
F/YR19/0944/O

Applicant: Mr Goodale

**Agent : Mr Gareth Edwards
Swann Edwards Architecture Limited**

Land West Of 85-111, Sutton Road, Leverington, Cambridgeshire

Erection of up to 33no dwellings (outline application with matters committed in respect of access)

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to Officer recommendation.

Government Planning Guarantee

Statutory Target Date For Determination: 3 February 2020

EOT in Place: Yes

EOT Expiry: 20th September 2024

Application Fee: £0.00 - free go following refusal of earlier application.

Risk Statement:

This application must be determined by 20th September 2024 otherwise it will be out of time and therefore negatively affect the performance figures.

1 EXECUTIVE SUMMARY

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| <p>1.1 Outline application with all matters reserved except access on unallocated greenfield site. Thirty three properties are proposed, including 8 affordable with public open space area. Vehicular access proposed from Sutton Road (A1101) on land between 111 and 113 Sutton Road. A similar application was refused under delegated powers in June 2019.</p> <p>1.2 Approximately half the site is classified as being in Flood Zone 3 (highest risk of flooding) and as such Sequential Test is required to avoid, where possible, flood risk to people and property where other lower risk land might be preferable. The applicant's Sequential Test only considers the search area to be the village of Leverington. However, given location of the site, Planning officers consider that the search area should include Wisbech. When considering this wider search area there are reasonably available sites for this type of development in areas with a lower risk of flooding. The proposal therefore fails the Sequential Test.</p> <p>1.3 The Local Highways Authority objects to the proposals on highways safety grounds relating to the proposed access on Sutton Road (A1101) and also a pinch-point within the site which the internal road would need to be located.</p> <p>1.4 Therefore, given the above as described in more detail in the assessment outlined below, the application is recommended for refusal.</p> |
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2 SITE DESCRIPTION

- 2.1 The application site relates to an area of open countryside in agricultural use near to the rears of a linear row of houses on the western side of Sutton Road. The back gardens of houses on Sutton Meadows are approximately 15 metres from the southern site boundary. The 1.36-hectare site is within the Leverington Parish however it has greater affinity to the north-western edge of Wisbech.
- 2.2 The River Nene is approximately 520m to the east. In terms of flood risk the site is in both Flood Risk Zone 3 and 1. Part of the Flood Zone 3 area appears to be up to 200mm above that in the Flood Zone 1 (as detailed in the applicant's topography survey). As such, there may be some doubt as to the accuracy of the extent of the Flood Risk Zones published by the Environment Agency. However, the applicant is at liberty to challenge the status with the Environment Agency. Currently no challenge appears to have taken place.
- 2.3 Sutton Road is part of the A1101 classified road to the east of the site.

3 PROPOSAL

- 3.1 The proposal is in outline form for up to 33 dwellings (with 8 affordable units (24.2%) with all matters reserved other than the means of access. The indicative site plan details the access on a narrow almost rectangular strip of land between No's 111 and 113 Sutton Road. The access area adjoins the northern corner of the main site at a pinch-point approximately 5.1m wide. From the north-western corner of No 111 the proposed access is generally shown at 5 metres in width and has a 2 metre wide footway. However, at the pinch point this narrows to a carriageway of only 2.9 metres titled a priority lane with shared surface (shared with the 2 metre footway).
- 3.2 The accesses to both numbers 111 and 113 Sutton Road are immediately adjacent to the proposed access land.
- 3.3 The indicative layout (which is not being determined) shows 33 houses (a mix of detached, semi-detached, some with garages, and two chalet bungalows, served off a cul-de-sac. On site parking seeks to demonstrate parking at 2 spaces per dwelling (however this excludes garages). The site includes a triangular area of public open space adjacent to the northern boundary. The proposal would result in a density of 24.3 dwellings per hectare.
- 3.4 Full plans and associated documents for this application can be found at: [F/YR19/0944/O | Erection of up to 33no dwellings \(outline application with matters committed in respect of access\) | Land West Of 85-111 Sutton Road Leverington Cambridgeshire \(fenland.gov.uk\)](https://www.fenland.gov.uk/land-use/planning/outline-applications/F/YR19/0944/O%20Erection%20of%20up%20to%2033no%20dwellings%20(outline%20application%20with%20matters%20committed%20in%20respect%20of%20access)%20Land%20West%20Of%2085-111%20Sutton%20Road%20Leverington%20Cambridgeshire)

4 SITE PLANNING HISTORY

Reference	Description	Decision
F/YR18/0120/O	Erect up to 33no dwellings (outline application with matters committed in respect of access)	Refused 05/06/2019
F/YR10/0062/F	Erection of a 2-half storey 4-bed detached house with detached double garage involving demolition of existing dwelling, 113 Sutton Road	Granted 19/03/2010

5 CONSULTATIONS

5.1 Leverington Parish Council: 19.11.2019 – initial comments

The development is on A1 agricultural land. Planning refused in 2018 (F/YR18/0120/O Paras 155-165 of NPPF/LP14 of local plan 2014/Cambridgeshire Flood and Water SPD Para 180 NPPF, with no changes to current application It should be refused. Grade 1 agricultural land still being cropped

Proposed Access is within 25 metres of Access to site already committed to 221 dwellings on opposite side of A1101 increasing an already large vehicle flow, the Access is also within 50 metres of a vehicle repair and car sales site on one side of A1101 and a service station and tyre fitting service directly opposite same. Large HGV capacity with a 40mph speed limit which would have to be reduced in the interest of safety. Parish Council have sent comments on this stretch of road for a number of years.

Out of character with other dwellings in vicinity. Dangers of movement of traffic especially as the A1101 is an extremely busy road. Bang in the middle of a flood risk zone.

Please note also they refer to site being in Wisbech It is fully in the Parish of Leverington and as such in a low growth area as per 2014 local plan and development has already exceeded the 10% allocated growth rate.

