

F/YR09/0707/F

4 November 2009

**Applicant : Mr S Brown
Skuna Corp**

**Agent : Mr Chris Walford
Peter Humphrey Associates Ltd**

Land South East of 3 - 5 Homelands, Guyhirn, Cambridgeshire

Erection of 2 x 3-bed semi-detached houses with associated parking

The proposal is before the Planning Committee due to the failure of the applicants to enter into a Section 106.

The site area is 0.06 hectares.

This application is a Minor.

1. SITE DESCRIPTION

The application site is located within an existing development, Homelands, off High Road in Guyhirn. The application site is a vacant piece of land within the existing estate which is overgrown. The site sits adjacent to an existing pair of semi detached dwellings. The surrounding area is characterised mainly by residential development, with Homelands comprising of a group of detached, semi detached and terraced dwellings.

2. HISTORY

- F/YR06/0966/F - Erection of 11 houses comprising 8 x 2-bed terraced, 2 x 3 bed semi-detached with detached garage block and 1 x 3-bed detached with attached single garage involving demolition of existing dwelling and outbuildings – Granted 21 September 2006.
- F/YR06/0789/F - Erection of 14 houses comprising; 4 x 3-bed and 10 x 2-bed involving demolition of existing dwelling and outbuildings – Refused 4 August 2006.
- F/YR06/0274/F - Erection of 14 houses comprising; 12 x 2-bed and 2 x 3-bed involving demolition of existing dwelling and outbuildings – Refused 26 May 2006.

3. CONSULTATIONS

Parish Council

Over-development of the plot which is suitable for one dwelling only.

FDC Environmental Protection

No objections as the proposal is unlikely to have a detrimental effect on local air quality or noise climate. A small area of the site is just within 250m of a former landfill site, however the design and layout of the proposal is noted and accepted by this section and does not appear to present an unacceptable risk to site users.

Environment Agency

Initially objected to the proposal as the site is located in the high risk area (Flood Zone 3) and the development has no provision of safe access or egress proposed. Following the initial objection a FRA was submitted however the EA maintained their objection. A further revised FRA was submitted and the EA then withdrew their objection and have requested a condition relating to the mitigation measures detailed within the FRA.

FDC Planning Agreements Officer (S106)

The development is considered to be piecemeal development, as such an Education Contribution is required in accordance with the Supplementary Planning Guidance. The contribution amount required is £3,000 towards Secondary Educational facilities serving the village of Guyhirn

North Level IDB

No objections in principle however due to previous problems with surface water in this area I strongly recommend all surface water be discharged to the existing surface water drain which crosses through the proposed site. A development levy will be payable.

Local residents/interested parties:

2 letters of objection received concerning (in summary):

- Understood that the land was supposed to be a children's play area and lawn.
- Understood that planning permission was previously refused to develop this site.
- The homes were built to be affordable but only a few have been sold so why build more on the site when there is no demand.
- Concerns over insufficient parking for the existing dwellings and the potential for this to increase with further

development.

- Adjoining developments were damaged during construction of the existing estate due to vibrations.
- Further bins close to existing properties will create more odour problems.
- The siting of the development will result in invasive overlooking and loss of light.
- Concerns over potential further flooding.
- Larger schemes were previously refused therefore how can an additional 2 dwellings on the site now be acceptable.

4. POLICY FRAMEWORK

FDWLP Policy

IMP2

- Where appropriate the District Council seeks to secure, through planning agreements, the provision of the following benefits:
 - i) essential on and off site services
 - ii) highway improvements/car parking provisions
 - iii) community education & recreational facilities, including informal recreation provision
 - iv) environmental improvements.

E8

- Proposals for new development should:
 - Allow for the 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 providing it does not conflict with other policies of the Plan.

East of England Plan

ENV7

- Seeks to ensure that new development:
 - is of an appropriate scale;
 - makes appropriate use of land;
 - achieves the highest density appropriate to the character of the area;
 - provides a mix of building types and uses where appropriate;
 - has regard to the needs and well being of all sectors of the community;
- use suitable materials.

Core Strategy (Draft Consultation – July 2011)	CS1 CS2 CS10	<ul style="list-style-type: none"> - Spatial Strategy, The Settlement Hierarchy and the Countryside. - Growth and Housing - Rural Areas Development Policy - New development in villages will be supported where it contributes to the sustainability of that settlement and does not harm the wide open character of the countryside. Any proposal will need to satisfy policies CS1 and CS2 as well as specific criteria. <ul style="list-style-type: none"> • Site is in or adjacent to the existing developed footprint of the village, • Not have an adverse impact on the character and appearance of surrounding countryside and farmland • Proposal is of a scale in keeping with the shape and form of the settlement. • The proposal will not adversely harm the settlement's character and appearance. • The site retains and respects natural boundaries • Not put people or property in danger from known risks and would not result in unacceptable nuisances to residents and businesses.
	CS1	<ul style="list-style-type: none"> - Delivering and protecting high quality environments across the district.
National Planning Policy Framework (NPPF)	Paragraphs 2 and 11	<ul style="list-style-type: none"> - Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
Core Principles	Planning Paragraph 14 Paragraph 17	<ul style="list-style-type: none"> - Presumption in favour of sustainable development. - Always seek to secure high quality design and a goods standard of amenity for all existing and future occupants.
Conserving and enhancing the natural environment	Paragraph 109	<ul style="list-style-type: none"> - The planning system should contribute to and enhance the natural and local environment.

