
F/YR24/0813/O

Applicant: Mr B Aistrup

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

Land East Of, 64 - 72 Sutton Road, Leverington, Cambridgeshire

Erect 1 self-build dwelling (outline application with all matters reserved)

Officer recommendation: REFUSE

Reason for Committee: Number of representations against officer recommendation

1 EXECUTIVE SUMMARY

- 1.1 The application seeks outline planning permission for the erection of one dwelling (outline application with all matters reserved).
- 1.2 Policy LP14 of the Fenland Local Plan 2014 and Section 14 of the National Planning Policy Framework state that all development should adopt a sequential approach to flood risk from all forms of flooding. The Sequential test is a risk-based approach so as to avoid, where possible, flood risk to people and property. The site is located within Flood Zone 3 and whilst a flood risk assessment has been submitted the sequential test has not been accurately addressed and is not considered passed. Therefore, the proposal is considered contrary to policy LP14 of the Fenland Local Plan 2014.
- 1.3 As such the recommendation is to refuse planning permission.

2 SITE DESCRIPTION

- 2.1 The site is set back from the road along a private track, to the rear of linear development fronting Sutton Road. The site is within Leverington parish. There is a strong building line evident along the eastern side of Sutton Road, however, there is a mix of detached and semi-detached dwellings and 2-storey and single-storey dwellings. The application site is currently laid to grass with some evidence of old wooden structures used for storage.
- 2.2 The site is enclosed by a mixture of fencing and vegetation. To the north, east and west of the site are residential dwellings and to the south another small field/paddock.
- 2.3 The site lies within Flood Zone 3 (High Risk).

3 PROPOSAL

- 3.1 The application seeks outline planning permission for the erection of 1x dwelling (outline application with all matters reserved). No indicative plans have been submitted.

3.2 Full plans and associated documents for this application can be found at:

<https://www.publicaccess.fenland.gov.uk/publicaccess/>

4 SITE PLANNING HISTORY

4.1 Pertinent planning history listed below:

Application	Description	Decision	Date
F/YR24/0230/F	Erect 1 x dwelling (2-storey, 3-bed) (Land East Of 82 Sutton Road)	Granted	04 Jul 2024
F/YR22/0563/O	Erect 1 x dwelling (outline application with matters committed in respect of access) (Land East Of 82 Sutton Road)	Granted	24 Oct 2022
F/YR20/0883/F	Erect 1 x dwelling (3-bed, 2-storey) involving demolition of existing outbuildings (Land East Of 50 Sutton Road)	Granted	17 Nov 2020
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)	Refused	20 Sep 2024
F/YR17/0304/F	Erection of 221 dwellings, consisting of 4 x 3-storey 4-bed, 44 x 2-storey 4-bed, 103 x 2-storey 3-bed, 61 x 2-storey 2- bed, 4 x 2-storey 1-bed, 4 x 1 bed flat and 1 x 2-bed flat with raised level of land to 4.75m AOD (FFL), associated garages, parking and landscaping involving the demolition of existing dwelling and other buildings including raising ground level to 4.75m AOD (Land East Of 88 Sutton Road)	Granted	02 Dec 2019
F/YR13/0848/O	Erection of 4 dwellings (Land East Of 50 - 52A Sutton Road)	Refused Appeal dismissed	08 Jan 2014

5 CONSULTATIONS

5.1 Leverington Parish Council

It is impossible to comment on an application that does not contain a drawing of proposed property, Also nothing to show actual width of access road, plus proposed visual splay at its junction with A1101 Drawings included contain no measurements

5.2 North Level Internal Drainage Board

Please note that North Level District Internal Drainage Board have no objections in principle to the above planning application.

5.3 Cambridgeshire County Council Highways Authority

Recommendation

On the basis of the information submitted, from the perspective of the Local Highway Authority, I consider the proposed development is acceptable.

Comments

The proposed development of a single dwelling will not result in a detrimental impact on the operation of the local highway network. The site benefits from an existing access track which also facilitates access to the adjacent dwellings and collection of adhoc buildings. The access is not considered adequate in its current form in terms of width, however, formalising the track to 5m in width for 10m, with a 1m by 1m visibility splay on the southern extent this will be deemed acceptable to serve the proposed single dwelling.

