

F/YR12/0043/F
20 January 2012

Applicant : Mr D Edson

Agent : Mr N Lowe
Peter Humphrey Associates Ltd

Land East Of 135 Elm Low Road, Wisbech, Cambridgeshire

Erection of a single-storey 3-bed dwelling involving demolition of existing shed

This proposal is before the Planning Committee due to a Member interest.

This application is a minor application.

1. **SITE DESCRIPTION**

The site lies to the east of 135 Elm Low Road, but lies within the garden of 141 Elm Low Road. It houses a single storey brick workshop which is currently used as an ancillary building to the dwelling. A timber fence forms the boundary between the site and number 129 Elm Low Road to the north. The site area is 0.06 hectares and lies within Flood Zone 1.

2. **HISTORY**

Of relevance to this proposal is:

- | | |
|---------------|--|
| F/YR11/0653/F | - Erection of a single storey 3 bed dwelling involving demolition of existing shed, Land east of 135 Elm Low Road – Withdrawn – 25/10/11 |
| F/YR04/3406/F | - Erection of 2 x 2 bed semi-detached houses involving demolition of existing dwelling, 129 Elm Low Road – Granted – 8/12/2004 |
| F/YR03/1346/F | - Erection of 2 x 3 bed semi-detached houses, Land west of Briar Cottage, 129 Elm Low Road – Granted – 23/12/2003 |
| F/YR03/0717/F | - Erection of dwelling, Land west of Briar Cottage, 129 Elm Low Road – Granted – 28/07/2003 |
| F/YR03/0405/O | - Erection of single storey dwelling following demolition of existing workshop, Land north of 141 Elm Low Road – Refused – 16/05/2003 |
| F/YR03/0165/O | - Erection of two dwellings involving demolition of existing dwelling, Briar Cottage, Elm Low Road – Granted – 24/04/2003 |
| F/97/0110/F | - Erection of a 4 bed detached house with attached granny annexe and detached double garage involving demolition of existing dwelling, 129 Elm Low Road – Granted – 26/06/1997 |
| F/95/0152/F | - Continued use of outbuilding as wrought iron workshop and for picture framing, Whitehaven workshop, Elm Low Road – Granted – 27/06/95 |

3. CONSULTATIONS

Parish/Town Council:

Recommend approval as members have no objections or observations in respect of this application.

Local Highway Authority (CCC):

Thank you for the information relating to the location of the speed data collection tubes.

Elm Low Road comprises a metalled carriageway which varies in width along its length. In places it is in excess of 7.0m wide. However, it does not benefit from footways.

Vehicles and pedestrians share the same space.

Although the existing drive serves the vehicular and pedestrian traffic associated with two dwellings already it is clear from the speed data that has been presented that the junction of the drive with Elm Low Road in terms of vehicle to vehicle visibility is severely restricted. In addition, no pedestrian visibility exists.

The 85%ile speed of vehicle southbound past the site has been presented as 32.4mph and northbound as 31.7mph.

The existing access therefore should be improved to provide visibility splays of 2.4m x 43.0m. Although the submitted layout plan does not indicate the provision of any visibility splays, it would appear that the required splays affect third land.

Unless the applicant can demonstrate that the access can be improved to accommodate appropriate splays I have no option but to recommend refusal of the proposal:-

- As far as can be determined from the submitted plans, the applicant does not appear to control sufficient land to provide adequate visibility at the site access. The proposed development would be detrimental to highway safety.

Middle Level Commissioners

Awaited – will be commenting

Environment Agency

The site is located over a historic landfill site. We consider that the controlled waters at this site are of low environmental sensitivity; therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

The developer should address risks to controlled waters from contamination at the site, following the requirements of PPS23 and the Environment Agency's 'Guiding Principles for Land Contamination'.

Your Council's Environmental Health Officer should be consulted with regard to the risks posed to human health from the historic landfill site.

Borough of Kings Lynn and West Norfolk (Neighbouring Authority)

Does not wish to raise any objections to the proposed development.

FDC Scientific Officer (Land Contamination):

This application falls right on top of the former Wisbech Canal. Whilst the potential for gas issues in the buffer zone of the canal have been dealt with, contamination is still a real consideration for applications falling on the actual canal itself. Attach contaminated land condition.

Anglian Water

No comments received

Local residents/interested parties:

Four letters have been received from near neighbours. The following issues have been raised.

