

Application Number: F/YR14/0928/O

Minor

Parish/Ward: Roman Bank

Applicant: Messrs Love and Gumbley

Agent: Mr Andrew Campbell, Andrew S Campbell and Associates Limited

Proposal: Erection of 3 x dwellings

Location: Land north west of Seafield Farm, Gorefield Road, Leverington

Site Area: 889 sq metres

Reason before Committee: This application is before committee as the officer recommendation is at variance to that of the Parish Council

1 EXECUTIVE SUMMARY/RECOMMENDATION

This application seeks outline planning permission for 3 dwellings on land north west of Seafield Farm, Gorefield Road, Leverington.

The site is located within Flood Zones 2 & 3 and situated on the edge of the built settlement, there is an extant consent to the south of the land for the conversion of existing barns to 5 residential properties. The original consent for these was given in 2003 and revised in 2005, work on 3 of the units had commenced and consent has recently been granted to resurrect the permission to convert the remaining two units.

The agent for the scheme asserts that the development is necessary to facilitate the completion of the barn conversion scheme and as such is enabling development. Whilst the NPPF allows enabling development to facilitate the conservation of heritage assets, the existing barns are not identified as such, accordingly this argument this has limited weight in this instance.

Furthermore the scheme does not comply with Policies LP12 and LP14 in terms of its location in respect of the settlement or in flood risk terms, being as it is part of a group of buildings detached from the settlement on land within Flood Zone 3.

Even if weight is given to the provision of an affordable home on the site, which is in essence a policy requirement which has not been met in full, rather than a benefit offered to the community the scheme would be again in conflict with the Local Plan as development should be directed to lower flood risk areas to create safe environments in accordance with Policy LP2

It is considered that the justification put forward within the application is not sufficient to negate the more fundamental policy shortfalls of the scheme in terms of location and flood risk accordingly there is no alternative but to resist the scheme as submitted and refuse outline planning permission.

2.0 SITE DESCRIPTION

The site is located on the edge of Leverington; detached from the main settlement core. Whilst there is a farmhouse, associated farm buildings and a partially implemented consent for a barn conversion scheme this group of buildings is a group of dispersed buildings clearly detached from the continuous built-up area of the settlement.

There is a drain that runs to the west of the site which is accessed via Gull Lane which although an adopted highway is largely single track width and terminates at the site entrance. The area covered by this application comprises two open farm buildings of no heritage value. There are trees along the western boundary of the site however these could be accommodated within any future development scheme without detriment.

3.0 PROPOSAL

This application seeks outline planning consent for 3 dwellings involving the demolition of existing covered sectional outbuildings and a lean to constructed of profile sheeting and timber which has no architectural or historic merit.

The proposal seeks to reserve all matters for future consideration, excepting access which will in effect be a continuation of the existing access route which serves the barn conversion complex.

4.0 SITE PLANNING HISTORY

F/YR15/0078/NONMAT	Non-material amendment: create additional living accommodation within the roof space, relating to planning permission F/YR05/0537/F (Conversion of barns to form 1 x 2-bed and 2 x 3-bed dwellings including erection of single-storey front extension and detached 3-bay car port)	Granted 27.02.2015
F/YR14/0921/F	Conversion of existing barn to form 1 x 4 bed and 1 x 3 bed dwellings, including erection of a 2-storey extension and demolition of existing lean-to and buildings	Granted 13.01.2015
F/YR05/0537/F	Conversion of barns to form 1 x 2 bed and 2 x 3 bed dwellings including erection of a single storey front extension and detached 3 bay car port	Granted 01.07.2005
F/YR03/0113/F	Conversion of barns to form 2 x 2 bed and 2 x 3 bed dwellings	Granted 29.09.2003

5.0 CONSULTATIONS

5.1 **Leverington Parish Council:** No objection

5.2 **Local Highway Authority (CCC):** This is a proposal for the erection of a further 3 dwellings at Seafield Farm, Gorefield Road, Leverington with associated parking and turning. A passing bay on Gull Lane is also been proposed as part of this application. It is not considered reasonable to condition a footway from the application site out onto Gorefield Road as this would not be proportionate to the scale of this proposal. The opportunity to secure pedestrianised improvements was missed as part of the more comprehensive development to the south of this proposal.