Village amenities are unable to cope with the number of new people. School doctors, dentists, roads are at a point where any more capacity will be a step too far. Infrastructure unable to cope on this heavy commuter route. Drainage system and utilities such as water pressure, will be affected, The sewers are many years old. Lack of natural habitat for wildlife. Lack of views for residents already living there

04.08.2022 – reconsultation response – latest comment

Comments from Leverington Parish Council

Access

Drainage by diverting surface water to other areas is just going to exacerbated flooding in other areas.

Agricultural Land which itself floods every winter.

Schools, Doctors, Infrastructure all unable to cope given the already passed development of over 200 dwellings will demonstrate this admirably.

Traffic/Highways unable to cope.

Existing Dwellings will lose the view of Roman Bank Ancient Sea Wall.

Noise.

*Close proximity to existing dwellings causing loss of view, overlooking, loss of privacy,
Sewers unable to cope with present discharge let alone extra.
Ground raising would cause problems to present dwellings and Sutton Meadows.
Definite need to reduce speed limit on A1101.
If passed a condition must be that Developer should consider the installation of Defibrillator on site for use of immediate area.*

5.2 North Level Internal Drainage Board: 16.01.2020 – initial response

Objection raised, site has no outfall for surface water.

23.10.2020 – reconsultation comments

Objection still stands until issues identified are addressed.

25.11.2020 - reconsultation comments

Original comments to the above application still stand object to the idea that permission be given subject to a detailed design at a later date

22.12.2022 – latest comments

The Board has noted Anglian Water's agreement for a surface water outfall location and rate, which is into a sewer system that ultimately outfalls into the Board's White Engine Drain, alongside Dowgate Road.

As the proposed development would result in an increased discharge to the Board's drainage network, prior written consent would need to be obtained from the Board for this and a development levy paid, in line with the enclosed.

At this stage the Board does not commit to accepting any specific discharge rate, as there is a known constraint further downstream on White Engine East Drain that may limit the additional flow rate the Board will permit, and/or require works to be undertaken by the developer (or at their cost) if a discharge of 4 l/s from the site is to be approved.

Should you be minded to grant consent for this application, I would request you apply a condition (or conditions) requiring detailed surface water system designs and supporting information to be approved before commencement of works on site.

5.3 Anglian Water Services Ltd: 11.11.2019 – initial response

Suggested Informative Statements and Conditions Report submitted.

19.10.2020 – reconsultation response

Suggested Informative Statements and Conditions Report submitted.

29.11.2020 – reconsultation response

Suggested Informative Statements and Conditions Report submitted.

31.12.2022 – latest comments

Suggested Informative Statements and Conditions Report submitted as follows:

Section 1 - Assets Affected

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of West Walton Water Recycling Centre that will have available capacity for these flows.

Section 3 - Used Water Network

This response has been based on the following submitted documents: Flood Risk Assessment and Sustainable Drainage Strategy 2031 – FRA & DS – Rev F – Oct 2022; The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection. 1. INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. 2.

INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. 3. INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. 4. INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Section 4 - Surface Water Disposal The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. Anglian Water has reviewed the submitted documents, Flood Risk Assessment and Sustainable Drainage Strategy 2031 – FRA & DS – Rev F – Oct 2022, and can confirm that these are acceptable to us. We require these documents to be listed as approved plans/documents if permission is granted. Note to applicant – Surface Water Hierarchy evidence will need to be submitted at 106 application stage.

5.4 CCC LLFA (Lead Local Flood Authority): 18.12.2019 – initial response

Objection based on reasons outlined in response.

17.01.2020 – reconsultation response

Unable to remove objection for reasons outlined.

09.08.2022 - reconsultation response

Maintain objection for reasons outlined.

26.10.2022 – latest response

We have reviewed the following documents:

- Flood Risk Assessment and Sustainable Drainage Strategy, MTC Engineering (Cambridge) Ltd., 2031 – FRA & DS - Rev F, dated October 2022

Based on these, as Lead Local Flood Authority (LLFA) we have **no objection in principle** to the proposed development. The above documents demonstrate that surface water from the proposed development can be managed through the use of permeable paving and geocellular crates, restricting surface water discharge to 4.0 l/s prior to a pumped discharge to the public surface water sewer.

The LLFA is supportive of the use of permeable paving as in addition to controlling the rate of surface water leaving the site it also provides water quality treatment which is of particular importance when discharging into a surface water sewer. Water quality has been adequately addressed when assessed against the Simple Index Approach outlined in the CIRIA SuDS Manual. We request the following conditions are imposed:

Condition 1 - No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment and Sustainable Drainage Strategy prepared by MTC Engineering (Cambridge) Ltd (ref: 2031 – FRA & DS - Rev F) dated October 2022 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details prior to occupation of the first dwelling. Reason To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity.

Condition 2 - Details for the long term maintenance arrangements for the surface water drainage system (including all SuDS features) to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby permitted. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.

Reason: To ensure the satisfactory maintenance of drainage systems that are not publicly adopted, in accordance with the requirements of paragraphs 163 and 165 of the National Planning Policy Framework.

Condition 3 - No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.

Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts.

Condition 4 - Upon completion of the surface water drainage system, including any attenuation ponds and swales, and prior to their adoption by a statutory undertaker or management company; a survey and report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall be carried out by an appropriately qualified Chartered Surveyor or Chartered Engineer and demonstrate that the surface water drainage system has been constructed in accordance with the details approved under the planning permission. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed by an independent surveyor, with their findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the effective operation of the surface water drainage scheme following construction of the development.

Informatives

IDB Consent This site falls within the North Level Internal Drainage Board (IDB) district. Under the Land Drainage Act 1991, any person carrying out works on an ordinary watercourse in an IDB area requires Land Drainage Consent from the IDB prior to any works taking place. This is applicable to both permanent and temporary works. Note: In some IDB districts, Byelaw consent may also be required.

Signage

Appropriate signage should be used in multi-function open space areas that would normally be used for recreation but infrequently can flood during extreme events. The signage should clearly explain the use of such areas for flood control and recreation. It should be fully visible so that infrequent flood inundation does not cause alarm. Signage should not be used as a replacement for appropriate design.

Pollution Control

Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.

