

F/YR11/0577/F

25 July 2011

Applicant : Mrs J Findley

Agent : Mr Nigel Lowe
Peter Humphrey Associates Ltd

Land East of Potential House, Kirkgate, Tydd St Giles, Cambridgeshire

Erection of 2 x single-storey 4-bed dwellings and 2 x 2-storey 4-bed dwellings with associated detached double garages

This application is before the Planning Committee at the request of Cllr Humphrey as he considers that it fits in with executive housing criteria.

This application is a 'Minor'

1. **SITE DESCRIPTION**

The site is located on the northern side of Kirkgate, beyond the established settlement of Tydd St Giles. The current use of the site is as a paddock, ménage and stables associated with Potential House. The site boundaries are heavily landscaped and the trees to the front are the subject of a preservation order. Although there is some sporadic housing within the vicinity, the area is largely rural in character.

2. **HISTORY**

F/YR02/0674/F – Erection of stable block – Granted 05/08/2002

F/YR01/0101/F – Retention of stable block comprising 4 no stables and store – Granted 27/03/2001

F/99/0748/F – Retention of a stable block comprising 3 no stables and a store – Granted 09/02/2000

F/98/0482/F – Retention of a stable block comprising 4 no stables and a store – Granted 18/11/1998

3. **CONSULTATIONS**

Parish/Town Council:

Do not support the erection of four houses but would support two dwellings at the front of the property

FDC Tree Officer:

Protective fencing should be put in place before any contractor occupancy, there should be no excavations within the root protection areas of the trees unless by hand, any roots above 25mm in diameter should be left and advice sought on whether it is safe to sever in view of the long term potential of the trees

Environment Agency:	No objections
North Level IDB:	No objection in principle, will need to see details of the sustainable drainage system
FDC Scientific Officer:	Contaminated land condition and informative required
CCC Archaeology:	The site should be subject to a programme of archaeological investigation
CCC Highways:	Not received at time of report
Neighbours:	2 letters of support received; the proposal will enhance the streetscene, it will bring families to the village who will use the amenities, it will improve the appeal of the village and the golf and leisure facility and it would attract more investment.

4. POLICY FRAMEWORK

FDWLP Policy	E8	- Proposals for new development should: -allow for protection of site features; -be of a design compatible with their surroundings; -have regard to the amenities of adjoining properties; -provide adequate access
	H3	- To resist housing development outside DABs. To permit housing development inside DABs provided it does not conflict with other policies of the Plan.
	TR3	- Parking standards
East of England Plan	ENV7	- Quality in the Built Environment
Planning Policy Guidance (PPGs and PPSs)	PPS1	- Delivering Sustainable Development
	PPS3	- Housing
	PPS7	- Sustainable development in rural locations

5. ASSESSMENT

Nature of Application

This application seeks full planning permission for the erection of 2 x single-storey 4-bed dwellings and 2 x 2-storey 4-bed dwellings with associated double garages on land which is beyond any established settlement. The application is considered

to raise the following key issues;

- Principle and policy implications
- Design, layout and residential amenities
- Other matters

Principle and policy implications

The site is located outside of any Development Area Boundary (DAB). DABs are put in place to ensure that villages grow in a sustainable manner and to prevent sprawl and unnecessary encroachment of the open countryside. H3 of the Local Plan stipulates that housing development outside of DABs should be resisted, however, PPS7 allows for some housing in these locations providing a justification in terms of agriculture, horticulture etc is provided. In this instance no justification has been submitted for the need for the dwellings in this location. As such the application is contrary to H3 of the Local Plan and PPS7 and is, therefore, unacceptable in principle.

The site is approximately 360m away from the DAB and the nearest footpath is approximately 230m away. The proposal is wholly dependant on private vehicles as pedestrians would not be able to safely access the site due to the lack of footpath. Whether this is likely to encourage users of the site to use the amenities within the village is, therefore, questionable. The distance away from the established settlement and the nearest footpath demonstrates that the proposal is not a form of natural growth of the village and that it is contrary to fundamental sustainability principles. The proposal could result in a dangerous precedent for further sprawl along Kirkgate, thereby compromising the village further.

