

**Application Number: F/YR12/0870/F**

**Minor**

**Parish/Ward: Medworth Wisbech South**

**Date Received: 07 November 2012**

**Expiry Date: 02 January 2013**

**Applicant: Mr J Edinburgh**

**Agent: Mr N Lowe, Peter Humphrey Associates**

**Proposal: Erection of a 2-storey 4-bed dwelling with integral garage involving demolition of existing dwelling and garage**

**Location: 11 Crooked Bank, Wisbech**

**Site Area/Density: 0.43ha/2dph**

**Reason before Committee: The proposal is a departure from the Development Plan**

**1. EXECUTIVE SUMMARY/RECOMMENDATION**

The proposal involves the erection of a replacement dwelling on land which is beyond any established settlement. The proposal does not comply with the policy criteria for replacement dwellings set out in the Local Plan or the emerging Core Strategy, however, the innovative design of the dwelling is such that the proposal may be considered as an exception to the Development Plan under Paragraph 55 of the NPPF. It is further considered that the proposal will cause no material harm to the character of the surroundings and it is, therefore, recommended that planning permission is granted.

**2. HISTORY**

No history

**3. PLANNING POLICIES**

**3.1 National Planning Policy Framework:**

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

Paragraph 14: Presumption in favour of sustainable development.

Paragraph 17: Seek to ensure high quality design and a good standard of amenity for all existing and future occupants.

Paragraph 55: Isolated new homes in the countryside should be avoided unless there are special circumstances for example the exceptional quality or innovative nature of the design of the dwelling. Such a design should be truly outstanding or innovative, reflect the highest standards in architecture, significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

Paragraph 58: Development should respond to local character while not preventing appropriate innovation and be visually attractive as a result of good architecture and landscaping.

- 3.2 **Draft Fenland Core Strategy:**  
**Draft Fenland Core Strategy:**  
CS1: Spatial Strategy and Settlement Hierarchy  
CS2: Growth and Housing  
CS10: Rural Areas Development Policy  
CS14: Delivering and Protecting High Quality Environments

- 3.3 **Fenland District Wide Local Plan:**  
E8: Landscape and amenity protection  
H18: Replacement dwellings in the countryside

#### 4. **CONSULTATIONS**

- 4.1 ***Parish/Town Council:*** Recommend approval as members have no objections in respect of the application and feel that it is an interesting design of building.
- 4.2 ***Ramblers:*** Not received at time of report
- 4.3 ***CCC Countryside Access:*** It does not appear that the byway will be affected by the development and therefore no objections are raised. Request that informatives are included on any consent given.
- 4.4 ***Middle Level Commissioners:*** Not received at time of report
- 4.5 ***FDC Scientific Officer:*** Contaminated land condition is required
- 4.6 ***Neighbours:*** None received

#### 5. **SITE DESCRIPTION**

- 5.1 The site is located on the eastern side of Crooked Bank, approximately 450m from the junction with the A47. There are a few sporadic dwellings within the vicinity, however, the area is undoubtedly open countryside. Within the site there is a modest bungalow and the majority of the land is laid to grass. The site lies lower than the road and is bounded by landscaping.

#### 6. **PLANNING ASSESSMENT**

- 6.1 The key considerations for this application are:
- Principle and policy implications
  - Design and layout
  - Other matters.

(a) Principle and policy implications

The site lies beyond any established settlement on land which is characterised by open countryside. As the development will replace an existing dwelling outside of any settlement, the proposal falls under the replacement dwelling policy criteria.

The spirit of policies in the existing Local Plan and the emerging Core Strategy and the guidance contained within the NPPF requires replacement dwellings within the open countryside to be of a similar scale, character and positioning as the existing building. The NPPF, however, states that exceptions to the above may be acceptable if the development (i) is truly outstanding or innovative, helping to raise standards of design, (ii) is reflective of the highest standards in architecture, (iii) significantly enhances its immediate setting, (iv) is sensitive to the defining characteristics of the local area. The proposal does not comply with the criteria set out in the replacement dwelling policies in terms of scale, however, being of a one-off design, it is in principle, compliant with the exception set out in the NPPF.

