

Application Number: F/YR12/0956/F

Minor

Parish/Ward: Tydd St Giles Parish Council

Date Received: 6 December 2012

Expiry Date: 31 January 2013

Applicant: Mrs A. Magnus

Agent: Mr N. Lowe, Peter Humphrey Associates Ltd

Proposal: Erection of a 2-storey 4-bed dwelling with detached double garage.

Location: Land North and West of Amberley, Hockland Road, Tydd St Giles.

Site Area/Density: 0.15 ha

Reason before Committee: This proposal is before the Planning Committee due to the application being called in by Councillor Michael Humphrey. The reason is that there have been a number of objections again, as per previous schemes on this land, and this will ensure that both sides can be heard in public.

1. EXECUTIVE SUMMARY/RECOMMENDATION

This application seeks full planning permission to erect a two-storey, four bedroom houses on an area of open land to the rear of dwellings fronting Hockland Road. The majority of the site is located outside of the developed footprint of Tydd St Giles with only part of the proposed access lying within the village.

Two planning applications were previously refused on paddock land immediately to the north of the application site; for 5 dwellings in September 2011 (F/YR11/0611/F) and for 3 dwellings with detached double garages and stables in September 2012 (F/YR12/0512/F). The current proposal is on other open land owned by the applicant closer to the village.

Having considered the scheme against national, regional and local planning policy it is considered that the proposal is incompatible with the mainly linear form of development in the village. With the resulting development having no resonance with the overriding form and character of Tydd St Giles. Furthermore it would result in a 'tandem' form of development that would lead to a protrusion of the established built form of the village into the open countryside, thus having an adverse impact on the character and appearance of the surrounding countryside and farmland.

Consequently the proposal is in conflict with Policies H3, H16 and E8 of the Fenland District Wide Development Plan and Policies CS12 and CS16 of the draft Fenland Core Strategy (Feb 2013).

2. HISTORY

Of relevance to this proposal is:

- | | | |
|-------------------|--|--------------------|
| 2.1 F/YR11/0611/F | Erection of 5 x 2-storey 4-bed dwellings with detached double garages. | Refused 23.09.2011 |
|-------------------|--|--------------------|

- | | | | |
|-----|-------------------|--|-----------------------|
| 2.2 | F/YR12/0610/TRTPO | Felling of 1 Whitebeam Tree covered by TPO 18/1990 (in front garden of Amberley). | Granted
01.10.2012 |
| 2.3 | F/YR12/0512/F | Erection of 3 x 2-storey 4-bed dwellings with detached double garages and stables. | Refused
24.09.2012 |

3. PLANNING POLICIES

3.1 National Planning Policy Framework:

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

Paragraph 14: Presumption in favour of sustainable development.

Paragraph 17(4): Seek to ensure high quality design and a good standard of amenity for all existing and future occupants (repeated and expanded on in paragraphs 56 to 56).

Paragraph 17 (5): Recognise the intrinsic character and beauty of the countryside and supporting thriving rural communities.

Paragraph 32: Decisions should take account that a safe and suitable access to the site can be achieved for all people.

Paragraph 55: In rural areas, housing should be located where it will enhance or maintain the vitality of rural settlements.

Paragraph 64: Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

3.2 Draft Fenland Core Strategy – Proposed Submission Feb 2013:

CS3: Spatial Strategy & Settlement Hierarchy and the Countryside

CS4: Housing

CS12: Rural Areas Development Policy

CS15: Creation of a More Sustainable Transport Network in Fenland

CS16: Delivering High Quality Environments

3.3 Fenland District Wide Local Plan:

H3: Development Area Boundaries/Protection of Character and Amenity/Highway Safety

H16: Agricultural Dwellings

E8: Landscape and amenity protection

TR3: Car Parking

4. CONSULTATIONS

4.1 *Parish/Town Council*

This is the third application for this site. The two previous applications having been refused, although this application has been reduced to one dwelling and the driveway down the side is the same width and was one of the objections from the adjoining residents.