5. ASSESSMENT

Nature of Application

This is a full application for the erection of 2 x 3-bed semi-detached houses with associated parking at land South East of 3 – 5 Homelands in Guyhirn. The site is off High Road. The site is within the established settlement core of Guyhirn and the site itself is currently vacant land. The proposal will provide rear garden land and parking for 2 spaces per dwelling to the front.

The application is considered to raise the following key issues;

- Principle and policy implications
- Site History
- Layout and Design
- Section 106 Requirements.

Principle and Policy Implications

The proposal has been considered in line with the Development Plan Policies and National Guidance, in the form of the new National Planning Policy Framework (NPPF). Initially when the application was submitted the National Policy Guidance were in the form of PPSs, but these have now been superseded by the NPPF. Accordingly this application has been assessed under the NPPF, the Fenland District-Wide Local Plan 1993, the East of England Plan and also the Emerging Core Strategy.

Policy E1 of the Fenland District-Wide Local Plan 1993 seeks, amongst other things, to ensure that new development for which a rural location is essential should be sited on a site which minimises visual impact, of a scale and design that can be assimilated into the landscape and adequately screened and landscaped with native species. Policy E8 of the Fenland District-Wide Local Plan 1993 seeks, amongst other things, to protect the amenities of adjoining residential properties and ensure that development is in keeping with the character of the surrounding area. In addition Policy H3 of the Fenland District-Wide Local Plan 1993 supports new residential development within the Development Area Boundaries.

Site History

The application site sits within the existing 'Homelands' development which is off High Road in Guyhirn. This development was approved in 2006 as detailed within the history section at the beginning of this report. This 2006 permission showed the application site as land allocated for an area of open space to serve the Homelands development. The development was implemented, however, the land has not been brought forward and at the time when this application was submitted it was in an overgrown and untidy condition with rubbish dumped on site.

Layout and Design

This application seeks full planning permission for the erection of a pair of semi-detached dwellings at land to the South East of 3-5 Homelands in Guyhirn. The site sits to the North West of the Oliver Twist Public House and is accessed off High Road. The layout of the proposed dwellings is for the dwellings to sit relatively centrally within the site with an area of private residential amenity space to the rear of each dwelling and a parking area, providing parking for 2 vehicles per dwelling to the front of the site. The dwellings are orientated with their front elevations facing North, and the side elevations facing 3 and 5 Homelands for the

West dwelling and the Oliver Twist site for the Eastern dwelling.

In terms of design the proposal is considered to reflect the existing dwellings within the Homelands development. The dwellings comprise of an open plan kitchen/lounge/dining area with a hallway and wc at ground floor and 3 bedrooms and a bathroom at first floor level. The proposal has no windows in either side elevation.

It is considered that from the submitted information the layout and design are acceptable in this location and complies with the relevant policies.

Section 106 Requirements

As this development is considered to be piecemeal development, the accumulative total of dwellings on site is proposed to be 13 dwellings. Whilst a contribution was not required in 2006 when the original 11 dwelling application was approved, due to there being sufficient capacity at the catchment schools, the County Council have confirmed that there is insufficient capacity at the Thomas Clarkson to withstand the growth. Therefore, a Section 106 Agreement is required to secure a contribution for secondary educational facilities serving the village of Guyhirn. The contribution of £3,000 has been calculated in accordance with the Council's Supplementary Planning Guidance.

Legal Services prepared the draft Section 106 Agreement which was agreed internally on 11 June 2010. Following internal agreements the draft Section 106 Agreement was sent to the applicant's solicitor on 17 June 2010 for their consideration.

Many discussions took place with the applicant's solicitor and agent in an attempt to complete the Section 106 Agreement. In January 2011 after a series of delays by the applicant, the Section 106 Agreement was agreed and sent to the applicant's solicitor for completion.

It has been over two years since the Section 106 Agreement was initially drafted, very little progress has occurred despite constant communication with the applicant's solicitor and agent to complete the Section 106 Agreement.

It is not foreseeable that completion of the Section 106 Agreement will be achieved given the significant delays that have occurred thus far.