(b) Design and layout

The proposal is for a 2-storey 4-bed dwelling with an integral garage. The proposal will replace an existing bungalow and detached garage, neither of which are considered to be architecturally or historically worthy of retention. The new dwelling comprises of three linked circular elements with mono-pitched roofs. The materials include cedar boarding and painted render for the external walls, zinc and fibreglass for the roof and blue powder coated windows. The appearance is very contemporary and is relatively innovative when viewed in the context of the wider district. Although it could be argued that there are some missed opportunities within the scheme design, including the orientation of the building, renewable energy technologies and making best use of the site characteristics, it is considered that the scheme will be of no harm to the character of the surroundings and is sufficiently innovative to justify a departure from the Development Plan under Paragraph 55 of the NPPF.

A new access is proposed from Crooked Bank and sufficient space for parking and turning is available within the site. The dwelling is afforded a significant amount of garden space, which is available to the sides of the building and these will remain private through the retention of the boundary hedging. The building is positioned at a sufficient distance from the existing dwelling at 9 Crooked Bank so that the privacy and sunlight serving neighbouring residents will not be compromised. The apple trees located towards the centre of the site will be felled as part of the proposal, however, this is of little concern as they are not particularly aesthetically valuable.

(c) Other matters

The application is before us following positive pre-application advice given by Officers. The weight afforded to the proposal being a replacement of an existing dwelling and the creativity demonstrated in its design is such that the harm caused by non-compliance with Policies H18 and CS10 is outweighed. With this in mind it is considered necessary and relevant to condition the complete demolition of the existing dwelling and garage at 11 Crooked Bank within 4 weeks of the first occupation of the new dwelling. This will ensure that the special justification of this proposal is not undermined.

No negative consultation responses have been received as a result of this application.

## **7. CONCLUSION**

- 7.1 The proposal is for the erection of a replacement dwelling on land beyond any established settlement. Although the proposal goes against the thrust of replacement dwellings policies per se it is considered that the innovative design and appearance is sufficient to justify an exception to the Development Plan as set out in Paragraph 55 of the NPPF. It is, therefore, recommended that planning permission is granted.

## **8. RECOMMENDATION**

### **Grant**

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. Within 4 weeks of the occupation of the dwelling hereby approved, the existing dwelling and garage, currently known as 11 Crooked Bank, shall be demolished in their entirety and all materials removed from the site. The land which they occupied shall then be incorporated into the garden area of the new dwelling unless otherwise approved in writing by the Local Planning Authority.

**Reason – The formation of an additional dwelling unit would be unacceptable in this location.**

3. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, (or any Order or Statutory Instrument revoking and re-enacting that Order), planning permission shall be required for the following developments or alterations:

- i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas, or raised decks (as detailed in Schedule 2, Part 1, Classes A and E);
- ii) the erection of house extensions including conservatories, garages, car ports or porches (as detailed in Schedule 2, Part 1, Classes A and D);
- iii) alterations including the installation of replacement or additional windows or doors, including dormer windows or roof windows (as detailed in Schedule 2, Part 1, Classes A and B);
- iv) alterations to the roof of the dwellinghouse (as detailed in Schedule 2, Part 1, Class C);
- v) the erection of any walls, fences or other means of enclosure to all boundaries (as detailed in Schedule 2, Part 2, Class A).

**Reason - To ensure that the appearance of the development is satisfactory and that it contributes to the visual character and amenity of the area.**

4. **Except where directly affected by such access requirements as may be approved by the Local Planning Authority, the existing hedge along the western boundary of the site shall not be uprooted or removed and shall not be reduced below a minimum height of 1.5m and shall be retained in perpetuity thereafter.**

**Reason - To ensure that the appearance of the development is satisfactory and that it contributes to the visual character and amenity of the area.**

5. **Prior to commencement of development details of existing ground levels (in relation to an existing datum point), proposed finished floor levels and floor slab levels of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the approved details.**

**Reason - To ensure that the precise height of the development can be considered in relation to adjoining dwellings.**

6. **Prior to commencement of development full details of hard landscape works and surfacing shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved.**

**Reason - The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted.**

7. **Prior to the commencement of the development hereby approved a scheme and timetable to deal with contamination of land and/or groundwater shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall then be implemented on site in accordance with the approved timetable.**

**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 and approved in writing by 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 submitted to and approved in writing by the Local Planning Authority. Two full copies of a report on the completed site investigation shall be submitted to and approved in writing by the Local Planning Authority.**