Design, layout and residential amenities

The proposal includes four large individually designed units arranged around a central private access with two at the front of the site, and two to the rear. The development does not have the appearance of a courtyard due to the domestic nature of plots 3 and 4 and because of the way in which the units are arranged. Instead it gives the impression that plots 2 and 3 are backland developments which is distinctly different to the sporadic frontage developments which are characteristic of this area.

Access will be via the existing entrance to the site, along a private roadway. The bin stores are located within the curtilages of each of the dwellings meaning that plots 2 and 3 will have to drag their bins approximately 80m to be collected from the main highway. Given that there is no footpath to the front of the site there is a strong potential for conflict in pedestrian and vehicular movements and bin storage, to the detriment of highway safety. This is contrary to provisions of the Development Plan.

There is no distinctive character in terms of design of dwellings along Kirkgate, therefore, no concerns are raised with regard to the appearance of the dwellings. However, given the amount of units, both dwellings and garages, clustered together and their irregular layout, it is contended that the overall appearance of the development will seem cluttered which will be detrimental to the character and appearance of the open countryside. The situation is worsened by the positioning of the garage to plot 4 which will act as a poor focal point when viewing the development from a public perspective.

Given the layout of the development and the distance to the nearest other residential occupiers, it is considered unlikely that undue overlooking or overshadowing will occur. Ample parking and private amenity space is available within the site.

Other matters

Comments received from the Parish Council and from neighbouring properties have been noted and have already been addressed within the body of this report.

Conclusion

The site is located over 360m from any Development Area Boundary and over 230m away from the nearest footpath. No justification has been submitted for residential development in this location. The proposal is not a natural extension of the village, instead it constitutes sprawl which is to the detriment of the open countryside. The proposal is contrary to Development Plan policies and is, therefore, recommended for refusal.

6. RECOMMENDATION

REFUSE

- 1. By virtue of the nature and location of the site, the proposal fails to respect the form and character of the settlement as a whole. In addition, the proposal would set a precedent for further housing along Kirkgate thereby exacerbating the potential for sprawl. The proposal is, therefore, contrary to Planning Policy Statement 1 and Planning Policy Statement 3.**
- 2. The proposal would result in unjustified residential development within the open countryside, contrary to H3 of the Fenland District Wide Local Plan and Planning Policy Statement 7.**
- 3. The design and layout of the dwellings fails to take the opportunity to improve the character and quality of the area. The proposal is, therefore, contrary to E8 of the Fenland District Wide Local Plan, ENV7 of the East of England Plan and Planning Policy Statement 1.**

7. UPDATE

Members will recall this application being approved at the Planning Committee meeting of 19 October 2011. Since then the Section 106 (S106) to provide the footpath along the front of the site to reach the existing footpath on Kirkgate has been completed. Now that the S106 has been agreed Officers are in a position to issue the decision notice. The purpose of this update is, therefore, to agree the list of conditions to be imposed on the planning permission.

8. RECOMMENDATION

Grant as per the conditions set out below:

- 1. The development permitted shall be begun before the expiration of 3 years from the date of this permission.**

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

- 2. All hard and soft landscape works including any management and maintenance plan details, shall be carried out in accordance with the approved details. All planting seeding or turving and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.**

Reason - To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development.

- 3. The access shall be a minimum width of 5.0m for a minimum distance of 10.0m measured from the nearside channel line of the Carriageway of Kirkgate.**

Reason – In the interests of highway safety.

- 4. Prior to the first occupation of the development sufficient space shall be provided within the site to enable vehicles to park clear of the public highway. In addition, a common turning area shall be provided at the end of the private drive to enable vehicles to enter, turn and leave the site in forward gear. The area shall be levelled, surfaced and drained and thereafter retained for that specific use.**

Reason – In the interests of highway safety.

- 5. Prior to the first occupation of the development, the visibility splays as shown on drawing number 4681-PL03h dated 05 December 2012 shall be provided each side of the vehicular access. The splays shall be thereafter maintained free from any obstruction exceeding 0.6m above the level of the highway carriageway.**

Reason – In the interests of highway safety.

- 6. Prior to the first occupation of the development the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council specification.**

Reason – In the interests of highway safety.

- 7. The access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjoining public highway, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.**

Reason – In the interests of highway safety.

