

F/YR15/0707/F

Applicant: Mr G Burton

Agent : Mr J Griffin
Swann Edwards Architecture Ltd

Land West Of 4 The Cottages And 1 And 2 Bank Farm Cottages, Bank Farm, Forty Foot Bank, Ramsey

Erection of 2 x 2-storey 4-bed dwellings involving demolition existing polytunnel and demolition of 2 x dwellings (1 and 2 Bank Farm Cottages)

Reason for Committee: The application has received more than 6 letters of support and is contrary to Officer's recommendation.

1 EXECUTIVE SUMMARY

The application seeks planning permission for the demolition of the existing pair of semi-detached dwellings at Bank Farm and for these to be replaced with 2 new 4-bedroom detached dwellings. The site lies in the open countryside approximately 4.0Km from the settlement of Chatteris, 2.4.0Km from Benwick and 6.2Km from Ramsey and therefore in an 'Elsewhere' location in accordance with the settlement hierarchy as defined under policy LP3 of the Fenland Local Plan.

It is considered that the development does not accord with the replacement dwellings policy LP12 (C) in that the development is not of a similar size and scale to the original dwellings; and it is not located on the footprint of the original dwellings.

The proposal therefore constitutes the introduction of new dwellings located in the open countryside without justification and which would place future occupiers at the highest risk of flooding again without justification and therefore fails to satisfy policies LP2, LP3, LP14 and LP16 of the Fenland Local Plan 2014.

The recommendation is to refuse the application.

2 SITE DESCRIPTION

- 2.1 The site lies in the open countryside approximately 4.0Km from the settlement of Chatteris, 2.4Km from the village of Benwick and 6.2Km from Ramsey and comprises 2 distinct areas;
- 2.2 Area 1. The 2 dwellings proposed for demolition are 2-storey semi-detached early 20th Century properties set within an agricultural setting of Bank Farm which includes a grouping of agricultural barns and areas of hardstanding, accessed via a single track road which leads north off of the B1096 Forty Foot Bank. The 2 dwellings are currently unoccupied and the poor quality single storey rear extensions in particular appear fairly dilapidated with damage to some windows and overgrown areas surrounding the properties. The dwellings would likely have been built to provide accommodation in association with the agricultural operations

of Bank Farm and are typical in scale and appearance to the farmsteads in the Fenland countryside. The area is agricultural in character.

- 2.3 Area 2. The area proposed for the siting of the 2 new dwellings is located approximately 530m to the south east of the existing dwellings and comprises an area of greenfield with a polytunnel and small allotment at the north of Forty Foot Bank. This site is also accessed via the B1096 and this access also serves a pair of semi-detached dwellings adjacent (east) back onto the Forty Foot Bank. To the immediate west of the site is the Ibbersons pumping station. This area is characterised by sporadic development set along the B1096 with open countryside behind to the north.
- 2.4 The B1096 is a Class 'B' road devoid of any footpaths but is limited to 50mph enforced through average speed cameras.
- 2.5 Both areas lie in Flood Zone 3 and a flood warning area.

3 PROPOSAL

- 3.1 The application seeks planning permission for the demolition of the existing pair of semi-detached dwellings at Bank Farm (area 1) and for these to be replaced with 2 new 4-bedroom detached dwellings at area 2.
- 3.2 The proposed dwellings are 2-storey 'L-shape' units and are mirror copies of each other. They are orientated to back onto the B1096 with the principal elevation facing north and the rear gardens abutting the Forty Foot Bank as per the adjacent units to the east. The dwellings measure 11.3m in width by 10.7m in depth at their extremities and have a ridge height of 8.5m with eaves at 5.2m. The exterior materials details; roof tiles, exterior facing and fenestration material have not been proposed at this time.
- 3.3 The site is proposed to be accessed via the existing access which serves the adjacent dwellings and which would lead to the principal elevation where it would provide parking for 3 cars off a gravelled driveway. The perimeter of the site is proposed to be landscaped with trees along the southern boundary (adjacent to the B1096) and hedgerow along the western boundary with a grass lawn at the rear of the dwelling. The 2 properties would be separated by a 1.8m high close boarded fence and a similar fence would be provided along the boundary with the existing dwelling.

4 SITE PLANNING HISTORY

F/YR04/3519/O	Erection of 2 dwellings (maximum) Land West Of 4 The Cottages Bank Farm Forty Foot Bank	Refused 20.09.2004
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5 CONSULTATIONS

5.1 Cambridgeshire County Council Highways Authority

No objection in principle. The access proposed will see an intensification of use. It is evident that visibility to the east is obstructed somewhat by vegetation (according to the plan within the applicants control), therefore requests an amended plan indicating the vehicle to vehicle visibility of 2.4m x 150m to be submitted which would be the appropriate vehicle to vehicle visibility for the speed of this road.

The access would also need to be improved in geometric terms and indicate a minimum width of 5m in width for 10m from the road edge, to allow for simultaneous two way vehicle movement, again this is within the applicants control and therefore should pose no problem.

5.2 Parish/Town Council

No objections

5.3 FDC Scientific Officer (Land Contamination)

No objections subject to unsuspected contaminated land condition in view of the proposed demolition element.

