

**F/YR16/0064/O**

**Applicant: Mr J Buckle**

**Agent : Mr Chris Walford  
Peter Humphrey Associates Ltd**

**Land North West Of 146 Leverington Common Fronting, Mays Lane, Leverington, Cambridgeshire**

**Erection of 3 dwellings (max) (Outline application with matters committed in respect of access) involving demolition of garage to 146 Leverington Common**

**Reason for Committee:** 6 or more letters of support received which is contrary to Officer's recommendation

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## **1 EXECUTIVE SUMMARY**

The application seeks outline planning permission for the erection of three dwellings. Access is the only matter committed, with details of appearance, landscaping, layout and scale being reserved for consideration at a later stage.

The site is located within the established settlement of Leverington, along the northern side of Leverington Common. Leverington Common is characterised by prevailing road frontage development consisting of residential dwellings of varied scales and designs. The site sits within Flood Zones 1 and 2

The indicative layout demonstrates that proposal is physically capable of accommodating three dwellings with adequate parking, turning and private amenity space and without compromising those of the existing dwelling or the safety of Highway users

However, the form and character of the area is that of prevailing road frontage development. Therefore the position of the dwellings, behind the established built form, would be out of keeping with the character of the area resulting in an unnaturally dense and urban feel within this rural settlement.

Additionally, the sequential test submitted whilst advising that there are no other reasonably available sites to support the development in areas of lower flood risk, fails to provide adequate evidence that this is the case. There is land available in flood zone 1 elsewhere within Leverington that would be capable of supporting the elements of the development in areas of higher flood risk.

As such the development is considered to be contrary to policies LP12 Part A (d), LP16(d) and LP14 Part A of the Fenland Local Plan 2014.

**The application is therefore recommended for refusal.**

## **2 SITE DESCRIPTION**

- 2.1 The site is located within the established settlement of Leverington, along the northern side of Leverington Common. This part of Leverington Common is characterised by prevailing road frontage development consisting of residential dwellings of varied scales and designs.
- 2.2 The site is irregular in shape, with the access taken off Leverington Common and the main part of the site located to the rear of the existing dwellings. The site currently serves as garden land associated with 146 Leverington Common. There is a concrete pad and some glass house frames on the site as well some landscaped features. The boundaries are formed by a variety of fencing and landscaping.

### **3 PROPOSAL**

- 3.1 The application seeks outline planning permission for the erection of three dwellings. Access is the only matter committed, with details of appearance, landscaping, layout and scale being reserved for consideration at a later stage.
- 3.2 Access will be taken from Leverington Common and will involve the demolition of the existing attached garage serving 146 Leverington Common. The indicative layout shows a parking area for two vehicles to the front of number 146 to serve the existing dwelling. The access road will extend from Leverington Common, past number 146 to reach plot 3 which will be directly behind number 146. Plot 3 will be approximately 35m from the highway frontage. The access will continue further northwards to serve plot 2, approximately 55m from the public highway. Plot 2 will be positioned to the rear of the dwellings along Mays Lane, which runs north, perpendicular to Leverington Common. The internal access road will then turn at a right angle, westwards, to serve plot 1 which will be approximately 65m from the public highway. Plot 1 will be positioned directly behind the curtilage of the existing dwellings at 148 to 152 Leverington Common.
- 3.3 Acoustic fencing is proposed along the western and northern boundary to No.146 and the western boundary of the access. A private refuse collection point is proposed approximately 50m from the access where it meets the Leverington Common Highway.

### **4 SITE PLANNING HISTORY**

F/YR15/0624/O	Erection of 2 dwellings (max) (Outline application with matters committed in respect of access)	Withdrawn 10.09.2015
F/YR15/0842/O	Erection of 3 dwellings (max) involving demolition of garage to 146 Leverington Common (Outline application with matters committed in respect of access)	Refused 16.11.2015

### **5 CONSULTATIONS**

#### **North Level Internal Drainage Board**

No objections raised

#### **Cambridgeshire County Council Highways Authority (LHA)**

Note that highway issues were previously resolved under FYR150842O. No objections subject to conditions in respect of;

- on-site parking/ turning being laid out in accordance with the approved plan and thereafter retained for that specific use.
- Temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction

### **Leverington Parish Council**

Objects on the following grounds;

- Access too narrow for emergency vehicles
- Front/ back door of proposed dwelling is directly onto access road
- Flooding/ drainage issues
- Overshadowing
- Local schools oversubscribed
- No public transport
- Not compliant with Local Plan
- Leverington must be nearing capacity (LP12)
- Local power network, telephone, broadband needs upgrading
- Applicant F/YR15/0865/O adjacent is yet to be determined
- 60mph speed limit at access plus too many accesses along this section
- Queries any s106 agreements e.g. developer contributions towards local parks
- Queries lowering of speed limit and whether LHA and Police been approached on this matter
- Considers it garden grabbing and indicates concerns over precedent.