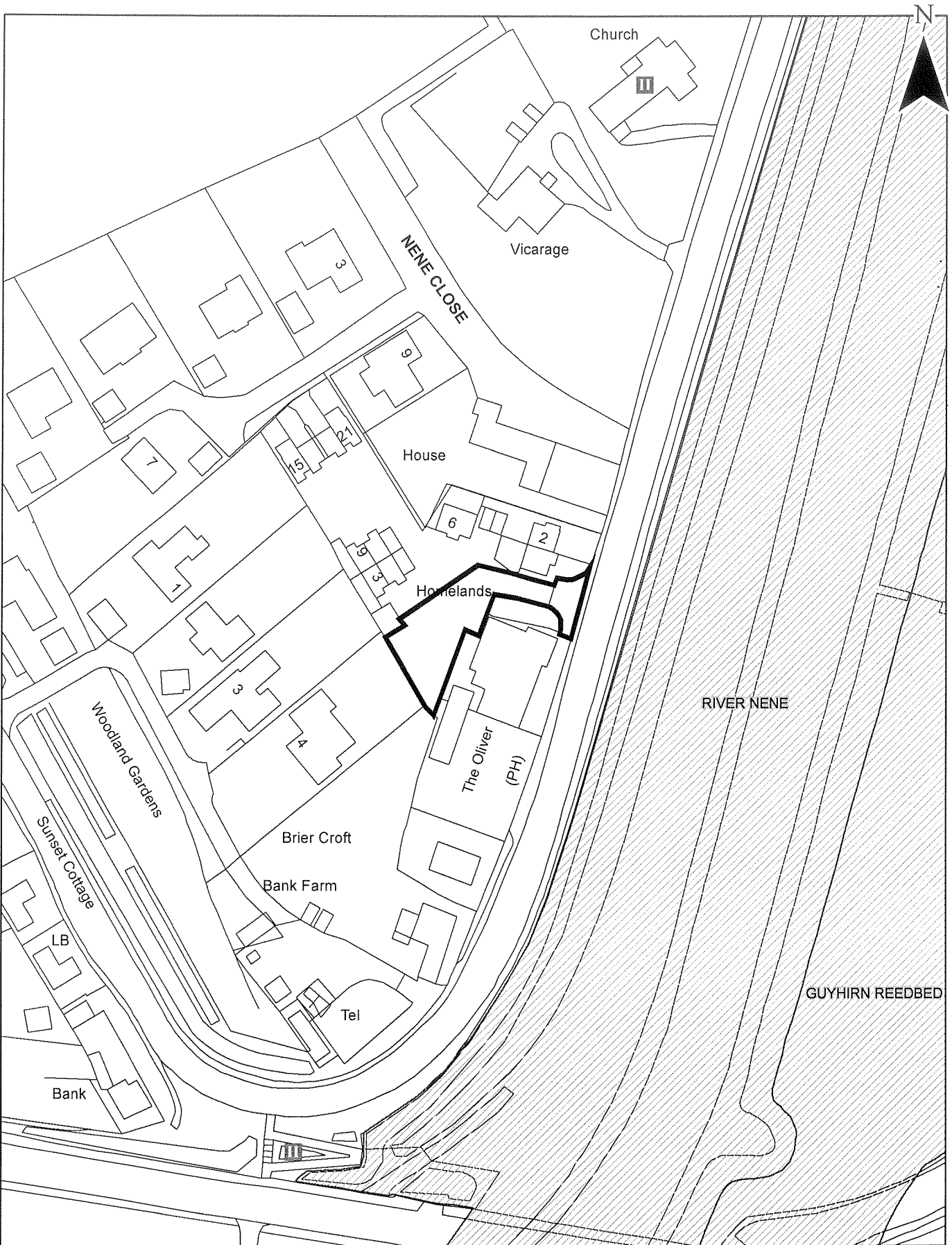
Conclusion

This application has been considered fully in line with the relevant National and Local Policies. Although the development is considered to be acceptable in terms of the layout and design the failure to complete the Section 106 Agreement for an extended period of time results in the application being recommended for refusal in this instance.

6. RECOMMENDATION

REFUSE

- 1. The proposal fails to comply with Policy IMP2 of the Fenland District-Wide Local Plan, 1993, by virtue of non-completion of the Section 106 Agreement.**



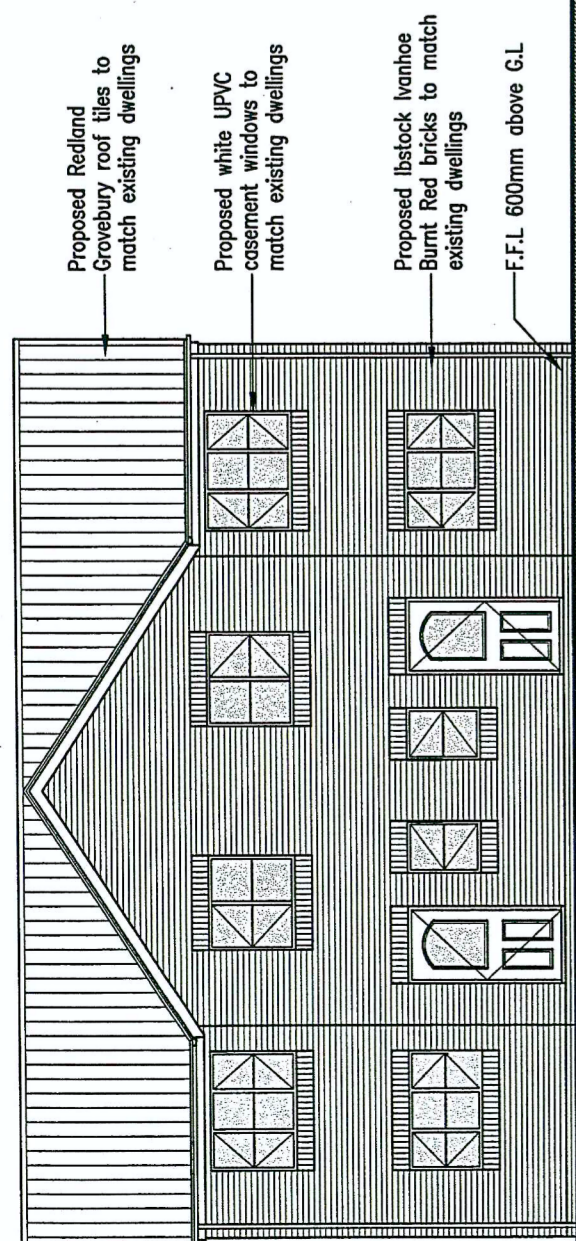
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Scale: 1:1,250