There has been considerable upset and objections from local residents of adjoining properties in Hockland Rd who have made representations at both the previous planning applications. It has caused much upset and we feel that a third time will cause the same and should be refused with a recommendation for no further applications on the site.

4.2 Cambs CC Archaeology

Awaited – previously requested on F/YR12/0512/F – *“Site lies within an area of archaeological potential, on the western extent of the medieval core of Tydd St Giles village. Recommend condition – programme of archaeological investigation to be carried out before development is commenced”*

4.3 FDC Scientific Officer

Awaited – previously requested on F/YR12/0512/F – *“Please attach unsuspected contamination condition to this application”*

4.4 Cambs CC Highways

To serve only one dwelling, the private access need not be 5.0m wide as indicated on the submitted plan. It would appear that the same layout plan that was submitted under F/YR12/0512/F relating to the erection of 3 dwellings, has simply been used again.

From aerial photographs it would appear that the vehicular access to Amberley was taken via the route of the new access. How is access and appropriate parking to be retained / maintained for the pair of semi-detached properties to the west?

If you are mindful to approve this proposal, please ensure that conditions are attached to any permission granted that secures parking and turning to the new dwelling. Such to be provided prior to first occupation and thereafter retained.

4.5 Middle Level Commissioners

Awaited

4.6 Environment Agency

- Site is located within Flood Zones 2 and 3.
- Submitted Flood Risk Assessment is considered to be acceptable
- North Level Internal Drainage board should be consulted with regard to flood risk

associated with their watercourses

- Applicant is proposing to use a private sewage treatment plant where it may be possible to connect to the public foul sewer
- Suggest condition and informatives to agree scheme for disposal of foul drainage and that the applicant demonstrates that a connection to the foul sewer is not available.

4.7 **Local Residents:**

53 letters of objection raising the following concerns:

- application submitted over Christmas/New Year – could not access all information and had to rely on post to get response in.
- does not respect unique linear character of village/core shape and form of existing settlement
- represents backfill development not infill
- not usual in this part of the village for properties to be built at rear of existing gardens
- Outside DAB on agricultural land – no justification.
- Drainage/Recent flooding problems/new development has affected water levels in past – new development should be connected to main drains
- Would set an undesirable precedent.
- Access too narrow and inadequate for emergency and refuse vehicles, as well as heavy machinery – large vehicles would not be able to swing round into site from Hockland Rd
- Poor access could cause traffic problem on Hockland Road.
- Limited parking left for Amberley
- Construction issues will endanger the fabric of Sunnyside, a local landmark.
- Access is close to 400 year house with no foundations
- No amenities in village apart from primary school
- Conflict with planning policy – Tydd St Giles is a small village and development should only be of a very limited nature
- Rubbish bins at the entrance will be an unsightly eyesore (potential for 18 bins) and inhibit the narrow access.
- The field regularly has surface water issues and is prone to flooding due to high water table.

- Increased traffic generation on quiet rural road, will cause traffic problems and further accidents.
- Noise and disturbance to existing dwellings from additional traffic using new access
- No footpaths on narrow access road so potential for conflict with pedestrians and vehicles – recent incident when child was hit by car after leaving school bus.
- Loss of rural outlook from rear of properties in Hockland Road.
- Massive disturbance to the environment and wildlife.
- Old Coach Works development is a pre-existing industrial site
- Might be precursor for future development on additional land to the rear
- plenty of potential building plots available in Tydd St Giles
- would totally alter present 'feel' and rural attraction of this unique and splendid location
- most new development has enhanced village so it is sad to see someone exploiting their back garden
- repeated attempt by owner to get permission for housing on this land – time for and end to be put to the constant worry being experienced by local residents
- proposed dwelling does not have any road frontage
- implores the Planning Committee to refuse this application
- when replacement tree at front of Amberley is planted, this will again restrict view at site entrance – not helped by cars parked on opposite side of the road.
- setting of adjacent pink cottage would be compromised by this development

12 letters of support (including 1 letter from the application property) making the following points:

- wish to support proposal – it would provide a much sought after property in the village
- my children attend Kinderley School and feel that this development would be an asset to the village
- executive style dwelling would not have a detrimental effect on the neighbouring property and would positively enhance the area