### **FDC Scientific Officer (Land Contamination)**

No objection subject to unsuspected contaminated land condition.

### **Environment Agency**

Acknowledges that part of the site lies in Flood Zone 2 (Plot 1 and part of Plot 2). Raises no objection due to the low risk nature of development but advises the following flood mitigation measures are incorporated;

- A sequential approach to site layout should be applied
- Raising finished floor levels above the flood level
- Raising sensitive equipment above the flood level
- The use of flood proofing measures.
- Also recommend registration with the Environment Agency's free flood-line Warnings Direct service.
- Advises there is public foul sewer available; therefore, an acceptable method of foul drainage disposal would be connection to the mains sewer, with the prior approval of the statutory undertaker.

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

#### **Objectors**

13 letters of objection received raising the following concerns;

- Density/Over development
- Highway & parking concerns/ access for emergency vehicles/ pedestrian access
- Design/Appearance
- Devaluing property
- Does not comply with policy
- Environmental Concerns
- Loss of view/Outlook
- Noise
- Drainage concerns (video supplied of incident of flooding)
- Out of character/not in keep with area
- Overlooking/loss of privacy/ Loss of security
- Proximity to property
- Shadowing/loss of light
- Waste collection
- Would set a precedent
- Impact to habitable rooms on host dwelling
- Construction nuisance/ impact on existing foundations
- Invasive street lighting
- Loss of trees/ biodiversity
- Does not comply with policy
- Previously refused. This applicant little difference
- Would ruin No 146 including Loss of garden to 146
- Lack of bus service
- Visual impact

## **Supporters**

8 letters of support received raising the following matters;

- Of little difference to F/YR15/0865/0
- No measurable harm
- There is a need for bungalows
- Similar to Top Field development (east of site)
- Would address shortage of (low cost) property.
- Good design would mix well with existing properties.
- Benefit to local services
- Would make good use of the land
- No highway issues
- Could easily accommodate 2/3 dwellings as the plans indicate without impacting on the character or appearance of the area
- No overlooking
- Bungalows in-keeping with area
- In-principle scale and appearance fit the site well
- Adequate visibility at access

## **6 POLICY FRAMEWORK**

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

## **7 KEY ISSUES**

- Principle of Development
- Flood risk
- Impact on character of area
- Highway safety
- Residential amenities
- Health and wellbeing
- Economic Growth
- Other considerations – Parish and Resident comments

## **8 BACKGROUND**

8.1 This application follows a previous refusal of the same proposal under F/YR15/0842/O which was refused for the following reasons;

- 1. Policies LP12 and LP16 require new development to have no adverse impact on the character of the area and to respond to and improve the character of the built environment. The form and character of the area comprises frontage development. The tandem position of the dwellings, which are behind the established built form, would be out of keeping with the character of the area. This is of harm to this particular location given that it would result in an incongruous dense and urban feel within this rural settlement. The application is therefore contrary to policies LP12 and LP16.*
- 2. Policy LP14 of the Fenland Local Plan and paragraph 100 of the NPPF require new development to be directed to areas at lower risk of flooding by applying the Sequential Test. It is widely accepted that there is land available in flood zone 1 elsewhere within the District and in Leverington. However no Sequential Test has been provided within the submission to justify why the land at lower flood risk cannot be developed. The development would therefore be contrary to policy LP14 of the Fenland Local Plan 2014 and paragraph 100 of the NPPF in that it would put future occupants at risk of flooding with no justification.*
- 3. Policies LP2 and LP16 of the Fenland Local Plan 2014 require new development to promote health and wellbeing of local residents and to have no detrimental impact on neighbouring residential amenities. By reasons of the proximity of the access road to the existing dwelling at 146 Leverington Common and the amount of vehicular movements generated by the proposal, the existing occupier would suffer from reduced residential amenities in the form of noise and disturbance. The application is therefore contrary to policies LP2 and LP16 of the Fenland Local Plan 2014.*