5.4 Local Residents/Interested Parties

8 letters of support have been received for the proposal and are summarised as follows;

- Considers that whilst the existing dwellings could be renovated, this would not be to a standard as energy efficient or environmentally friendly.
- Would be good to provide a young family a modern home in this area
- Improved security with proposed new dwellings
- Provision of 2 new houses would assist the housing shortage
- Would enhance the character of the area
- Safer environment away from the farm
- The existing dwellings are an eyesore. The new dwellings would be a visual improvement
- The removal of existing dwellings would improve the Fenland landscape
- The location of the proposed dwellings would have minimal impact

6 POLICY FRAMEWORK

National Planning Policy Framework (NPPF);

Paragraph 17: Core Principles

Paragraph 55: Promoting sustainable development in rural areas

National Planning Policy Guidance (NPPG)

Fenland Local Plan 2014 (FLP);

LP2: Health and wellbeing

LP3: The settlement Hierarchy

LP12 (Part C): Replacement dwelling policy

LP14 (Part B): Climate Change and Flooding

LP15: Highways

LP16: Delivering High Quality Environments

7 KEY ISSUES

- Principle of Development
- Impact on rural character
- Flood Risk
- Access and Highways
- Health and wellbeing
- Economic Growth
- Consideration of the Applicant's justification
- Consideration of comments in support

8 BACKGROUND

- 8.1 The application has been subject to pre-application discussion whereby the agent was advised that the application would not meet the criteria required under policy under LP12 (Part C) 'Replacement dwelling policy' initially due to the distance separation and that the proposed new dwellings would not be in a location supported by the Fenland Local Plan when considering the criteria under LP3.
- 8.2 The applicant in their Design and Access statement advises that the current dwellings have experienced issues due to troublesome tenants which has led to vandalism and anti-social behaviour. The applicant considers that by locating the dwellings to the proposed site, it would improve health and safety and security issues previously experienced due to the dwellings being located within a working farm. In addition, the applicant advises that the proposed dwellings would be constructed with raised finished floor levels in order to address flood risk and improve sustainability.
- 8.3 The applicant considers that this is the best use of the site and should be seen as betterment in view of the flood resilience measures and the removal of the dwellings from the existing farm whereby the land could then be used for agricultural purposes.
- 8.4 Planning permission for residential use of the site has previously been refused under application F/YR04/3519/O determined under previous local and national planning policy for the following reasons;
1. *The proposal, if approved, would result in new dwellings in the countryside which are not required in connection with agriculture, horticulture or forestry contrary to the provisions of Policy H16 of the Fenland District Wide Local Plan.*
 2. *The proposal, if approved, would result in development which would materially change the character and appearance of the surrounding area contrary to policy H15 of the Fenland District Wide Local Plan.*
 3. *The proposal, if approved, would set a precedent for further development in the area to the detriment of its character and appearance contrary to policy H15 of the Fenland District Wide Local Plan.*

9 ASSESSMENT

9.1 Principle of Development

- 9.1.1 Policy LP3 of the FLP outlines a settlement hierarchy and aims to steer development in the first instance to the most sustainable locations which consist of Fenland's 4 market towns before then steering development to sustainable villages. In doing so, LP3 aims to ensure that development is delivered in locations that help to reduce the need to travel as well as making the best use of infrastructure and previously developed land in built up areas. In addition, the NPPF states that the countryside should be recognised for its intrinsic character and beauty¹ and that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances². The site does not lie near to or adjacent to any recognised settlement. Therefore it is considered that the site lies in the open countryside and is considered as 'Elsewhere' development as identified under policy LP3.
- 9.1.2 For development to be acceptable in 'Elsewhere' locations, the proposal must clearly demonstrate that it is essential for the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services.
- 9.1.3 The applicant has not provided any demonstration that the development is required in relation to any of the aforementioned enterprises and therefore the proposal is not supported through policy LP3. The proposed dwellings therefore amount to unwarranted development in the open countryside for which the principle is not supported through Policy LP3 of the FLP.
- 9.1.4 An exception to policy LP3 is for replacement dwellings in the open countryside which are considered under policy LP12 (Part C) of the FLP.
- 9.1.5 The applicant considers the development to constitute 2 replacement dwellings. And therefore policy LP12 (Part C) is applicable to the consideration of principle. LP12 (C) supports the replacement of dwellings outside the developed footprint of a settlement subject to all of the following criteria being met;
- (a) The residential use of the dwelling has not been abandoned
 - (b) The original dwelling is not important to retain in terms of character or contribution to the landscape.
 - (c) The original dwelling is not a temporary structure or mobile structure e.g. caravan and;
 - (d) It is of a design appropriate to its rural setting and;
 - (e) It is of a similar size and scale to the original dwelling; and
 - (f) It is located on the footprint of the original dwelling unless an alternative position within the curtilage would enhance the setting of the building on the plot and have no adverse impact on the wider setting.
- 9.1.6 Officers consider that although the existing dwellings are not occupied, the use has not been abandoned and therefore section (a) of LP12 (Part C) is met. The existing dwellings are not considered to be important to retain and therefore (b) is met and likewise the existing dwellings are permanent structures thereby satisfying criteria (c). The design itself is fairly simplistic and not too dissimilar to existing dwellings along the B1096 and although the proposed dwellings are more modern in design, they are not considered inappropriate in design terms to the setting and therefore criteria (d) is met.

- 9.1.7 In respect of criteria (e); the combined volume of the existing dwellings is approximately 355m³ (excluding roof space), whereas the cumulative volume of the 'replacement dwellings' (excluding roof space) is 854m³, more than double the size of the existing. It is considered that this is a significant increase and therefore not 'similar in size' to the original dwellings and therefore does not meet the requirements of criteria (e).
- 9.1.8 In respect of criteria (f); the existing dwellings are located approximately 530m from the proposed 'replacement dwelling' site and is served from a different access. The proposed site does not form part of the curtilage of the existing dwellings and therefore for these reasons the proposal does not meet criteria (f) of policy LP12 (Part C).
- 9.1.9 Therefore the principle of the development is not supported by Policy LP12 (Part C) as it does not meet criteria (e) or (f) where all criteria are required to be met.

