
F/YR18/0606/O

Applicant: Mr K Crowson

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

Crowson Motors, 13 - 16A Roman Bank, Leverington, Wisbech

Erection of up to 4 x dwellings (outline application with all matters reserved)

Reason for Committee: Officer recommendation at variance to Parish Council recommendation

1 EXECUTIVE SUMMARY

The site lies within a predominantly residential area within a settlement identified as being a limited growth village where a small amount of development will be encouraged and permitted in order to support their continued sustainability.

Whilst details are not committed an illustrative layout accompanies the submission which clearly demonstrates that the site could accommodate up to 4-dwellings without detriment to the character of the location or residential amenity.

Furthermore there are no matters arising regarding highway safety and flood risk has been fully considered in accordance with the requirements of the NPPF, the FLP and Cambridgeshire Flood and Water SPD.

Whilst the scheme will see the loss of a commercial premises within a village setting it is clear that the benefits of removing a non-conforming use from the location and delivering up to 4 additional housing units outweigh the loss of these premises which the current operator has outgrown.

It is considered that this proposal accords with national and local planning policy and may be favourably recommended.

2 SITE DESCRIPTION

- 2.1 The application site is located between a continuous built up frontage of residential dwellings, with terraced dwellings to the south, detached and semi-detached dwellings to the North. There is a varied mix of styles along the road. The site currently comprises of a yard and brick built mechanics garage with MOT facilities and is accessed from Roman Bank.
- 2.2 The land is partly within flood zone 1 and partly within flood zone 3.

3 PROPOSAL

- 3.1 This application seeks outline planning permission for up to a maximum of 4 dwellings on the site of a car garage/vehicle workshop.

- 3.2 All matters have been reserved for later consideration however an illustrative layout has been submitted which seeks to demonstrate that 4 dwellings can be accommodated along with parking, turning and private amenity space.
- 3.3 As a consequence of the development the existing workshop/vehicle garage, which is currently operating, will be demolished. The agent for the scheme has indicated that land to the rear of the site, which is excluded from the current application, the agent has indicated that the blue land will transfer to Number 21 the adjoining bungalow.

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

<https://www.fenland.gov.uk/publicaccess/simpleSearchResults.do?action=firstPage>

4 SITE PLANNING HISTORY

F/0007/84/F	Use of building for repair and sale of renovated electrical appliances Unit 13 Roman Bank (most southerly unit in range)	Granted 16/02/1984
WR/65/30/D	Extension of vehicle depot	Granted 17/06/1965
TP6056	Extension of existing vehicle depot	Granted 27/08/1957
F/0034/86/F	Erection of a bungalow and double garage (No 21 Roman Bank)	Granted 18.02.1986
F/0302/84/O	Residential development (Land adj. Mini-factories) Roman Bank, Leverington	Deemed Consent 13/06/1984
F/0136/83/O	Use of site for light industrial development Land between Mini-factories and 1 Lindum Cottages, Roman Bank, Leverington (not implemented, site developed as No 21)	Deemed Consent 10/02/1983

5 CONSULTATIONS

- 5.1 **Parish Council:** *Council comment: Number of dwellings not specific. 4 dwellings would not need two exits. Dwelling not in keeping with other dwellings in the area.*
- 5.2 **Cambridgeshire County Council Highways Authority:** *The principle of 4 dwellings being erected in place of the existing garage workshop is acceptable. When layout and access are committed, I would expect to see the accesses sealed and drained 5m wide for the first 10m. Requests condition relating to the submission of access details, turning and parking.*
- 5.3 **Environment Agency:** No objection to the proposed development but make comments regarding the sequential test. The EA assume that the LPA has deemed the site to pass the sequential test and note that the LPA should be

aware that although they raise no objection to the planning application on flood risk grounds this should not be taken to mean that they consider the proposal to have passed the Sequential Test.

