

AGENDA ITEM NO. 9

Application Number: F/YR15/0338/F

Minor

Parish/Ward: March North Ward

Date Received: 14 April 2015

Expiry Date: 10 July 2015

Applicant: Mark Thompson

Agent:

Proposal: Erection of 2 x 3-storey 6- bed dwellings with detached garages and workshops.

Location: Land West of Creek Cottage, Creek Fen, March.

Site Area/Density: 0.817 hectares/ 2.5 dwellings per hectare.

Reason before Committee: The proposal has received support locally. This is contrary to the Officer's recommendation.

1. EXECUTIVE SUMMARY/RECOMMENDATION

This application seeks full planning permission for the erection of 2 x 3-storey 6-bed dwellings each with a detached garage and a workshop. The site lies within the open countryside and in Flood Zone 3. The principle of the development would therefore be contrary to national guidance and local planning policy as set out in the NPPF and Fenland Local Plan 2014. Paragraph 2 of the NPPF states that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise;

The key issue to consider is whether the applicant has provided any evidence, which would be a material consideration, to outweigh a refusal in accordance with adopted local planning policies and national guidance in this instance. NPPF

The key issues relate to:

- Principle of Development in the Open Countryside
- New Development in Flood Zone 3

The applicant intends to occupy one of the dwellings and run an online antiques business from the workshop. No end user has been identified for the second dwelling/ workshop. No evidence has been provided as to why the new dwellings are essential in this location. Members will recall previous proposals for new dwellings in the open countryside which have come before them. Where permission has been granted, Members have been satisfied that the new dwelling is essential in that location and is associated with an established viable business.

Given the proposals non-compliance with local planning policy and national guidance, and in the absence of any other supporting material considerations or justification, the proposal cannot be supported. The proposal is recommended for refusal as it is contrary to Policies LP2, LP3, LP12, LP14 and LP16 of the Fenland Local Plan 2014.

2. HISTORY

2.1 There is no planning history. The current permitted use is agricultural land.

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, unless material considerations indicate otherwise;

Paragraph 14: Presumption in favour of sustainable development;

Paragraph 17: Core planning principles;

Paragraph 18-22: Building a strong competitive economy;

Paragraph 32, 34 – 37, 39: Promoting sustainable transport;

Paragraph 55: Avoid isolated homes in the open countryside;

Paragraph 56-61: Requiring good design;

Paragraph 69-70: Promoting healthy communities;

Paragraph 93-98: Meeting the challenges of climate change; and

Paragraph 109, 111, 118, 120-125: Conserving and enhancing the natural environment.

3.2 Fenland Local Plan 2014:

LP1: Presumption in Favour of Sustainable Development;

LP2: Facilitating Health and Wellbeing of Fenland Residents;

LP3: Spatial strategy, the Settlement Hierarchy and the Countryside;

LP6: Employment, Tourism, Community Facilities and Retail;

LP12: Rural Areas Development Policy;

LP14: Responding to climate change and managing the risk of flooding in Fenland;

LP16: Delivering and Protecting High Quality Environments across the District;

LP19: The Natural Environment

4. CONSULTATIONS

4.1 Parish Council:

Recommend refusal - outside area stipulated within Fenland Local Plan 2014.

4.2 Middle Level Commissioners:

Will be commenting, however no formal comments have been received at the time of writing this report.

4.3 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.

UNSUSPECTED CONTAMINATION

CONDITION: If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, a Method Statement detailing how this unsuspected contamination shall be dealt with.

REASON: To ensure that the development complies with approved details in the interests of the protection of human health and the environment

4.4 CCC Archaeology

Records indicate that the site lies in an area of high archaeological potential, located on the Fen Causeway, a known Roman road (Historic Environment Record reference MCB15033). In the immediate vicinity is widespread Roman settlement, field systems and drove ways (MCB7335, MCB10129, MCB11188, MCB10130, MCB10128, MCB7234, MCB10126, MCB12935). In addition, to the west is evidence of earlier, prehistoric occupation (MCB10131).

