F/YR23/0939/PIP

Applicant: Mr Mark Goude Agent: Morton & Hall Consulting Ltd

Land North of Cherrytree House, Fallow Corner Drove, Manea,

Permission in principle for up to 5 x dwellings

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to Officer

recommendation

1. EXECUTIVE SUMMARY

- 1.1. The proposal is an application for Permission in Principle to develop the site for up to 5 dwellings. The Permission in Principle route has 2 stages: the first stage (or Permission in Principle Stage) establishes whether the site is suitable in principle and assesses the principle issues namely:
 - (1) Location
 - (2) Use, and
 - (3) Amount of development proposed

And the second (Technical Details Consent) stage is when the detailed development proposals are assessed. Technical details consent would need to be applied for should this application be granted.

- 1.2. Evaluation of a PIP must be restricted to the issues highlighted above; even if technical issues are apparent from the outset there can form no part of the determination of Stage 1 of the process, Accordingly, matters raised via statutory bodies may not be addressed at this time.
- 1.3. The site lies to the east of the existing linear form of residential development that is part of the settlement of Manea located along the north side of Fallow Corner Drove. The application site forms part of an existing rear garden of Cherry Tree House, the site is relatively open in nature to the north and east and bounded along the western boundary by mature hedges and trees with agricultural fields beyond.
- 1.4. Policy LP3 states that the Manea is classed as a Growth Village, where development and new service provision either within the existing urban area or as small village extensions will be appropriate. The broad principle of developing the site for residential use would be consistent with this policy.
- 1.5. The site is rural in character with open fields to the rear and beyond. It is contended that real and actual character harm would arise through the consolidation of backland development and be contrary to the existing linear features within an area which currently serves to mark the gentle transition between the open countryside and the built form of the village this being clearly at odds with Policy LP12 of the Fenland Local Plan (2014) and contrary

- to the aims of Policy LP16 (d) which focuses on the need for development to enhance its setting and respond to the character of the local built environment.
- 1.6. The site lies in Flood Zone 3, the highest risk of flooding. Furthermore, insufficient justification has been provided to demonstrate that development of the site is necessary in this instance having regard to national policy which seeks to steer development to the lowest area of flood risk in the first instance. As such, the proposal conflicts with FLP policy LP14 and Chapter 14 of the NPPF.
- 1.7. Overall, the proposed development is considered to be unacceptable, and the recommendation is one of refusal.

2. SITE DESCRIPTION

- 2.1. The application site consists of the rear garden associated with the existing dwelling, Cherrytree House. There is open farmland to the north and east of the site and mature boundary treatments along the eastern and western boundaries.
- 2.2. The site lies to the south of the village of Manea and is accessed via Fallow Corner Drove, mainly single track, unclassified road which serves a number of dwellings and farmsteads. There is an existing access off Fallow Corner Drove for the existing dwelling that would be utilised for the proposed development.
- 2.3. The site is bordered to the south, south-east and west by mature and semi-mature trees and hedgerow and is largely open to the north and east. To the immediate west of the site is an established agricultural engineering operation, which comprises a large agricultural style warehouse/ shed surrounded by hardstanding and various machines and machinery parts.
- 2.4. The site lies in Flood Zone 3.

3. PROPOSAL

- 3.1. The proposal is an application for Permission in Principle to develop the site for up to 5 dwellings. The Permission in Principle route has 2 stages: the first stage (or Permission in Principle Stage) establishes whether the site is suitable in principle and assesses the principle issues namely:
 - (1) Location
 - (2) Use, and
 - (3) Amount of development proposed

And the second (Technical Details Consent) stage is when the detailed development proposals are assessed. Technical details consent would need to be applied for should this application be granted.

3.2 Should this application be successful the applicant would have to submit a Technical Details application covering all the other detailed material planning considerations. The approval of Permission in Principle does not constitute the grant of planning permission.