- 8. Prior to the commencement of any works or storage of materials on the site all trees that are to be retained shall be protected in accordance with British Standard 5837:2005. Moreover measures for protection in accordance with that standard shall be implemented and shall be maintained to the Local Planning Authority's reasonable satisfaction until the completion of the development for Building Regulations purposes.**

Reason - To ensure that retained trees are adequately protected.

- 9. No development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme and timetable of archaeological work and recording in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The approved programme shall then be implemented in accordance with the approved timetable prior to any other works taking place on site.**

Reason - To secure the provision of the investigation and recording of archaeological remains threatened by the development and the reporting and dissemination of the results in accordance with policy E7 of the Fenland District Wide Local Plan.

- 10. The development hereby permitted shall not be commenced until a scheme and timetable to deal with contamination of land and/or groundwater has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:**

- 1. A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. This should include a conceptual model, and pollutant linkage assessment for the site. Two full copies of the desk-top study and a non-technical summary shall be submitted to the Local Planning Authority.**

IF during development any previously unsuspected contamination is discovered then the LPA must be informed immediately. A contingency plan for this situation must be in place and submitted with the desk study. If a desk study indicates that further information will be required to grant permission then the applicant must provide, to the LPA:

- 2. A site investigation and recognised risk assessment carried out by a competent person, to fully and effectively characterise the nature and extent of any land and/or groundwater contamination, and its implications. The site investigation shall not be commenced until:**

- (i) A desk-top study has been completed, satisfying the requirements of paragraph (1) above.**
(ii) The requirements of the Local Planning Authority for site investigations have been fully established, and
(iii) The extent and methodology have been agreed in writing with the Local

Planning Authority. Two full copies of a report on the completed site investigation shall be submitted to the Local Planning Authority.

Following written LPA approval of the Site Investigation the LPA will require:

3. A written method statement for the remediation of land and/or groundwater contamination affecting the site. This shall be based upon the findings of the site investigation and results of the risk assessment. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

4. The provision of two full copies of a full completion report confirming the objectives, methods, results and conclusions of all remediation works shall be submitted to the Local Planning Authority.

Reason - To control pollution of land or water in the interests of the environment and public safety. Prevention of new contamination.



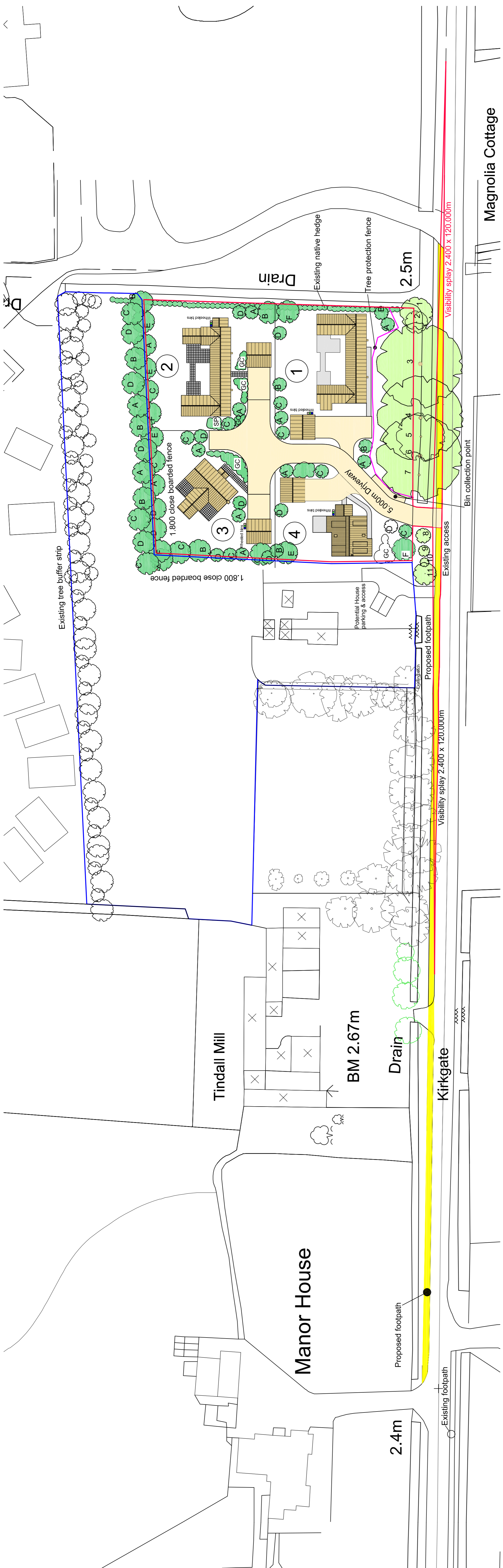
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Reference: F/YR11/0577/F