We do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition such as the model condition 'number 55' contained in DoE Planning Circular 11/95:

"No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority."

4.5 Biodiversity

The applicant has included a Preliminary Ecological Assessment with the amended scheme. This is being considered. It will be reported to Members

4.6 County Highways (LHA)

No details have been provided on how the applicant intends to deal with surface water runoff. This should either fall towards the applicants land or intercepting drainage should be installed between the public highway and the applicants land.

No details have been provided for visibility splays, access driveway widths and material types. I appreciate that the site has good visibility however please show the details on the plan. The driveway should be of a bound material for at least the first 5 meters from the public highway. From my site visit I don't believe that vehicle speeds will exceed 40mph at this location, therefore I believe that visibility splays of 2.4m x 120m will be acceptable in this location. Any fencing within this location should be no higher than 0.6metres above ground level within the visibility splay.

FDC should also consider the sustainability of this location.

Defer for amended plans.

4.7 Environment Agency

No objection to the proposed development but recommend that the measures, as detailed in the Flood Risk Assessment submitted with this application, are implemented and secured by way of a planning condition on any planning permission. These measures include finished floor levels; no sleeping accommodation on ground floors; foul water drainage strategy to be provided.

4.8 Local Residents:

11 letters of support were received comments included:

- Support for seedling businesses/ employment opportunities;
- Excellent use of unused piece of land/ redundant land;
- The houses will vastly improve the area;
- Ideal location for workshop type homes.

2 letters of objection were received, reasons included:

- Design/Appearance- height will be an eyesore
- Out of character/not in keep with area
- Visual Impact
- Wildlife Concerns
- Would set a precedent
- Not in keeping with the character of the area.
- Could affect the public right of way.
- Not compliant with the Fenland Plan
- Not compliant with Government Policy
- Increases the contiguous area
- Is on "designated agricultural land"
- Justification errors
- Is in an area subject to unpleasant odours.

5.0 SITE DESCRIPTION

5.1 The site is open agricultural land located on Creek Fen between Creek Cottage and Lesmond House industrial units. The surrounding land is mainly agricultural with a couple of isolated dwellings and a go kart track. The old course of the River Nene runs adjacent to the northern boundary of the site. The site is some distance from the established built form of March with no footpath connections to the town. The Fen Causeway a known Roman road runs through the site. The site is within Flood Zone 3.

6.0 THE PROPOSAL

6.1 The proposal is a full application for 2 x 6 bedroom detached dwellings set within a plot size of approximately 0.3ha and 0.5ha. The density of the proposal is 2.5 dwellings per hectare. Both properties will have a detached double garage and a separate single storey workshop measuring 69sqm. The applicant indicates that the proposal will provide 4 + full time equivalent employment opportunities.

The applicant states that the workshops will offer flexible space for start-up businesses and small businesses. The applicant intends to keep one of the plots for himself and expand his online antiques business. No information has been submitted, for example a Business Plan, which identifies an end use for the second dwelling and the viability of the start-up/ existing business which would demonstrate how it could support a 6 bed dwelling on such a large plot. Similarly, no information has been included to justify the need to locate an online antiques business and associated dwelling house in the open countryside.

Each property will be accessed directly from Creek Fen. Separate pedestrian access to the Town Centre is possible from the Tow Path alongside the river. A Flood Risk Assessment and Extended Phase 1 Habitat Survey Report have been submitted with the application.

7. PLANNING ASSESSMENT

7.1 The key issues relate to:

- Principle of Development
- Flood Risk
- Character Appearance and Residential Amenity
- Biodiversity
- Other matters

Principle of Development

The site falls within the open countryside, and therefore the principle of residential development in this location would not be consistent with Policy LP3 of the Fenland Local Plan May 2014 and indeed national planning policy guidance which steers new development in built up areas that offer the best access to services and facilities.

In accordance with Policy LP3 of the Local Plan (May 2014) the site is identified as 'Elsewhere' i.e. in an area not falling into one of the other categories within Policy LP3 where development will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation etc. Any such development would be subject to a restrictive occupancy condition. From the information submitted the proposed houses would not be related to any of the above.