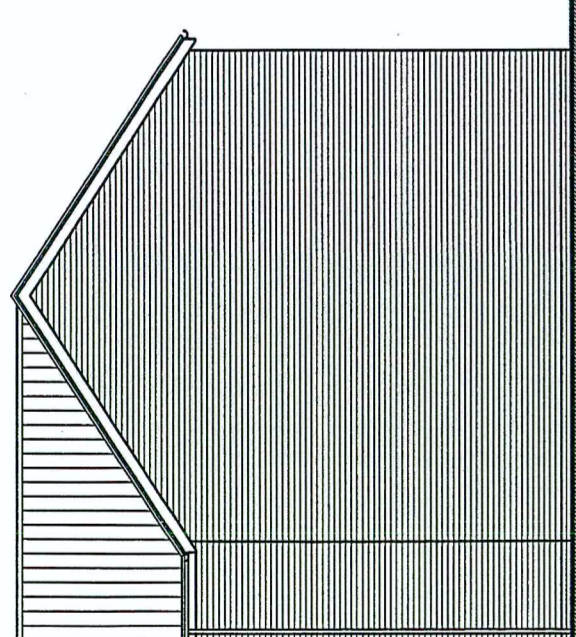
Developments Service

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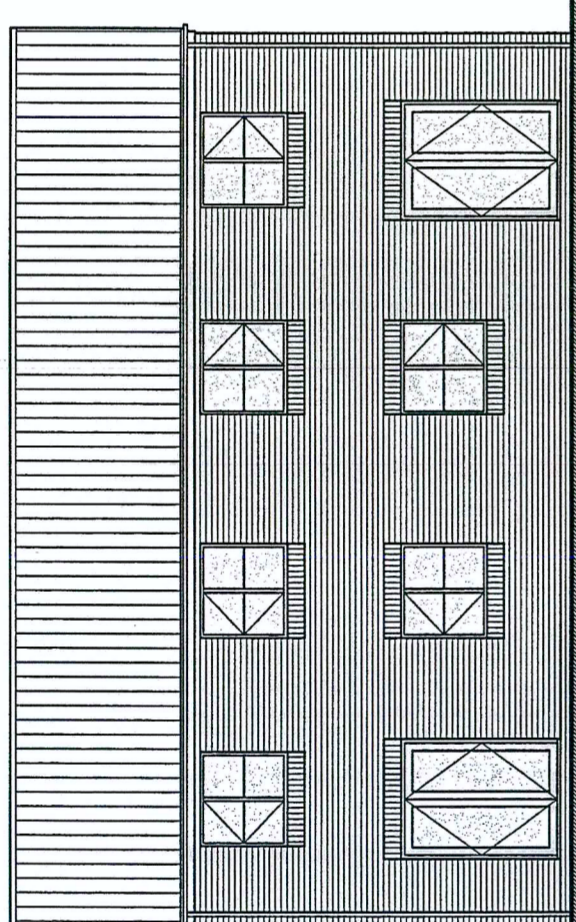