8.2 This revised application seeks to overcome the refusal reasons and has proposed the following amendments to the scheme;

- Introduction of acoustic fencing along the western and rear boundary of No.146 Leverington Common.
- The submission of details of a sequential approach to flood risk

## **9 ASSESSMENT**

### **9.1 Principle of Development**

- 9.1.1 Policy LP3 sets out the settlement hierarchy for the District and identifies Leverington as an area for 'Limited Growth'. Such development may be appropriate as a small village extension for example. The application site is located within the settlement and therefore the principle of residential development in this location is supported, subject to compliance with other relevant policies of the Development Plan.
- 9.1.2 Limited Growth Villages in Policy LP12 Part A are subject to the village thresholds and can have a maximum of 10% increase in dwellings (calculated from April 2011) before the threshold is breached. Once the threshold has been met any application for housing must be accompanied by evidence of clear community support generated via a thorough and proportionate pre-application enquiry. It is anticipated for the purposes of LP12 that Leverington is under the village threshold however an update in this regard will be provided to Committee.

### **9.2 Flood risk**

- 9.2.1 The application site lies within flood zones 1 and 2, with the access and plot 3 being located in flood zone 1 and plots 1 and the majority of plot 2 being located in flood zone 2.
- 9.2.2 Notwithstanding comments from the EA who consider the proposal to be 'low risk' Policy LP14 of the Fenland Local Plan and paragraph 100 of the NPPF require new development to be directed to areas at lower risk of flooding by applying the Sequential Test. The applicant has submitted a statement which aims to address this matter and has advised that they have considered other areas of and within Leverington and Leverington Common in areas of lower flood risk. However no evidence has been submitted to support these findings. The Council considers that there is land available in flood zone 1 elsewhere within the District and in Leverington that could support the development or at least the part of the development in the higher areas of flood risk (plots 1 and 2).
- 9.2.3 The development would therefore be contrary to policy LP14 of the Fenland Local Plan 2014 and paragraph 100 of the NPPF in that it would put future occupants at risk of flooding without justification.

### **9.3 Impact on the character of area**

- 9.3.1 Policy LP12 Part A of the FLP requires all of a list of criteria to be met in order for new development to be supported. Whilst the vast majority of these criteria can be met, concerns are raised in respect of criterion (d) which is as follows:

*'The proposal is of a scale and location that is in keeping with the core shape and form of the settlement and will not adversely harm its character and appearance'*

- 9.3.2 The importance of the impact on the character of the area is furthered in policy LP16 (d) as follows:

*'new development must make a positive contribution to the local distinctiveness and character of the areas, enhance its local setting, respond to and improve the character of the local built environment'*

- 9.3.3 The form and character of the area immediately adjoining the application site is predominantly road frontage development. The tandem position of the dwellings, which are behind the established built form, would be out of keeping with the character of the area. This is of harm to this particular location given that it would result in an unnaturally dense and urban feel within this rural settlement.
- 9.3.4 Comments in support of the application have been received with one such comment citing the existing development of Top Field (east) being similar to that proposed. Whilst Top Field is acknowledged as in-depth development, the dwellings in this location have been laid out in a consistent, uniform alignment with dwellings of similar scales. The proposed development by reason its constrained site area and shape results in dwellings arranged without any coherence and of varying scales. Additionally the development relies on the partial demolition of an established dwelling which again reinforces the constraints of delivering the development in this location. It is noted that there was a recent resolution to permit an outline for 6 dwellings nearby (F/YR15/0865/O), however whilst this is relatively close, this part of Leverington Common has a different character and the site was adjoined on either side by existing in-depth development.
- 9.3.5 The application is therefore considered to be contrary to policies LP12 Part A (c) and LP16 (d).

#### **9.4 Highway safety**

- 9.4.1 The indicative layout demonstrates that sufficient parking and turning can be provided for both existing and future occupiers. The amended drawing demonstrates that adequate visibility can be achieved in accordance with CCC Highways comments. Concerns with regards to there being insufficient space for fire appliances have been noted however as the layout of the site has not been committed and CCC Highways has raised no objections in this respect a refusal on these grounds cannot be substantiated.
- 9.4.2 The LHA have raised no objection in terms of highway safety. The application therefore satisfies policy LP15 of the Fenland Local Plan however this does not overcome the fundamental conflict in terms of flood risk and the impact on the character of the area.

