

F/YR15/1038/F

**Applicant: Mr & Mrs Manning**

**Agent : Mr J Burton  
Swann Edwards Architecture Limited**

**403 Lynn Road, Wisbech, Cambridgeshire, PE14 7AL**

**Erection of 2 x 2-storey 4-bed dwellings and 1 x 2-storey 3-bed dwelling with garages, involving demolition of existing outbuildings and annexe**

**Reason for Committee: Due to the comments received from the Town Council being at variance to the officer recommendation and due to the level of support received**

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## **1 EXECUTIVE SUMMARY**

- 1.1 The application seeks full planning permission for the erection of 3 dwellings and garages involving the demolition of exiting outbuildings and an annexe. The site lies within the established settlement of Wisbech and is within Flood Zone 3.
- 1.2 It is widely accepted that there is land available elsewhere within Wisbech which is at lower risk of flooding and the sequential test provided with the application fails to provide sufficient justification to support this development within a high risk flood area.
- 1.3 The proposal includes structures within a maintenance strip required by the Internal Drainage Board which would prohibit proper maintenance of the neighbouring drain to the detriment of effective surface water management within the vicinity.
- 1.4 The proposal would result in future residents being required to wheel their bins more than 30m to be collected which would be to the detriment of their residential amenities and health and well being principles.
- 1.5 For the reasons above it is considered that the application is contrary to policies of the Development Plan and it is therefore recommended that planning permission is refused.

## **2 SITE DESCRIPTION**

- 2.1 The application site is located within the established settlement of Wisbech, towards the northern part of the town. The site is positioned on the western side of the highway and currently forms the garden land for the existing detached dwelling at 403 Lynn Road. Access is taken from the east of the site and there is a driveway/parking area extending the length of the southern boundary of the land. There are various outbuildings contained within the site and the land is enclosed by 1.8m high close boarded fencing.
- 2.2 Lynn Road is a B classified highway and the site lies within flood zone 3.

### 3 PROPOSAL

- 3.1 The application seeks full planning permission for the erection of 3 dwellings with garages. The proposal includes the demolition of the outbuildings and the annexe currently serving the existing dwelling at 403 Lynn Road. Plots 1 and 2 will have 4 bedrooms and plot 3 will have 3 bedrooms.
- 3.2 The dwellings will have the appearance of contemporary chalet bungalows with dormer windows facing front and back. Plots 1 and 2 will have attached double garages and plot 3 will have a detached double garage.
- 3.3 Each plot will have parking spaces which will be accommodated either by their associated garage or by the allocated outdoor parking spaces. The parking arrangement for the existing dwelling at 403 Lynn Road, which is located on the Lynn Road frontage, will not be affected by the proposal. The development will use the existing access which currently serves 403 Lynn Road and a communal turning area will be provided within the centre of the site. The access and driveway area will be private resulting in plots 1 and 2 wheeling their bins approximately 60m to be collected and plot 3 needing to wheel its bin approximately 35m to be collected.
- 3.4 The subdivision of plot will leave 403 Lynn Road with at least one third of the curtilage as rear garden land. Each of the new dwellings will also be provided with at least one third of the curtilage as rear garden land. These areas will be made private by the use of fencing.

### 4 SITE PLANNING HISTORY

REF. NO	DESCRIPTION	DECISION	DATE
F/YR14/0791/F	Erection of a detached double garage to existing dwelling (repositioning from earlier approval F/YR13/0902/F)	WDN	11.02.2015
F/YR14/3019/COND	Details reserved by condition 2 of planning permission F/YR13/0902/F (Erection of a detached double garage to existing dwelling)	APPROV	02.10.2015
F/YR13/0902/F	Erection of a detached double garage to existing dwelling	GRANT	29.01.2014
F/YR06/0584/F	Conversion of detached garage to form self-contained 2-bed annexe	REFUSE	10.07.2006
F/YR04/4178/F	Erection of a detached triple garage	GRANT	12.01.2005

### 5 CONSULTATIONS

#### 5.1 Wisbech Town Council

Support the application

#### 5.2 FDC Environmental Protection

No objections to the proposed development. The proposal is unlikely to have a detrimental effect on local air quality or the noise climate. Given that the development involves the demolition of existing outbuildings the unsuspected land contamination condition is required.

### **5.3 Environment Agency**

The site is located within Flood Zone 3 (high risk). The development will only meet the requirements of the NPPF if the detailed measures set out in the flood risk assessment are adhered to.

