existing line of trees along the western boundary which effectively separates the built environment from the expanse of open countryside to the west. In addition, a review of the planning history of the site identifies the land as being previously developed land (brownfield) with the commercial equestrian use, albeit that that this use has been ceased for some time and therefore remains dormant.

It is therefore possible for the land to once again become a commercial equestrian use without the need for planning permission. However, given the site's close proximity to established residential properties, the success and future expansion of such a business could be stifled by the sensitive residential use adjacent. Likewise the amenity of neighbouring properties could be adversely affected by an expanded use of the equestrian site. Therefore it is considered that a residential use of the site would be more appropriate in this location, subject to its accordance with other relevant local and national policies.

Therefore it is considered in this instance that the principle of residential development can be supported by policy LP3. Likewise the proposal would not adversely affect the character and appearance of the open countryside or the core shape and form of the settlement thereby satisfying LP12 in this regard.

9.2 Flood Risk

Policies LP2, LP12, LP14 and LP16 all seek to ensure that people and property are not exposed to identified (flood) risks.

The site lies within Flood Zone 3a and a flood warning area. The approach of policy LP14, the NPPF and its associated Planning Practice Guidance (PPG) 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, in this instance the sequential test is applicable and if that test is passed, the Exception Test should then follow.

Sequential Test

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). However, the applicant has provided a statement which advises that there are no other sites available in lower areas of flood risk within the settlement of Benwick that would support the proposed development. This appraisal is agreed and it is considered therefore that the sequential test has been passed. This therefore leads to the application of the exception test.

Exception Test

For the exception test to be passed;

- a. The development must demonstrate that it provides wider sustainability benefits to the community that outweigh flood risk and,
- b. A site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking into account the vulnerability of its users, without increasing flood risk elsewhere, and, where possible will reduce flood risk overall.

The applicant has consulted with Benwick Parish Council in order to establish whether the development could provide a wider community sustainability benefit, informed by the Fenland Sustainability Appraisal (SA) 2013, which sets out the wider sustainability objectives for the District (these objectives can also be found on pages 9 and 10 of the Fenland local Plan 2014).

The Parish Council has agreed for the applicant to make a financial contribution of £6,000.00 toward the Parish's High Street Recreation Ground Scheme for new play/ sports equipment. This proposed contribution accords with the sustainability objectives of the District as it is considered to improve the quality, range and accessibility of services and facilities and will create and enhance multifunctional open space in-line with sustainability objective 6: "Healthy, Inclusive and Accessible Communities". The contribution also meets the Community Infrastructure (CIL) tests in that it;

- i) is necessary to make the development acceptable in planning terms,
- ii) is directly related to the development; and
- iii) is fairly and reasonably related in scale and kind to the development.

It is considered therefore that the proposal provides a wider sustainability benefit to the community and is compliant with the Community Infrastructure (CIL) tests.

In addition, the proposal has been designed so as to meet the aforementioned (b) of the exception test, in that it demonstrates that the development will be safe for its lifetime taking into account the vulnerability of its users, without increasing flood risk elsewhere, and, where possible will reduce flood risk overall. This has been confirmed by the Environment Agency subject to the development being constructed in accordance with the submitted Flood Risk Assessment.

In summary therefore, the proposal accords with Part B of policy LP14 and the requirements of the NPPF in respect of flood risk and the proposed mitigation measures are considered appropriate in protecting future occupants and thereby accords with LP2, LP12, and LP16.

9.3 Layout and design

Policies LP2 and LP16 both seek to promote a good level of amenity for adjoining users and the locality in general, avoiding adverse impacts such as overlooking and overshadowing and providing high quality living environments for existing residents and future occupants. LP16 also seeks to ensure that development makes a positive contribution to the local distinctiveness and character of the area.