In the event that the LPA are mindful to approve the application, please append the following

Conditions and Informatives to any consent granted:

Conditions

Prior to the commencement of the development full details (in the form of scaled plans and/or written specifications) shall be submitted to and approved in writing by the Local Planning Authority to illustrate the following:

a) The layout of the site, including roads, buildings, parking provision and surface water

drainage.

b) The siting of the building(s) and means of access thereto.

c) Visibility to pedestrian visibility splay.

d) Turning and parking provision

Prior to the occupation of the dwelling, the vehicular access shall be constructed to include

the provision of a metalled/sealed surface with a width of 5m for a minimum length of 10m from the existing carriageway edge.

Reason: for the safe and effective operation of the highway

The proposed vehicular driveway shall be constructed so that its falls and levels are such that no private surface water from the site drains across or onto the adopted public highway. Please note that the use of permeable paving does not give the Local Highway Authority sufficient comfort that in future years water will not drain onto or across the adopted public highway and physical measures to prevent the same must be provided.

Reason: for the safe and effective operation of the highway

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, amending or re-enacting that order), no gates or other means of enclosure shall be erected across the vehicular access unless approved in writing by the Highway Authority.

Reason: In the interests of highway safety and to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan, adopted May 2014.

Informatives

Works in the Public Highway

This development may involve work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

5.4 Environment Agency

Thank you for your consultation dated 11 October 2024. We have reviewed the

documents as submitted and we have no objection to this planning application. Please find further information on flood risk and water resources below.

Flood Risk

We have no objection to the proposed development, but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA), by Swann Edwards Architecture, dated August 2024, are adhered to:

- o 2 storey property with a minimum finished floor level of 1m above existing ground levels or 4.8m AOD.*
- o A minimum of 300mm of flood resilient construction above finished floor level.*

Sequential and Exception Tests

The requirement to apply the Sequential Test is set out in Paragraph 167 of the National Planning Policy Framework. The Exception Test is set out in paragraph 170. These tests are your responsibility and should be completed before the application is determined. Additional guidance is also provided on Defra's website and in the Planning Practice Guidance.

Local Residents/Interested Parties

5.5 Objectors

One letter of objection has been received from a resident of Delamore Drive Leverington. The reason given for the objection was that there were no plans showing where the property would be located including detail of the property size etc.

5.6 Supporters

Eleven letters of support received.

Seven received from residents of Leverington:

- 2 from residents of leverington common,
- 1 from a resident of Roman Bank,
- 1 from a resident of Seafields,
- 1 from Church End, 1 from Chaucer Road
- 1 from Sutton Road.

Four responses were received from outside the ward:

- 1 from Barton Road Wisbech,
- 1 from Lakenheath,
- 1 from Spalding
- 1 from Thetford.

Reasons given for support include:

- Support self-build
- Utilising redundant land
- Houses all around it
- Keeping locals local
- Attracts professionals to the area
- Benefits to local community
- National property shortage

5.7 Representations

One representation received neither in objection or support requesting detail of the proposed dwelling, location within the site, scale etc.

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

National Planning Policy Framework December 2024 (NPPF)

Chapter 2 - Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 6 – Building a strong, competitive economy

Chapter 7 – Ensuring the vitality of town centres

Chapter 8 – Promoting healthy and safe communities

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

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

Chapter 15 – Conserving and enhancing the natural environment

National Planning Practice Guidance (NPPG)

Determining a Planning Application

National Design Guide 2021

Context

Identity

Built Form

Movement

Nature

Homes and Buildings

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

LP8 – Wisbech

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

LP19 – The Natural Environment

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

Cambridgeshire Flood and Water SPD 2016

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 49 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
LP5: Health and Wellbeing
LP7: Design
LP8: Amenity Provision
LP11: Community Safety
LP12: Meeting Housing Needs
LP13: Custom and Self Build
LP20: Accessibility and Transport
LP22: Parking Provision
LP24: Natural Environment
LP25: Biodiversity Net Gain
LP27: Trees and Planting
LP28: Landscape
LP32: Flood and Water Management
LP33: Development on Land Affected by Contamination
LP56: Residential site allocations in Leverington