- No objection from occupier of a property on Elm High Road as long as there is no invasion of privacy.
- Occupiers of Elm Low Road object on the following grounds:
 - Problems associated with demolition of the workshop and use of driveway along with fears over damage to property and health.
 - Problems with parking and turning areas proposed as not confident that they will work on the ground.
 - The existing driveway is single track and not suitable for

increased traffic.

- Noise and disturbance from traffic on gravel drive.
- Ability of occupiers of new property to look into bedroom windows backing onto the site.
- Unnecessary to build any more houses in the area as road is affected by increase in traffic.

4. POLICY FRAMEWORK

FDWLP Policy

- | | | |
|----|---|--|
| H3 | - | Proposals favoured for new dwellings within DAB's subject to meeting requirements of other policies within the Local Plan. |
| E8 | - | Proposals for new development Should: <ul style="list-style-type: none">▪ Allow for protection of site features;▪ Be of a design compatible with their surroundings;▪ Have regard to amenities of adjoining properties;▪ Provide adequate access. |

East of England Plan

- | | | |
|------|---|-----------------------------------|
| ENV7 | - | Quality in the built environment. |
|------|---|-----------------------------------|

Planning Policy Statements

- | | | |
|------|---|------------------------------------|
| PPS1 | - | Delivering Sustainable Development |
| PPS3 | - | Housing |

5. ASSESSMENT

Nature of Application

This is a full planning application for the erection of a 3-bed single storey dwelling on land located to the east of no. 135 Elm Low Road. The site is currently garden land to no. 141 Elm Low Road and houses a domestic workshop. Two parking spaces are provided in front of the dwelling and access is taken from Elm Low Road to the north of 131. This access currently serves a pair a semi detached properties to the rear of 131-133 and provides their parking area. A small area on the eastern boundary of the site lies within the Borough of King's Lynn and West Norfolk.

The application is considered to raise the following key issues;

- Site history
- Principle and policy implications
- Layout and Design

- Access and Parking
- Service provision - bin storage

Site History

The site and its immediate environs have been the subject of many planning applications since the early 1980's.

The workshop on the application site, which will be demolished to make way for the proposed dwelling, obtained planning permission to be used as a builders store/carpenters workshop/light steel manufacture and the use ceased in 1992. Planning permission was subsequently granted for the use of the building as a wrought iron workshop and for picture framing. The permission was initially temporary, but in 1995 it was granted to be used by the occupier of the dwelling (no. 141) and personal to the applicant. The building is now used in association with the dwelling only for non-commercial purposes.

An outline application for a bungalow on the application site was refused in 2003 as unacceptable backland development, contrary to Policy H3 of the Fenland District Wide Local Plan. The only major difference between the 2003 submission and the current application is that in 2003 the access was proposed from Elm Low Road between no's. 135 and 141.

A property known as Briar Cottage occupied the plot to the north of no. 135 Elm Low Road and was set well back from the road in reasonably large grounds. In late 2003 planning permission was granted for the erection of 2 x 3-bed semi detached dwellings in the front garden of Briar Cottage and this was followed in 2004 with planning permission for a pair of 2-bed semis on land to the rear of these new properties. The dwellings replaced a detached house and occupy a roughly similar footprint to the demolished dwelling. The dwellings on the road frontage are no's 131 and 133 and those to the rear are no's 127 and 129 Elm Low Road.

In August 2011 an application for a single storey 3-bed dwelling was submitted in a very similar form to the current application. The Highway Authority recommended refusal of the application and it was withdrawn.

Principle and Policy Implications

The site lies within the built up area of Wisbech and as such is in a location where the Local Plan Policy H3 supports new residential development provided it is sympathetic to the character and amenities of the location; does not give rise to serious amenity, highway problems or conflict with other policies of the plan.

PPS3 – Housing was re-issued in June 2010 and has redefined previously developed land to exclude private residential gardens. Design quality is seen as of paramount importance and new development should be well integrated with, and complement, the neighbouring buildings and locality in terms of density, layout and access. Policy E8 of the Local Plan contains similar principles for new development.