5.4 The Environment Agency maps are the 'best available information' and should be used as such for the flood risk sequential test.

### **5.5 King's Lynn Drainage Board**

On original submission:

The Board's Byelaw 10 applies to the drain on the west of the site. It prohibits any works being undertaken within 9metres of the edge of the drain. The proposed site layout shows fencing, gates and part of the terrace serving plot 1 within the 9m strip. An application will therefore need to be submitted to the Board to relax the Byelaw however approval is not guaranteed.

5.6 No objection in principle to the use of soakaways. The applicants may wish to apply to the Board to discharge some of the surface water run off into the western drain. It planning permission is granted a condition should be imposed requiring full details of surface water disposal methods.

### **5.7 CCC Highways**

On original submission:

The access from the public highway needs to be widened to 5m for the first 10m. The visibility splays need to be detailed on the plan at 2.4m x 120m.

5.8 The 4-bedroom dwellings will need 3 parking spaces and the 3-bedroom dwelling will need 2 parking spaces.

5.9 For garages to count towards parking provision the internal dimensions will need to be 7m x 3m for a single garage and 7m x 6m for a double garage.

5.10 On amended drawings:

The amended drawings cover all of the previous queries which were raised. No highway objections subject to the following conditions:

- The retention of the parking and turning area;
- The provision of temporary facilities during the course of construction;
- The access to be constructed in accordance with CCC specification;

### **5.11 Local Residents/Interested Parties**

6 letters of support received, comments as follows:

- Cannot see problems arising from the work;
- Reviewed the layout and have no objection;
- Happy for the proposal to go ahead;
- Good idea

5.12 1 letter of objection received, comments as follows:

- Concern with narrow driveway which runs alongside the fence of 32 Windmill Gardens;
- Increase the amount of cars from Lynn Road.

## **6 POLICY FRAMEWORK**

### **6.1 National Planning Policy Framework (NPPF)**

Paragraph 2: Planning law requires that applications for planning permission must be determined in accordance with the development plan.

6.2 Paragraph 14: Presumption in favour of sustainable development.

6.3 Paragraph 17: Seek to ensure high quality design and a good standard of amenity for all existing and future occupants.

6.4 Paragraph 50: Housing applications should be considered in the context of the presumption in favour of sustainable development.

6.5 Paragraph 58: Development should respond to local character and be visually attractive as a result of good architecture and landscaping.

6.6 Paragraph 100: Directing development into areas of lower flood risk.

### **6.7 National Planning Policy Guidance (NPPG)**

#### **6.8 Fenland Local Plan 2014**

6.9 LP1 – A Presumption in Favour of Sustainable Development

6.10 LP2 – Facilitating Health and Wellbeing of Fenland Residents

6.11 LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

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

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

6.14 LP16 – Delivering and Protecting High Quality Environments Across the District

6.15 Delivering and Protecting high quality developments in Fenland: Supplementary Planning Document

6.16 Policy DM4- Waste and Recycling facilities

## **7 KEY ISSUES**

- **Principle of Development**
- **Flood risk**
- **Design and layout**
- **Highway matters**
- **Health and wellbeing**
- **Economic Growth**

## **8 BACKGROUND**

- 8.1 Planning permission was granted for 2 dwellings on land to the immediate north of the site under reference F/YR14/0759/F. This development was accompanied by Sequential and Exception Tests. The sequential test was based on the site being the only one available to the applicant and this was deemed to be acceptable at the time the application was considered. However, the sequential test should be applied in accordance with paragraph 101 of the NPPF which requires consideration of whether there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding (lower risk sites). The current application has been assessed in accordance with NPPF advice and Policy LP14 Part B.

## **9 ASSESSMENT**

### **9.1 Principle of Development**

The application site lies within the established settlement of Wisbech which is characterised as a 'Primary Market Town' in policy LP3 where the majority of the District's new housing should take place. The principle of the development is therefore acceptable subject to compliance with other policies of the Local Plan.

### **9.2 Flood risk**

The application site is located within Flood Zone 3. The approach within the NPPF, its associated Planning Practice Guidance (NPPG) and policy LP14 of the Fenland Local Plan 2014 is to direct development to areas of lower flood risk and sites within flood zones 2 and 3 should only be permitted following the completion of a sequential test, and if appropriate an exceptions test, to demonstrate that there are no alternative sites available within lower risk flood zones.