- 3.3 The applicant is only required to submit minimum information to accompany the application. However, an indicative site plan detailing how the development could be laid out has been submitted showing 5 detached dwellings, 3 with a garage and two access points off Fallow Corner Drive along with access for the host dwelling. This is indicative only and the application is solely for the erection of up to 5 dwellings in principle within the red lined site.
- 3.4 Full plans and associated documents for this application can be found at:

F/YR23/0939/PIP | Permission in principle for up to 5 x dwellings | Land North Of Cherrytree House Fallow Corner Drove Manea (fenland.gov.uk)

4. SITE PLANNING HISTORY

4.1. F/YR15/0904/F - Siting of a 2-bed mobile home to form annexe ancillary to the main dwelling. Refused. (07.12.2015)

5. CONSULTATIONS

5.1. Manea Parish Council (21.11.23)

Raised objection on the following issues:

- Outside the development area
- Straight Road and Fallow Corner Drove are inadequate and poorly maintained.
- Drainage issues.

5.2. **Environment Agency (28.11.23)**

Raised Objection

Environment Agency (05.01.24)

We have reviewed the documents as submitted and we are able to remove our objection to this planning application. Please find further information on flood risk in the relevant sections below.

Flood Risk

Flood Risk Assessment

We have no objection to the proposed development, but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) are adhered to. In particular, the FRA recommends that:

- Finished floor levels will be set a minimum of 1m above ground level.
- Flood resilient measures will be incorporated up to 0.5m above finished floor levels.

Sequential and Exception Tests

In accordance with the National Planning Policy Framework (NPPF) paragraph 168, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. It is for you to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test

in the NPPF. Our flood risk standing advice reminds you of this and provides advice on how to do this. With regard to the second part of the Exception Test set out in paragraph 170 of the NPPF, you must be satisfied with regard to the safety of people (including those with restricted mobility), the ability of such people to reach places of safety, including safe refuges within buildings, and the ability of the emergency services to access such buildings to rescue and evacuate those people.

In all circumstances where flood warning and evacuation are significant measures in contributing to managing flood risk, we expect you to formally consider the emergency planning and rescue implications of new development in making their decisions. We strongly recommend that your Emergency Planner is consulted on the above issues.

Flood Resilient Construction

Any proposed flood resilient measures should follow current Government Guidance. For more information on flood resilient techniques, please see the Department for Communities and Local Government (DCLG) guidance document "Improving the Flood Performance of New Buildings — Flood Resilient Construction", which can be downloaded from the following website: https://www.gov.uk/government/publications/flood-resilient-construction-of-newbuildings. Flood Warnings We operate a flood warning system for existing properties currently at risk of flooding to enable householders to protect life or take action to manage the effect of flooding on property.

Flood Warnings Service

(F.W.S.) is a national system run by us for broadcasting flood warnings. Receiving the flood warnings is free; you can choose to receive your flood warning as a telephone message, email, fax or text message. To register your contact details, please call Floodline on 0345 988 1188 or visit https://www.gov.uk/sign-up-for-flood-warnings. Registration to receive flood warnings is not sufficient on its own to act as an evacuation plan. We are unable to comment on evacuation and rescue for developments. Advice should be sought from the Emergency Services and your Emergency Planners when producing a flood evacuation plan.

5.3. Environmental Health (10.12.23)

The Environmental Health Team have 'No Objections' to the proposal in principle, as it is unlikely to have a detrimental effect on local air quality or be adversely affected by ground contamination. In the event that Permission in Principle (PIP) is approved and a further application for the site is submitted, this service may recommend a condition on working time restrictions due to the close proximity to existing noise sensitive receptors.

5.4. **CCC Highways (10.12.23)**

The Local Highway Authority raises no objections to the proposed development. However, whilst I raise no objections I would note that the Local Planning Authority should be satisfied that the location and number of dwellings proposed is inline with its Sustainability Policies. As there is no footways or accessible public or active travel routes in this area.

Recommended Conditions

Vehicle Access:

Should be a minimum of 5m wide and hardened for a minimum of 6m in to the development.