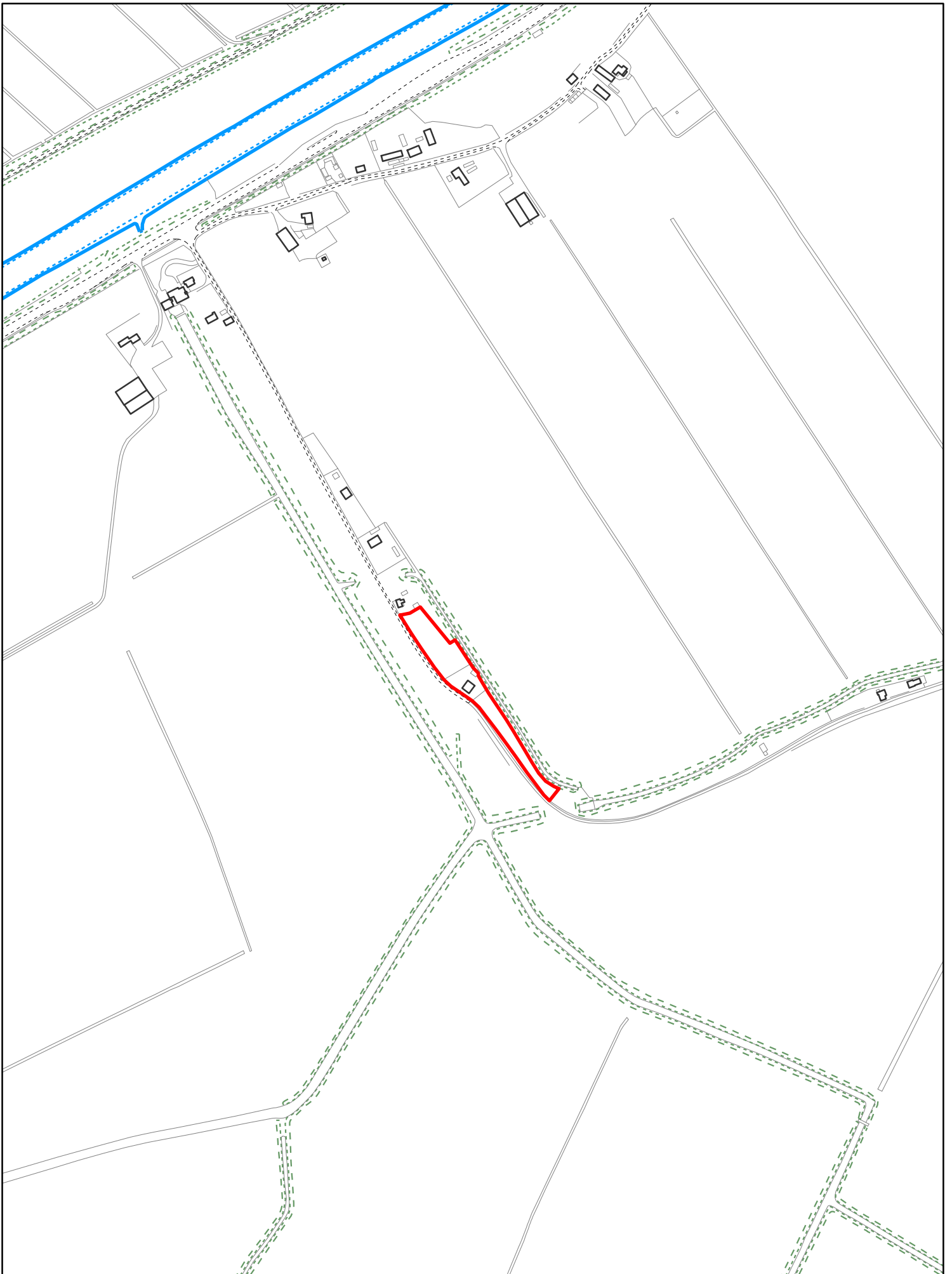
**Following written LPA approval of the Site Investigation the LPA will require:**

**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, together with any requirements for longer-term monitoring and pollutant linkages, maintenance and arrangements for contingency action shall be submitted and approved in writing by the Local Planning Authority.**

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

**8. The development shall be carried out in accordance with the following approved plans.**



Created on: 12/11/2012

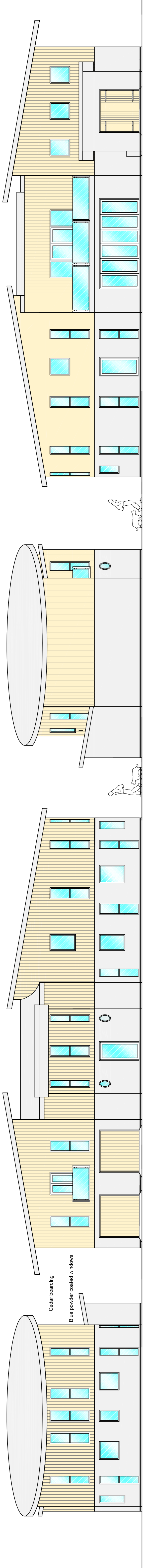
© Crown Copyright and database rights 2012 Ordnance Survey 10023778