- proposal would not increase traffic flows along Hockland Rd as existing access is regularly used by vehicles going to the stables
- development will not change character of village – cannot be seen from Hockland Rd
- other area of Fenland have backfilling development and there are precedents in Tydd St Giles for this type of development
- this proposal will bring a new family to the village and would thus support the local school
- will not affect anyone's view
- development has been allowed close to the golf course and some should now be allowed closer to village
- shortage of housing in rural North Cambs
- should support planning applications for housing in an already dying village
- why were other backfill proposals now built in the village not as vigorously opposed
- house is on completely separate site and cannot be seen or overlooked by local residents
- new dwelling will allow residents to move into it, freeing up an affordable house in the village
- chalet style will blend into surroundings
- amount of hostility the applicants have faced is surprising especially as other non road frontage dwellings have been allowed
- all neighbouring properties have fences or hedges at least 1.8m high and proposed house will not overlook others. Access driveway is in regular use
- as applicants our family has been harassed, abused and intimidated by a small but effective number of NIMBY's
- we were originally advised by planning officers that the development of this site would be acceptable.

5. SITE DESCRIPTION

- 5.1 The previous applications related to a piece of land known as Bladderwick Field, which is located just outside the existing developed footprint for Tydd St Giles to the north of Hockland Road. These are currently used as paddocks.

The current application relates to a smaller piece of land immediately to the south of the above paddocks and to the north of the rear gardens of Amberley, Eastfield House, Leiden House and Zanric. This land is open to the north and is separated from the larger paddocks by a post and rail fence. It also lies outside of the existing developed footprint of the village.

Part of the access track serving the site (and the paddocks further to the north), where it meets Hockland Road, lies within the village. This track runs between Amberley, a modern semi-detached property and Sunnyside which is a much older cottage. It currently provides access to the paddocks and a stable block which is located behind Sunnyside, which is also owned by the applicant.

Frontage development is located along Hockland Road to the south of the site and a Grade II Listed Building, known as Paget Hall, sits well to the east of the site.

Hockland Road is classified as a Class C highway.

The site area measures 0.15 hectares.

6. PLANNING ASSESSMENT

6.1 Background

This application seeks full planning permission to erect 1 x two-storey, four bedroom house on land to the rear of dwellings fronting Hockland Road, including the applicant's property (Amberley). The majority of the site is located outside of the developed footprint of Tydd St Giles with only part of the proposed access lying within the village.

Planning permission was previously been refused for two separate proposals on land immediately to the north:

- 5 x 2-storey four bed dwellings in September 2011 (F/YR11/0611/F)
- 3 x 2-storey 4-bed dwellings with detached double garages and stables in September 2012 (F/YR12/0512/F)

The reasons for refusal for both cases were broadly similar:

The proposed development is located outside of the Development Area Boundary for Tydd St Giles where residential development is not normally supported or justified. Development in this location would harm the distinctive character of the locality and detract from the existing settlement pattern of the village which consists of mainly frontage development around an undeveloped square of agricultural land.

Furthermore the proposed access would have a detrimental impact on the amenities of the adjoining properties due to its restricted width, proximity to neighbouring properties and the proposed intensification of use. The proposal is therefore contrary to Policies H3, H16 and E8 of the Fenland District Wide Local Plan

The current application seeks planning permission on a smaller area of land adjacent to the site of the previous refusals, which is closer to the built footprint of the village. The main features are set out below.

- A 4.5m wide access driveway runs from Hockland Road between Amberley and Sunnyside, leading to a turning area and a double garage beyond. The driveway still maintains an access to the larger paddocks.
- Two 1.8m high acoustic fences are proposed alongside the each side of this driveway boundary which adjoins Amberley and Sunnyside.

- The house design comprises a 4-bed dwelling with all of the first floor accommodation located in the roofspace.

The application is considered to raise the following key issues;

- Principle and policy implications
- Layout and density
- Access
- Service provision including flood risk, drainage and bin storage.