9.2 Impact on rural character

- 9.2.1 All development in the open countryside is, by its nature, harmful to the countryside's openness and rural character. Therefore, for development to be acceptable justification should be provided and Policy LP3 identifies circumstances whereby this may be acceptable under the 'Elsewhere' definition. Further to this, Policy LP16 seeks to ensure that development makes a positive contribution to the local distinctiveness and character of the area, responds to and improves the character of the local built environment. LP16 together with LP2 seeks to ensure that development does not adversely affect residential amenity and provides a high quality living environment.
- 9.2.2 As previously identified, the existing dwellings were likely to have been erected originally for the purpose of serving the adjacent farm and as such are considered in this setting and appear characteristic to farmsteads across Fenland and Cambridgeshire in general. The character of the area proposed for the new dwellings is generally rural with sporadic dwellings set along the northern side of the Forty Foot Bank. The site is located within an agricultural setting, adjacent to open countryside but which also includes a pair of historic semi-detached dwellings.
- 9.2.3 It is considered that the dwellings will broadly appear similar in design and scale to existing dwellings in the vicinity. In addition, the distance separation of the respective dwellings and those adjacent, the window locations and the amount of private amenity space allocated to each dwelling would ensure that residential amenity was not compromised thereby satisfying the relevant elements of policies LP2 and LP16 of the FLP.
- 9.2.4 However, without robust justification for the proposed dwellings and by reason of their use being unconnected with any of the enterprises as listed under policy LP3, it is considered that the introduction of the dwellings in this location would result in an urbanisation of existing sporadic development found along the Forty Foot Bank which would erode the open character of the area and consequently would not make a positive contribution to the local distinctiveness and character of the area. The development therefore does not comply with the requirements of policy LP16(d).

9.3 Flood Risk

- 9.3.1 The site proposed for the 2 new dwellings lies in Flood Zone 3 and in a Flood Warning Area.
- 9.3.2 The approach of the NPPF, its associated Planning Practice Guidance (NPPG) and policy LP14 of the FLP is not to rely on mitigation measures in areas 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.
- 9.3.3 As the site lies in an area of high flood risk, in-line with the NPPF, NPPG and LP14 (Part B) of the FLP, 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.
- 9.3.4 Therefore, it is considered that the applicant has failed to adequately demonstrate through the sequential test that the development could not be delivered elsewhere in lower areas of flood risk and therefore has failed to satisfy policy LP14 of the FLP. Given that the siting of the new dwellings does not rely on any association with any enterprise in the locality, it is considered that the 2 new dwellings could be delivered elsewhere in the district in a lower area of flood risk. In addition, whilst flood resilience could be delivered on-site, this would not be necessary were the development delivered elsewhere in a lower flood risk area. As such, in view of the identified risks of flooding that future occupants could be exposed to and the failure to assess the development sequentially, the proposal fails to satisfy policy LP14 (Part B) and consequently policies LP2 and LP16 as it does not deliver a high quality environment and instead puts future occupants at a higher risk from flooding.

9.4 Access and Highways

- 9.4.1 Policy LP2, together with LP15 seeks to ensure that well-designed and safe access is provided with new development.
- 9.4.2 The LHA have raised no objections to the principle of the proposal but have requested further details in respect of visibility splays and access width. Given the principle issues with the proposal, this detail has not been requested by Officers nor has the applicant provided it. Whilst it is likely that this matter could be addressed by amended plans at present, the proposal fails to satisfy policies LP2 and LP15 of the Fenland Local Plan 2014 as it does not ensure that safe and well-designed access is provided with the development

9.5 Health and wellbeing

- 9.5.1 The dwellings proposed will be sited within Flood Zone 3 which is an area of highest risk of flooding. In view of the identified risks of flooding that future occupants could be exposed to, the proposal fails to fully consider the health and wellbeing of future occupiers and therefore fails to satisfy policy LP2 of the FLP.

9.6 Economic Growth

- 9.6.1 The proposal would provide temporary employment during its construction and its future occupiers could support the district's local economy.

9.7 Consideration of the Applicant's justification

- 9.7.1 The applicant considers that by locating the dwellings to the proposed site, it would improve health and safety and security issues previously experienced due to the dwellings being located within a working farm. The applicant considers that this is the best use of the site and should be seen as betterment in view of the flood resilience measures and the removal of the dwellings from the existing farm whereby the land could then be used for agricultural purposes.
- 9.7.2 As previously stated, the approach of the NPPF, its associated Planning Practice Guidance (NPPG) and policy LP14 of the FLP is not to rely on mitigation measures in areas 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.
- 9.7.3 Whilst the applicant's justification has been given some weight, it is concluded that this does not outweigh the identified harm which would arise from the development which would essentially result in the unwarranted introduction of development in the open countryside which is harmful to the open character of the area and which would place future occupiers at a higher risk of flooding than in areas elsewhere in the district. It is considered that the proposed development could be located in areas at lower risk of flooding and within or adjacent to established settlements. Purely because the land is in the ownership of the applicant does not provide suitable justification for the inappropriate location of the dwellings.

9.8 Consideration of comments in support

- 9.8.1 Comments in support of the development have been considered in the determination of the application. Whilst some matters have already been addressed in the report the following matters are now considered

Energy efficient dwellings;

Whilst the proposed dwellings could be built with higher energy efficiencies, it is considered that this does not outweigh the identified harm that the introduction of the dwellings would result in.

Modern Family Home assisting in housing shortage

It is considered that the proposed dwellings would be located in an unsustainable area which has poor infrastructure links to services and therefore would not be an appropriate location for a family home and would not positively assist in the housing shortage

Improved security and safety

Whilst the demolition of the existing dwellings might improve the security and health and safety on the farm, as the proposed dwellings have no reliance on the farm operations at Bank Farm and therefore does not demonstrate any need to

be sited in this location, the improved security does not outweigh the clear unsustainability of the development.

The existing dwellings cause visual harm/ the proposed dwellings would have minimal impact

It is considered that the introduction of 2 dwellings in a more prominent location adjacent to the highway and within the open countryside would be more harmful on the character of the area than the established existing dwellings and would therefore not improve the Fenland landscape

The demolition of the dwellings could facilitate agricultural use of the residual land

Due to the modest footprint of the existing dwellings, the land which would be available following demolition would not be a significant area would therefore this consideration does not outweigh the identified harm that the introduction of the dwellings would cause.