Policy LP12, Part D, clearly sets out the evidence to be provided to support a new dwelling in areas away from market towns and villages including:

- a) The existing functional need for the dwelling;
- b) The number of part time and full time workers;
- c) The length of time the activity has been established;
- d) The financial viability of the enterprise;
- e) The availability of other suitable accommodation on site or in the area;
- f) How the proposed size of the dwelling relates to the viability of the enterprise.

The applicant intends to occupy one of the dwellings and run an online antiques business from the workshop. No end user has been identified for the second dwelling/ workshop. No evidence has been provided as to why the new dwellings are essential in this location. Members will recall previous proposals for new dwellings in the open countryside which have come before them. Where permission has been granted, Members have been satisfied that the new dwelling is essential in that location and is associated with an established viable business.

No evidence has been provided by the applicant to demonstrate that there are no vacant sites in more sustainable locations such as within the established built form of March, or other settlements. Or that it is essential for the online antiques business to operate from the proposed location within the open countryside.

The applicant considers that the new homes will offer flexible space for start-up businesses and the expansion of smaller businesses. The proposed new homes are larger than average. Without a Business Plan and a known end user it is not possible for the Officers to establish the viability of the scheme and that a business operating from the proposed workshop could support/ sustain the new home and the business in this location. The proposal would therefore be contrary to Policy LP12 of the Fenland Local Plan 2014.

Policy LP2: Facilitating Health and Wellbeing of Fenland Residents, promotes the creation of opportunities for employment in accessible locations. The applicant indicates that the proposal will provide 4 + full time equivalent employment opportunities. No evidence has been provided to show that there would be a demand for flexible space for start-up businesses and small businesses in this location. Similarly no evidence has been provided to show the level of demand for this size of workshop or that it could support the residential accommodation which would be tied to the workshop use.

Flood Risk

The site is located within the catchment area of the March Fifth District Drainage Commissioners and in Flood Zone 3 of the EA Flood Zone Maps. The Flood Risk Assessment submitted with the proposal indicates that the proposed development would not be in the functional floodplain but in the passive floodplain of Middle Level and March Fifth IDB defences. It proposes to raise finish floor levels and exclusion areas around the watercourses. The EA have no objection to the proposed development as long as the recommendations in the Flood Risk Assessment are implemented and secured by way of a planning condition on any planning permission.

Notwithstanding this the site lies within Flood Zone 3. Policy LP14 of the Local Plan (2014) makes it clear that all development proposals should adopt a sequential approach. This accords with the National Planning Policy Framework and the Planning Practice Guidance (PPG) (online 2014). In the PPG dwelling houses are classed as 'more vulnerable' development and would not be appropriate in Flood Zone 3 unless a sequential test and an exception test has been passed. The sequential approach in national and local planning policy is based on the underlying principle of sustainability -this is that development directed to areas with the lowest probability of flooding. No evidence of sequential testing has been provided by the applicant and given that there are other sites throughout the District within Flood Zone 1, it is unlikely that the proposed development would pass this test and be considered appropriate. On this basis the principle of residential development in this location is not considered acceptable and contrary to Local Plan Policies LP2, LP14 and LP16.

Character Appearance and Residential Amenity

The proposed dwellings are within the open countryside. In the absence of any justification for siting them in the open countryside, as required by Policy LP12 of Fenland Local Plan 2014, the design should be assessed against paragraph 55 of the NPPF. Paragraph 55 considers that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling.

Such a design should:

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area.

The proposals are not considered to meet the requirements of the NPPF as the design of the dwellings is not truly outstanding or innovative.

The proposed dwellings are a reasonable distance from adjoining neighbouring properties. Therefore there is unlikely to be any detrimental impact. However, without more information about the intended use of the workshops for example B1, B2 or B8 use, it not possible to assess any potential nuisance issues.