6.2 Principle and Policy Implications

The site is located outside the built-up limits of Tydd St Giles. Under criteria contained in Policies H3 and H16 in the Fenland District Wide Local Plan (1993) the principle of development in such locations is normally unacceptable unless associated with agriculture, horticulture or forestry.

The emerging Fenland Core Strategy – Proposed Submission Version (Feb 2013) seeks to concentrate new housing development in the most sustainable locations principally in the main market towns and to a lesser extent in the growth villages.

Policy CS3 identifies Tydd St Giles as a Small Village, where development will be considered on its merits, but will normally be of a very limited nature and normally limited residential infilling.

Policy CS12 sets out detailed criteria for the assessment of new housing proposals in rural villages such as Tydd St Giles. This policy allows some new development in villages, where it contributes to the sustainability of that settlement and does not harm the wide open character of the countryside. Under this policy new development will need to satisfy the applicable thresholds set out in Policy CS3, as well as all of the criteria set out in Policy CS12.

The site is not considered to be located in or adjacent to the existing developed footprint of the village and instead is considered to have an adverse impact on the open character and appearance of adjoining countryside or farmland. (Criteria (a) and (c)).

Of particular importance is Criteria (d) of Policy CS12 which requires that any new proposal should be of a scale and siting that is in keeping with the core shape and form of the settlement, and will not adversely harm its character and appearance.

Tydd St Giles is recognised as having developed historically via frontage development around a square created by Church Lane, Newgate Road, High Broadgate and Hockland Road. This leaves a unique central area of undeveloped land which is distinctive due to the predominance of mainly linear development around it. The proposed dwelling (although closer to the built footprint of the village) is still sited to the rear of established frontage development and will be served by a narrow access provided between existing properties. There are also no other ‘tandem’ forms of development in this part of Hockland Road. The principle of developing this site is, therefore, considered unacceptable as it does not respect the prevailing character and form of the village.

Instead it would result in a protrusion of the established built form of the village into the open countryside, which the site is considered to relate to, thus having an adverse impact on the character and appearance of the surrounding countryside and farmland.

There are no concerns about satisfying the other criteria in Policy CS12 as it; respects existing trees and boundaries, respects the any possible ecology and archaeology on the site, would not lead to the loss of important spaces within the village and can be acceptably served in terms of necessary infrastructure (access, drainage etc).

For these reasons the proposal is not considered to respect the existing linear form and character of the village. The principle of developing the site is, therefore, unacceptable and is contrary to guidance contained in Policies H3, H16 & E8 of the saved Fenland Local Plan (1993) and Policies CS3 & CS12 of the emerging Fenland Core Strategy (2013).

Layout

The proposed layout consists of a fairly spacious plot containing a large detached dwelling and garage. A significant amount of tree and shrub planting is proposed within the site and along the boundaries with the properties on Hockland Road coupled with acoustic fencing. The layout and this style of development may be considered acceptable in some rural locations, but it does not respect the predominantly linear form of development and unique character of this village. The proposed layout is, therefore, not considered compatible with its surroundings.

Design

The dwelling is of a traditional design and has been designed to provide a subservient massing and appearance compared to the frontage houses. Good quality materials are proposed, however, these factors do not outweigh the policy and principle objections outlined above.

Access

The proposed access to the site consists of a track which currently serves the paddocks. A white beam tree covered by a Tree Preservation Order (TPO) is situated to the front of the site in close proximity to the access has recently been removed.

The plans show an access width of 5m at its junction with Hockland Road which extends for 10m into the site.

At this point the width of the track is reduced to 4.5m. A bin collection area on the frontage is shown.

The plans show that the access runs directly alongside the eastern elevation of Amberley. The current proposal includes noise attenuation measures (in the form of 1.8m high acoustic fence along the rear garden boundary and a 1.5m high wall to screen the immediate frontage of Amberley) to protect the amenities of the occupiers of this property. Whilst this may assist, it is the very close proximity of the access road to the gable wall of Amberley and both the front and rear gardens and is still of some concern in respect of residential amenity. The width of the retained garden at Amberley is fairly narrow and it is considered that

disturbance from vehicle movements could still result. Amended plans are proposed to be submitted to reduce the width of this road and slightly increase the size of the garden at Amberley, to address this concern. An update on this will be provided at the meeting.