- 9.3 The submitted Flood Risk Assessment states that there are no sites available within a 5km radius east of Wisbech Town Centre and as such the Sequential Test is passed. However there has been no evidence to support this claim and there is no justification provided as to why the search has been limited to a 5km radius east of the town centre. It is widely accepted that there is land available for residential development in Wisbech in areas at lower risk of flooding. This is demonstrated by the land allocations which are contained within the Fenland Local Plan. The proposal therefore fails the Sequential Test.

- 9.4 Following feedback to the agent in relation to the issues raised in 9.3, it was submitted by the agent that, according to the Wisbech Strategic Flood Risk Assessment, the site lies within Flood Zone 1 and as such the Sequential (and Exception Tests) are not necessary. However the Environment Agency has clearly stated that their flood maps are the most up to date and as such should be used to inform the Sequential Test. It therefore remains that in view of the identified risks of flooding that future occupants could be exposed to and the failure to appropriately 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.

### **9.5 Design and layout**

- 9.6 The development is positioned behind the established Lynn Road frontage however it is reflective of the siting of the dwellings approved under F/YR14/0759/F. The position of plot 3 appears somewhat contrived however as it provides sufficient amenities without compromising those of others and is of a

design which is in keeping with the neighbouring development, a refusal on the grounds of the siting of plot 3 could not be substantiated.

- 9.7 The general design of the dwellings appears to be in keeping with the neighbouring development which was recently approved to the north. The dwellings are considered to be of a sufficient relationship to neighbouring properties so as not to cause overshadowing or an overbearing impact on neighbouring residents. The first floor windows serving plots 1 and 2 face either their associated rear gardens or internally within the site and as such it is considered that no harmful overlooking towards neighbouring occupants will occur.
- 9.8 The first floor windows on the southern elevation of plot 3, serving bedrooms, will be approximately 10m from the common boundary with the existing dwellings to the south. The distance is considered to be sufficient so as to cause no harmful overlooking of the private garden areas to the south. The windows on the north elevation of plot 3 will serve a bathroom and en-suite and as such can be obscure glazed. Therefore no concerns are raised with regards to overlooking to the north.
- 9.9 The RECAP Waste Management Design Guide and Policy DM4 of the “Delivering and Protecting High Quality Developments in Fenland: SPD require a distance of no more than 30m for residents to wheel their bins to be collected. The proposal will result in plots 1 and 2 having to wheel their bins approximately 60m to be collected and plot 3 having to wheel their bins approximately 35m to be collected. The proposal would therefore be contrary to RECAP, the SPD and policy LP16 (f) of the Fenland Local Plan in that it would fail to provide a well designed facility for the collection of waste. This would be to the detriment of future residential amenities.
- 9.10 Each plot is provided with at least one third of the curtilage as dedicated private amenity space thereby complying with policy LP16 (h) of the Fenland Local Plan. This however does not overcome the fundamental conflict with other policies of the Development Plan.
- 9.11 The proposal includes gates and fencing within the 9m maintenance strip for the drain on the western boundary required by the Kings Lynn Internal Drainage Board. It is submitted that an application to relax this Byelaw to allow for the gates and fencing will be provided. However such an application has not been made and, even if one is made, there is no guarantee that the relaxation of the Byelaw will be granted. The presence of the gates and fencing is such that they will prohibit the Drainage Board from properly maintaining the drain which could result in the failure of the drain to appropriately manage surface water from site. The proposal would therefore be contrary to policy LP14 (B) of the Fenland Local Plan 2014 which requires all proposals to have regard to the guidance and byelaws of the relevant Internal Drainage Board.
- 9.12 It is worth noting that the removal of the fencing and gates would result in there being little to no private gardens being provided for plots 1 and 2 thereby presenting a conflict with policy LP16 (h) of the Fenland Local Plan 2014.
- 9.13 There is the potential for noise and disturbance to neighbouring occupiers to the south resulting from increased vehicular movement along the internal access road. However given that there will be limited traffic movements, adjoining houses do not immediately adjoin the proposed access and subject to is

appropriate surfacing it is unlikely that harmful noise and disturbance would occur.

#### **9.14 Highway matters**

CCC Highways has raised no objections to the development in respect of highway safety. Each plot is afforded adequate parking in accordance with appendix A of the Local Plan.

9.15 In view of the above it is considered that the application complies with policy LP15 of the Fenland Local Plan 2014 however this does not overcome the fundamental conflict with other policies of the Development Plan.

#### **9.16 Contamination**

Policy LP16(l) requires development proposals for new development to identify, manage and mitigate against existing or proposed risks from sources of pollution and contamination.