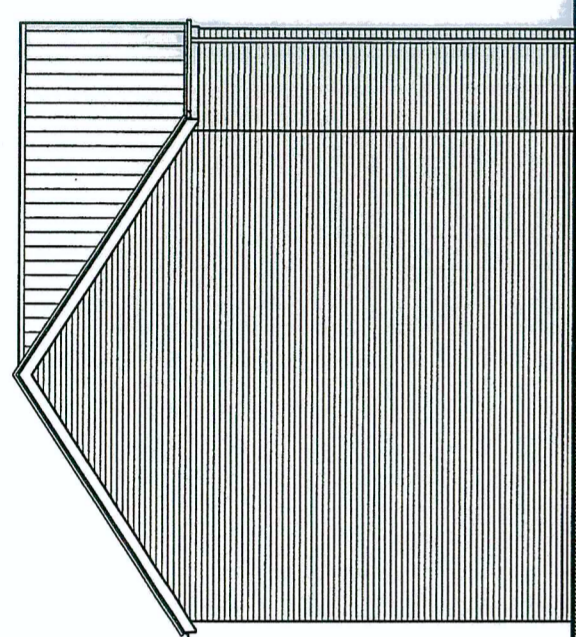
Proposed Front Elevation 1:100



Proposed Side Elevation 1:100



Proposed Rear Elevation 1:100

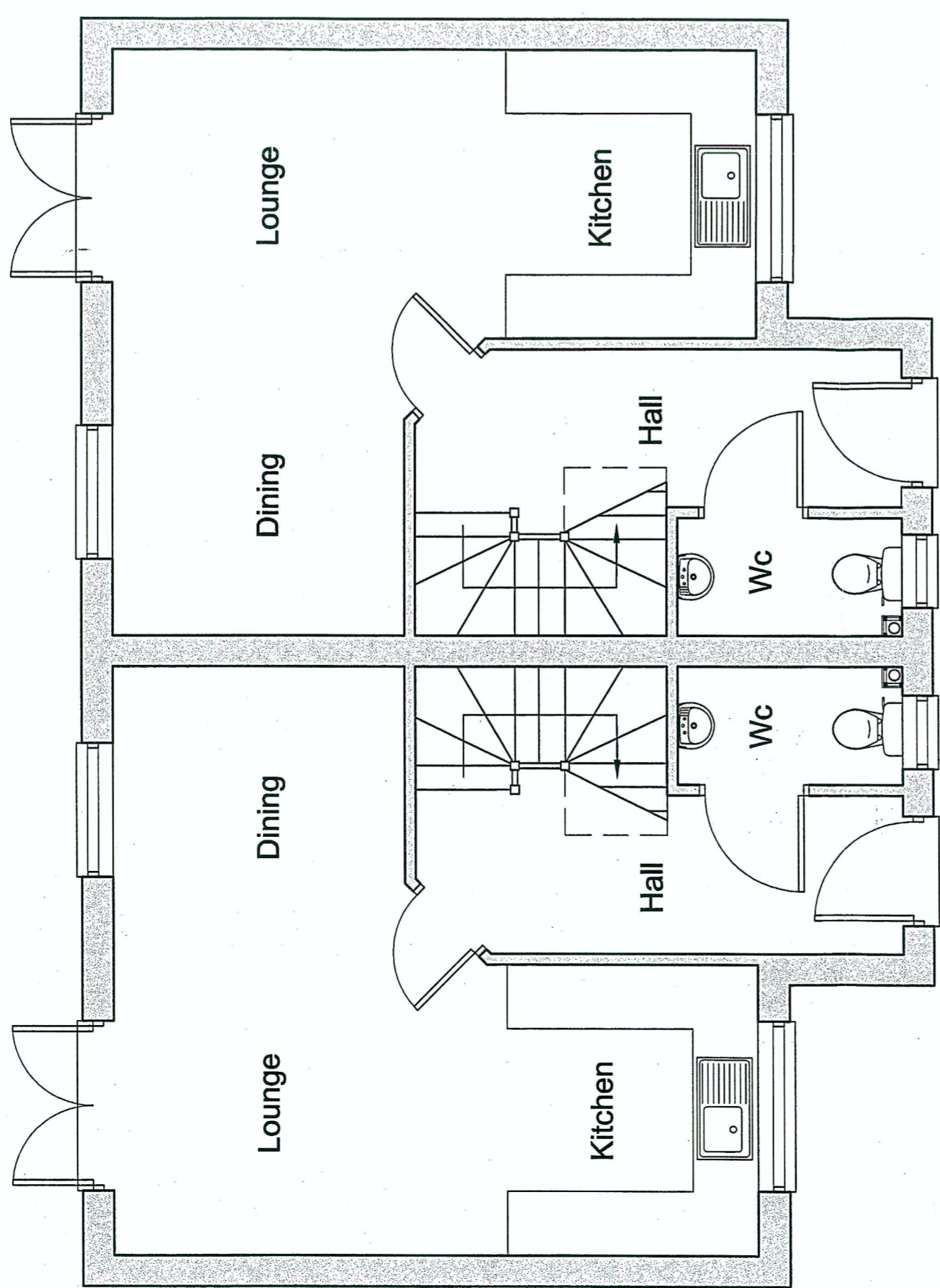


Proposed Side Elevation 1:100

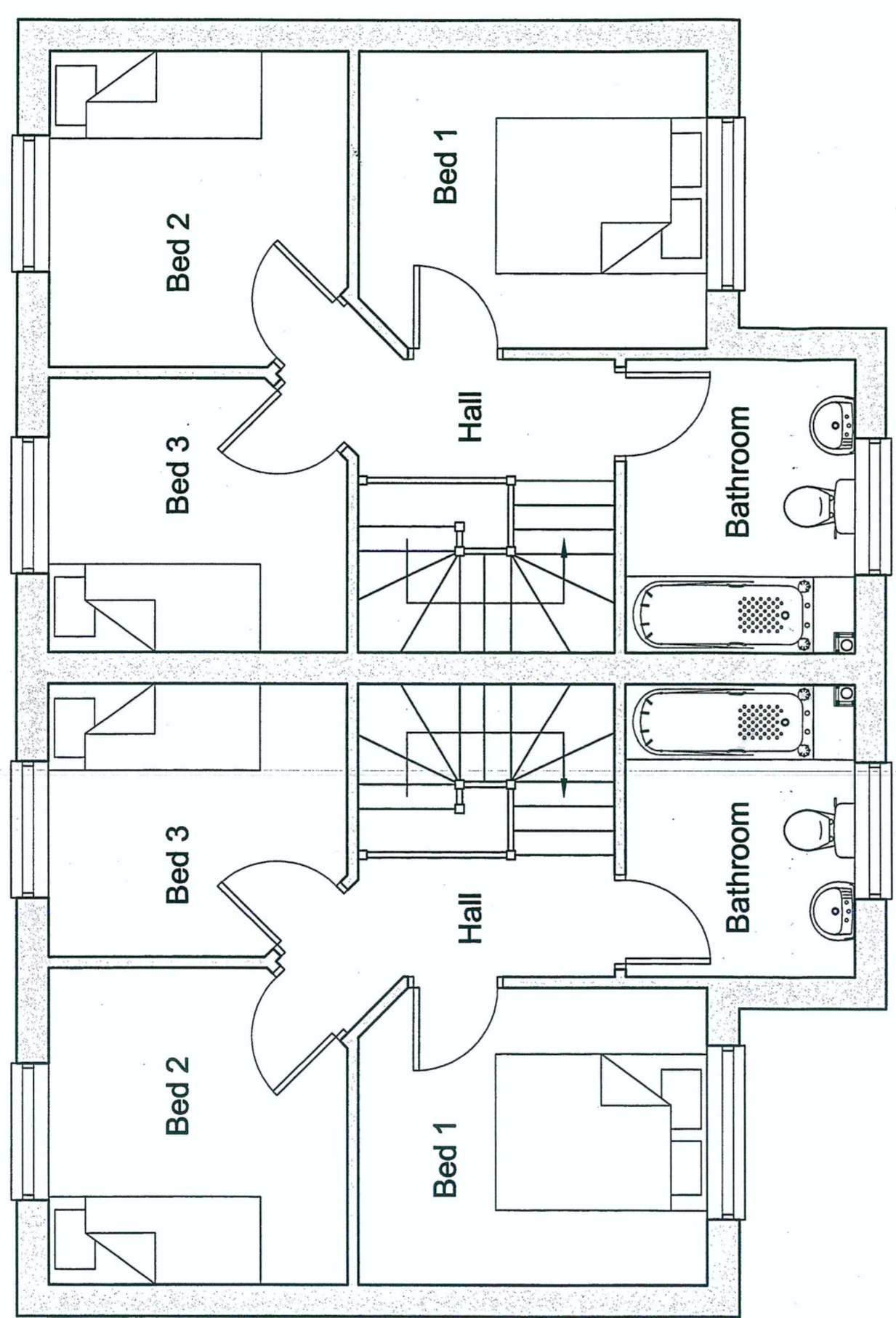