At present, the owners of Amberley can use the existing driveway to park vehicles. The proposal will push all car parking for this property onto the front garden, resulting in the loss of any landscaped areas on the property frontage.

An acoustic fence has also been provided along the eastern boundary with Sunnyside in recognition that additional noise and disturbance could result from the intensification of the use of this access.

The advice from the County Highway officer is that these arrangements are acceptable in terms of highway safety, (but pointing out the some deficiencies in terms of lack of pedestrian visibility in an easterly direction at the site entrance).

The potential for some noise and disturbance to the existing dwellings located either side of the access due to the intensification of the use, may still occur as a result of this proposal. However, the amount of traffic from one dwelling is not as great as that which could have been expected from the previous proposals

7. CONCLUSION

7.1 *Conclusion*

The positioning of the proposed housing site to the rear of the existing developed footprint of the village and the location of the access hard up to the side boundary of Amberley, remains broadly similar to the previous refusals on the larger paddocks immediately to the north of the current application site.

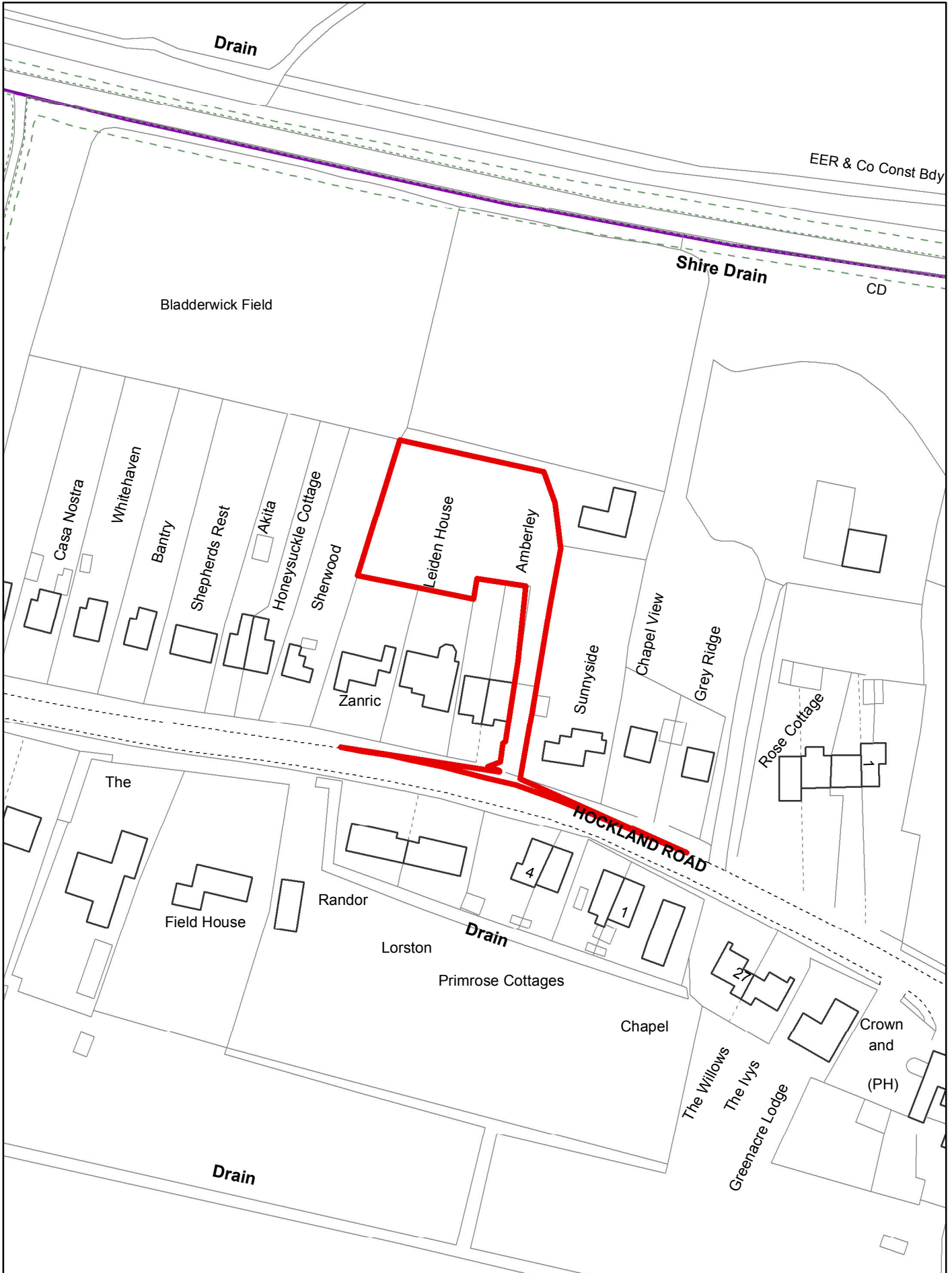
This site is, therefore, not considered as being appropriate for residential development on grounds that it would result in a form of development that would have no resonance with the overriding form and character of Tydd St Giles.