Review of Flood Risk Assessment (FRA): We have no objection to this application, but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment undertaken by Geoff Beel Consultancy (ref: GCB Swann Edwards, dated: May 2018) are adhered to.

Provide advice to the applicant regarding flood resilience, flood warning and foul drainage.

5.4 **North Level Internal Drainage Board:** *Have no comment to make with regard to this application*

5.6 **FDC Scientific Officer (Land Contamination):** *The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed development. The proposal is unlikely to have a detrimental effect on local air quality or the noise climate. However the unsuspected contamination condition needs to be imposed as precaution against any possible contaminative material.*

5.7 **CCC Archaeology:** *Our records indicate that this site lies in an area of high archaeological potential, adjacent to the course of Roman Bank, a linear earthwork built to protect reclaimed land from high tides and sea floods, 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). Also known as the Sea Bank, the section of the earthworks running roughly north-west to south-east 500m south of the proposed development area is designated of national importance as a Scheduled Ancient Monument (National Heritage List for England reference 1006887). The fenland tidal flats of Wisbech are characterised by a series of deposits relating to marine and fresh water flooding and the continued northward line of the Roman Bank, now reflected in the name of the road which passes adjacent to the eastern boundary of the site, formed a focus of activity responding to these conditions.*

Consequently a number of sites/areas of interest are known in the vicinity, most notably evidence for Early Medieval saltworking along the line of Roman Bank in the area north of Sharpes Farm (CHER ref 03960). A trial trench evaluation carried out to the south of the proposed development at Roman Court identified a sequence of layers relating to the remnants of the sea bank and its construction and recovered 11th-12th century pottery and building material (ECB4176).

We do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured by condition.

5.8 **Local Residents/Interested Parties:** None received

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

7.1 National Planning Policy Framework (NPPF) July 2018

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

Paragraph 11: Presumption in favour of sustainable development.

Paragraph 47: Determine applications in accordance with development plan

Section 5: Delivering a sufficient supply of homes.

Paragraph 109 - development should only be prevented or refused on highway grounds if there would be any unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe

Section 16 - Conserving and enhancing the historic environment

7.2 National Planning Practice Guidance (NPPG)

7.3 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.

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.

8 KEY ISSUES

- **Principle of Development**
- **Village Thresholds**
- **Character and Appearance**
- **Residential Amenity**
- **Risk of flooding and drainage**
- **Highway Safety**
- **Other matters**

9 BACKGROUND

9.1 The agent within the submitted Design and Access statement, which accompanies the application, notes that the proposal will enable the 'existing business to relocate to another site within the village and facilitate their current operation in the village with potential future expansion available. This opportunity does not currently exist at the current premises, which could restrict the business from future growth.'

9.2 It is further noted by the agent that 'The site is within a residential area with dwellings on either side of the existing business and the nature of the business could cause friction between the mixed uses. This site has no constraints on the operation times and can be active 24 hours a day, 7 days a week. Should the site be acquired by another company that needs to increase the operational hours of the site then this is likely to have a huge detrimental effect on the surrounding residential properties. This would clearly demonstrate a potentially unacceptable environmental and accessibility problem and would almost certainly result in numerous complaints from the neighbouring residents. As such this proposal will

provide the means for the business to relocate to Sutton Road, Leverington and enhance the visual appearance and amenity of the area. The application for the change of use at Sutton Road was approved under reference F/YR17/0873/F and the Building Regulation package is complete. The proposed site has better transport links and will reduce the traffic flow through the village of Leverington.'

10 ASSESSMENT

Principle of Development

- 10.1 The settlement hierarchy for the district identifies Leverington as being a limited growth village where a small amount of development will be encouraged and permitted in order to support their continued sustainability (Policy LP3). However this is not at the expense of other relevant material considerations including form and character, highway safety, flood risk and residential amenity

Village Thresholds

- 10.2 The village threshold for Leverington is 95; with 51 dwellings having been committed/ built since April 2011 (as per the position summary 28th September 2018). Accordingly there is no requirement for the scheme to undertake public consultation; nor is it necessary to demonstrate community support.