Biodiversity

The applicant has included a Preliminary Ecological Assessment with the scheme. It concludes that the key ecological features of value are:

- a population of water voles on boundary watercourses;
- mature willow trees with potential bat roosting features and potential bird nesting habitats; and
- any impacts can be avoided through the recommended mitigation.

This is being considered. It will be reported to Members as an update at committee.

Other Matters

The 'Fen Causeway' Roman road runs through the site which is of high archaeological significance. A programme of archaeological work should be secured through a planning condition if planning permission is granted for the proposal. FDC's Scientific Officer has indicated that contamination may be present on site and has requested a planning condition. County Highways has requested amended plans to show details of surface water runoff and visibility splays. As the principle of development is contrary to policy, amended plans have not been requested. The comments received from local residents have been dealt with in the body of the report.

8. CONCLUSION

- 8.1** The development proposed is located outside the established settlement limits of March and therefore is considered to be in open countryside. There is no identified justification for the dwellings in relation to agriculture, horticulture or forestry and therefore there is no policy support for such a proposal.

The proposal is for two dwellings with associated workshops in the open countryside however no justification or business plan has been submitted to evidence such a requirement and therefore there is no policy support for this proposal.

Therefore the development cannot be supported as it is not consistent with the principles of sustainable development and is therefore contrary to the NPPF and Policies LP1, LP3 and LP12 of the Local Plan.

The site lies within Flood Zone 3. Policy LP14 of the Local Plan (2014) makes it clear that all development proposals should adopt a sequential approach. No evidence of sequential testing has been provided by the applicant and given that there are other sites throughout the District within Flood Zone 1, it is unlikely that the proposed development would pass this test and be considered appropriate. On this basis the principle of residential development in this location is not considered acceptable and contrary to Local Plan Policies LP2, LP14 and LP16.