5.5 Cambridgeshire County Council Highways Authority: 25.11.2019 – initial response

Highway comments from refused planning application F/YR18/0120/O remain applicable.

23.01.2024 – re-consultation response

The key point is that the access treatment at the pinch point (rear no. 111) on entry into the site isn't acceptable. By removing the footway for the pinch point, pedestrians accessing the site are forced into the carriageway and path of vehicles. This is hazardous and for that reason I would recommend an objection. If this were to be approved regardless, the internal roads would not be considered for adoption.

12.03.2024 – latest response

On the basis of the information submitted, it's my view that the proposed development will have an unacceptable impact on highway safety and on this basis and as outlined in NPPF paragraph 115, I object to the proposal.

It is unclear how the access onto Sutton Road could be constructed in such a way that it does not undermine the safety or operational of adjoining accesses to no. 111 and 113 Sutton Road. There is no separation between accesses meaning vehicle movements from the three accesses will be in conflict and the ambiguous layout means vehicle priorities could be misinterpreted, leading to collisions. Within the site a carriageway pinch point has been introduced to the rear of no.111 Sutton Road. The pinch point and corresponding road alignment mean that the priority movement is unclear risking vehicle conflict and / or unnecessary reversing. The applicant has also not demonstrated how emergency service or refuse vehicles could navigate through the restricted carriageway. At this pinch point, the edge of the internal road / footway is shown to be coincident to the application boundary with zero buffer. It's unlikely that the road infrastructure could be constructed without encroachment outside of the application boundary.

Parking arrangements for plots 12, 22 and 23 are unacceptable as they require vehicle manoeuvring either linearly across a footway or across a pedestrian crossing point. These introduce unnecessary risks which could be designed out.

5.6 Designing Out Crime Officers: 12.0.2019 – initial and only response

Thank you for the opportunity to comment on the above Outline Application and this office has noted that all matters, except for access are committed. Whilst there are no objections to the proposed development, we would wish to be consulted should Outline planning approval be obtained, to discuss community safety and vulnerability to crime - this is an area that has seen some residential burglaries and thefts - please note the following comments.

This office would wish to ensure that crime prevention is considered as an integral part of the initial design of any development. This proposed development should incorporate the principles of 'Secured by Design 2019 Homes'. In particular it needs to demonstrate that:

- o Natural Surveillance of public and semi-private spaces, in particular, entrances to a development, paths, play areas, open spaces and car parks.*
- o Defensible space and the clear definition, differentiation and robust separation of public, private and semi-private space, so that all the spaces are clearly defined and adequately protected in terms of their use and ownership.*
- o External lighting should be column lit and all to the standard of adopted roads and in particular to include shared parking courts and footpaths.*
- o Design and layout of pedestrian, cycle and vehicle routes into and within the site, including how these integrate with existing patterns in the village.*
- o Landscaping and planting, in particular, potential hiding places and dark or secluded areas are not created.*

There are no further comments at this stage, but this office is more than happy to be consulted at any time.

5.7 Housing Strategy (FDC): 21.11.2019 – initial response

Comments including the following:

As it currently stands, we would expect a contribution of 25% on this site of 33 dwellings. The total number of dwellings we require would be 8.

29.05.2024 – latest response

Fenland Local Plan Policy LP5 Requirements

Policy LP5 of the Fenland Local Plan (adopted May 2014) seeks 25% affordable housing on developments where 10 or more homes will be provided

On sites of	Level of affordable housing
<i>Minor developments (5-9 dwellings)</i>	<i>Nil affordable housing</i>
<i>Major developments (10 or more dwellings)</i>	<i>25% affordable housing (rounded to the nearest whole dwelling)</i>
<i>Tenure Mix</i>	<i>70% affordable housing for rent (affordable rent tenure) and 30% other affordable routes to home ownership tenure (shared ownership housing)</i>

The Fenland Viability Report (March 2020)

To inform the preparation of Fenland's emerging Local Plan, a Viability Assessment was undertaken which looked at the cost of building new homes and the costs associated with the policies in this Local Plan.

This report concluded that viability in Fenland is marginal and varies between localities in the district. The assessment indicates that 20% affordable housing is likely to be the maximum level of provision that can be achieved through planning obligations. In response to the report, the Council has confirmed that finding of the viability assessment will be taken into account when determining planning applications from May 2020 onwards.

Consequently, while the Council aims to deliver policy compliant 25% affordable Housing provision on qualifying schemes where possible, it is acknowledged that a reduced percentage of affordable housing via planning obligations to a maximum of 20%, will be achievable in most instances.

Since this planning application proposes the provision of 33 number of dwellings, our policy seeks to secure a contribution of 25% affordable housing which equates to 8 affordable dwellings in this instance.

Based on the provision of 20% affordable housing 7 affordable dwellings would be required in this instance.

The current tenure split we would expect to see delivered for affordable housing in Fenland is 70% affordable rented tenure and 30% shared ownership. This would equate to the delivery of 6 affordable rented homes and 2 shared ownership based on the provision of 25% affordable housing or 5 affordable rented homes and 2 shared ownership based on the provision of 20% affordable housing.

The provision of on-site affordable housing or a financial contribution

Where affordable housing is due, the policy indicates that the affordable housing will be provided on site unless there are exceptional circumstances which necessitate provision on another site or the payment of a financial contribution. Since 2016 Fenland has had arrangements in place to mitigate the difficulty of implementing an on-site policy for sites with a planning obligation to deliver less than 10 affordable homes. These arrangements are regularly reviewed to ensure that they continue to accurately reflect the challenges of securing small scale on site affordable housing delivery through planning obligations.

This arrangement has been reviewed in response to the findings of the Viability Assessment and the potential for variations in the percentage of affordable housing delivery that is likely to be achievable through planning obligations, depending on the location of the site within the local authority district area.