Character and Appearance

- 10.3 Roman Bank is characterised by linear frontage development of varying styles and scale. Immediately to the south of the site are two groups of two-storey terraced dwellings which are preceded by semi-detached properties of a similar scale and design. To the south of the garage is a single storey bungalow beyond which lie two-storey dwellings of varying designs with the street then giving over to single storey development, albeit elevated from the road level, before returning to two-storey development.
- 10.4 The introduction of four further dwellings will reinforce the street scene and will be more akin to the character and appearance of the established street scene than the low level commercial buildings with associated forecourt and outside space, bounded by commercial style fencing, currently evident.
- 10.5 It is considered that, subject to detailed design, development of the nature outline could assimilate within the existing area without detriment to the street scene; indeed the removal of the existing non-conforming commercial use would be a positive outcome of the development scheme proposals. Accordingly it is considered the scheme has the potential to achieve compliance with policy LP16 of the Fenland Local Plan.

Loss of commercial premises

- 10.4 From the planning history of the site it is clear that the garage building has been established in this location since the 1950s although it could be deemed a non-conforming use within a predominantly residential area. Furthermore it is noted that as indicated by the agents there are no safeguarding conditions appended to the planning history of the building.
- 10.5 Strictly applying the requirements of Policy LP6 would require the applicant to undertake a marketing exercise to demonstrate that there are no reasonable

prospects for the site to remain in use for B1, B2 or B8. However mindful of the quality of provision, its position within a predominantly residential area and a clear indication that the user is to relocate their existing business to a site which affords them greater opportunity for expansion it is considered, on balance, that it would not be reasonable to require such a marketing exercise to be undertaken when clearly the re-development of the site for residential purposes would be the most appropriate land use.

Residential Amenity

- 10.6 The proposed scheme will see the removal of a non-conforming use from an established residential area. As indicated by the agent there are no operating restrictions on the current premises and although the current operation and the existing residents appear to coexist without residential amenity conflict there can be no guarantees that this status quo would be maintained. Accordingly in residential amenity terms the development of this site for residential purposes could be seen as a positive outcome and compliant with Policies LP2 and LP16.
- 10.7 The illustrative layout shown, although not committed, clearly shows that there is scope to achieve adequate levels of private amenity space, and to deliver a development that will not compromise the residential amenity of the adjoining occupiers in respect of overlooking, overshadowing and privacy; accordingly the scheme has the potential to achieve compliance with Policy LP2 and LP16 of the FLP.

Risk of flooding and drainage

- 10.8 The site lies within an area identified as flood zone 1 and flood zone 3, with the area shown for development being within the highest flood risk. Accordingly it is necessary to demonstrate that there are no sequentially preferable sites available. On satisfactory completion of the sequential test it is then necessary to evidence that there are wider sustainability benefits to the community that outweigh flood risk and that the development will be safe from all sources of flood risk, will not increase flood risk elsewhere, and, where possible, will reduce flood risk overall (through the submission of a site specific flood risk assessment).
- 10.9 The agent has submitted a sequential test document, which covers the settlement of Leverington. This document considers all approvals issued since 2011 and assesses whether any of the sites are reasonably available; it draws the conclusion that there are no sites that are sequentially preferable given that they have been completed, implemented, in the process of development and/or not available. The assessment is considered sufficiently robust in its scope and detail and as such it is accepted that the sequential test is passed in this instance.
- 10.10 Having satisfied the sequential test it is then necessary to evidence compliance with the exception test; this test comprises two parts the first considering the wider sustainability benefits of the scheme and the second part site specific flood risk. In respect of sustainability benefits it is noted that the scheme will be designed so as to surpass Building Regulations in terms of energy efficiency thereby addressing one of the 'sustainability aims' outlined in the Cambridgeshire Flood and Water SPD; this may be conditioned as part of the approval.
- 10.11 In respect of site specific flood risk it is confirmed that a Flood Risk Assessment accompanies the submission and that this has been accepted by the

Environment Agency; accordingly it may be concluded that the site specific flood risk considerations are acceptable.