Scale = 1:2,500



- 1 DEC 2011



TREE PLANTING
 A SILVER BIRCH - BETULA
 B CHERRY - PRUNUS
 C WHITEBEAM - SORBUS
 D HORNBREAM - CORPINUS
 E OAK - QUERCUS
 F WALNUT - JUGLANS
 TREES PLANTED TO BE 1.800m HIGH

SP SHRUB PLANTING TO INCLUDE
 BARBERRY(BERBERIS) GUelder ROSE(VIBURNUM)
 BUDDLEIA DAVIDII FORSYTHIA X INTERMEDIJALYNWOOD
 MOCK ORANGE(PHILADELPHUS)SNOWY MESPLUS(AMELANCHIER)
 C3 POT SIZE
 PLANTING SIZE 40-60cm
 PLANTED AT 750mm c/s

GC GROUND COVER PLANTS
 COTONEASTER HORIZONTALIS
 HEDERA HELIX/LAVANDULA SPICA
 6 PLANTS PER METRE SQ.

SITE PLAN 1:1500

Method statement for protection of trees on site during construction:

Prior to any contractor occupancy on the site, protective fencing shall be erected around each tree or tree group. Protective fencing in accordance with BS 5837 unless otherwise agreed in writing with the local Planning Authority.

- New hard surfaces or paths in accordance with minimum recommended distances for protective fencing.
- No burning shall take place in a position where the flames could extend to within 5m of foliage, branches or the trunk of any tree to be retained.
- No excavation within the root protection area of retained trees unless they are excavated by hand. Any roots above 25mm in diameter should be left and advice sought on whether it will affect the long term potential of the trees.

31/10/2011 rev 9 highways details added
 24/10/2011 rev 8 highways details added
 08/09/2011 REV B TREES AMENDED

Peter Humphrey Associates Ltd.
 ARCHITECTURAL DESIGN AND BUILDING

PROJECT
 PROPOSED RESIDENTIAL DEVELOPMENT

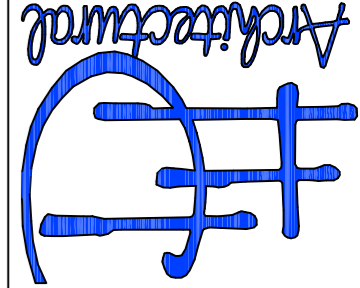
SITE
 ADJACENT POTENTIAL HOUSE
 KIRKGATE
 TYDD ST GILES

DRAWING
 PROPOSED

CLIENT
 MRS. FINDLAY

DATE JUNE 2011 SCALE As Shown JOB No. 4681-PL03h

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TREE SCHEDULE - In accordance with BS 5837 'Trees in relation to construction'

Tree No.	Common tree name	Height (m)	Canopy diameter (m)	Trunk diameter (m)	Tree age	Condition	Recommendations
1	Silver Birch	7.000	8.600	0.400	Mature	Good	Retain
2	Silver Birch	7.500	6.000	0.250	Mature	Good	Retain
3	Poplar	15.000	22.000	1.000	Mature	Good	Retain
4	Poplar	15.000	22.600	0.850	Mature	Good	Retain
5	Sycamore	8.000	12.860	0.500	Mature	Good	Retain
6	Poplar	16.000	22.000	1.100	Mature	Good	Retain
7	Dead trunk	2.500	0.000	0.450	Dead	Dead	Remove
8	Rowan	6.000	3.900	0.150	Young	Good	Retain
9	Spruce	5.000	3.000	0.125	Young	Good	Retain
10	Hornbeam	4.500	2.400	0.100	Young	Good	Retain
11	Purple Maple	5.000	6.000	0.150	Young	Good	Retain



LOCATION PLAN 1:1250