F/YR12/0870/F

Scale = 1:5,000







**SIDE ELEVATION**  
SCALE 1:100

**FRONT ELEVATION**  
SCALE 1:100

**SIDE ELEVATION**  
SCALE 1:100

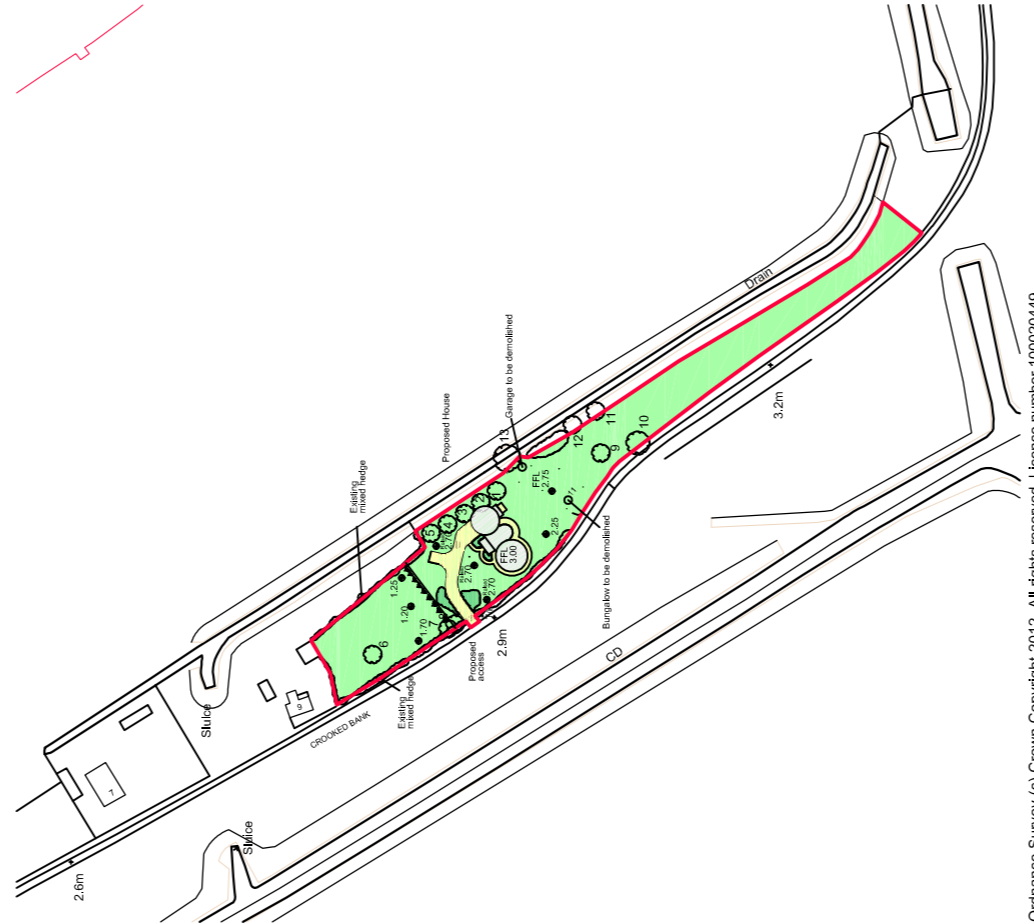
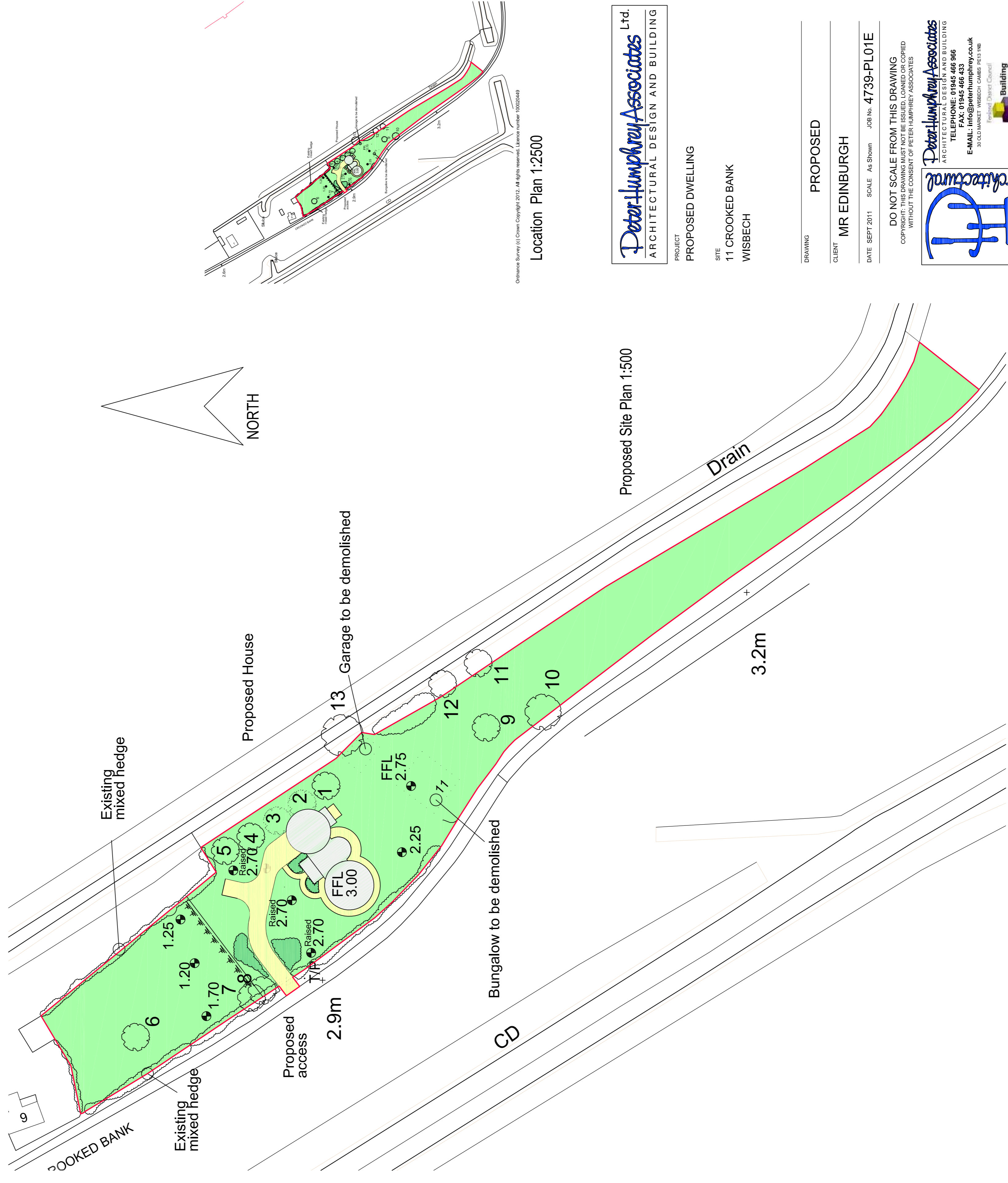
**REAR ELEVATION**  
SCALE 1:100