Suggest amendments to scheme to remove parking area for the barn conversion development to the south of the site and recommends that the passing bay should be 6mx 2.5m with 1:12 tapers.

5.3 **Environment Agency:** The responsibility for the 'in principle' sequential test rests with the LPA. Should the site pass the Sequential test their advice is relevant to the application of the NPPF exception test and its view on the overall suitability of the proposed flood risk mitigation measures. The EA have reviewed the Flood Risk Assessment and have no objection to the development as proposed.

5.4 **North Level Drainage Internal Drainage Board:** No objection in principle to the development. However their Gull drain forms the southern boundary of the site and therefore their byelaws prohibit any structure within 9 metres from the brink of this watercourse. An unhindered access corridor must remain adjacent to the drain for essential maintenance work to be carried out. Also highlight that a development levy will be required for dealing with any increase in run off from the site.

5.5 **FDC Environmental Protection Team:** Note and accept the submitted information and have 'No Objections' to the proposed development in principle, as it is unlikely to have a detrimental effect on local air quality or the noise climate. However given the previous use of the building and the materials that may have been stored there as well as the likely level of made ground at the site the applicant has not demonstrated that the site is free from potential contamination and is suitable for use as residential land, in the absence of this information the contaminated land condition needs to be added if permission is granted.

6.0 PLANNING POLICIES

6.1 National Planning Policy Framework:

Paragraph 11 – Applications must be determined in accordance with the development plan unless other material considerations indicate otherwise

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.

Paragraph 55 - Avoid isolated dwellings.

Paragraph 100-102 – Inappropriate development in areas at risk of flooding should be avoided.

6.2 Fenland Local Plan:

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

LP5 – Meeting Housing Need

LP12 – Rural Area Development Policy

LP14 – Responding to Climate Change and Managing the risk of Flooding in Fenland

LP15 – Facilitating the creation of a More Sustainable Transport Network in Fenland

LP16 – Delivering and Protecting High Quality Environments across the District

7.0 PLANNING ASSESSMENT

7.1 Key Issues

The main issues associated with this proposal are:

- **Background**
- **Principle, policy implications and sustainability**
- **Highway safety matters**
- **Affordable housing**
- **Flood risk, the NPPF and the sequential test**
- **Character and appearance of the area/residential amenity**
- **Other considerations**
- **Health and wellbeing**
- **Economic growth**

These are discussed in more detail below.

Background: The wider site was first granted consent in 2003 for a barn conversion to 4 units in 2005 the original scheme was amended to enable two of the units previously identified to become 3 units and works on this part of the proposal commenced. Due to an oversight on the part of the applicant consent on the remaining two units lapsed. Subsequent to this a revised scheme for the remaining two units was submitted and approved. In arriving at this decision officers were mindful of the existing extant consent. Subsequent to this additional first floor accommodation within the barn complex has been permitted through the non-material amendment route.

The original barn conversion scheme was granted against the backdrop of Policy H19 of the 1993 Local Plan which allowed for the conversion of rural buildings outside settlement areas subject to certain criteria. The latter consent in 2005 acknowledged that the site was on the edge of the built up settlement and therefore is more sustainable than many other conversion schemes. On the issue of flood risk the decisions made in 2003 and 2005 were silent although PPG 25 “Development and Flood Risk” was published in 2001.

In considering the recent barn conversion scheme due regard was given to:

- i) the historic consents for the site,
- ii) Part C of Policy LP12 of the FLP (concerning the reuse and conversion of rural buildings), and
- iii) The commencement of works to partially convert barns within the range

of buildings.