The proposed layout of the site indicates the continuation of frontage development which is a distinctive characteristic in this location and therefore inline with the requirements of LP16. The proposed houses are considered to be of a good standard of design with ample gardens and turning and parking available within the site commensurate with the Councils current parking standards (Annexe A of the Fenland Local Plan 2014). The scale of the development is considered acceptable, again characteristic to the area.

The dwellings have been designed so as to minimise the impacts of overlooking and overbearing on each other. The adjacent, existing dwelling is separated from the development by an access road and therefore it is considered that future occupants of this dwelling and those of the proposed will not be adversely affected. To ensure the amenity of future occupants is protected from overlooking, it is considered appropriate to remove permitted development rights relating to the erection of dormer windows and other fenestration above ground floor level. This will ensure that the LPA can consider the impact of any such proposals in accordance with policies LP2 and LP16.

9.4 Access

The provision of sustainable infrastructure, such as highways, and effective accessibility to and from the development is a requirement of LP2, LP12 and LP15. The development will be accessed directly from Benwick Road via a 5m wide shared driveway. Adequate on-site manoeuvrability is afforded to future occupants of the site as confirmed by the LHA. Likewise, the proposal for the extended footway is supported by the LHA in that it provides appropriate highway infrastructure to the development enabling a sustainable transport link to the settlement core. The proposed access therefore accords with policies LP2, LP12 and LP15.

9.5 **Landscaping**

Policy LP19, in conjunction with LP16 seeks to retain, protect and where possible, enhance biodiversity and natural features.

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 native 1.5 m high hedging and post and rail fencing. In addition 2 of the existing fruit trees fronting the highway are to be removed to enable access to the site. The Council's Arboriculturalist supports the proposal subject to a suitable design ensuring the roots of the remaining trees are adequately protected during the construction.

This can be dealt with through a suitable condition. It is considered therefore that the proposed landscaping accords with policies LP16 and LP19 of the Fenland Local Plan.

9.6 **Health and Wellbeing**

The dwellings proposed will be sited within Flood Zone 3a which is an area of highest risk of flooding. However the proposal will provide housing in an area identified for growth with adequate mitigation measures to protect future occupants from flood risk. In addition, the development will bring added benefits for the community by providing funding towards play equipment will which improve multifunctional space and improve the quality of leisure facilities for the community. Therefore the proposal is considered to accord with LP2 of the Fenland Local Plan 2014

9.7 **Economic Growth**

The introduction of further dwellings in this growth village location will support the growth of Benwick and the district in general in-line with policy LP2.

10 CONCLUSION

- 10.1 The proposal has been considered in-line with policies LP2, LP3, LP12, LP14, LP15, LP16 and LP19 of the Fenland Local Plan 2014 and with core planning principles of the NPPF and associated guidance (NPPG).
- The proposed development is considered to provide a positive contribution to the character and appearance of the location in general and has been designed so as not to cause harm to residential amenity or visual harm to the streetscene. In addition the development proposes to introduce sustainable highways infrastructure by virtue of the extended footway and will protect existing biodiversity on site and enhance this through the introduction of further tree species. In this regard therefore the proposal complies with Development Plan policies LP2, LP3, LP12, LP15, LP16 and LP19.
- The site is located within Flood Zone 3 and the LPA concur that the development cannot be located elsewhere in the settlement in a lower area of flood risk. Subsequently, the development seeks to provide a wider sustainability benefit to the community that outweighs the flood risk in accordance with paragraph 102 of the NPPF.
- The applicant and Benwick Parish Council has agreed to a financial contribution towards play equipment, in-line with the sustainability objectives of the district and this will be secured through a Unilateral legal agreement with the local authority. In addition, a robust risk assessment has been submitted which demonstrates that the future occupants of the development will be adequately protected from risk of flooding.
- 10.5 It is considered therefore the development satisfies policy LP14 of the Fenland Local Plan and the requirements of the NPPF.