9.17 The Council's Environmental Health Officers have assessed the historical use of the site and consider that the site would be suitable for the proposed residential use. However, as a precautionary approach and in view of the proposed demolition it is recommended that a condition to control any unsuspected contamination is imposed. Therefore subject to the imposition of a suitably worded condition controlling any unsuspected contamination during the development, the proposal would comply with policy LP16(l) of the Fenland Local Plan 2014.

#### **9.17 Health and wellbeing**

The dwellings proposed will be sited within Flood Zone 3 which is an area of highest risk of flooding. In view of the 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 Fenland Local Plan 2014.

#### **9.18 Economic Growth**

The proposal would add to the housing stock within the District thereby promoting economic growth in accordance with policy LP6 of the Fenland Local Plan 2014.

### **10 CONCLUSIONS**

10.1 The proposal has been considered in line with policies contained within the Fenland Local Plan 2014, the National Planning Policy Framework and the associated guidance contained within the NPPG. The proposal is for residential development within an area of flood risk without providing sufficient justification by means of carrying out an appropriate Sequential Test, contrary to policies LP2 and LP14 Part B of the Fenland Local Plan 2014 and Section 100 of the National Planning Policy Framework.

10.2 The development includes gates and fencing which would restrict access to the drain to the west of the site and no relaxation of the appropriate Byelaw has been sought from the relevant Internal Drainage Board. This would result in an inability for the Internal Drainage Board to properly maintain the drain which could result in a harmful impact on surface water drainage within the vicinity. The application is therefore contrary to policy LP14 Part B of the Fenland Local Plan 2014.

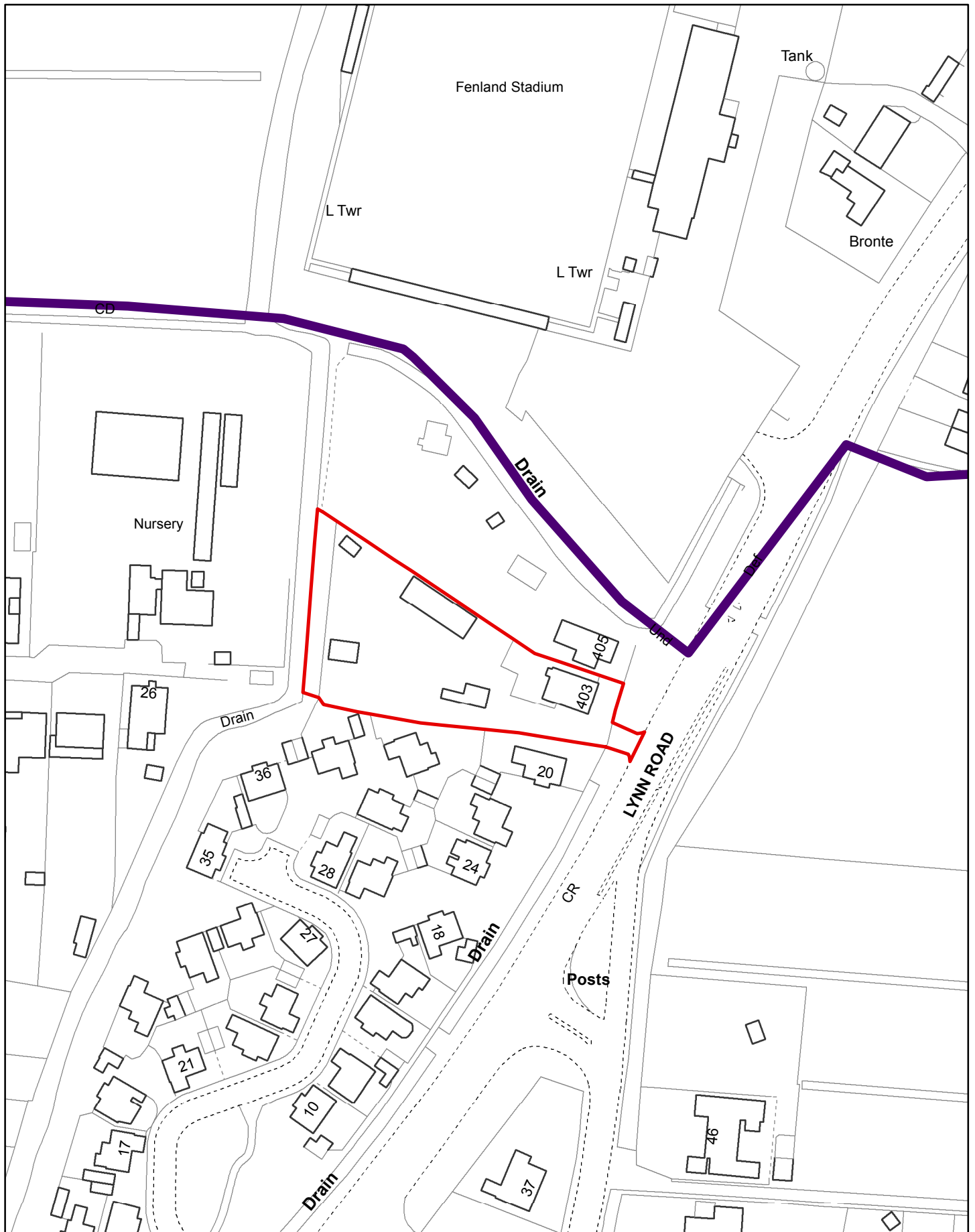
10.3 The development would result in future residents being required to wheel their bins over 30m to be collected. This would be contrary to the advice contained within