- 10.12 Based on the above assessment it is concluded that the development meets the requirements of FLP policy LP14, the NPPF and the Cambridgeshire Flood and Water SPD and may be supported.

Highway Safety

- 10.13 Whilst the comments of the Parish Council are noted in respect of the number of exits proposed such matters would be considered at detailed reserved matters stage. It is noted that the LHA have not raised objection to the scheme proposal highlighting that the details will be agreed at detailed stage.
- 10.14 It is considered that the scheme has the potential to accord with policy LP15 of the FLP with regard to highway safety and access and conditions will be imposed which will inform the detailed arrangements.

Other matters

- 10.15 **Archaeology:** The CCC Archaeology team have identified that the site should be subject to a programme of archaeological investigation secured by condition given that it is within an area of high archaeological potential.
- 10.16 **Conditions:** From 1 October 2018 section 100ZA(5) of the Town and Country Planning Act 1990 provides that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition (except in the circumstances set out in the Town and Country Planning (Pre-commencement Conditions) Regulations 2018). One such circumstance is the grant of outline planning permission and accordingly no action is required by the LPA in this respect relating to this submission.

11 CONCLUSIONS

- 11.1 This scheme will see the removal of a non-confirming use from what is a residential area and will contribute 4 housing units within an area identified as a limited growth village.
- 11.2 Subject to detailed design and layout, which will be considered at reserved matters stage, the development has the potential to fully accord with the Fenland Local Plan and as such may be supported.

12 RECOMMENDATION

Grant with conditions

Conditions

- 1 Approval of the details of:
- (i) the layout of the site
 - (ii) the scale of the building(s);
 - (iii) the external appearance of the building(s);

- (iv) the means of access thereto;
- (v) the landscaping

(hereinafter called "the Reserved Matters" shall be obtained from the Local Planning Authority prior to the commencement of development).

Reason - To enable the Local Planning to control the details of the development hereby permitted.

- 2 Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

Reason - To ensure compliance with Section 92 of the Town and Country Planning Act 1990.

- 3 The development hereby permitted shall begin before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 4 No demolition/development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI which shall include:

- a) The statement of significance and research objectives;
- b) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- c) The programme for the analysis, publication & dissemination, and deposition of resulting material.

Part (c) of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI. Developers will wish to ensure that in drawing up their development programme, the timetable for the investigation is included within the details of the agreed scheme.

Reason - To ensure that the significance of historic environment assets is conserved in line with NPPF section 16

- 5 Prior to the commencement of the development, details of renewable energy and climate change adaption measures to be incorporated into the development to achieve an 'A' rated Energy Performance Certificate shall be submitted to and approved in writing by the LPA. The measures shall thereafter be implemented in full and retained and maintained in perpetuity.

Reason - To ensure that the development offers wider sustainability benefits in accordance with the NPPF (2018), Fenland Local Plan (2014) Policy LP14 and the Cambridgeshire Flood and Water SPD (2016)