11 RECOMMENDATION – Approve as follows

That delegated authority be given to the Head of Planning to GRANT permission subject to the prior completion of a Section 106 obligation relating to play equipment for Benwick Parish Council and to conditions as listed below

OR

REFUSAL in the event that the applicant is unwilling to complete the obligation within 3 months from the 1st April 2015, necessary to make the development acceptable.

1 The development permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

Prior to first occupation of the development hereby approved the vehicular access, where it crosses the public highway, shall be laid out and constructed in accordance with a detailed engineering scheme to be submitted to and approved in writing by the LPA, and such a scheme shall include, levels, forms of construction and surface water drainage.

Reason - In the interests of highway safety and to ensure satisfactory access into the site in accordance with policy LP15 of the Fenland Local Plan 2014.

Prior to first occupation of the development hereby approved, visibility splays shall be provided as shown on the approved plan ref: CAD 189 rev dated 18 February 2015 and shall be maintained thereafter free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.

Reason - In the interests of highway safety in accordance with policy LP15 of the Fenland Local Plan 2014.

Prior to the first occupation of the development the proposed on-site parking /turning shall be laid out in accordance with the approved plan ref: CAD 189 rev dated 18 February 2015 and thereafter retained for that specific use.

Reason - To ensure the permanent availability of the parking / maneuvering area, in the interests of highway safety in accordance with LP15 of the Fenland Local Plan 2014.

Prior to first occupation of the development hereby approved, a complete 1.6m wide footway shall be provided along the frontage of the development site to run from that existing to the east, up to and including the application site access in accordance with plan reference: CAD 189 rev dated 18 February 2015. The footway and any associated drainage is to be constructed to the specification of the County Council.

Reason - In the interests of highway safety in accordance with LP15 of the Fenland Local Plan 2014.

- Prior to the commencement of the development hereby approved a scheme and timetable to deal with contamination of land and/or groundwater shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall then be implemented on site in accordance with the approved timetable. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:
 - a) A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. This should include a conceptual model, and pollutant linkage assessment for the site. Two full copies of the desk-top study and a non-technical summary shall be submitted to and approved in writing by the Local Planning Authority. If during development any previously unsuspected contamination is discovered then the LPA must be informed immediately. A contingency plan for this situation must be in place and submitted with the desk study. If a desk study indicates that further information will be required to grant permission then the applicant must provide, to the LPA:
 - b) A site investigation and recognised risk assessment carried out by a competent person, to fully and effectively characterise the nature and extent of any land and/or groundwater contamination, and its implications. The site investigation shall not be commenced until:
 - (i) A desk-top study has been completed, satisfying the requirements of paragraph (a) above.
 - (ii) The requirements of the Local Planning Authority for site investigations have been fully established, and
 - (iii) The extent and methodology have been submitted to and approved in writing by the Local Planning Authority. Two full copies of a report on the completed site investigation shall be submitted to and approved in writing by the Local Planning Authority.
 - Following written LPA approval of the Site Investigation the LPA will require:
 - c) A written method statement for the remediation of land and/or groundwater contamination affecting the site. This shall be based upon the findings of the site investigation and results of the risk assessment. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.
 - d) The provision of two full copies of a full completion report confirming the objectives, methods, results and conclusions of all remediation works, together with any requirements for longer-term monitoring and pollutant linkages, maintenance and arrangements for contingency action shall be submitted and approved in writing by the Local Planning Authority.

Reason - To control pollution of land or water in the interests of the environment and public safety in accordance with LP2 and LP16 of the Fenland Local Plan 2014.

Notwithstanding the details submitted within Arboricultural Assessment and Method Statement by J Harpham Tree Services dated 18 February 2015, Prior to the commencement of development, construction details of the footway extension in respect of tree protection measures shall be submitted to and approved in writing by the LPA. Such a scheme shall provide details of a reduced dig construction method and the surfacing that will be laid.