Parking/Turning Area:

Prior to the first occupation of the development the proposed on-site parking/turning area shall be laid out in accordance with the approved plans, surfaced in a bound material and drained within the site. The parking/turning area, surfacing and drainage shall thereafter be retained as such in perpetuity (notwithstanding the provisions of Schedule 2, Part 1, Class F of The Town and Country Planning (General Permitted Development) (England) Order 2015, or any instrument revoking or re-enacting that Order).

5.5 Natural England – No comments made

5.6 Local Residents/Interested Parties –

18 letters of support have been received in connection with the application. These include six from residents of Manea (two from residents of Cherry Tree House, the application property and sharing the name of the applicant, and one each from Valentine Close, Station Road, Rutland Way and Jolley Close), five and four from residents of Chatteris and March respectively, and one each from residents of Coates, Doddington and Littleport.

One letter of objection has been received from a resident of Fallow Corner Drove, Manea.

The comments have been summarised as follow:

Objections

- Backland development
- Fallow Corner Drove is a narrow road in poor condition that has HGV's, building supplies vehicles and farming equipment travelling along it on a daily basis to the 2 farms, the building plots, the stables and the engineering company.
- Manea is a rural village and needs to keep its character.
- Supporters are from outside Manea.

Support

- Local house for local people should be supported.
- Beneficial for Housing market
- Bring more potential to the local area.
- Other houses have been built in close vicinity and would not be out of character.
- this proposal aligns with the community's needs, fostering responsible growth whilst preserving the area's character.
- Manea needs more houses.

6. STATUTORY DUTY

6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).

7. POLICY FRAMEWORK

7.1. National Planning Policy Framework (NPPF)

- Para. 2 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- Para. 10 So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development
- Para. 12 The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decisionmaking.
- Para. 47 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Para. 135 - Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

7.2 National Planning Practice Guidance (NPPG)

Determining planning applications (21b-001-20140306) Permission in Principle (58-012-20180615)

7.3 National Design Guide 2021

Context Identity Built Form Movement

7.4 Fenland Local Plan 2014

- LP1 A Presumption in Favour of Sustainable Development
- LP2 Facilitating Health and Wellbeing of Fenland Residents
- LP3 Spatial Strategy, the Settlement Hierarchy and the Countryside
- LP4 Housing
- LP5 Meeting Housing Need
- LP12 Rural Areas Development Policy
- LP14 Responding to Climate Change and Managing the Risk of Flooding in Fenland
- LP15 Facilitating the Creation of a More Sustainable Transport Network in Fenland
- LP16 Delivering and Protecting High Quality Environments across the District

7.5 Emerging Local Plan

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 48 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

- LP1: Settlement Hierarchy
- LP2: Spatial Strategy for the Location of Residential Development
- LP4: Securing Fenland's Future
- LP5: Health and Wellbeing
- LP7: Design
- LP8: Amenity Provision
- LP12: Meeting Housing Needs
- LP18: Development in the Countryside
- LP22: Parking Provision
- LP25: Biodiversity Net Gain
- LP27: Trees and Planting
- LP32: Flood and Water Management
- LP34: Air Quality
- LP49: Residential site allocations in Manea

7.6 Supplementary Planning Documents/ Guidance

- Delivering & Protecting High Quality Environments in Fenland SPD (2014)
- Cambridgeshire Flood & Water SPD (2016)

8. KEY ISSUES

8.1. This application is made pursuant to the Town and Country Planning (Permission in Principle) Order 2017 (as amended) (PIP regulations) that provides opportunity for an applicant to apply as to whether 'Permission in Principle' is acceptable for a site, having regard to specific legislative requirements and, in accordance with the NPPG (58-012-20180615) as to whether the **location, land use and amount of development proposed** is acceptable.

- 8.2. The permission in principle (PiP) consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The approval of PiP alone does not constitute the grant of planning permission.
- 8.3. The PiP consent route has 2 stages: the first stage (or Permission in Principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed.
- 8.4. PiP establishes that a particular scale of housing-led development on a defined site is acceptable. The aim is for a PiP to minimise the upfront and at-risk work of applicants.