Layout and Design

The layout of the proposed development appears contrived due to the irregular shape of the plot. In order to ensure the occupiers of no. 129 can park two cars to the south of their property, as opposed to in the access road to the front of their house as at present, the applicant has indicated the provision of a parking and turning space within the curtilage of the proposed bungalow. This space will be approx. 1 metre away from the only window to serve bedroom 2 and will be bordered by a 1.8 metre high close boarded fence giving a very poor outlook. Bedrooms two and three of the proposed dwelling will be in very close proximity to the neighbours parking and shared turning area and this is considered to provide a sub-standard level of residential amenity, in terms of outlook and noise and disturbance, for the occupiers of the proposed property in particular. In addition parking spaces for the new dwelling are proposed to the front of the dwelling which will introduce additional vehicular movements to the rear of no. 135. It is accepted that the area in front of the workshop is used for the parking of vehicles, but it appears to be used as a storage area which would not attract the daily movements created by a three-bed dwelling. The plans indicate that the existing gravel drive will be extended so the choice of this material will do nothing to mitigate the additional noise and disturbance created by the vehicular activity associated with a new dwelling.

Elm Low Road has a varied mix of building styles with no particular characteristic appearing as dominant. As a result this conventional bungalow is not at odds with the existing development, however, the agent indicates that the proposal has been designed to have a minimal impact in the locality and provide a low maintenance property for the occupier. This highlights the fact that the site has a number of constraints which require careful consideration such as the backland location; restricted access; restricted plot width and difficulties in satisfying the parking arrangements for existing and proposed dwelling.

Whilst no's. 127 and 129 Elm Low Road lie in a backland location, the planning history discussed earlier in the report shows that these properties were built on the footprint of a single dwelling which was set well back from the road. The properties on the road frontage were built in the front garden of the existing property which was subsequently demolished and the site redeveloped with a small pair of semis. As a result it is clear that the dwellings to the north of the application site do not set a precedent for backland development in this location and there is a previous refusal for residential development on the application site dating back to 2003. It is acknowledged that the position of the access has changed, but it has not overcome previous objections to the development. Any residential development on this plot would constitute backland development which should be resisted. This is due to the detrimental impact on nearby neighbours, poor levels of residential amenity for the occupiers of the proposed property and the creation of an undesirable precedent.

Access and Parking

The proposed parking arrangements give rise to considerable concern regarding their ability to work satisfactorily and provide an adequate level of residential amenity to the occupiers of proposed and existing properties. The

nearest neighbours to the site have raised concerns about whether there is enough room to provide the layout shown on the plan and the fact that no visitor parking will be provided as most households have two cars. The driveway is shown to be approx. 5 metres wide for its entire length and neighbours are concerned about the increase in traffic and the restricted access in terms of cars not being able to pass on the driveway. A further concern is the potential use of the existing access during the demolition and construction period. It would appear that if the access to serve the dwelling is used it will cause considerable noise, disturbance and congestion to the current residents.

Speed survey data has been provided as the applicant was aware that the Highway Authority has concerns about the suitability of the access to serve an additional dwelling. The data has been assessed and as a result the applicant has been asked to provide visibility splays of 2.4metres x 43.0m. The submitted plans do not show any visibility splays. It is felt that in order to achieve the necessary splays land which the applicant does not control is required. The Highway Authority has recommended refusal of the application, on highway safety grounds, unless the applicant can demonstrate that the access can be improved to accommodate the appropriate splays. Plans have been requested but not received at the time of writing this report.

Service Provision

The submitted plan shows provision for bin storage within the site to the rear of the neighbour's parking space. The bins will require wheeling down the gravel drive over a distance of approx. 50 metres to the highway for collection.