*Accordingly, Fenland's current approach is to agree that sites **that yield less than 10 (i.e. 9 or fewer) affordable homes through planning obligations can be discharged by way of a financial contribution rather than on-site provision**. The application of this arrangement is not dependent on the total number of dwellings seeking consent for delivery, instead, it is triggered by the number of affordable homes that are deliverable.*

If the applicant chooses to provide a financial contribution rather than seek an RP partner to deliver the on-site affordable housing, the affordable housing financial contribution will be calculated in accordance with the mechanism provided in the Local Plan policy and as follows:

- The applicant should submit the necessary open market values of homes which would otherwise have been affordable housing to FDC.*
- FDC will assume that RPs would usually pay 55% of OMV for a rented dwelling and 65% of OMV for a shared ownership dwelling.*
- FDC will assume that 70% of all affordable homes will be rented tenure and 30% will be shared ownership tenure.*

5.8 FDC Environmental Services: 13.11.2019 – initial and only response

In broad principal we have no objection to this development, however the following points would need addressing in the future:

- Swept path plan to demonstrate 11.5m refuse collection vehicle can enter in a forward motion and turn on the public highway.*
- Refuse and recycling bins will be required to be provided as an integral part of the development.*
- Bins will require presenting at the curtilage of the property/shared collection point for plots served by private driveways, where it meets the Public Highway on the day of collection.*
- New residents will require notification of collection and storage details by the developer before moving in and the first collection takes place.*
- Please refer to the useful supplementary planning guidance for Cambridgeshire and Peterborough available in the RECAP Waste Management Design Guide [here](https://www.cambridgeshire.gov.uk/business/planning-and-development/water-minerals-and-waste/recap-waste-management-design-guide/)*

<https://www.cambridgeshire.gov.uk/business/planning-and-development/water-minerals-and-waste/recap-waste-management-design-guide/>

5.9 Cambridgeshire Fire & Rescue Service: 15.11.2019 – initial and only response

Adequate provision should be made for fire hydrants secured by S106 or planning condition; access and facilities for the fire service should also be provided in accordance with Building regulations approved document B5 section 16.

5.10 Environment & Health Services (FDC): 13.11.2019 – initial and only response

The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed development, as it is unlikely to have a detrimental effect on local air quality and the noise climate.

Given the scale of the proposed development, I would expect it to be connected to mains drainage and note the correspondence of Anglian Water, and owing to the close proximity to existing residential properties, I would also like to see a construction management plan submitted prior to commencement of development, which outlines procedures to ensure that any potential disturbance caused to existing nearby residencies will be to a minimum.

Whilst there is no known contamination linked with the proposed development site, which is currently put to agricultural farming use, there is a large agricultural type establishment to the north which is identified as being an area of likely land contamination. In light of this, and with the nearest proposed dwelling being what I believe to be only 11pprox.. 70m away, it would be prudent to impose the unsuspected contamination condition;

5.11 Senior Archaeologist (CCC): 03.12.2019 – initial and only response

Our records indicate that the site lies in an area of high archaeological potential, located in the fenland tidal flats of Wisbech that are characterised by a series of deposits relating to marine and fresh water flooding. The impact of this flooding was responded to, in some degree, in the Saxon period with the construction of the Roman Bank (also known as the Sea Bank), a linear earthwork built to protect reclaimed land from high tides and sea floods, and which despite its name is more likely to be of Late Saxon to Early Medieval (possibly 7th century) origin (Cambridgeshire Historic Environment Record reference 04448).

The section running roughly north-west to south-east only 200m from the western boundary of the development area is designated of national importance as a Scheduled Ancient Monument (DCB351). Located just to the west of the dyke are two possible barrows or burial mounds, Cherry Tree Hill (DCB219) and Rabbit Hill (DCB218), both of which are again protected as Scheduled Monuments, while a number of other sites/ areas of interest are also known in the vicinity, including evidence for Early Medieval saltworking in the area around Roman Bank, close to the north-west corner of the proposed development site (03960). We anticipate that successional deposits will seal old land surfaces in this area to the east of the Sea Bank, where continued marine transgressions were allowed to occur. It is therefore considered likely that important archaeological remains could survive on the site and that these would be severely damaged or destroyed by the proposed development.

We have commented on this site previously. We would recommend that the same archaeological standard condition is placed on the development as was recommended for prior (refused) application F/YR18/0120/O within the same bounds.

5.12 Environment Agency: 27.11.2019 – initial response

Have no objection to the proposed development but provide comments relating to Planning Policy Framework Flood Risk Sequential Test, together with review of Flood Risk Assessment and advice to LPA regarding Flood Plan.

12.11.2020 – reconsultation response

Thank you for your email. We have reviewed the amendments submitted and have no further comment to make on this application.

05.08.2020 – reconsultation response

Have no objections to the development proposed subject to condition outlined below. State that without this condition, the proposed development on this site poses an unacceptable risk to the environment and they would object to the application.

12.01.2023 – latest response

Thank you for your consultation dated 20 December 2022 for the above application. We have reviewed the documents as submitted and we have no objections to the development proposed subject to the condition outlined below. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application. Further information for the developer is provided below.

Flood Risk

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk MTC - 2031 - FRA - DS - Rev F - Oct 2022 and Drawing number 10 Revision B dated Feb 2019 submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) MTC - 2031 - FRA – DS - Rev F - Oct 2022 and Swan Edwards Drawing Job NO. SE-584 Drawing number 10 Revision B dated Feb 2019. The following mitigation measures detailed within the FRA:

- *Properties will be 2 storeys as shown on Swan Edwards Drawing Job NO. SE-584 Drawing number 10 Revision A*
- *Finished floor levels are set no lower than 4.25m above Ordnance Datum (AOD)*
- *Flood resilient and resistant construction*

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

5.13 Cambridgeshire County Council – Section 106:28.11. 2019 – initial and only response

Statement has been prepared to provide a justification for the education, library and/or strategic waste mitigation measures necessary to be included within a planning obligation that Cambridgeshire County Council requires in its' role as Local Children's Services Authority, Library Authority and Waste Planning Authority. The combined indicative figure is £675,901.