9. ASSESSMENT

Location, Land Use and Quantum

- 9.1. Policy LP3 of the Fenland Local Plan sets out the settlement hierarchy for development within the district, grouping settlements into categories based on the level of services available, their sustainability and their capacity to accept further development. In this policy, Manea is classed as a Growth Village, where development and new service provision either within the existing urban area or as small village extensions will be appropriate. The proposed development is located in the rear garden of the existing dwelling that is located at the edge of this part of the Manea and would be considered within the village given its position adjacent to continuous built frontage along Fallow Corner Drove. The broad principle of developing the site for residential use would be consistent with policy LP3 of the Fenland Local plan.
- 9.2. Further to LP3, Policy LP12 (Part A) supports development in villages subject to compliance with 11 criteria (a to k), providing the site is in or adjacent to the existing developed footprint of the village, does not result in coalescence with any neighbouring village, and does not have an adverse impact on the character and appearance of the surrounding countryside. Similarly, the proposal must be in keeping with the core shape and form of the settlement, without resulting in the extension of linear features or create ribbon development, and must retain natural boundaries, respect ecological features, important spaces etc. Finally, the proposal must be served by sustainable infrastructure, and must not put people or property in danger from identified risks.
- 9.3. Concerns have been raised in relation to the proposal being outside the settlement However, given the recent linear growth in this part of the Manea, the site would be considered to be the continuous built-up frontage of the settlement and would be considered to be within the existing developed footprint of the village.
- 9.4. In addition, Policy LP16 (d) seeks to ensure that development makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting, reinforces local identity and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or landscape character of the surrounding area.
- 9.5. The proposal seeks to erect up to 5 dwellings on land set to the rear of the host dwelling, Cherrytree House. By virtue of its backland nature, the proposed development would be discordant with the existing core shape and linear built form

- of the development within this part of the Manea, which is predominately characterised by frontage residential development, save for sporadic outbuildings.
- 9.6. Development encroaching into backland would be to the detriment of the character and appearance of the area and would arguably create a precedent for further backland development at sites with similar geometry. Backland development such as this would be detrimental to the rural character of the eastern fringe of Fallow Corner Drove which is bounded by swathes of agricultural land this side and would be at odds with existing the settlement pattern of linear frontage development.
- 9.7. As such, it is considered the proposed location of the development is contrary to the requirements of Policy LP12 and Policy LP16 (d) and therefore cannot be supported.
- 9.8. The quantum of development proposed (max. 5 dwellings) would introduce a tighter knit form of development than is currently found in the locality and would result in harm to the character and settlement pattern of the area.
- 9.9. The highways engineer has not raised objection to the proposed development; however, they have raised concerns around the lack of the infrastructure in the local area, as there are no footways or accessible public or active travel routes in this area. Whilst the lack of footways could be a matter to be addressed at technical details stage; however, the lack of infrastructure perhaps reflects the inappropriate location within the village for such a development.
- 9.10. It is noted that the application seeks PiP for 'up to' 5 dwellings and consideration pertaining to visual and residential amenity impacts, highway safety and flood risk of the development would ultimately be considered at technical details stage. However, a reduction of dwelling numbers or scale may be deemed necessary to address any identified risk pertaining to these issues.
- 9.11. Notwithstanding the above, the application site is located adjacent to an established commercial site and there could be potential adverse impacts on future occupiers of the development from activities arising from this commercial site e.g. noise nuisance. Whilst this would be a matter to be addressed at technical details stage, the applicant would need to demonstrate that the development could be achieved without any amenity conflicts arising from the adjacent commercial site e.g. via a noise impact assessment and mitigation scheme, having regard to the requirements of LP16(o) and NPPF (para.193).
- 9.12. In summary, the location, use and amount of development proposed would not be consistent with the character of the area and is therefore not supported.

Flood Risk & Drainage

9.13. The site lies in Flood Zone 3 and therefore at a high risk of flooding. National and local planning policies set out strict tests to the approach to flood risk, aiming to locate development in the first instance to areas at lowest risk of flooding (Flood Zone 1). Policy LP14 requires applicants to demonstrate this through the application of the sequential test. In order to justify the development in Flood Zone 3, the sequential test would be expected to demonstrate that there are no reasonably available sites in Flood Zones 1 and then in Zone 2 which could accommodate the development.