Weight was given to the implementation of the earlier consent as it was considered resisting the scheme on the grounds of flood risk would by default offer poor residential amenity for its occupiers and represent a missed opportunity in terms of delivering a comprehensive scheme.

Principle, policy implications and sustainability: Leverington is listed as a Limited Growth Village in Policy LP3 the Fenland Local Plan; accordingly there is a presumption in favour of a small amount of development to support the sustainability of the settlement. However this is not at the exclusion of other policy considerations as contained in both national and local planning policy.

Policy LP12 is a criteria based policy and requires compliance with all of the 13 listed statements, the first being (a) the site is in or adjacent to the existing developed footprint of the village; with the developed footprint being the continuous built form and not including groups of dispersed buildings clearly detached from the main settlement. The proposal falls at this first hurdle in that the land is clearly part of a stand-alone group of buildings.

Policy LP14 requires development to adopt a sequential approach to flood risk from all forms of flooding. With development only being permitted on successful completion of a sequential test and then, an exception test, the purpose of the latter being to demonstrate that the proposal meets an identified need. Proposals must also consider site specific flood risk and a Flood Risk Assessment demonstrating appropriate flood risk management on site must be provided.

Policy LP15 requires development proposals to demonstrate that they have regard to accessibility through non-car modes and provide well designed and safe access and appropriate car and cycle parking.

Policy LP16 focuses on the design elements of schemes including heritage assets, biodiversity, local distinctiveness and the character of areas, residential amenity, servicing and contamination.

Highway safety matters: Initially the LHA raised concern regarding the scale of development proposed off what they considered to be a substandard access. However following discussions as to whether a refusal on highway grounds could be substantiated it was concluded that given the extent and nature of Gull Lane and the increase in number of units that the likely traffic generation would not in practice warrant a refusal on highway grounds. Furthermore given the location of the site with the main settlement it was unreasonable to withhold consent on sustainability grounds.

A passing bay on Gull Lane has been proposed as part of this application and the LHA do not consider that a requirement to provide a footway from the application site out onto Gorefield Road would be proportionate to the scale of this proposal.

It is clear that the opportunity to secure pedestrianised improvements was missed as part of the more comprehensive development to the south of this proposal.

However the proposal should incorporate an adequately dimensioned passing bay and appropriate refuse vehicle turning – this detail is currently awaited from the agent and may be conditioned should Members be minded to grant consent.

Mindful of the above factors it is considered that the scheme should not be resisted on highway grounds as the scheme is in the spirit of Policy LP15.

Affordable Housing: The scheme proposes one affordable housing unit offered on a shared equity basis. This is 0.6 short of the requirements of Policy LP5 which identifies that the two schemes (5 unit barn conversion and 3 new build dwellings) should be taken cumulatively and 1.6 affordable housing unit provided (with 0.6 being provided as a financial contribution). It could be argued that the delivery of an affordable unit has a benefit to the local community however as this is a policy requirement rather than a philanthropic offer such a stance has limited value. Notwithstanding this our Housing Strategy Officer has advised that there is considerable demand for affordable housing in Leverington with 119 applicants on the Fenland Housing Register who have specified a preference to live in Leverington, although of these only 1 household (requiring a 3-bed home) has declared an interest in shared ownership. However across the district 68 households have registered with the Help to Buy Agents and may be eligible for shared ownership/equity. Some weight may therefore be given to the provision of a unit per se.

Flood risk, the NPPF and the sequential test: Whilst a satisfactory site specific flood risk assessment has been submitted to which the Environment Agency have raised no objection their advice acknowledged that they had not had regard for the sequential approach/test as laid out in the NPPF in their consultation response. It should be noted that the agent for the scheme has not provided any information to identify compliance with the sequential test which requires developments to be steered to the areas with the lowest probability of flooding, i.e. Flood Zone 1. As this site is in Flood Zone 3 clearly the aims of the sequential test are not met. If it is not possible, or consistent with the wider sustainability objectives, for the development to be located in such lower flood risk zones the exception test may be applied. To satisfy the exception test it is necessary to demonstrate that the development provides wider sustainability benefits to the community that outweigh flood risk. The linkage with the existing site and land ownership considerations are not considered to override the sequential test in this instance or in the spirit of the NPPF, furthermore the community benefits (the provision of one affordable unit) are not considered so significant as to tip the balance in favour of this scheme.