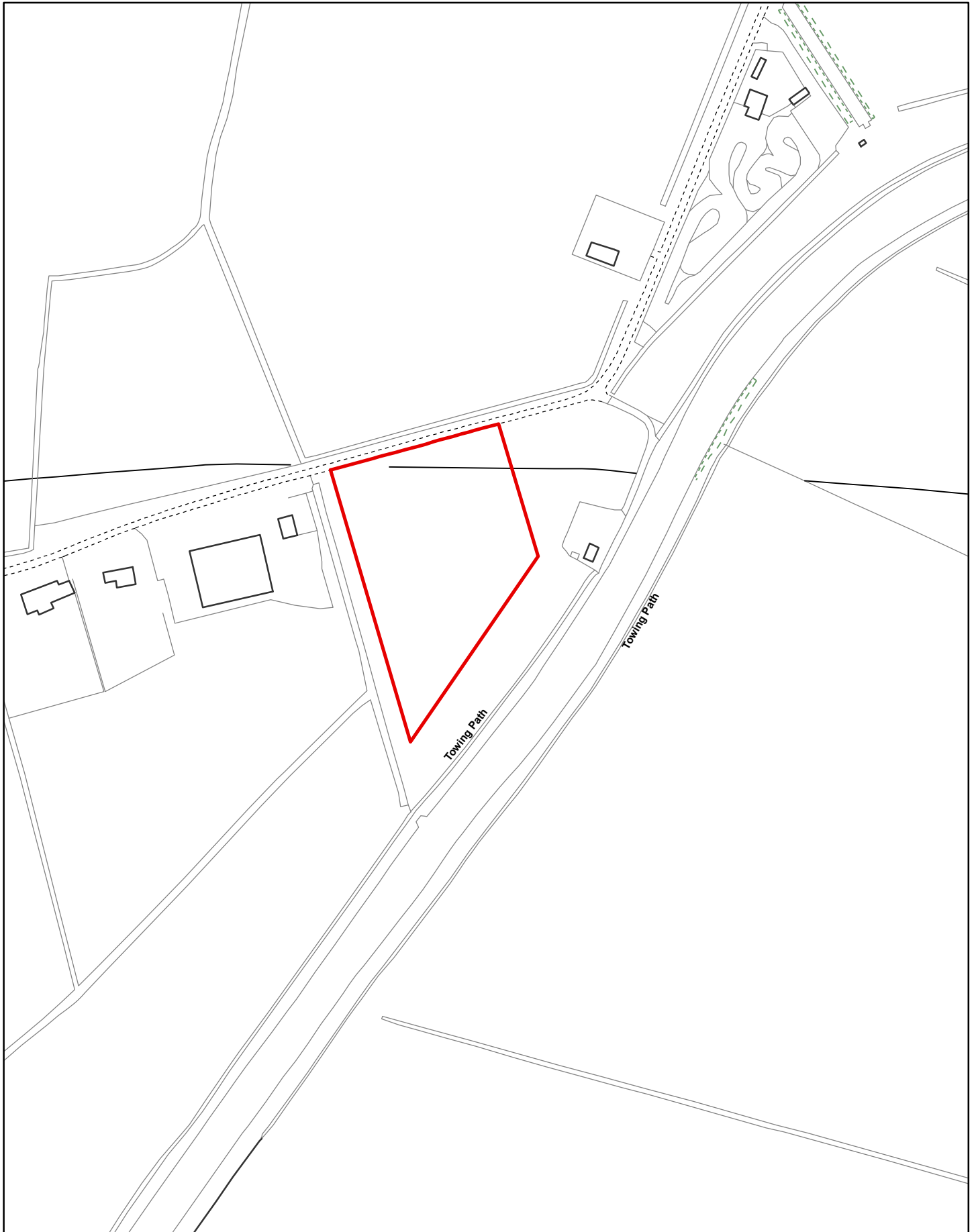
9. RECOMMENDATION

REFUSE

- 1. The proposed development is located in an unsustainable location outside the settlement limits of March where residential development is not normally supported unless justified. Development in this location would introduce additional development into an area that is currently open and has a strong relationship with the adjoining countryside. The proposal is therefore contrary to Local Plan Policies LP3 and LP12 of the Fenland Local Plan 2014.**

- 2. The proposal has failed to demonstrate that a functional and financial need for a workplace home exists through a robust justification. Therefore the proposal is contrary to Local Plan Policy LP12 of the Fenland Local Plan 2014.**

- 3. 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. Accordingly, Policy LP14 (Part B) of the Fenland Local Plan 2014 requires development in Flood Zone areas 2 and 3 to undergo a sequential test to demonstrate that the development cannot be delivered elsewhere in the settlement at lower risk areas of flooding. The applicant has failed to undertake a sequential test and therefore has failed to demonstrate that the development cannot be delivered in lower areas of flood risk. Therefore the proposal fails to satisfy policies LP2, LP14 and LP16 of the Fenland Local Plan 2014 as it fails to deliver a high quality environment and instead puts future occupants at higher risk from flooding without justification.**