the RECAP Waste Management Guide and would be to the detriment of health and well being and residential amenities for future occupants. The application is therefore contrary to policy LP16 of the Fenland Local Plan 2014.

**11 RECOMMENDATION**  
F/YR15/1038/F – Refuse

1. 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 in areas 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 submission has failed to include an appropriate sequential test and has therefore failed to demonstrate that the development could not be delivered in an area of lower flood risk thereby contrary to Policy LP14 (Part B). Consequently, the proposal fails to satisfy Policy LP2 in that it fails to deliver a high quality environment and unjustifiably puts future occupants at higher risk of flooding.
2. Policy LP14 (Part B) requires all proposals to have regard to the guidance and byelaws of the relevant Internal Drainage Board. The proposal includes structures within the 9m maintenance strip required by the local Internal Drainage Board which is necessary to maintain the drain on the western boundary of the site and no relaxation of the relevant byelaw has been sought or granted. This would result in an inability to the Internal Drainage Board to properly maintain the drain which could result in a harmful impact on the effective management of surface water drainage within the vicinity. The application is therefore contrary to policy LP14 of (Part B) of the Fenland Local Plan 2014.
3. Policy LP2 requires the facilitation of health and well being of Fenland residents which includes the promotion of high levels of residential amenity. Policy LP16 (f) requires adequate and well designed facilities for the collection of waste taking into account any Supplementary Planning Documents. The proposal would result in residents being required to wheel their bins between 35m and 60m to be collected which significantly exceeds the guidance contained within the adopted RECAP Supplementary Planning Document and Policy DM4 of the Delivering and Protecting High Quality Environments in Fenland SPD. This would result in a poor level of residential amenity which would be to the detriment of future residents health and well being. The application is therefore contrary to policies LP2 and LP16 of the Fenland Local Plan 2014.