8 KEY ISSUES

- **Principle of Development**
- **Self-Build**
- **Visual Impact**
- **Access and Parking**
- **Impact on residential amenity**
- **Flooding**
- **Biodiversity Net Gain (BNG)**

9 ASSESSMENT

Principle of Development

- 9.1 Policy LP3 of the Fenland Local Plan sets out the spatial strategy and settlement hierarchy within Fenland. The overall strategy is for sustainable growth, including new housing and job creation, in order to facilitate the health and wellbeing of Fenland's residents. The focus for the majority of growth is in and around the four market towns. Development should create strong, sustainable, cohesive and inclusive communities, making the most effective use of previously developed land (except where that land is of high environmental value), and enabling a larger number of people to access jobs, services and facilities locally.
- 9.2 The site was previously used as paddock land. However, it is considered to relate more to the built form along Sutton Road than the countryside. This is owing to new development to the north and east of the site and existing residential properties to the west along Sutton Road meaning the site is enclosed on 3 sides by residential dwellings.

9.3 The site is in the Parish of Leverington, however it has a closer spatial relationship with Wisbech a Market Town in the hierarchy. 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. The site is broadly considered infill as it has residential dwellings to the north, east and west.

9.4 Therefore, the principal of locating a dwelling on the site is considered acceptable.

Self-Build

9.5 Policy LP5 Part C sets out how Fenland District Council proposes to meet the Wider Housing Need. Working in partnership with developers, housebuilders, registered social landlords and other stakeholders, the Council will seek, and developers are expected to provide in appropriate circumstances, housing solutions that meet market expectations, including executive homes and self-build homes. To be considered a self-build dwelling the applicant must be involved in building or managing the construction of their home from beginning to end or can commission their home to be built but they must have been involved in making key design and layout decisions.

9.6 The application is for a single self-build dwelling. Whether the proposal is self-build or not has implications for the consideration of the proposals as self-build proposals do not require Biodiversity Net Gain to be set out. The applicant has supplied a formal statement specifying that the proposal would be self-build in line with policy LP5 part C of the Fenland Local Plan 2014. The submitted self-build statement also specifies that the applicant agrees to enter into a legal agreement with the Local Planning Authority to guarantee the proposed dwelling is a self-build dwelling should the application be permitted.

9.7 Owing to the above the proposal is considered acceptable under policy LP5 (c) of the Fenland Local Plan 2014.

Flooding

9.8 NPPF and Policy LP14 of the Fenland Local Plan state that development should be avoided in areas of high flood risk however where development is necessary it should be safe from flood risk for its lifetime without increasing flood risk elsewhere. The proposed development is in Flood Zone 3 identified as an area of high risk of flooding.

9.9 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.'

9.10 About one half of Wisbech currently falls within flood zones 2 and 3. For the re-development of sites for residential purposes (Use Class C3) within these areas it is not always possible to pass the Sequential Test. The need to prevent widespread areas suffering blight from flood risk restrictions is recognised, and the district council seeks to ensure that Wisbech retains its constituency and vibrancy. FDC have adopted specific guidance relating to the sequential test within Wisbech

which allows for a bespoke approach to applying the sequential test. However, the current scheme would not fall within this guidance as the land is existing paddock land with just a small wooden shack on. It is not classified as developed land and not in use under use classes A, B, C or D.

- 9.11 There are known sites that have planning permission that are sequentially preferable in flood risk terms within Wisbech. 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 Zones 1 and 2. Planning applications are under consideration for parts of the strategic allocation.
- 9.12 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 within Wisbech. Therefore, on flood risk grounds, there is no overriding reason to grant permission for this proposal given Section 14 of the NPPF, the advice within the NPPG and Part B of Local Plan Policy LP14.

Visual Impact

- 9.13 LP16 (d) states the proposal should demonstrate that it makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting, responds to and improves the character of the built environment and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the surrounding area. The surrounding dwellings are mainly 2-storey dwellings.
- 9.14 This is an outline application for a single dwelling on a large plot. Detailed plans will be submitted at Reserved Matters stage, should outline permission be granted and at that time a detailed assessment of design and visual impact would need to be undertaken.