5.14 Local Residents/Interested Parties

Objectors

Letters of objection received from over 24 residents referring to the following:

- Insufficient infrastructure (school/Surgeries)

- No executive houses should be provided we need affordable,
- Traffic congestion, inadequate public transport,
- Noise pollution,
- Harm to the environment,
- Uncertainty due to length of time taken,
- Loss of an active farming plot/good silt quality land.
- Impact on protected species,
- Poor access,
- Overdevelopment, excessive density,
- Poor drainage/flooding, (photograph illustrates poor drainage of agricultural land) infiltration will not work, discharge unworkable no watercourse near, Highway drains silted up, raising of ground levels will exacerbate existing problems, building in a flood risk area is bound to fail. Time taken on drainage answers illustrates the scale of the issue.
- Light pollution,
- Overlooking/loss of privacy, Loss of view,
- Insufficient separation,
- Overshadowing/loss of light,
- Would set a precedent,
- Visual impact

Supporters

Letters of support received from over 8 residents of Leverington referring to the following:

- Support provision of affordable houses, and a mix
- Benefits the local economy and existing services, the village needs growth,
- Good links,
- Lower flood risk than the site opposite,

6 STATUTORY DUTY

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

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 decision-making.

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:

Para 165. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Para 166. Strategic policies should be informed by a strategic flood risk assessment and should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards.

Para 167. All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below; b) safeguarding land from development that is required, or likely to be required, for current or future flood management; c) using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding, (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management); and d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.

Para 168. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential

approach should be used in areas known to be at risk now or in the future from any form of flooding.

Para 169. If it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3.

Para 170. The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Para 171. Both elements of the exception test should be satisfied for development to be allocated or permitted.

National Planning Practice Guidance (NPPG)

Determining a Planning Application

National Design Guide 2021

Context

Identity

Built Form

Movement

Nature

Public Spaces

Uses

Homes and Buildings

Resources

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

LP6 – Employment, Tourism, Community Facilities and Retail

LP8 – Wisbech

LP12 – Rural Areas Development Policy

LP13 – Supporting and Managing the Impact of a Growing District

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

LP17 – Community Safety

LP18 – The Historic Environment

LP19 – The Natural Environment

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
LP7: Design
LP8: Amenity Provision
LP12: Meeting Housing Needs
LP18: Development in the Countryside
LP20: Accessibility and Transport
LP22: Parking Provision
LP24: Natural Environment
LP25: Biodiversity Net Gain
LP27: Trees and Planting
LP28: Landscape
LP29: Green Infrastructure
LP30: Local Green Spaces and Other Existing Open Spaces
LP31: Open Space and Recreational Facilities
LP32: Flood and Water Management
LP56: Residential site allocations in Leverington

Delivering and Protecting High Quality Environments in Fenland SPD 2014

DM2 – Natural Features and Landscaping Schemes

DM3 – Making a Positive Contribution to Local Distinctiveness and character of the Area

DM6 – Mitigating Against Harmful Effects

Developer Contributions SPD 2015

Cambridgeshire Flood and Water SPD 2016

8 KEY ISSUES

- **Principle of Development**
- **Flooding, Sequential Test**
- **Highways Safety**
- **Residential Amenity**
- **Impact on the character of the Area**
- **Ecology**
- **Community Infrastructure, Affordable Housing and Planning Obligations**
- **Other Issues**

9 BACKGROUND

- 9.1 Planning application for a similar development on this site was previously refused under delegated powers (reference F/YR18/0120/O). No appeal was lodged following the refusal.

- 9.2 An appeal decision (F/YR17/1218/O) for 4 dwellings land to the west of 116-124 Sutton Road failed the Sequential Test contrary to LP14, the SPD and the NPPF and the appeal was dismissed.
- 9.3 Planning permission was granted for 221 Dwellings on Land East of 88 Sutton Road (F/YR17/0304/F). In applying the Sequential Test (at the time) it was considered that a sequentially preferable site for 221 houses was not available in Wisbech. Of particular relevance was the failure of allocated sites in Wisbech to come forward. That application was considered to pass the Exceptions test by virtue of the use of Suds and grey water recycling, and the provision of 23 affordable dwellings of which there was a critical need in Fenland.

10 ASSESSMENT

Principle of Development

- 10.1 Policy LP1 sets out the overall strategy for growth, and LP3 sets out the settlement hierarchy. The site is in the Parish of Leverington, however it has a closer spatial relationship with Wisbech a Market Town in the hierarchy. Windfall sites on the edge of Wisbech can be considered acceptable in principle. When travelling along the A1101 as you pass the application site, there is no perception the site is within Leverington which lies further to the west.

Flooding, Sequential Test

- 10.2 The site is in both Flood Zones 1 and 3. From the Indicative Site Plan provided with the application 19 of the proposed dwellings and 23 of the plots would be wholly or partly within Flood Zone 3 as well as the access to the properties located within Flood Zone 1. In line with requirements of the NPPF, NPPG and Part B of Local Plan Policy LP14, development proposed within Flood Zone 3 requires the submission of a Sequential Test. As the NPPG advises, *'Even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied.'* The applicant submitted his own Sequential Test based on the inability of Leverington to provide land for 33 dwellings in Leverington.
- 10.3 The site subject of this application is considered to be physically part of Wisbech given the continuation of built development between the site and the centre of Wisbech itself. As such, it is reasonable and consistent for the Sequential Test area of search to be based on the settlement of Wisbech. This being in line with the advice in the NPPG which states *'For individual planning applications subject to the Sequential Test, the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed.'*
- 10.4 An initial review of Appendix A2 of the Council's most recent Five Year Housing Land Supply document of May 2024 identifies a number of sites with five or more dwellings within Wisbech that are anticipated to be delivered over the next five years.
- 10.5 Therefore, these sites and smaller sites have planning permission that are sequentially preferable in flood risk terms. Additionally, there is a significant quantum of dwellings that will come forward within the strategic allocations for Wisbech as identified in the Local Plan that are within Flood Zone 1. Planning applications are under consideration for parts of the strategic allocation.

Collectively, both in the present and the immediate future. there is more than enough land available to meet the 33 houses within the Wisbech area of search.