Reason - To protect the existing trees and biodiversity features of the site in accordance with LP12, LP16 and LP19 of the Fenland Local Plan 2014

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA), Ref: GCB/BRAND, dated October 2014, and the following mitigation measures detailed within the FRA: · Finished floor levels are set no lower than 0.275m above Ordnance Datum (AOD).

Reason- To reduce the risk of flooding to the proposed development and future occupants in accordance with LP2, LP14 and LP16 of the Fenland Local Plan 2014.

The development hereby permitted shall not commence until such time as a scheme to dispose of foul water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure a satisfactory method of foul water disposal and to prevent the increased risk of pollution to controlled waters in accordance with LP2, LP12, LP14 and LP16 of the Fenland Local Plan.

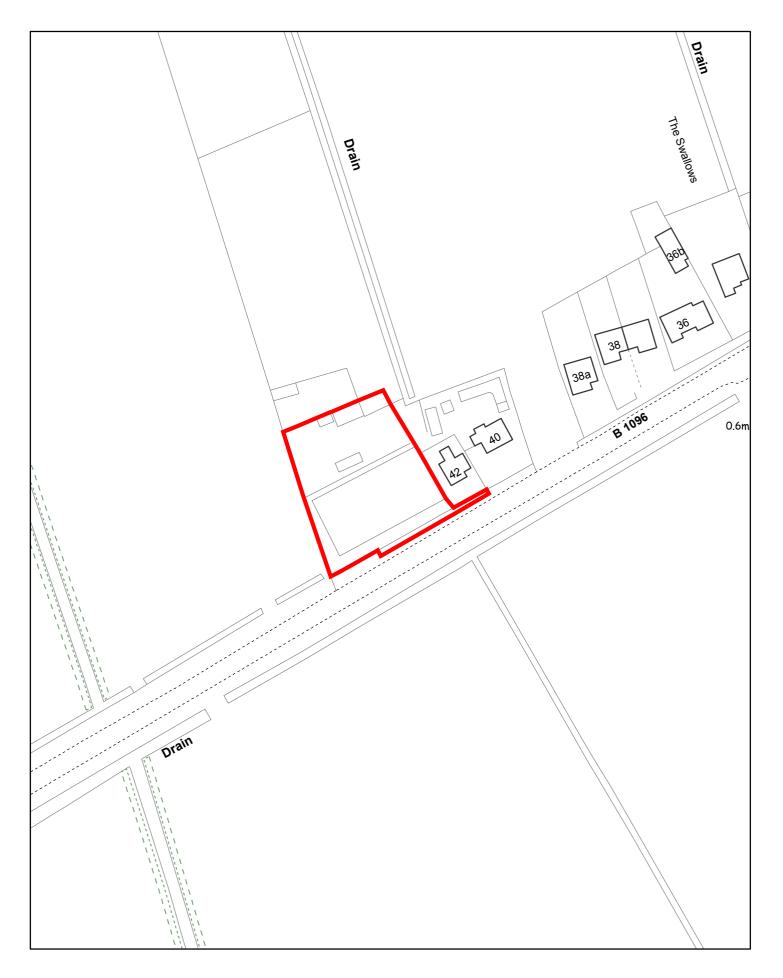
- Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, (or any Order or Statutory Instrument revoking and re-enacting that Order with or without modification), planning permission shall be required for the following developments or alterations:
 - i) alterations including the installation of additional windows or doors above ground floor level, including dormer windows or roof windows (as detailed in Schedule 2, Part 1, Classes A and B);

Reason - To prevent overlooking of neighbouring properties, in the interest of the protection of residential amenity in accordance with LP2 and LP16 of the Fenland Local Plan 2014.

Any gate or gates to the vehicular access shall be set back a minimum of 5m from the near edge of the public highway. Any access gate or gates shall be hung to open inwards.

Reason - In the interests of highway safety in accordance with LP15 of the Fenland Local Plan 2014.

12 Approved Plans



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Fenland

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