Access and Parking

- 9.15 Policy LP15 of the Fenland Local Plan 2014 states that proposals should provide well designed safe access for all. Policy LP15 of the Fenland Local Plan 2014 also states that development schemes should provide well designed car parking appropriate to the amount of development proposed, ensuring that all new development meets the councils defined parking standards as set out in Appendix A.
- 9.16 This is an outline application for a single dwelling on a large plot. Detailed plans will be submitted at Reserved Matters stage, should outline permission be granted, and at that time a detailed assessment of access and parking would need to be undertaken. Although details regarding access have not been committed at outline stage it is understood that the existing access to the site and garages to the rear of neighbouring properties would be utilised. The Highway Authority were consulted on the outline application and have no objection. However, they have requested a number of conditions.
- 9.17 The plot size is considered large and whether one dwelling on site would be a good use of the land was considered but it was determined that because of the narrow single lane access directly off of a main road and future vehicle movements more than one dwelling would not be appropriate in this instance.

Impact on residential amenity

- 9.18 It is considered that the proposal could likely be built to ensure that good levels of amenity are retained for neighbouring occupiers. Although, care should be taken with the detailed design of the dwellings to avoid overlooking and dominance.
- 9.19 Matters of refuse collection will need to be addressed at detailed design stage and a refuse collection strategy should be secured for the site, noting that the bin travel distances will exceed the recommendations of the RECAP Waste Guidance (recommendation is no more than 30m).
- 9.20 As such the proposal is likely to comply with Policy LP16 of the Local Plan in this regard and matters of the detailed design at Reserved Matters stage.

Biodiversity Net Gain (BNG)

- 9.21 The Environment Act 2021 requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach accords with Local Plan policies LP16 and LP19 which outlines a primary objective for biodiversity to be conserved or enhanced and provides for the protection of Protected Species, Priority Species and Priority Habitat.
- 9.22 There are statutory exemptions, transitional arrangements and requirements relating to irreplaceable habitat which mean that the biodiversity gain condition does not always apply. In this instance, one or more of the exemptions / transitional arrangements are considered to apply and a Biodiversity Gain Condition is not required to be approved before development is begun because the nature of the development being self / custom build is exempt from statutory net gain.