10 CONCLUSIONS

- 10.1 The proposal has been considered in-line with policies contained within the Fenland Local Plan 2014 and the National Planning Policy Framework and associated practice guidance (NPPG). It is considered that the proposal for replacement dwellings conflicts with policy LP12 (C) and instead constitutes the introduction of new dwellings located in the open countryside without adequate justification and which would place future occupiers the highest risk of flooding again without justification and therefore also fails to satisfy policies LP2, LP3, LP14 and LP16 of the Fenland Local Plan 2014.

11 RECOMMENDATION

11.1 Refuse for the following reasons;

1. Policy LP3 of the Fenland Local Plan supports development in the open countryside ('Elsewhere') where it is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. Policy LP16(d) seeks to ensure that development makes a positive contribution to the local distinctiveness and character of the area. The proposal fails to demonstrate that the development is essential for any of the operations as identified in LP3 and therefore would result in development in an unsustainable location and which would be harmful to the character the open countryside. The development therefore does not comply with the requirements of policies LP3 and LP16(d).
2. Policy LP12 (C) supports the replacement of dwellings outside the developed footprint of a settlement subject to certain criteria (a to f) being met. The proposal does not accord with all the criteria as required as the proposed dwellings would be materially larger in scale than the existing dwellings contrary to criteria (e) and not located on the footprint or within the curtilage of the existing dwellings contrary to criteria (f). Consequently the proposal conflicts with policy LP12(C) as the increase in scale and amended location

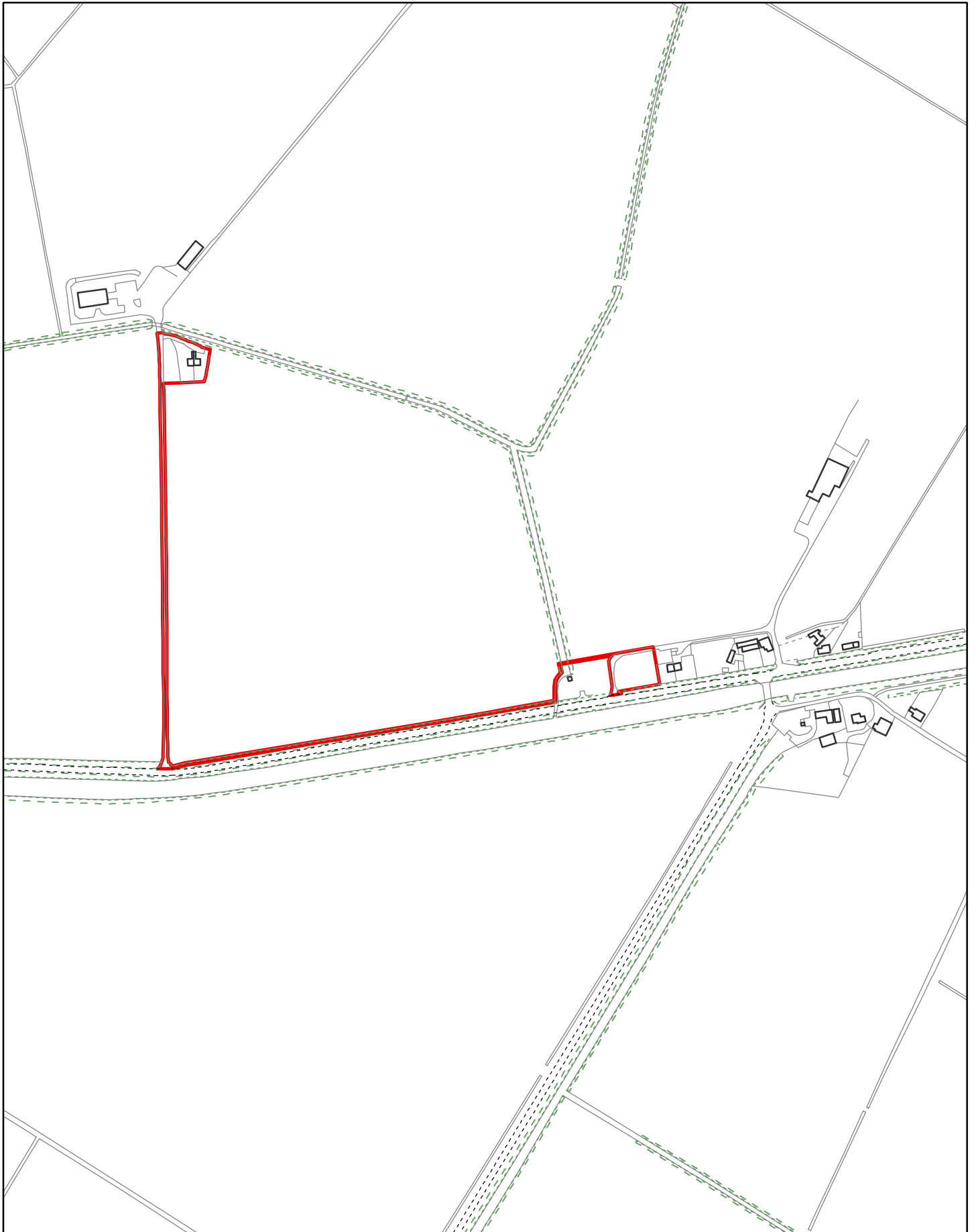
has a harmful impact on the rural character of the countryside. As a result, the introduction of the dwellings in their proposed location would not relate to the existing character and would consequently have an adverse impact on the wider setting of the area which is contrary to policy LP12 (Part C).

3. Policy LP14 (Part B) of the Local Plan 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. Policy LP2 seeks to deliver high quality environments, ensuring that people are not put at identified risks from development thereby avoiding adverse impacts in the interests of health and wellbeing. The site lies within Flood Zone 3 which is a high risk flood area. The applicant has failed to undertake a sequential test and has therefore failed to demonstrate that the development could not be delivered in an area of lower flood risk thereby failing LP14 (Part B). Consequently, the proposal fails to satisfy policy LP2 of the Fenland Local Plan as it fails to deliver a high quality environment and unjustifiably puts future occupants at higher risk of flooding.
4. Policy LP2, together with LP15 seeks to ensure that well-designed and safe access is provided with new development. The proposal would result in the intensification of the use of the access for residential purposes and without adequate visibility and access width. Consequently the proposal would result in an unsafe access which is contrary to policies LP2 and LP15 of the Fenland Local Plan (adopted May 2014).