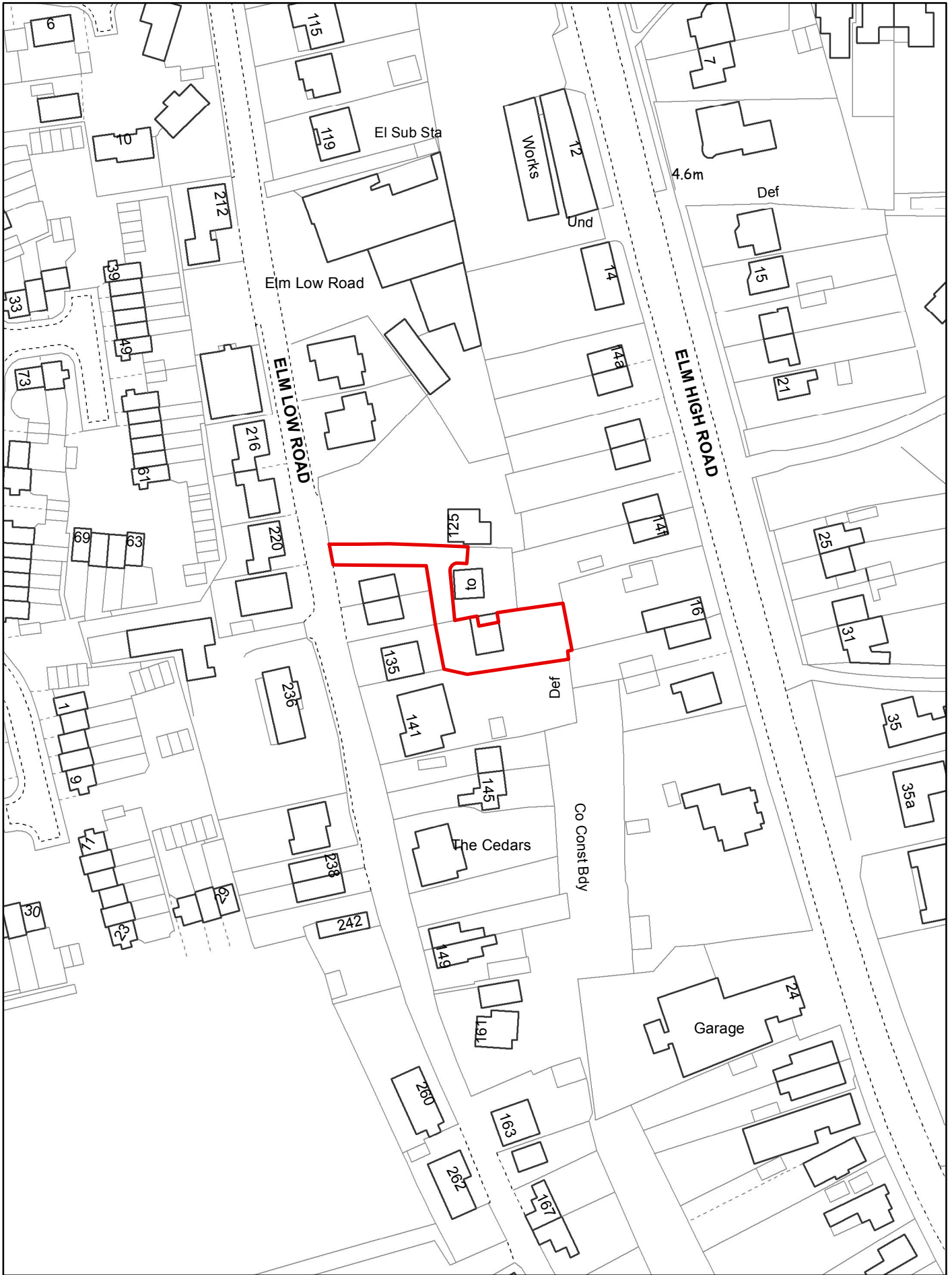
Conclusion

The proposal represents a form of backland development which cannot be supported due to the resulting contrived parking, substandard access drive and the poor quality of residential amenity which will be created for the occupiers of the proposed and existing properties. As a result the proposal is contrary to the provisions of Policy H3 and E8 of the Fenland District Wide Local Plan and the recommendation is to refuse the application.

6. RECOMMENDATION

Refuse

- 1. The proposal is contrary to Policy E8 of the Fenland District Wide Local Plan in that it would have a detrimental impact on the amenity of the adjoining properties, the surrounding area, and the locality in general by virtue of the location of the proposed dwelling on a backland site.**
- 2. The applicant has failed to demonstrate on the submitted plans that sufficient land lies within his control to provide adequate visibility at the site access. Accordingly the proposed development would be detrimental to highway safety and contrary to Policy H3 of the Fenland District Wide Local Plan.**