#### **9.5 Residential amenities**

- 9.5.1 Policies LP2 and LP16 of the Fenland Local Plan seek to ensure that development does not harm residential amenity, for example through overlooking or overshadowing, loss of light or noise and disturbance. Furthermore LP16 in seeking to deliver high quality environments seeks to achieve sufficient private amenity space for residents and adequate, well designed facilities for the storage and collection of waste.
- 9.5.2 The indicative layout demonstrates that proposal is physically capable of accommodating three dwellings with adequate parking, turning and private amenity space and without compromising those of the existing dwelling. The indicative layout shows plots 1 and 3 being at the bottom of the garden areas of

numbers 150 and 146 Leverington Common respectively. Although seemingly undesirable due to the impact of their associated residential amenities, it is considered that careful design of the dwellings including their height and roof plans could ensure that no harm would be caused by reasons of an overbearing impact and loss of privacy. The same can be said for plot 2 and the impact on Mayville, Mays Lane. Likewise matters in respect of appropriate lighting could also be addressed through the submission of further details.

#### *Waste Collection*

- 9.5.3 The proposed dwellings would be positioned further than the 30m required by RECAP Waste Management guidance for occupants to wheel their bins to a collection point. As such, the application proposes a private waste collection service with a collection point adjacent to Plot 3 approximately 45m from the main access. The Council would have no control over whether this facility is ultimately employed or not.
- 9.5.4 The Council has a legal duty under the Environmental Protection Act 1990 to collect householder refuse where it meets the necessary requirements e.g. where bins are presented at the edge of an adopted footpath. As such where a householder chooses not to enter into a private collection service they could optionally wheel their bin to the edge of the footway which, in the case of plots 2 and plots 3 is unlikely to result in a high quality living environment but would be an option for occupiers.
- 9.5.5 Therefore, whilst the indicative layout denotes a private collection point midway up the site, Officers consider that the area immediately adjoining Leverington Common highway at the south east corner of the site would be the most suitable area for refuse collection should the Council ultimately collect waste and as such should the outline application be approved, a refuse collection strategy with this area identified for such use would be requested.

#### *Noise and disturbance*

- 9.5.6 It is noted that an acoustic fence will be positioned on the western and eastern side of the internal access as an attempt to overcome issues with noise and disturbance from vehicular activity on the neighbouring properties at 148 and 146 Leverington Common. Whilst there is no supporting evidence to demonstrate this would be an effective measure against potential for noise and disturbance, the Council's Environmental Health Team have raised no concerns in this regard. As such, given the proposed mitigation measures and lack of concern raised, a refusal reason on grounds of noise and disturbance cannot be substantiated with this latest submission.

## **9.6 Health and wellbeing**

- 9.6.1 It is considered that the dwellings could be delivered without compromising the residential amenity of existing neighbours or future occupiers of the proposed dwellings and therefore could comply with the aims of policy LP16 in the regard.
- 9.6.2 However, the dwellings proposed will be sited within Flood Zone 2 and 1 with Zone 2 being an area of medium risk of flooding. The approach of the NPPF, its associated Planning Practice Guidance (PPG) and policy LP14 of the Local Plan

is not to rely on mitigation measures in area at risk of flooding but instead to direct development away from such areas. It is considered that the applicant has failed to adequately demonstrate that (part of) the development could not be delivered in areas of low risk of flooding within the settlement. This therefore results in an unjustified development in an area at risk of flooding which places future occupiers of the proposed dwellings at risk from flooding which fails policy LP14 of the FLP.

## **9.7 Economic Growth**

- 9.7.1 The application constitutes an increase in housing stock which promotes economic growth in accordance with policy LP6 of the Fenland Local Plan 2014. However this does not outweigh the fundamental conflict with other policies of the FLP.

## **9.8 Other considerations – Parish and Resident comments**

- 9.8.1 Whilst it is considered that most comments and concerns have been captured in the report above, the following matters have also been considered;

### *Access for emergency vehicles*

The LHA have raised no objection to the proposal in their comments (subject to conditions) and consideration would have been given for emergency vehicles.

### *Devaluing of property*

This is not a material planning consideration.

### *The Development would set a precedent*

The application has been determined on its own merits in accordance with the adopted development plan and the NPPF. This would be the case for future planning applications

### *Construction nuisance/ impact on existing foundations*

It is acknowledged that any building operations may cause periods of noise and disturbance. However all development should take place with proportionate, measures to ensure that any disturbance is kept to a minimum. Noise and disturbance is controlled under separate legislation and therefore not one that can reasonably be addressed through planning conditions. Notwithstanding this, it would be recommended that a construction management plan be provided through condition.