Consequently the proposal is in conflict with Policies H3, H16 and E8 of the Fenland District Wide Development Plan and Policies CS12 and CS16 of the draft Fenland Core Strategy – Submission Version (Feb 2013).

8. RECOMMENDATION

Refuse

The proposed development is located outside the Development Area Boundary for Tydd St Giles where residential development is not normally supported unless justified. Development in this location would introduce a 'tandem' form of development which would harm the distinctive character of the locality and detract from the existing settlement pattern of the village which consists of mainly frontage development around an undeveloped square of agricultural land. The proposal is, therefore, contrary to Policies H3, H16 and E8 of the Fenland District Wide Local Plan and Policies CS10 and CS14 of the draft Fenland Core Strategy (July 2012).



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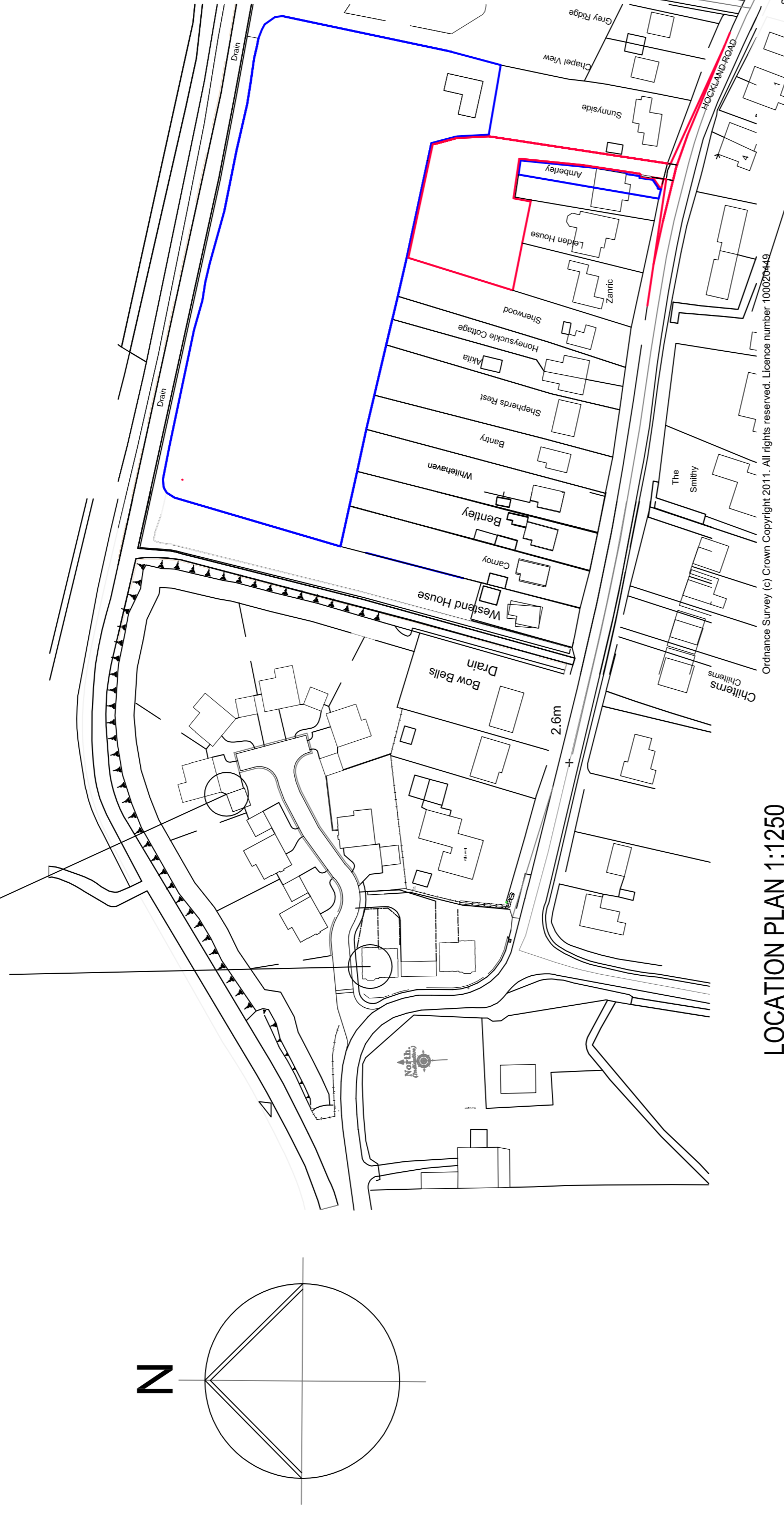