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	Apple	3.000	6.000	0.300	Mature	Good	Remove
2	Apple	3.000	6.000	0.300	Mature	Good	Remove
3	Apple	3.000	6.000	0.300	Mature	Good	Remove
4	Apple	3.000	6.000	0.300	Mature	Good	Remove
5	Apple	3.000	6.000	0.300	Mature	Good	Remove
6	Plum	4.000	6.000	0.300	Mature	Good	Retain
7	Plum	4.500	6.000	0.250	Mature	Good	Retain
8	Plum	4.000	6.000	0.200	Mature	Good	Retain
9	Beech	8.000	6.000	0.300	Mature	Good	Retain
10	Silver Birch	7.500	8.000	0.300	Mature	Good	Retain
11	Rowan	6.000	6.000	0.300	Mature	Good	Retain
12	Beech	5.000	6.000	0.300	Mature	Good	Retain
13	Flowering Cherry	7.500	9.000	0.400	Mature	Good	Retain

Method statement for protection of trees on site during construction:

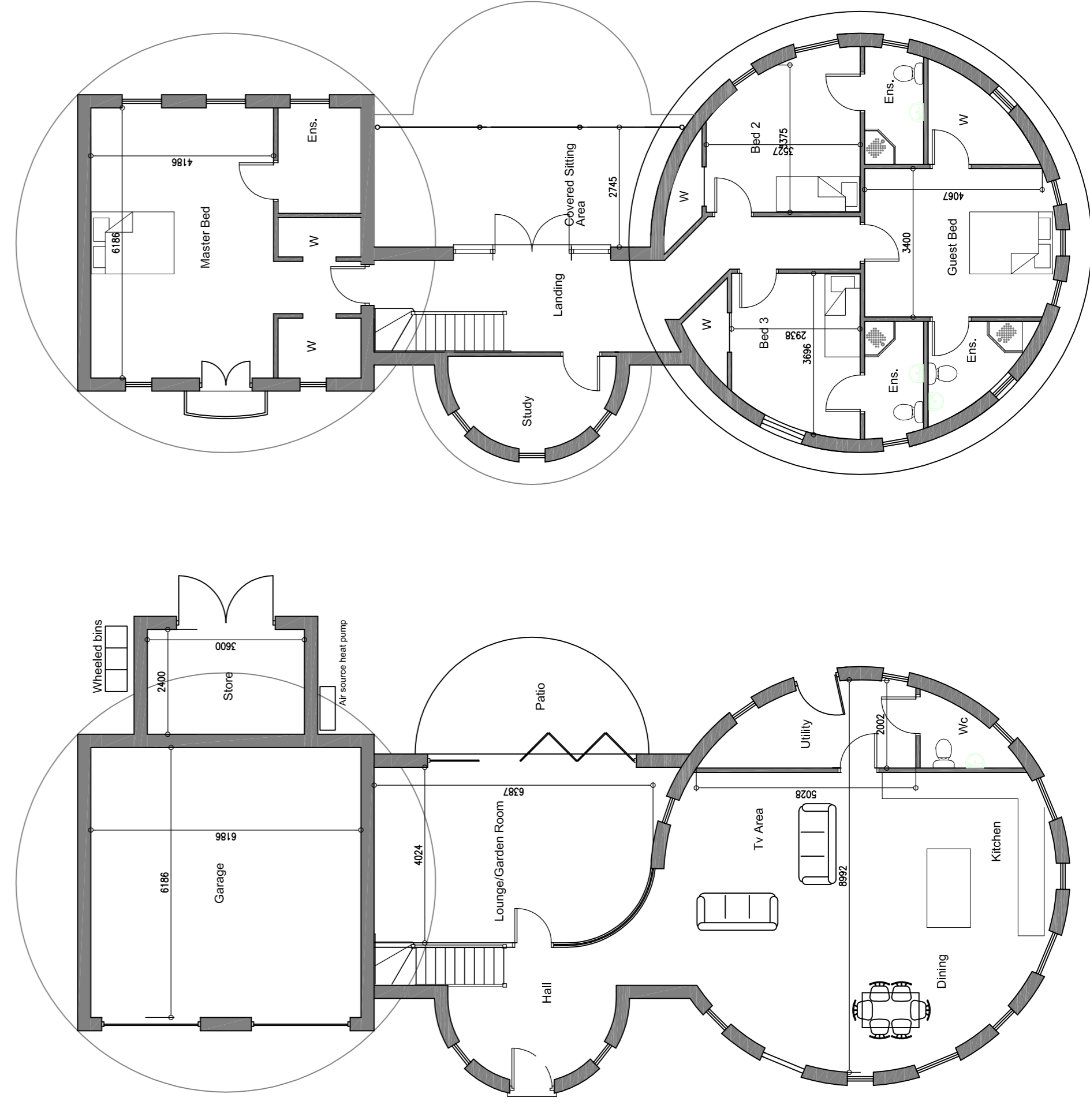
- Prior to the commencement of any construction work on site, protective fencing shall be erected around each tree or tree group. Protective fencing in accordance with BS 5837 unless otherwise agreed in writing with the local Planning Authority.
- No trenches or pipe runs for services and drains shall be sited within 4m of the trunk of any trees retained on the site, 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.



**Peter Humphrey Associates Ltd.**  
ARCHITECTURAL DESIGN AND BUILDING  
PROJECT  
PROPOSED DWELLING  
SITE  
11 CROOKED BANK  
WISBECH

DRAWING  
PROPOSED  
CLIENT  
MR EDINBURGH  
DATE SEPT 2011 SCALE As Shown JOB No. 4739-PL01E

DO NOT SCALE FROM THIS DRAWING  
COMPARISON WITH ANY OTHER DRAWING  
WITHOUT THE CONSENT OF PETER HUMPHREY ASSOCIATES



GROUND FLOOR PLAN 1:100

FIRST FLOOR PLAN 1:100