### *Local schools oversubscribed & No public transport, telephone network requires upgrading*

The settlement has been identified for growth through the adopted development plan and therefore the existing services would be considered to be capable of supporting a development of this scale.

### *Loss of trees/ biodiversity*

The development will require the removal of some small trees in the rear garden area but with the majority of trees forming the perimeter of the site to be retained. The site location and features does not trigger the need to undertake any protected species surveys and it is considered that biodiversity enhancements could be introduced through a landscaping scheme and a suitably worded condition should approval be granted. As such it is considered that the proposal would not significantly harm biodiversity value.

*Queries any s106 agreements e.g. developer contributions towards local parks*

The level of development (3 dwellings) would not trigger the requirement for any developer contributions

*Lowering of speed limit and whether LHA and Police been approached on this matter.*

There is no evidence that the development would trigger the need for a Traffic Regulation Order to reduce the speed limit in this location. The LHA have not considered that this would be required in order to make the development acceptable in transport terms.

## **10 CONCLUSIONS**

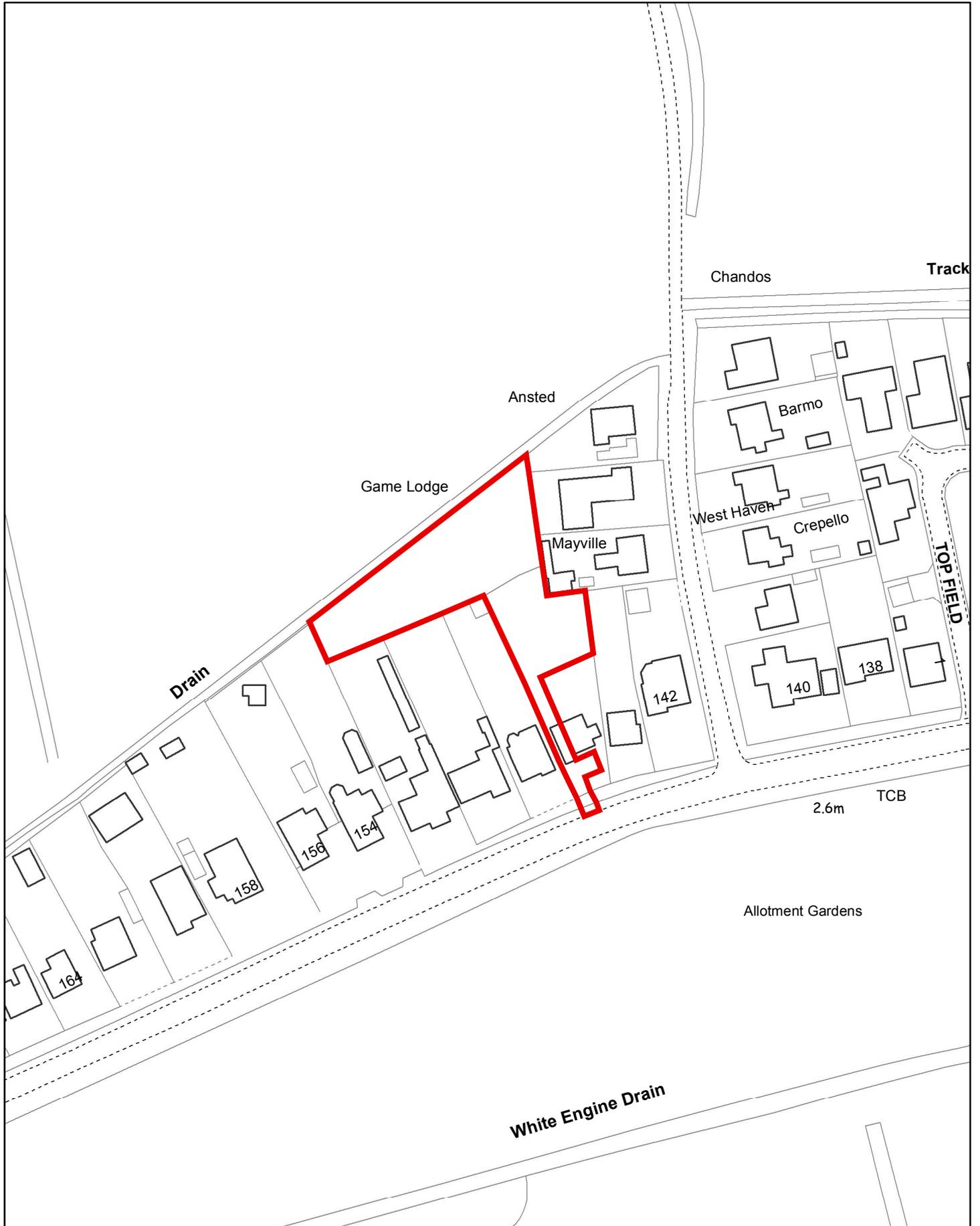
The proposal has been considered in-line with policies contained within the Fenland Local Plan 2014 and the National Planning Policy Framework and associated practice guidance (NPPG). It is considered that the proposal for conflicts with policy LP12 Part A (c) and LP16 (d) in that the development would cause harm to the form and character of the area and without adequate justification would place future occupiers at risk of flooding without robust justification and therefore also fails to satisfy policies LP14 Part B of the Fenland Local Plan 2014.