¹ - National Planning Policy Framework, 2012. Paragraph 17. Page 5

² - National Planning Policy Framework, 2012. Paragraph 55. Page 14

Case Officer:	Team Leader:
Date:	Date:



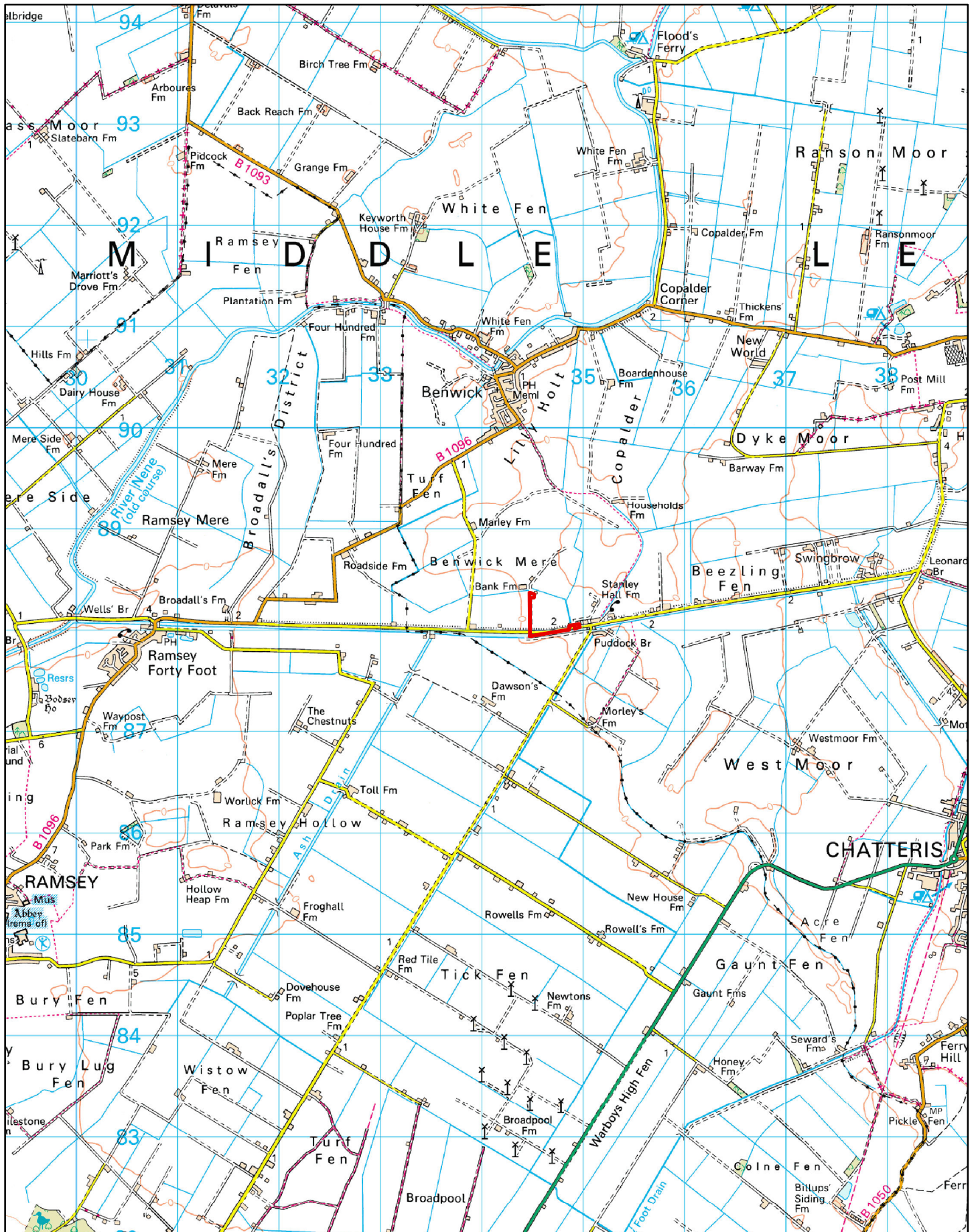
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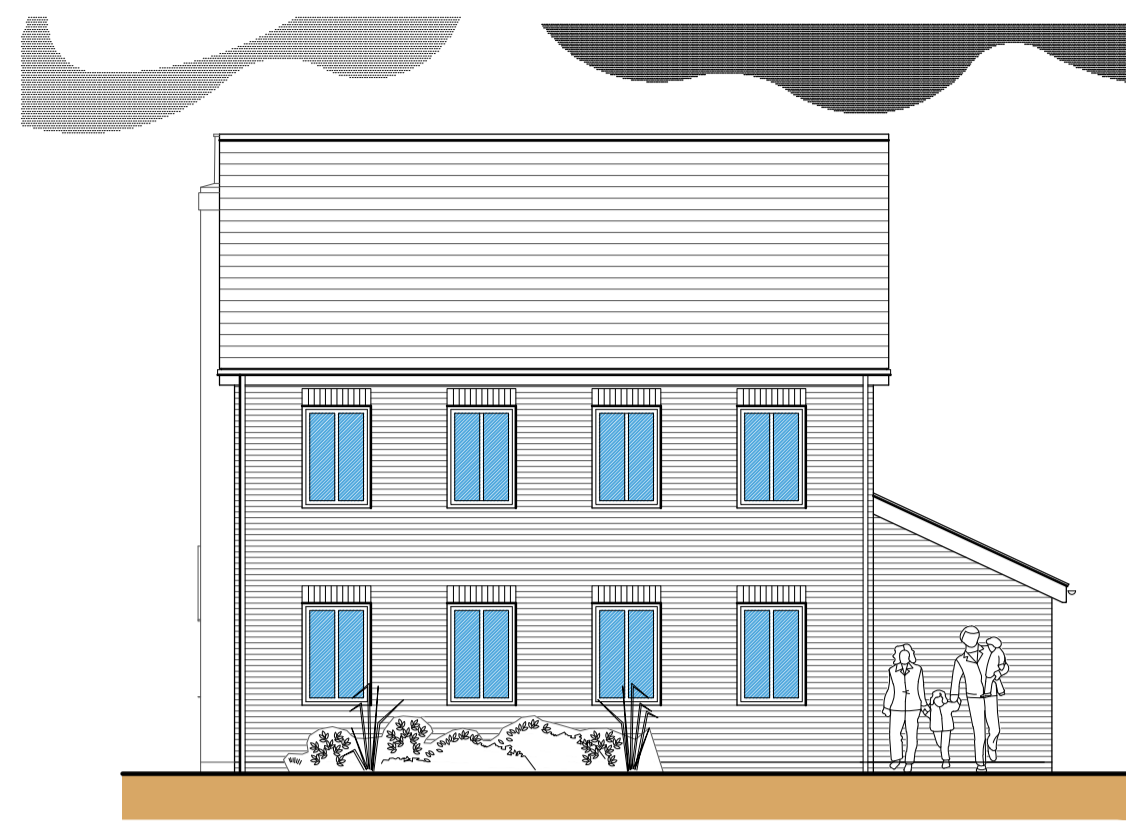