Character and appearance of the area/residential amenity: Subject to detailed design it is considered that the site could be developed without detriment to the character of the area or residential amenity. In terms of likely impact on the character of the location it is not considered that unacceptable harm would accrue to the locality should the scheme come forward as it would represent a continuation/consolidation of an existing building group rather than an incursion into the open countryside. Notwithstanding this the absence of harm in locality terms is not sufficient to overcome the fundamental in principle objections to the scheme in terms of location and flood risk.

Other considerations: The applicant's agent has asserted that the release of further land for housing is essential to the financial viability of the wider proposal; in that without the funds raised by the housing now proposed the barn conversion scheme is not viable and will stall. To this end they have submitted an open book appraisal which has been assessed and found to demonstrate that the barn renovation scheme is subject to viability constraints. Therefore the provision of the proposed additional units on site will contribute to improved scheme viability and facilitate the progress of the barn renovations.

As a caveat to that appraisal our Viability specialist does acknowledge that the proposal to develop further units on the site may be subject to policy constraints and as such these aspects should be assessed accordingly by the LPA

Whilst some weight has been given to the 'enabling' argument put forward it is a commercial decision for the applicant as to whether they proceed. Whilst completion of the barn conversion would provide additional housing for the district it is unlikely that significant harm would accrue to the locality should the site be mothballed until the financial constraints documented are less acute.

Health and wellbeing: In accordance with Policy LP2 of the Local Plan development proposals should positively contribute to creating a healthy, safe and equitable living environment. In doing so development proposals, amongst other things, should create sufficient and the right mix of homes to meet people's needs, and in the right location. Locating dwellings within Flood Zone 3 when there are other more sequentially preferable sites available would appear to be at variance to creating safe living environments.

Economic growth: The development would be likely to provide a degree of local employment during construction together with future new home bonus income. It would also enable the developer to complete the scheme and return an appropriate level of profit however this aspect does not override the wider policy principles that the scheme does not adhere to.