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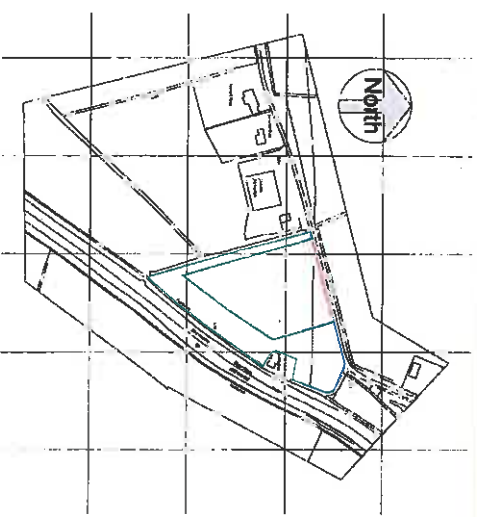
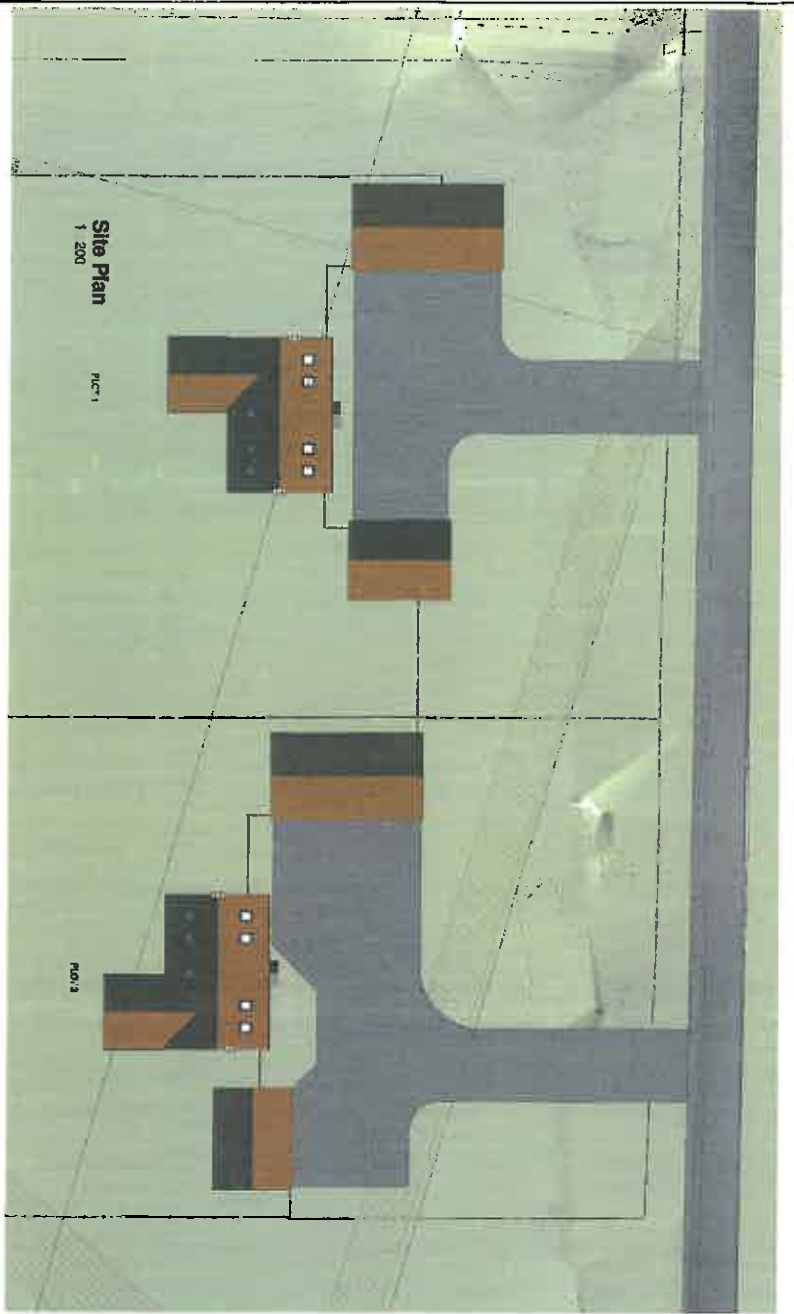
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0m 2m 4m 6m 8m 10m 12m 14m 16m

VISUAL SCALE 1:500 @ A1

0m 7.5m 15m 22.5m 30m 37.5m

VISUAL SCALE 1:500 @ A1

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VISUAL SCALE 1:2500 @ A1

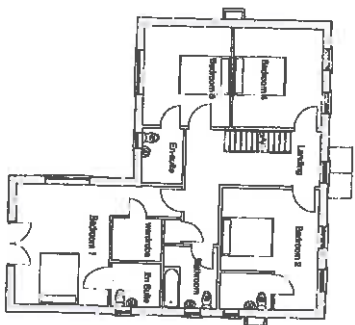
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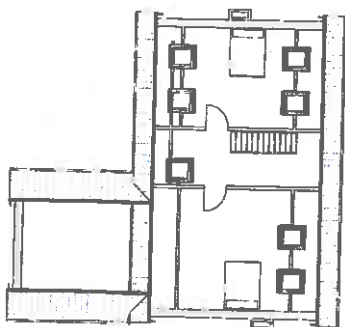
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 Block, Thompson Street, Houston, Texas 77036
 Site, Block and Location Plan