Proposed Redond
Grovebury roof tiles to
match existing dwellings

Proposed white UPVC
corner windows to
match existing dwellings

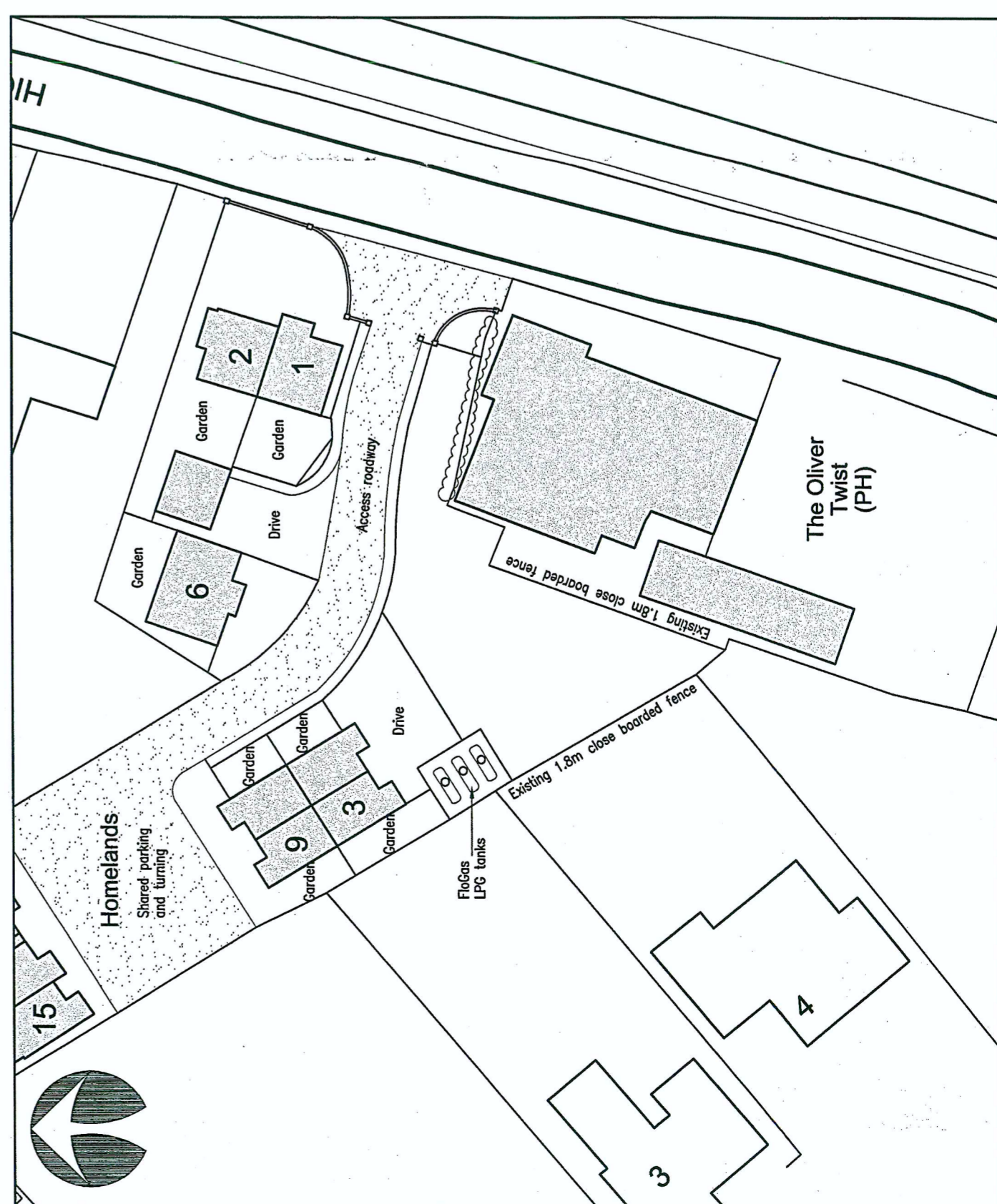
Proposed blackbar
burnt red tiles to match
existing dwellings
-FFL 600mm above G.L.