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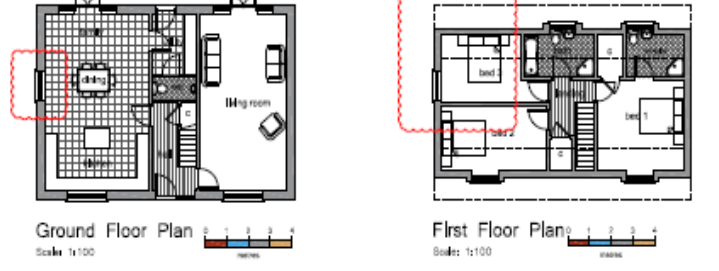
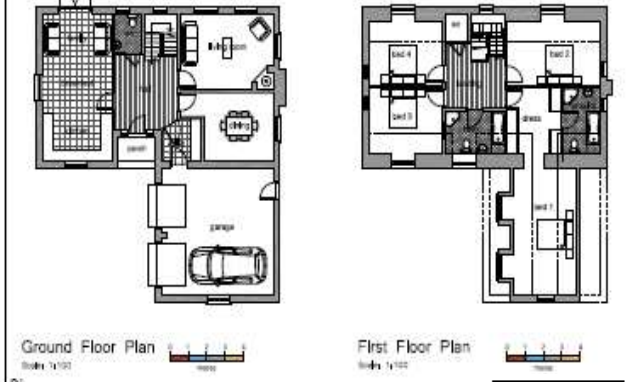
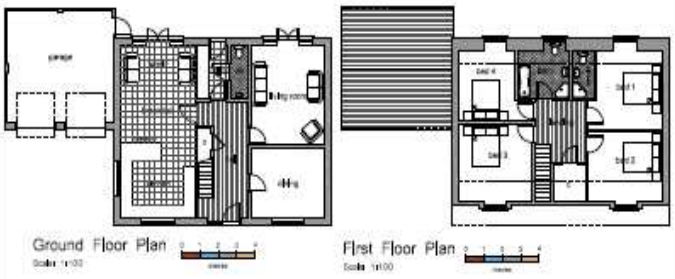
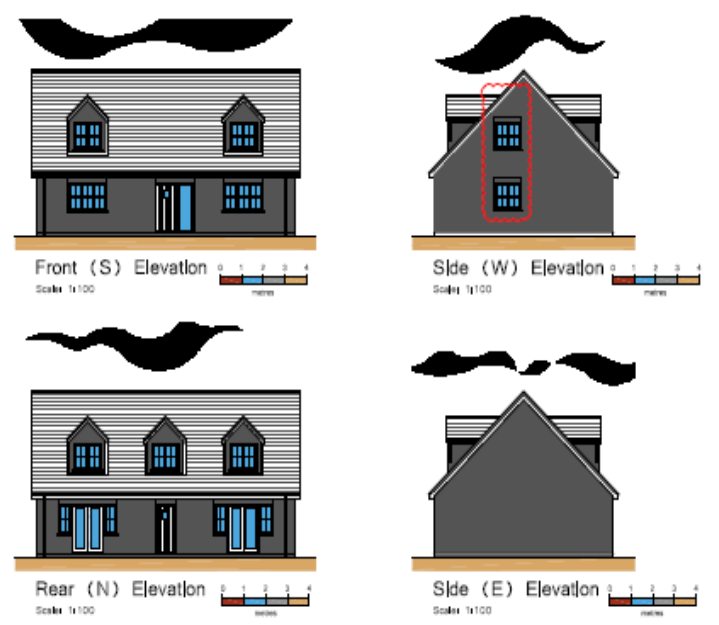
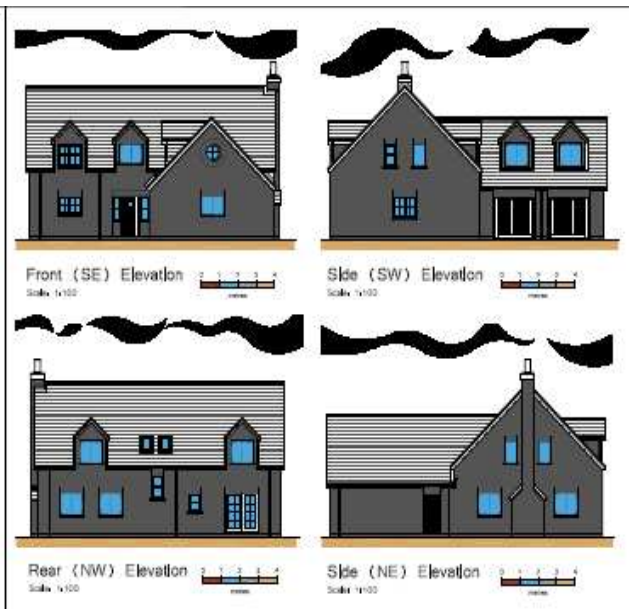
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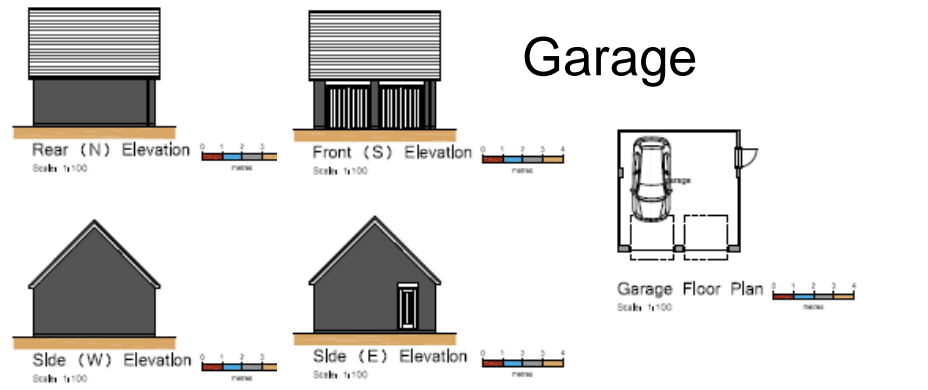
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Plot 1  
Plot 2



# Garage