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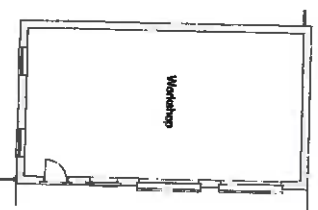
Architect
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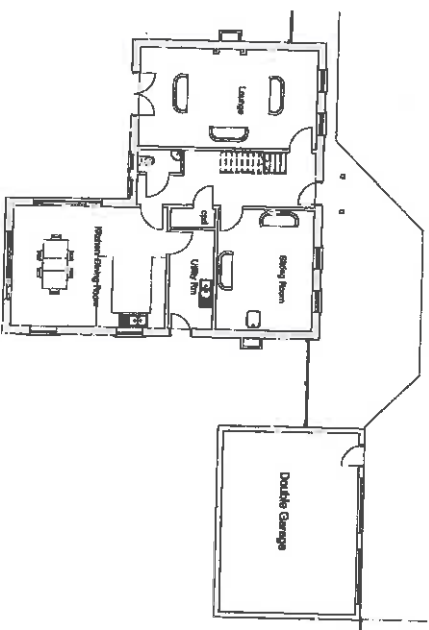
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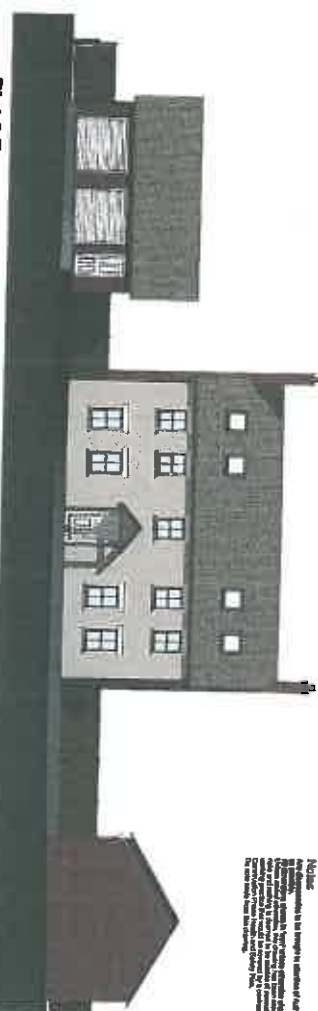
Second Floor Plot 2
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Ground Floor Plot 2 Workshop
 1 : 100



Ground Floor Plot 2
 1 : 100



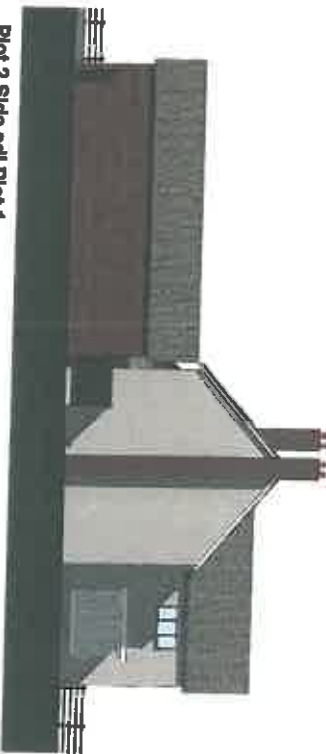
Plot 2 Front
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Plot 2 Rear
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Plot 2 Side adj/ Creek Cottage
 1 : 100