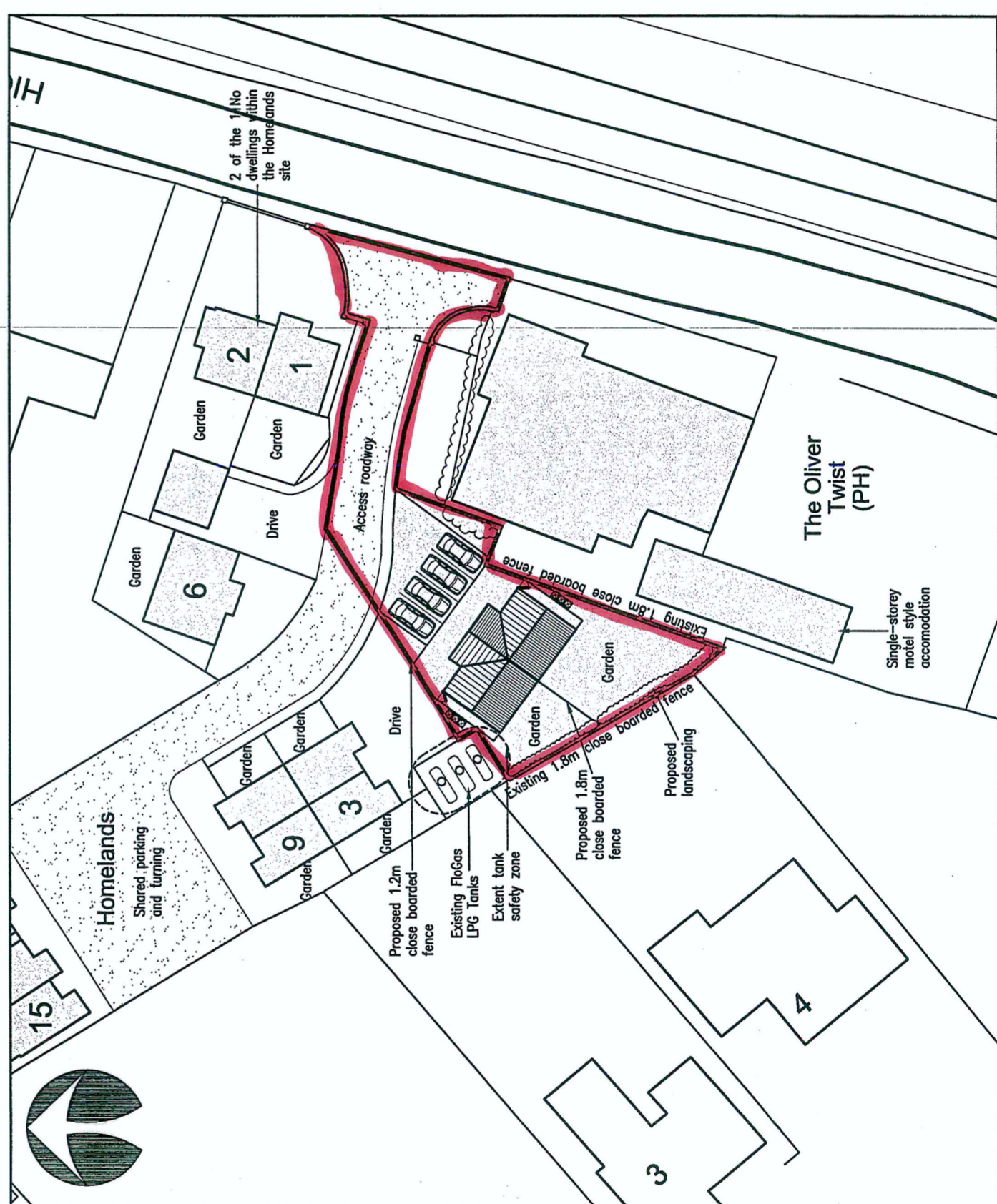
Proposed Ground Floor Plan 1:50



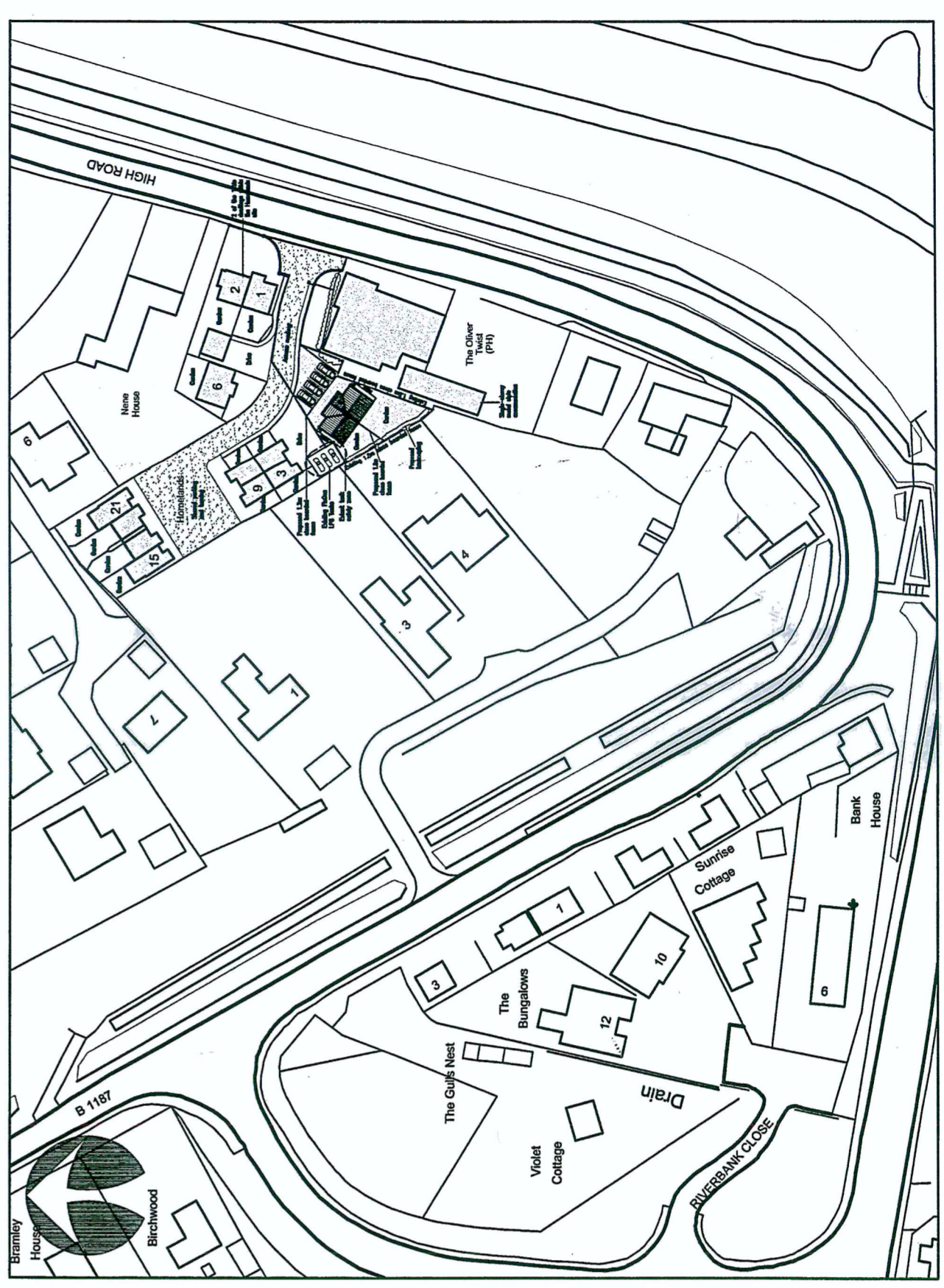
Proposed First Floor Plan 1:50



Existing Site Plan 1:500



Proposed Site Plan 1:500



Location Plan 1:1250

REV E: Layout amended for Planning Department. 01/03/2010.
REV D: Layout amended for EA. 07/01/2010.
REV C: Layout amended for client. 25/09/2009.

Peter Humphrey Associates Ltd.
ARCHITECTURAL DESIGN AND BUILDING

PROJECT: PROPOSED SEMI-DETACHED DWELLINGS
SITE: HOMELANDS
HIGH ROAD
GUYHIRN
CAMBS
PE13 4EA
DRAWING: PROPOSED

CLIENT: Skuna Corp
DATE: Sept 2009
SCALE: As Shown
JOB No: 4498/01E

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Building Design Award
Building Category Winner 08 & 09