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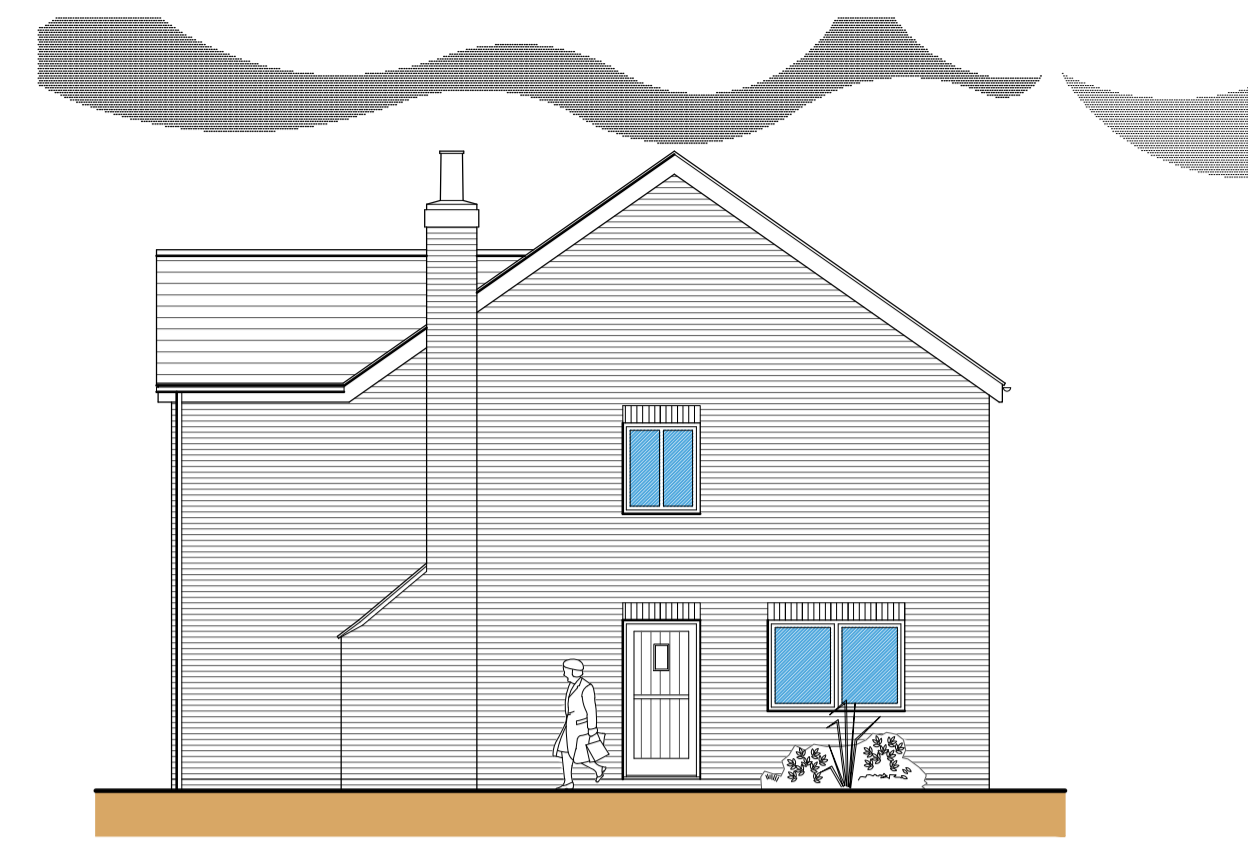
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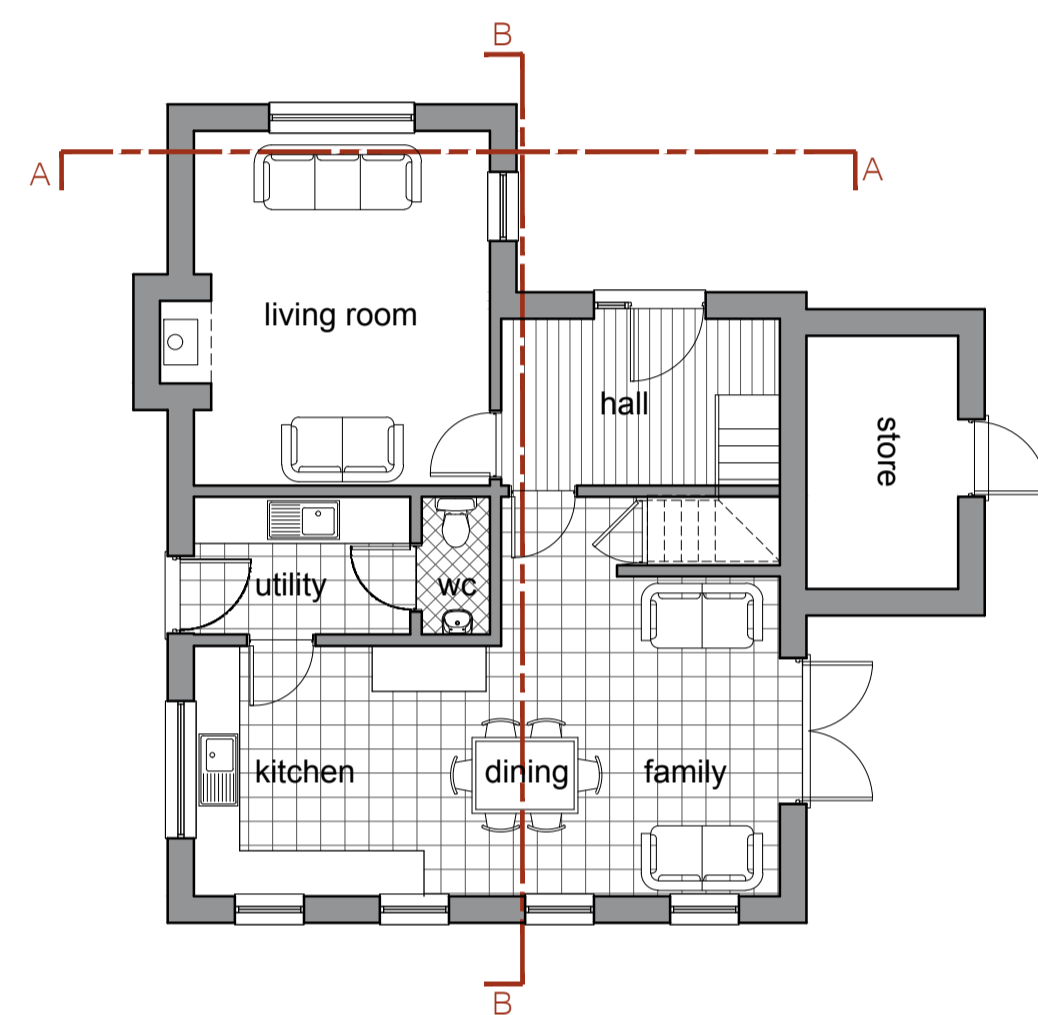
Side (E) Elevation
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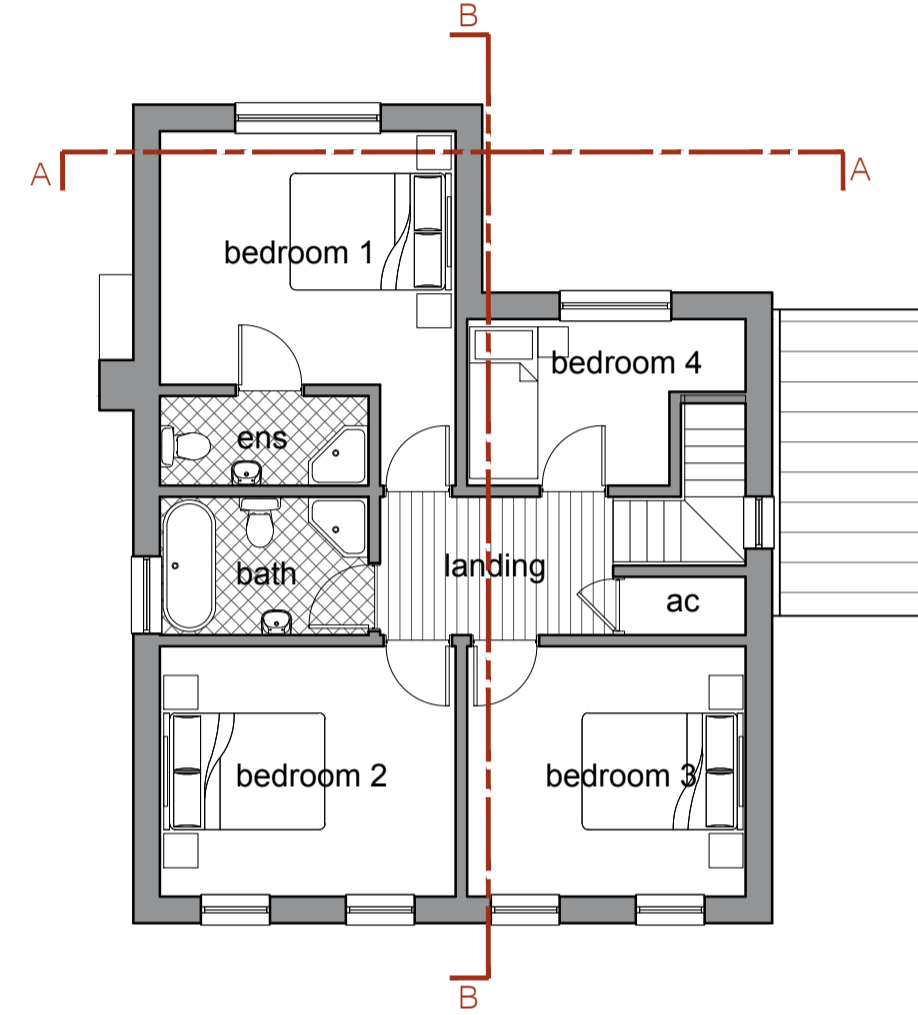
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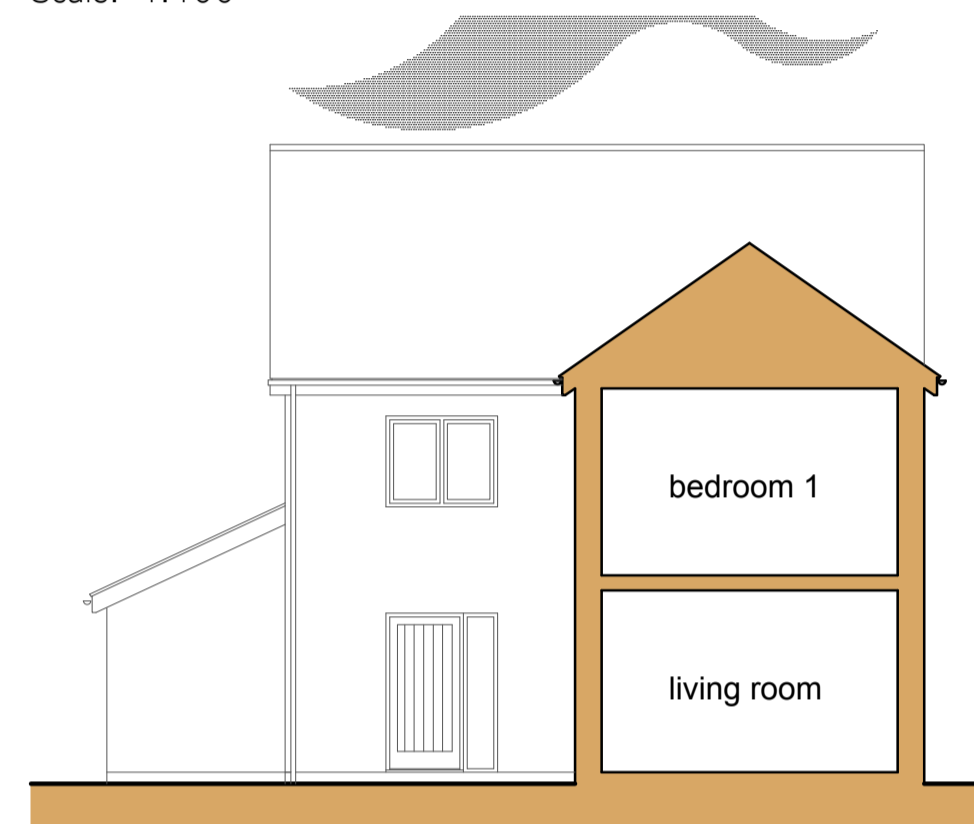
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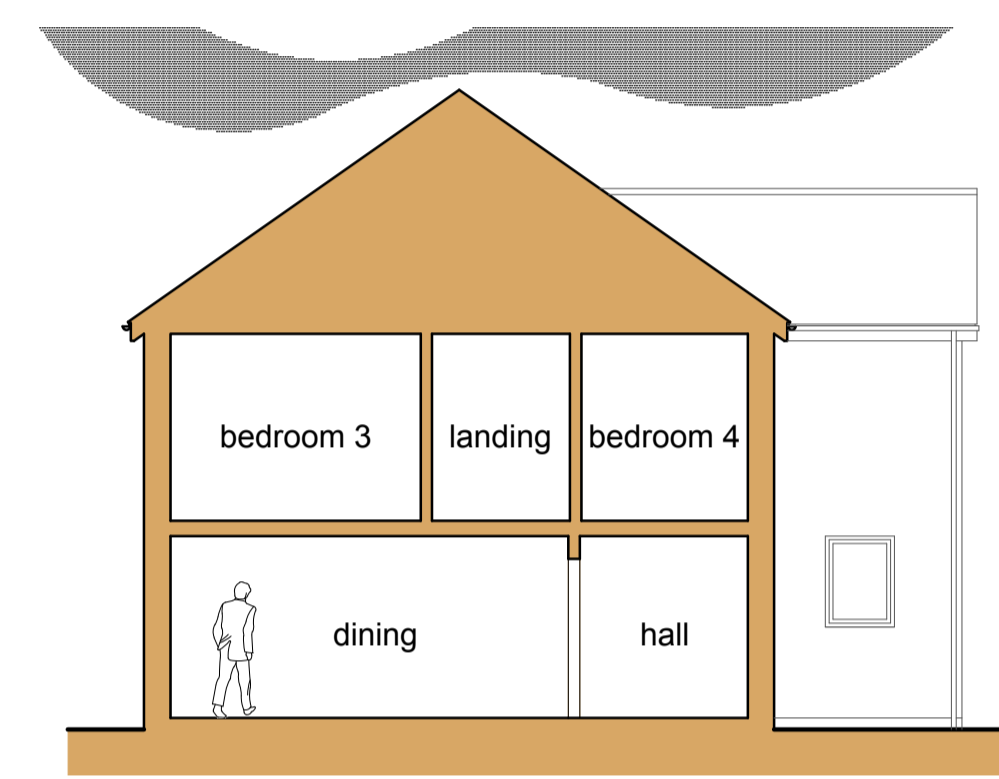
Ground Floor Plan
Scale: 1:100



First Floor Plan
Scale: 1:100



Section A-A
Scale: 1:100



Section B-B
Scale: 1:100



Location Plan
Scale: 1:2500



Site Plan
Scale: 1:200

- General Notes
1. This drawing shall not be scaled, figured dimensions only to be used.
 2. All dimensions are shown in "mm" unless otherwise stated.
 3. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
 4. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and specifications.
 5. Any discrepancies are to be brought to the designers attention.

SITE PLAN KEY

- Indicates proposed buildings
- Indicates buildings (from ordinance survey location plan)
- Indicates site levels to temporary datum
- Indicates existing site access point
- Indicates proposed boundary trees
- Indicates proposed boundary hedges
- Indicates gravelled areas
- Indicates grassed areas

Revisions	
A	Aug 2015 Revised Blue Line

Status
FOR APPROVAL

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Job Title Proposed Replacement & Relocation Of Existing Dwellings Forty Foot Bank, Ramsey for Mr G Burton	Date June 2015	Scale Various Sheet Size A1
Drawing Title Planning Drawing Plot 1, Section, Elevations Site, Location & Floor Plans	Job No. SE-323	Drawn by JG
	Dwg No. 03	Revision A