- 9.14. Section 4.4 of the adopted Cambridgeshire Flood and Water SPD sets out that the initial approach to carrying out a sequential test should be to agree the scope of the test with the LPA i.e. agree the geographical area for the search which should be justified in the sequential test report.
- 9.15. The applicant has submitted site specific flood risk assessment and that it would be demonstrated that it would be safe for its lifetime from flooding. The submitted Flood Risk Assessment is not accompanied by a separate sequential test which is first required before the exception test demonstration of wider community benefit (that outweighs flood risk) and flood risk safety. The proposal would be to raise the land/ buildings to achieve minimum finished floor levels will be set a minimum of 1m above ground level. It is important to note that the indicative layout drawing does not denote the necessary site/ building levels. Nonetheless, these are technical matters that would need to be satisfied should PiP be granted, notwithstanding that this may compound the visual harm issue, with 2-storey dwellings raised 1m above ground level required to mitigate the impacts of flooding. The EA also set out that it is for the Local Planning Authority to be satisfied by the Sequential and Exception Tests.
- 9.16. Due to the insufficient information about the explicit benefit in developing this site out over other sites in lower flood risk areas within Manea therefore it is considered that the sequential test has not been adequately applied or met. It is considered that having regard to the numerous permissions granted in Manea which has seen the greatest growth of any village in the plan period, that there is likely to be a site or sites reasonably available to accommodate the development which are in lower areas of flood risk.
- 9.17. Consequently, the application fails to demonstrate that there are no alternative reasonably available sites with a lower probability of flooding to accommodate the development. The proposal would therefore place people and property at an increased risk of flooding without justification contrary to Policy LP14 of the Fenland Local Plan (2014), Section 4 of the Cambridgeshire Flood & Water Supplementary Planning Document (2016) and Chapter 14 of the NPPF.

10. CONCLUSIONS

- 10.1 This application seeks to confirm whether 'Permission in Principle' is acceptable for Land North of Cherrytree House. The scope of permission in principle is limited to location, land use and amount of development.
- The proposed development for up to five dwellings located on land to the rear of frontage residential development along Fallow Corner Drove, Manea. By virtue of its backland nature, the proposed development would be discordant with the existing core shape and to the detriment of the character and appearance of the area and would create a precedent for further backland development at sites with similar geometry.
- 10.3 Furthermore, the site lies in an area at high risk of flooding and insufficient justification has been provided to demonstrate that development of the site is necessary. In this instance, having regard to national policy which seeks to steer development to the lowest area of flood risk in the first instance. As such, the proposal conflicts with FLP policy LP14 and Chapter 14 of the NPPF.

10.4 Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, Officers consider there are no overriding material considerations to indicate a departure from the development plan is warranted in this instance.

11. RECOMMENDATION

Refuse; for the following reasons:

- Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the district; Policy LP12 details a range of criteria against which development within the villages will be assessed and Policy LP16 seeks to ensure that proposed development responds to and improves the character of the local built environment. The application site proposes the construction of up to five dwellings located on land to the rear of frontage residential development along Fallow Corner Drove, Manea. By virtue of its backland nature, the proposed development would be discordant with the existing core shape and built form of the development along Fallow Corner Drove to the detriment of the character and appearance of the area and would create a precedent for further backland development at sites with similar geometry. Thus, the proposal would therefore fail to comply with the requirements of Policy LP12 and Policy LP16 (d) of the Fenland Local Plan (2014).
- The site is located within Flood Zone 3 where there is a high probability of flooding. The Sequential test for flood risk has not been adequately applied or met. Consequently, the application fails to demonstrate that there are no alternative sites to accommodate the development which are reasonably available and with a lower probability of flooding. The proposal would therefore place people and property at an increased risk of flooding without justification contrary to Policy LP14 of the Fenland Local Plan (2014), Section 4 of the Cambridgeshire Flood & Water Supplementary Planning Document (2016) and Chapter 14 of the NPPF.



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