- 10.6 The proposal therefore fails the Sequential Test as there are reasonably available sites for this type of development in areas with a lower risk of flooding. Therefore, on flood risk grounds, there is no reason to grant permission for these proposals given Section 14 of the NPPF, the advice within the NPPG and Part B of Local Plan Policy LP14.

Highway Safety

- 10.7 In their latest response to the application the Local Highways Authority (LHA) object to the proposed development on the basis that it will have an unacceptable impact on highway safety and therefore paragraph 115 of the NPPF is applicable. That is, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety
- 10.8 The proposed vehicle access is within a narrow rectangular piece of land to the northeast of the site. The LHA advises that it is unclear how the access onto Sutton Road (A1101) could be constructed in such a way that it does not undermine the safety or operational of adjoining accesses to no. 111 and 113 Sutton Road. There is no separation between accesses meaning vehicle movements from the three accesses will be in conflict and the ambiguous layout means vehicle priorities could be misinterpreted, leading to collisions.
- 10.9 Once within the proposed site, the LHA notes that there is also a narrow pinch-point in the internal access road near to the corner of a garage building at the rear of No 111 Sutton Road and close to the indicative Plot 1 on the indicative site layout. The carriageway narrows at this point to only 3 metres with a 2 metre footway, shown as a priority Lane with a shared surface. Given this will need to accommodate waste collection vehicles there is further concern as to the safety of pedestrians on such a narrow pathway/carriageway. This is considered to represent poor highway design. The LHA states *'risking vehicle conflict and / or unnecessary reversing. The applicant has also not demonstrated how emergency service or refuse vehicles could navigate through the restricted carriageway. At this pinch point, the edge of the internal road / footway is shown to coincident to the application boundary with zero buffer. It's unlikely that the road infrastructure could be constructed without encroachment outside of the application boundary.*
- 10.10 As there is insufficient space to improve the point of access and the narrow pinch point of access/footway, the proposal is therefore contrary to paragraph 115 of the NPPF and Local Plan Policy LP15(C) in that it does not provide a safe access.

Residential Amenity

- 10.11 The indicative layout proposed demonstrates the possible provision of up to 33 dwellings at a gross density of 24.3 per hectare. Some parking spaces may be tight and may not be acceptable as provided. Nevertheless, there are not considered to be any significant issues in providing a development of up to 33 dwellings on this site (subject to detailed submission under reserved matters). The indicative proposal would not generate serious concerns of loss of privacy or overdominance. At the outline stage there is not considered to be any reasons on which to refuse the application on the impact on residential amenity and therefore accords with policy LP16(e).

Impact on the character of the area

- 10.12 The proposal is to the rear of houses on Sutton Road and Sutton Meadows. When seen from the north and west across open fields the development will be viewed against the backdrop of existing housing. The previous application was not refused on grounds of impact to the open countryside or character of the area. It did not consider it would result in a significant intrusion to the open countryside or result in extended ribbon development. It also did not consider it would set a precedent due to heritage considerations on land between this site and the village of Leverington. Therefore, it is concluded that this development could comply with policies LP12(D) and LP16(D).

Ecology

- 10.13 There is no evidence of significant ecological value of the site. A biodiversity net gain report and metric tool was submitted in March concluding that a 17% gain would be achievable. A re-consultation was sent to Cambridgeshire Ecology but at the time of writing nothing has been received. Without further evidence it is not considered to be a reason on which to refuse the application. Notwithstanding, biodiversity/ ecology impacts did not form a reason for refusal of the previous proposal under F/YR18/0120/O.

Community Infrastructure, affordable housing and Planning Obligations

- 10.14 Following the Council's own viability assessment as part of the evidence base for the new draft local plan, the Council accepted a position that 20% affordable housing south of the A47 with £2000 per dwelling infrastructure contributions, and 10% provision of First Homes north of the A47 and no infrastructure contributions would be a generally viable level of contribution for sites to deliver. In the latest Design and Access Statement submitted in July 2022, this states that the applicant is *'looking to enter into the section 106 agreement to provide affordable housing in line with the local plan and all required contributions'*. On this basis the proposals would appear to deliver appropriate level of community infrastructure and affordable housing as accepted by the Council as being at a viable level.

Other Issues

- 10.15 The previous application concluded that to refuse the application on grounds of loss of best and most versatile agricultural land would not be sustainable in that so much of the best land is located across Fenland that no development would be plausible and delivering and sustaining a 5-year land supply would be challenging.