Created on: 24/01/2012

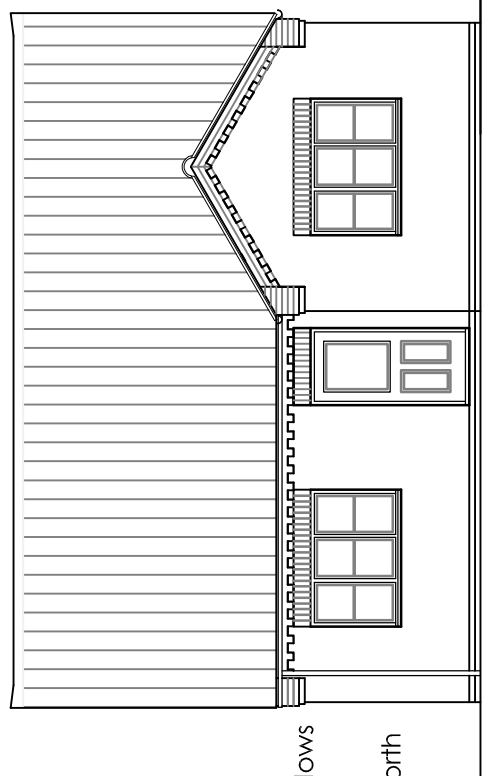
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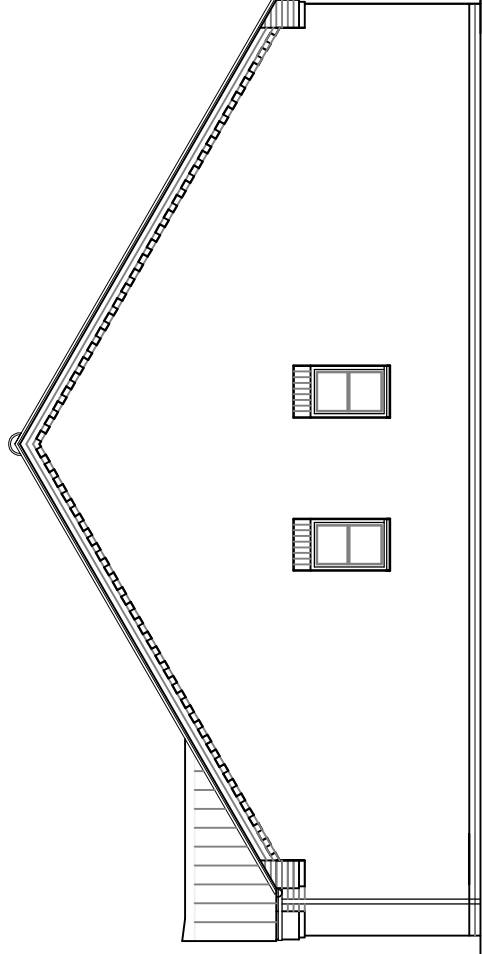