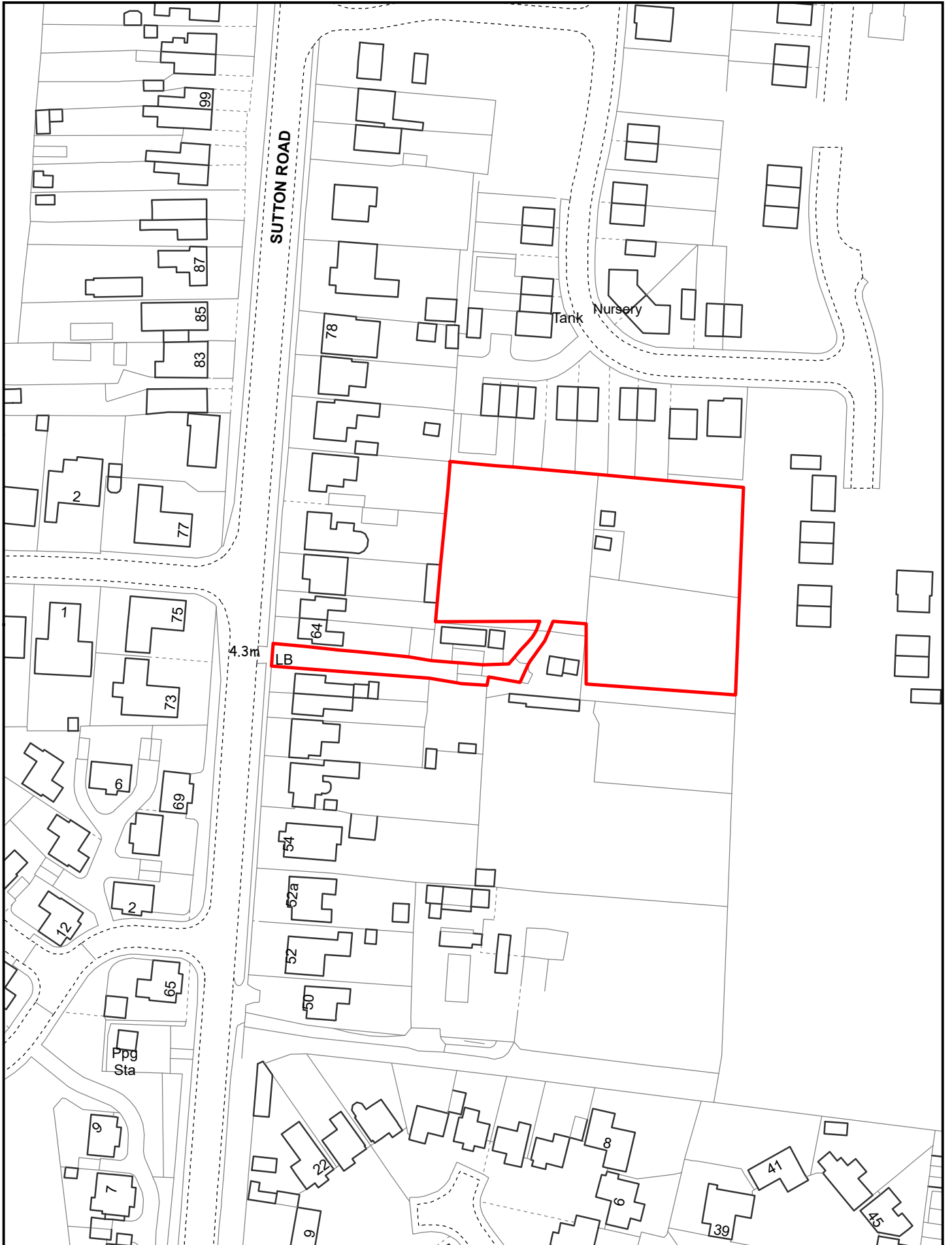
10 CONCLUSIONS

- 10.1 The broad principle of the development is considered acceptable, and no adverse character or amenity impacts have been identified. However, the sequential test has not been passed. A risk based sequential test approach is applied so as to avoid, where possible, flood risk to people and property. Therefore, the proposal is considered unacceptable under policy LP14 of the Fenland Local Plan 2014 and chapter 14 of the National Planning Policy Framework 2024.

11 RECOMMENDATION

Refuse; for the following reason:

1	<p>Policy LP14 of the Fenland Local Plan 2014 and Section 14 of the National Planning Policy Framework state that all development should adopt a sequential approach to flood risk from all forms of flooding. Development in areas known to be at risk of flooding will only be permitted following the successful completion of a sequential test and exception test as necessary. The sequential test has not been passed. It has not been demonstrated that there are no alternative sites within Wisbech with a lower probability of flooding. Consequently the proposal would place people and property n an unwarranted risk of flooding, contrary to the requirements of Policy LP14 of the Fenland Local Plan 2014, Section 14 of the National Planning Policy Framework and the Cambridgeshire Flood and Water Supplementary Planning Document.</p>
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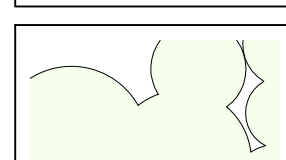
F/YR24/0813/O

Scale = 1:1,250



- General Notes
1. All dimensions are shown in "mm" unless otherwise stated.
 2. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
 3. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and specifications.
 4. Any discrepancies are to be brought to the designers attention.

SITE PLAN KEY

-  Indicates surrounding buildings - from OS Location Plan
-  Indicates approved building plot for the erection of 1 no. 2 storey, 3-bed dwelling. Ref: FV/R24/0230/F
-  Indicates development of 88 new dwellings under construction. Ref: FV/R17/0304/F
-  Indicates approved building plot for the erection of 1 no. 2 storey, 3-bed dwelling. Ref: FV/R20/0853/F
-  Indicates site boundary
-  Indicates approximate location of existing trees



Site Plan
Scale: 1:500
metres



Location Plan
Scale: 1:1250
metres

Revisions

Status
PLANNING



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Proposed Residential Development Land to the Rear of 64 Sutton Road, Leverington	Job Title	Date	Drawn by
	August 2024	RS	Checked by
Drawing Title Planning Drawing Site and Location Plans	Job No.	Sheet Size	
	SE-2163	A1	
Dwg No.	Revision		
PP1000	A		