11 CONCLUSIONS

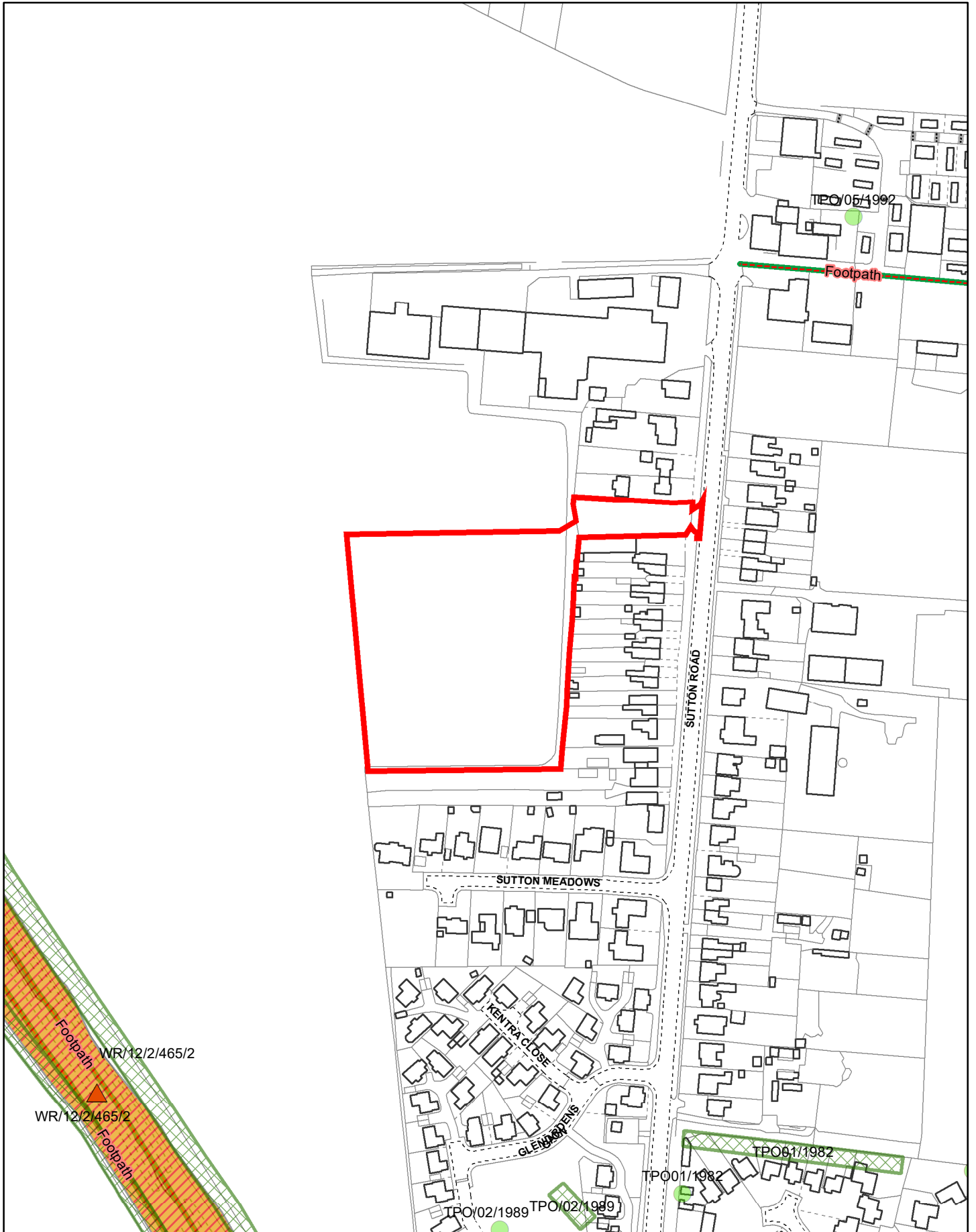
- 11.1 The proposals are not considered to have passed the Sequential Test and are therefore contrary to Section 14 of the NPPF and policy LP14(B) of the adopted Fenland Local Plan.

- 11.2 Secondly, the proposed access and internal road has not demonstrated it can be provided without resulting in the risk of collisions due to inadequate space. It is therefore considered to have an unacceptable impact on highway safety contrary to Paragraph 115 of the NPPF and Policy LP15(C).

12 RECOMMENDATION

Refuse; for the following reasons:

1	A substantial part of the proposed site is within Flood Zone 3 where there is a high probability of flooding. Other sites in more sequentially preferable locations that can cumulatively or directly meet the provision of 33 dwellings are reasonably available, and the current applications within the strategic allocated site (Broad Concept Areas) are likely to improve the availability of sites in the future. The proposal would therefore not meet the requirements of paragraph 168 of the NPPF and Part B of Local Plan Policy LP14.
2	The proposed access will result in an unacceptable impact on highway safety. It will undermine the safety or operations of adjoining accesses to no. 111 and 113 Sutton Road onto Sutton Road (the A1101), there is no separation between accesses meaning vehicle movements from the three accesses will be in conflict and the ambiguous layout means vehicle priorities could be misinterpreted, leading to collisions. The plan does not satisfactorily demonstrate that access for all modes of transport can adequately be provided due to a narrow pinch point adjacent to a large building at the rear corner part of 111 Sutton Road and the site boundary, thus introducing an additional collision risk for large vehicles and pedestrians. The proposal is therefore contrary to Paragraph 115 of the NPPF and Local Plan Policy LP15(C) in that it does not provide a safe access.