Sandstone double panille rustic

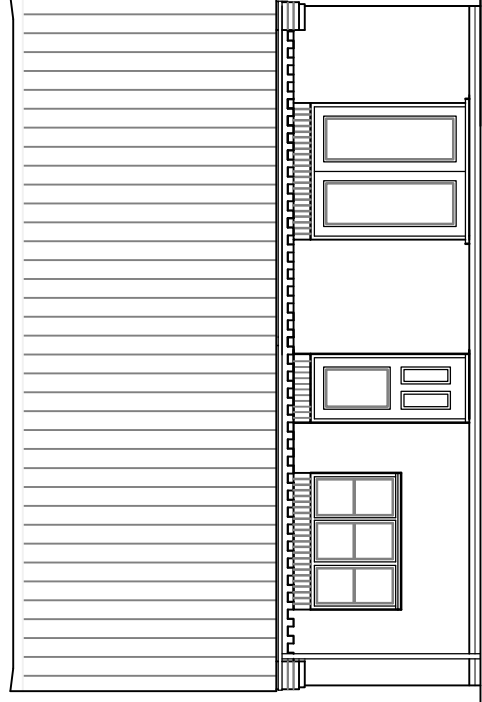


White upvc windows
Desimple Kentilworth
Red Multi

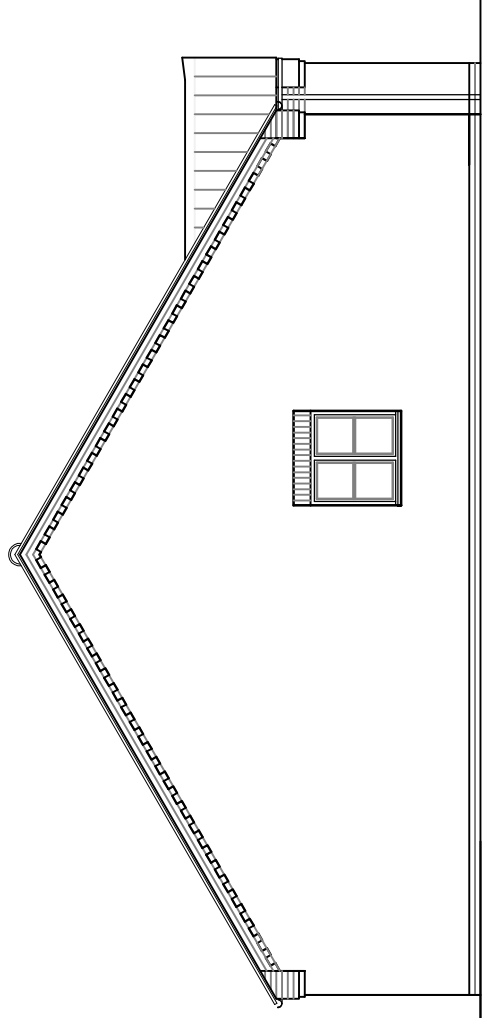
Front Elevation
SCALE 1:100



Side Elevation
SCALE 1:100



Rear Elevation
SCALE 1:100



Side Elevation
SCALE 1:100

TREE PLANTING

- A SILVER BIRCH - BETULA
- B HORNBEAM - CARPINUS
- C WHITEBEAM - SORBUS

TREES PLANTED TO BE 1.800m HIGH

SP SHRUB PLANTING TO INCLUDE

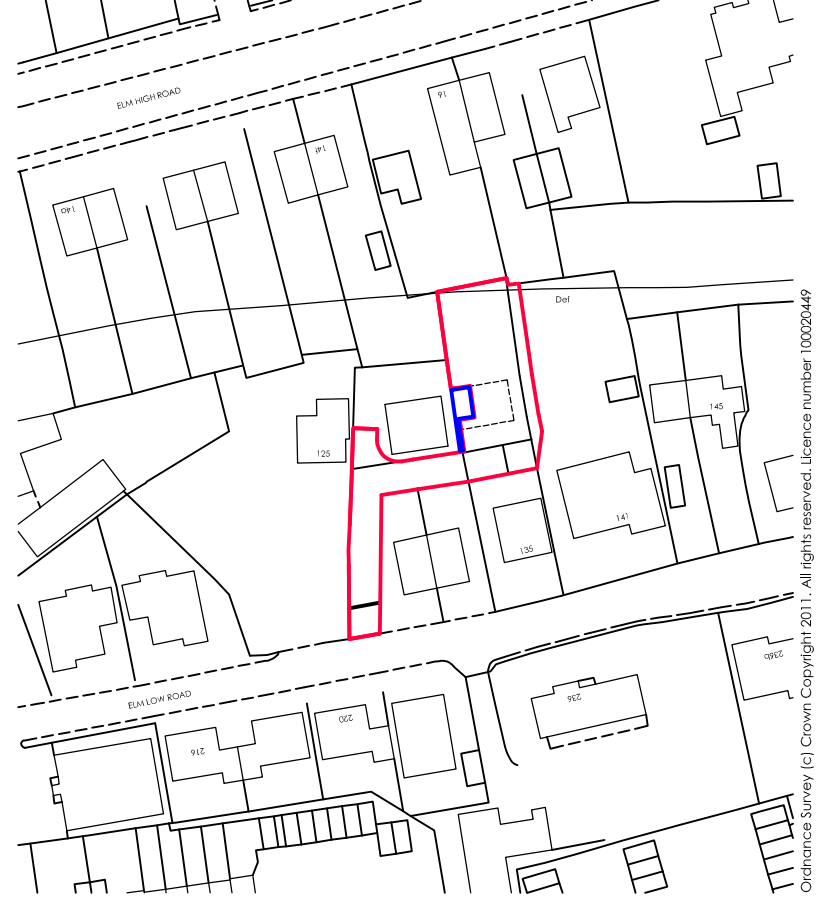
- BARBERRY (BERBERRIS) GUelder ROSE (VIBURNUM)
- Buddleia DAVIDII, FORSYTHIA X INTERMEDIA LYnWOOD
- MOCK ORANGE (PHILADELPHUS) SNOWY MESPILUS (AMELANCHIER)