7.0 CONCLUSION

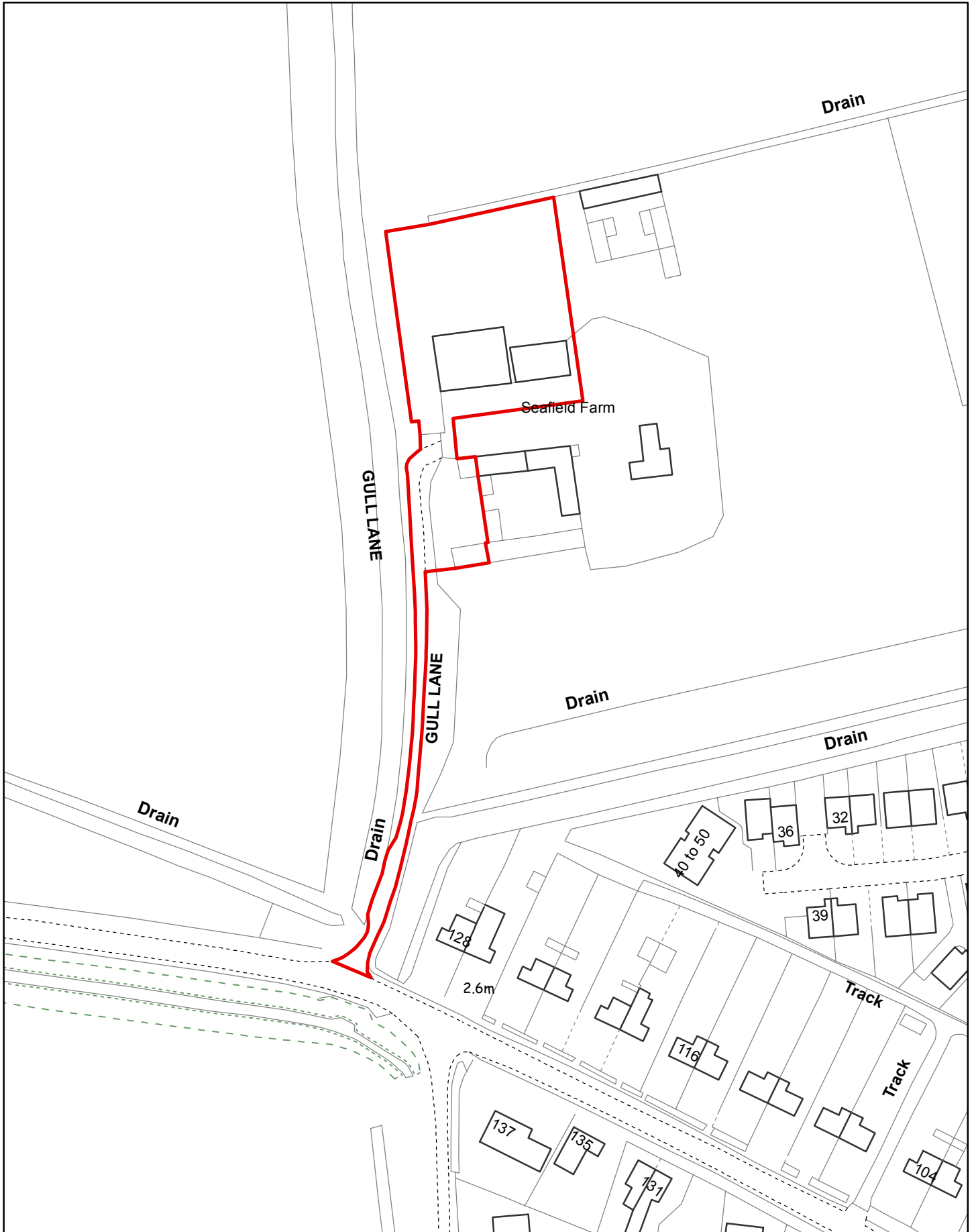
- 7.1 Due consideration has been given to the enabling/financial case that has been put forward by the applicants agent. Nonetheless there are policy constraints which indicate that the scheme should be resisted in terms of Policy LP2, LP12 and LP14 for the reasons outlined above.

8.0 RECOMMENDATION

REFUSE

- 1 **Policy LP12 of the Fenland Local Plan requires development to be located in or adjacent to the developed footprint of the settlement this accords with the sustainability requirements of Policy LP1 and serves to resist inappropriate development in open countryside locations. This proposal is clearly contrary to the aims of this policy framework and would result in unsustainable development in an open countryside location without justification contrary to Policy LP12 of the Fenland Local Plan (2014).**

- 2 Policy LP14 of the Fenland Local Plan and Section 10 of the NPPF seek to resist development area of high risk flood area, with the safety implications of an alternative stance being further reinforced in Policies LP2 and LP12 of the Local Plan. The applicant has not provided any evidence to establish that there are no other sites in areas with a lower probability of flooding and accordingly the proposal fails the sequential approach to flood risk as it would result in an unwarranted intrusion into any area susceptible to flooding thereby compromising the safety of future residents and being contrary to Policies LP2, LP12 and LP14 of the Fenland Local Plan (2014)**