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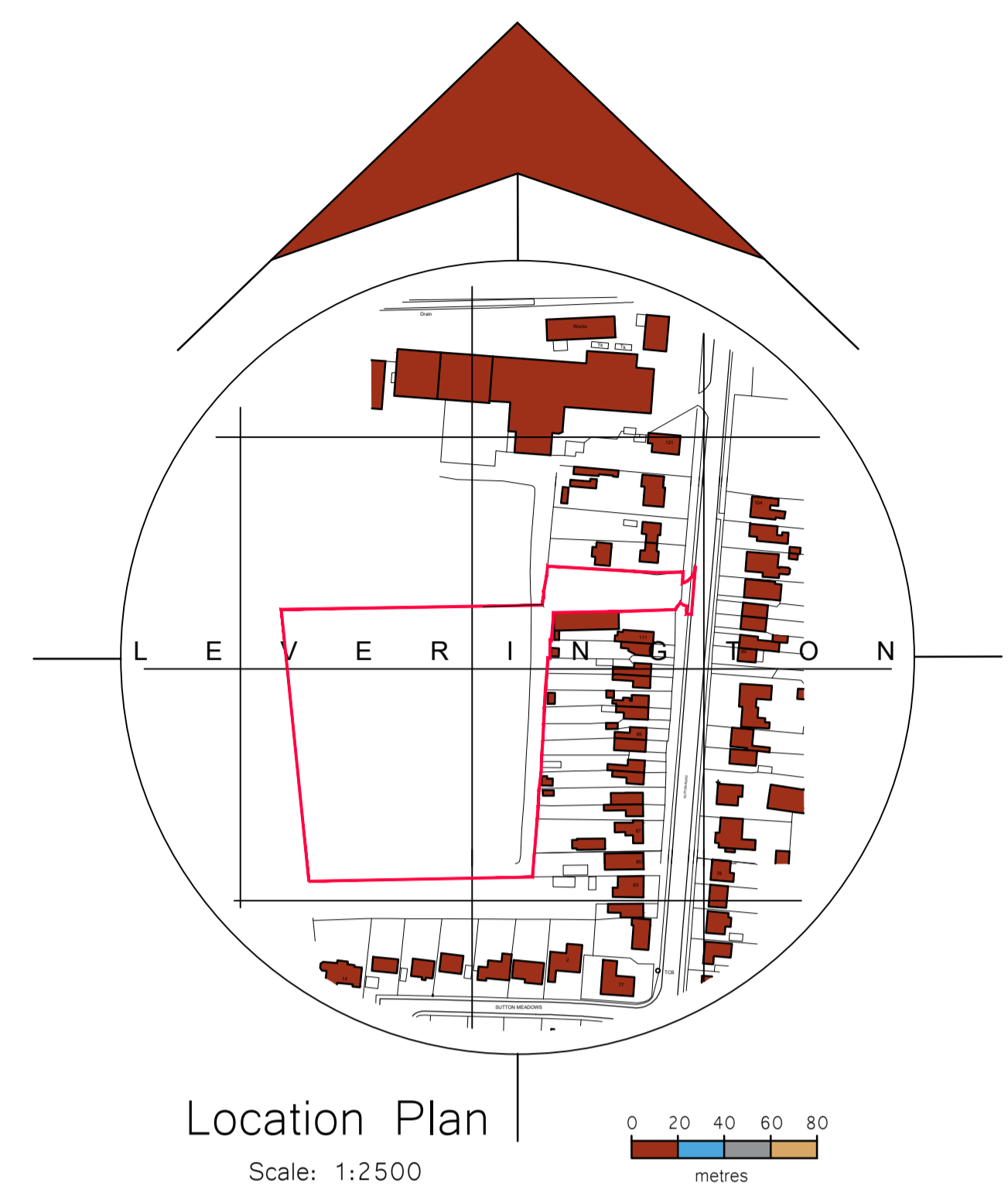
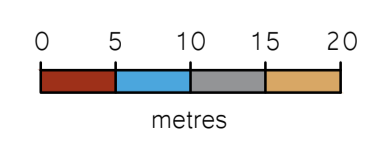
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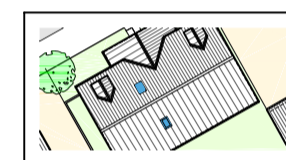
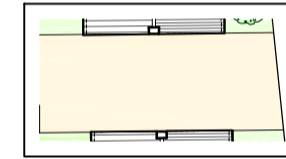
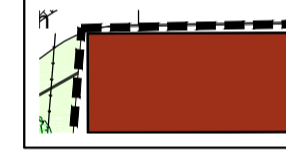
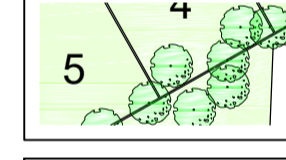
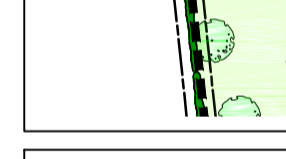

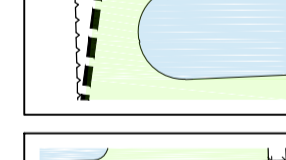

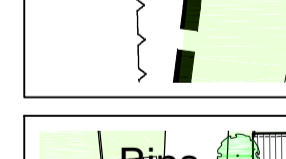
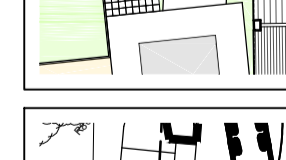
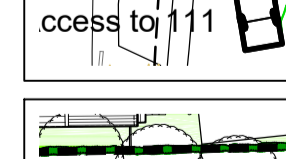
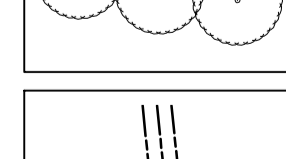




Indicative Site Plan
Scale: 1:500



Location Plan
Scale: 1:2500

SITE PLAN KEY

-  Indicates proposed dwellings
-  Indicates parking spaces and access
-  Indicates existing neighbouring dwellings
-  Indicates proposed trees
-  Indicates proposed site boundary with natural hedging and trees
-  Indicates line of Flood Zone 3
-  Indicates proposed attenuation pond
-  Indicates proposed road and footpath to adoptable standard
-  Dotted line indicates existing objects to be removed
-  Indicates proposed bin collection point
-  Dashed Line indicates proposed 2.4x120.0m visibility splays
-  Indicates existing trees
-  Indicates existing overhead power lines
-  Indicates proposed site access to Cambs CC approval along with reinstatement of footpath and kerbs

House Type Schedule				
Plot Number	Beds	Garage	Parking	Dwelling Type
1	3	1	2	Chalet Bungalow
2	3	1	2	Chalet Bungalow
3	3	0	2	Semi Detached
4	3	0	2	Semi Detached
5	3	0	2	Semi Detached
6	3	0	2	Semi Detached
7	3	0	2	Houses
8	3	0	2	Semi Detached
9	3	0	2	Semi Detached
10	2	0	2	Semi Detached
11	2	0	2	Semi Detached
12	3	2	2	Houses
13	3	2	2	Houses
14	3	1	2	Houses
15	3	1	2	Houses
16	3	1	2	Houses
17	3	1	2	Houses
18	3	0	2	Semi Detached
19	3	0	2	Semi Detached
20	3	0	2	Semi Detached
21	3	0	2	Semi Detached
22	2	0	2	Semi Detached
23	2	0	2	Semi Detached
24	3	1	2	Houses
25	3	1	2	Houses
26	4	1	2	Houses
27	4	1	2	Houses
28	3	1	2	Houses
29	3	1	2	Houses
30	3	0	2	Semi Detached
31	3	0	2	Semi Detached
32	4	1	2	Houses
33	4	1	2	Houses

- 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.

Revisions

D	Feb 2024	Highways Amendments
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Status
FOR APPROVAL

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Job Title Proposed Residential Development 113 Sutton Road, Leverington Wisbech, Cambs Mr Goodale	Date December 2017	Scale Various Sheet Size A1
Drawing Title Outline Planning Drawing Site & Location Plans	Job No. SE-584	Drawn by G.E.
	Dwg No. 10	Revision D