## **11 RECOMMENDATION**

**Refuse for the following reasons;**

1. Policies LP12 Part A (d) and LP16 (d) resists new development which adversely impacts on the character of the area and requires development to respond to and improve the character of the built environment. The prevailing form and character of the area comprises frontage development. The tandem position of the dwellings, which are behind the established built form and vary in scales and layout, would be out of keeping with the character of the area. This is of harm to this particular location given that it would result in an incongruous dense and urban feel within this rural settlement. The application is therefore contrary to policies LP12 Part A (d) and LP16 (d) of the Fenland Local Plan (adopted May 2014).
2. Policy LP14 Part B of the Fenland Local Plan and paragraph 100 of the NPPF requires new development to be directed to areas at lower risk of flooding by applying the Sequential Test. The sequential test submitted whilst advising that there are no other reasonably available sites to support the development, fails to provide adequate evidence that this is the case. It is widely accepted that there is land available in flood zone 1 elsewhere within Leverington that would

be capable of supporting the elements of the development in areas of higher flood risk. The development would therefore be contrary to policy LP14 of the Fenland Local Plan 2014 and paragraph 100 of the NPPF in that it would put future occupants at risk of flooding without adequate justification.



Scale = 1:1,250

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Created on: 29/01/2016

F/YR16/0064/O





Existing Site Plan 1:500

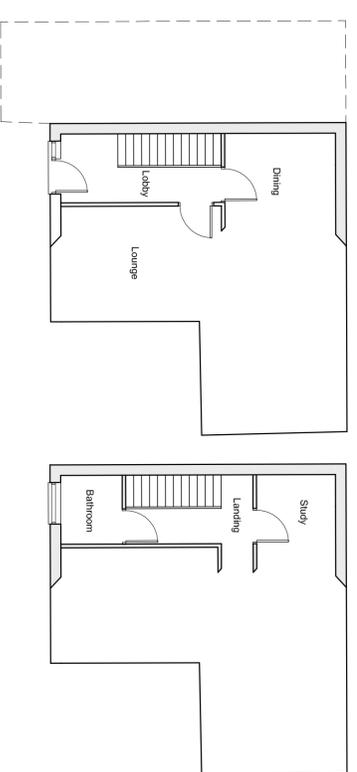


Proposed Site Plan 1:500 (indicative Dwellings Shown)



Location Plan 1:1250

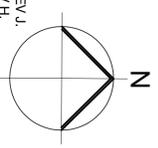
Floor Plans for No. 146



Ground Floor Plan 1:100

First Floor Plan 1:100

02/00/2016 - Acoustic fence added; REV. J.  
 27/01/2011 - Amended for re-sub; REV. H.  
 03/11/2015 - Amended for Highways; REV. G.



**Peter Humphrey Associates Ltd.**  
 ARCHITECTURAL DESIGN AND BUILDING

PROJECT  
 PROPOSED DEVELOPMENT (OUTLINE)  
 3NO. DETACHED DWELLINGS  
 SITE  
 LAND NORTH OF 146  
 LEVERINGTON COMMON  
 LEVERINGTON  
 WISBECH  
 PE13 5BP

DRAWINGS  
 PROPOSED SITE PLAN

CLIENT  
 Mr. J Buckle

DATE Feb 2015 SCALE As Shown JOB No. 5105/01J

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