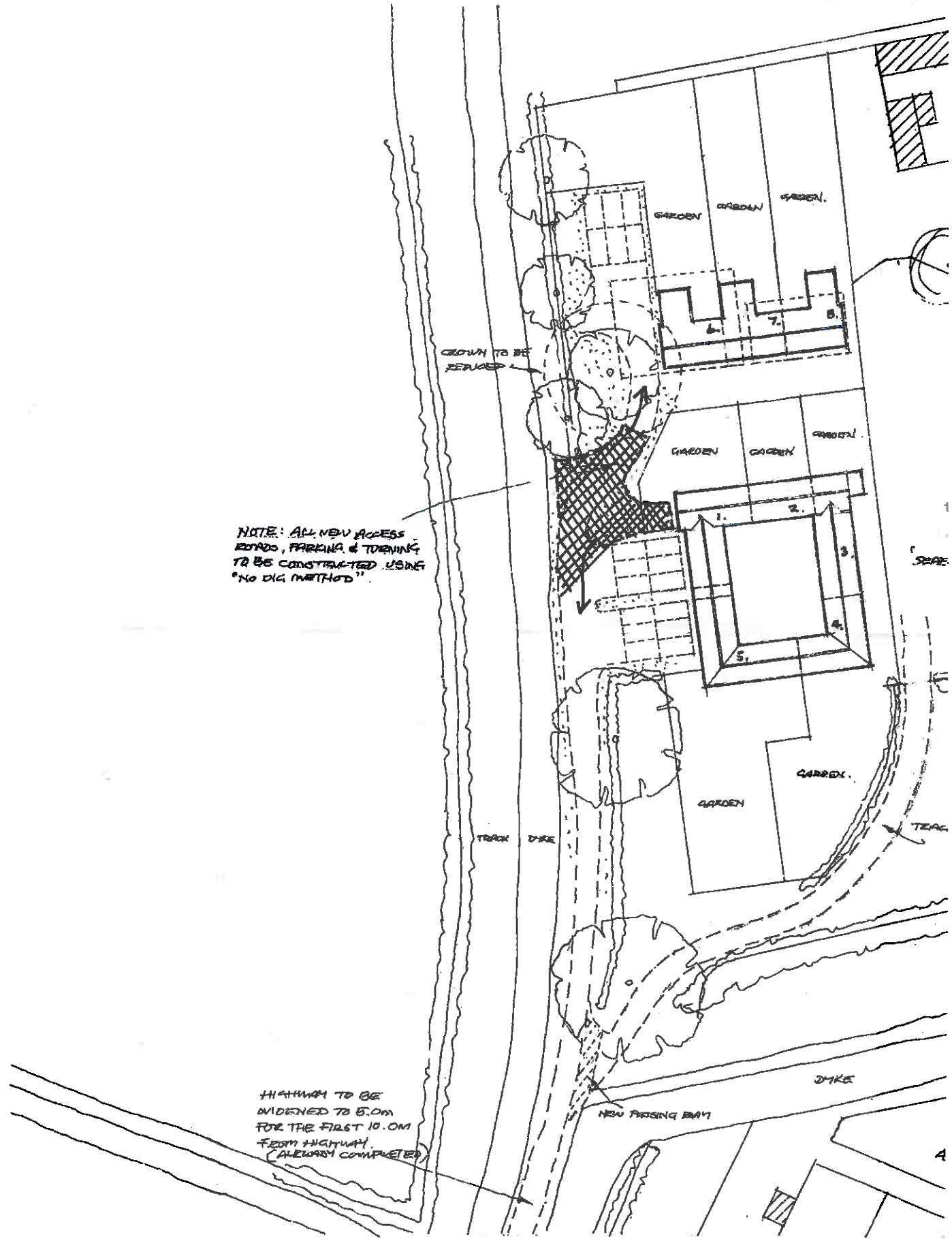
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Scale = 1:1,250





NOTE: ALL NEW ACCESS
ROADS, PARKING & TURNING
TO BE CONSTRUCTED USING
"NO DIG METHOD"

HIGHWAY TO BE
WIDENED TO 5.0M
FOR THE FIRST 10.0M
FROM HIGHWAY.
(ALREADY COMPLETED)