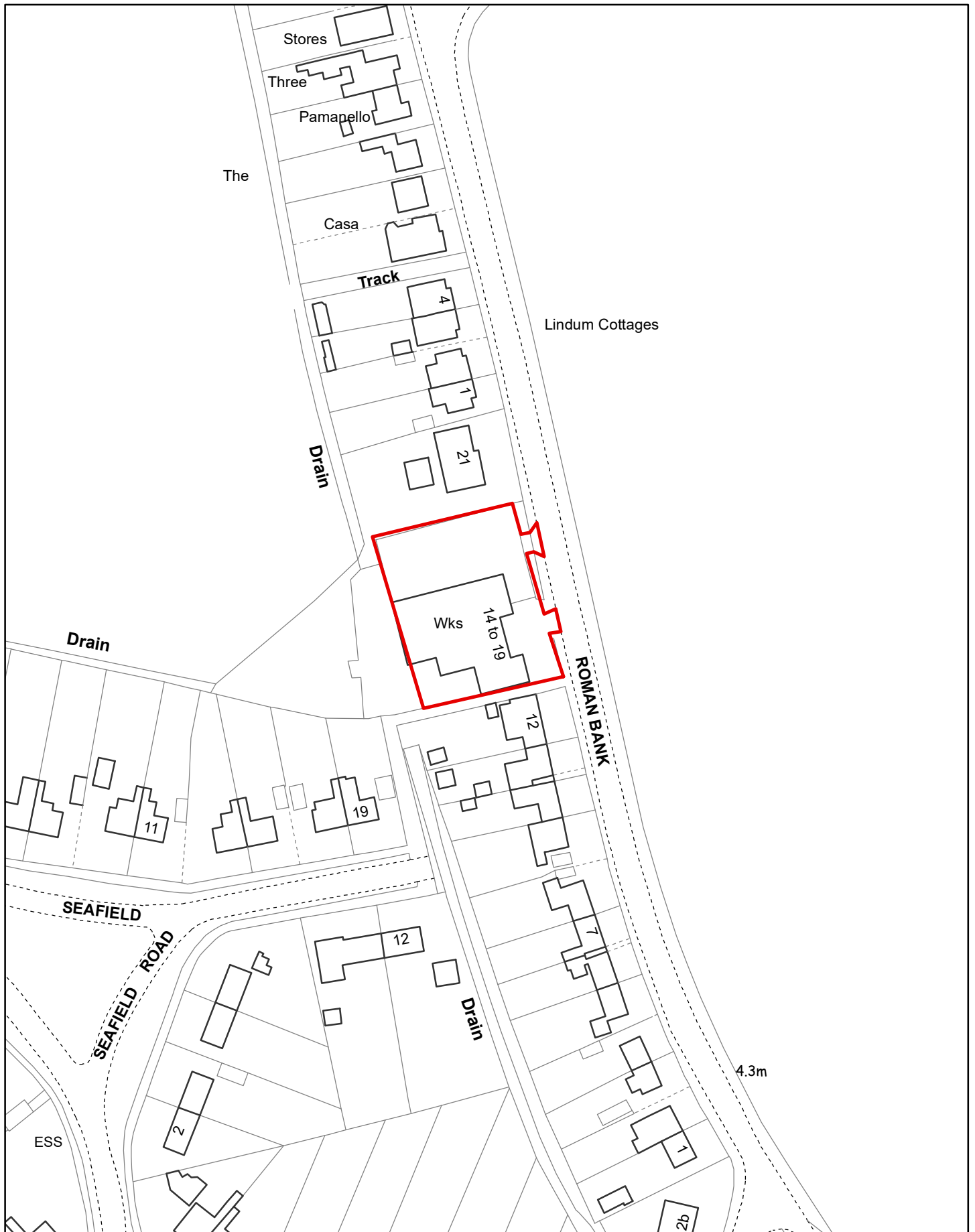
- 6 The development shall be undertaken in accordance with the Flood Risk Assessment undertaken by Geoff Beel Consultancy (ref: GCB Swann Edwards, dated: May 2018) are adhered to; i.e.
- Floor level of the proposed dwellings will be 700mm above land level to be compatible with the Roman Bank carriageway level.
 - There will be no sleeping accommodation on the ground floor.

Reason - to ensure that future occupants are safeguarded against flood risk in accordance with Policy LP14 of the FLP.

- 7 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, a Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason - To ensure that the development complies with approved details in the interests of the protection of human health and the environment.

- 8 The development hereby permitted shall be carried out in accordance with the following approved plans and documents



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