C3 POT SIZE
PLANTING SIZE 40-60cm
PLANTED AT 750mm CTS

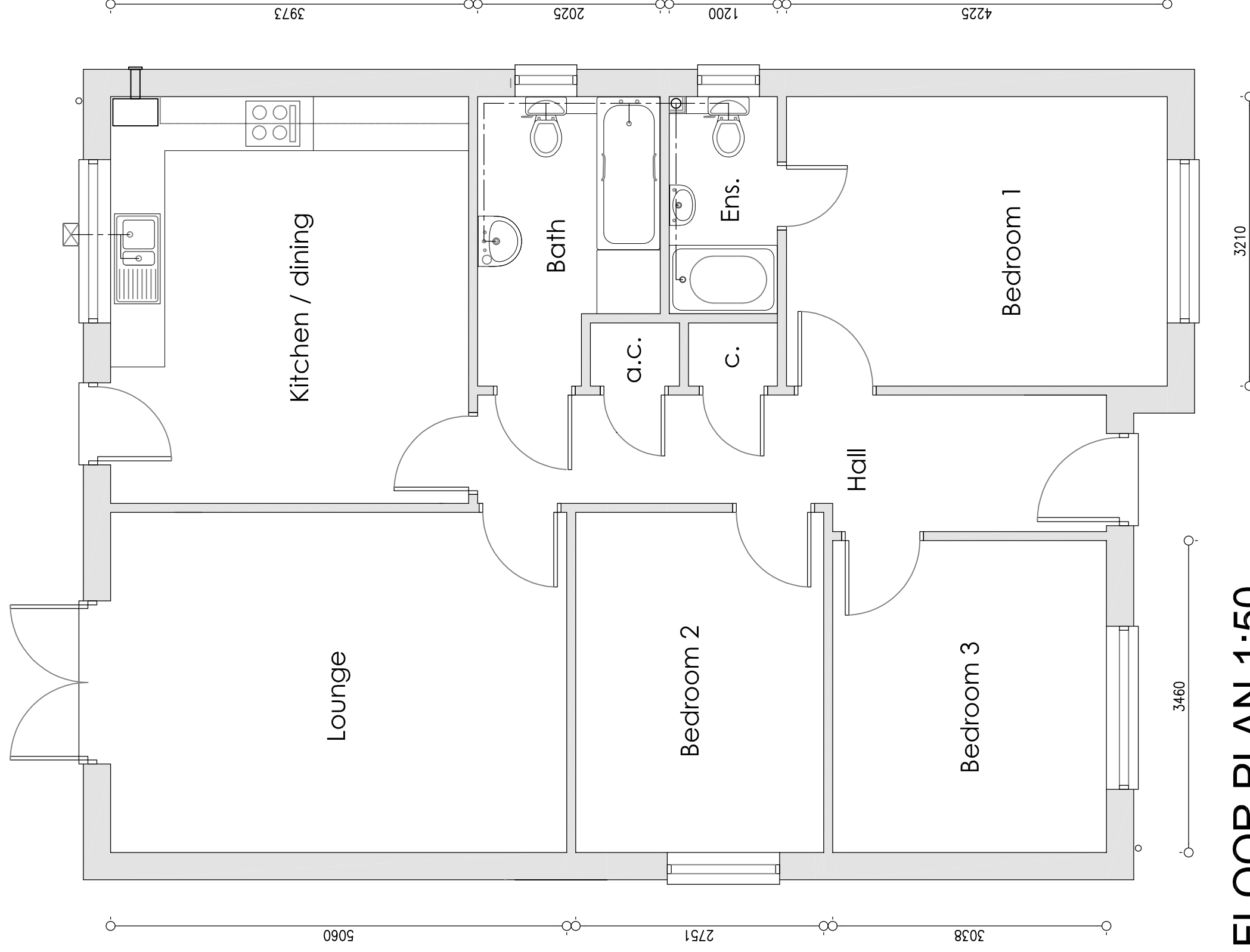
GC GROUND COVER PLANTS

- COTONEASTER HORIZONTALIS,
- HEDERA HELIX, LAVANDULA SPICA

6 PLANTS PER METRE SQ.



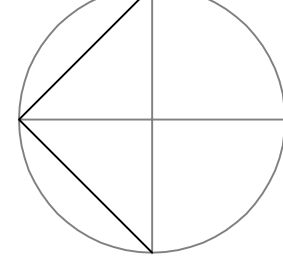
LOCATION PLAN 1:1250



FLOOR PLAN 1:50



SITE PLAN 1:250



Peter Humphrey Associates Ltd.
ARCHITECTURAL DESIGN AND BUILDING

PROJECT
RESIDENTIAL DEVELOPMENT
REAR OF 135 ELM LOW ROAD
ELM
WISBECH

CLIENT
DENE HOMES LTD
DATE: JULY 2011 SCALE: AS SHOWN JOB NO: 4724-PL01C

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