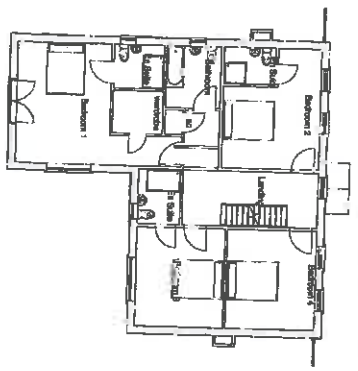
Plot 2 Side adj/ Plot 1
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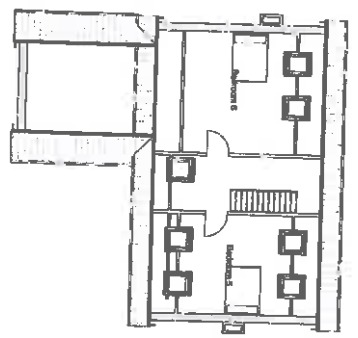
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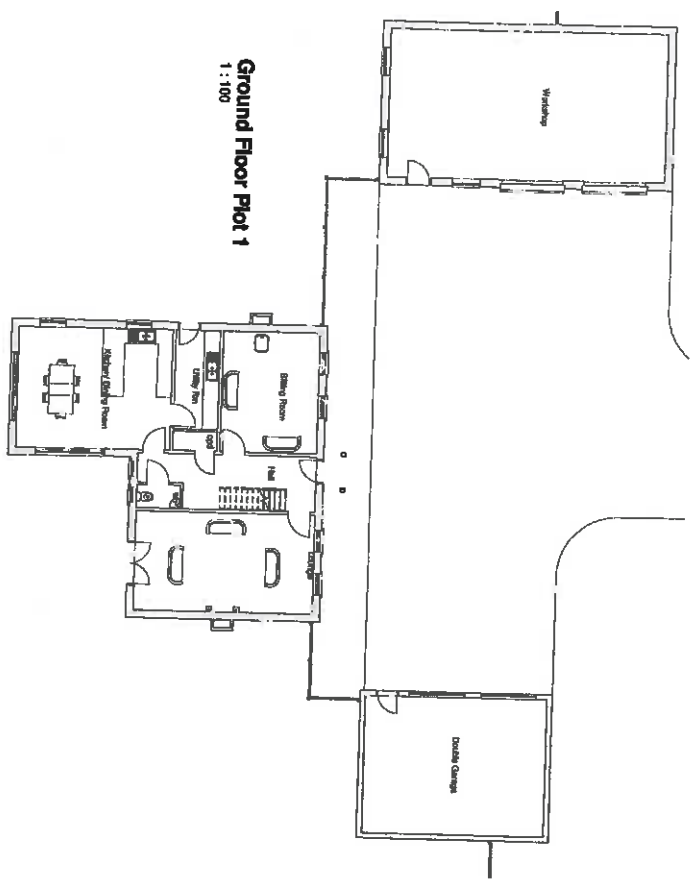
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First Floor Plot 1
1 : 100



Second Floor Plot 1
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Ground Floor Plot 1
1 : 100



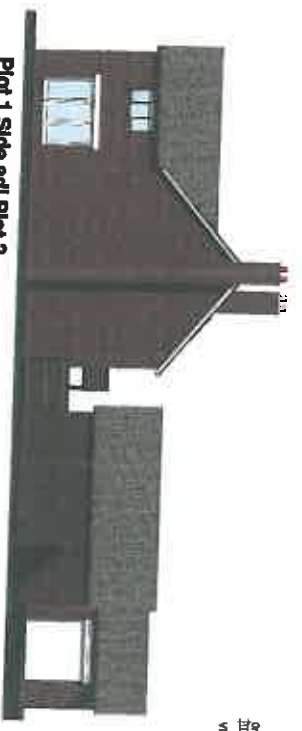
Plot 1 Front
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Plot 1 Rear
1 : 100



Plot 1 Side adj Business Park
1 : 100



Plot 1 Side adj Plot 2
1 : 100

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 VISUAL SCALE 1:100 @ A1

Author	11/09/2014	11:00 @ A1	1:100	1:100	1:100
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Plot 1					

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 Proposed development of 2 dwellings and associated parking, access and landscaping for the site of the former Wakefield Technical College, Wakefield, West Yorkshire WF1 4LJ