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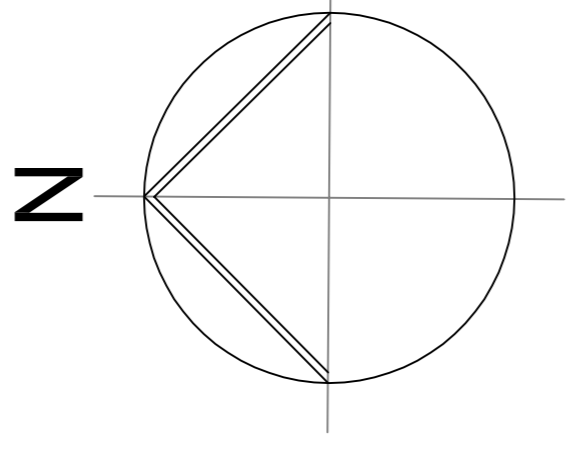
JACKSONS 'JACOUSTIC FENCE'

Approved Development F/YR07/0916/F

Approved Development F/YR10/0001/F



LOCATION PLAN 1:1250



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

- SP SHRUB PLANTING TO INCLUDE
- BARBERRY (BERBERIS) GUELDER ROSE (VIBURNUM)
 - BUDDLEIA (DAVIDIA) FORSYTHIA X INTERMEDIA LYNWOOD
 - MOCK ORANGE (PHILADELPHUS) SNOWY MESPIUS (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.

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	Whitebeam	To be removed in accordance with F/YR12/0610/TRPO					
2	Conifer	12,000	2,500	0,950	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.

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SITE PLAN 1:500

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PROJECT
PROPOSED RESIDENTIAL DEVELOPMENT

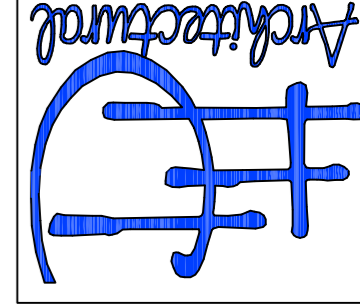
SITE
NORTH OF AMBERLEY
HOCKLAND ROAD
TYDD ST GILES

DRAWING
PROPOSED DWELLING

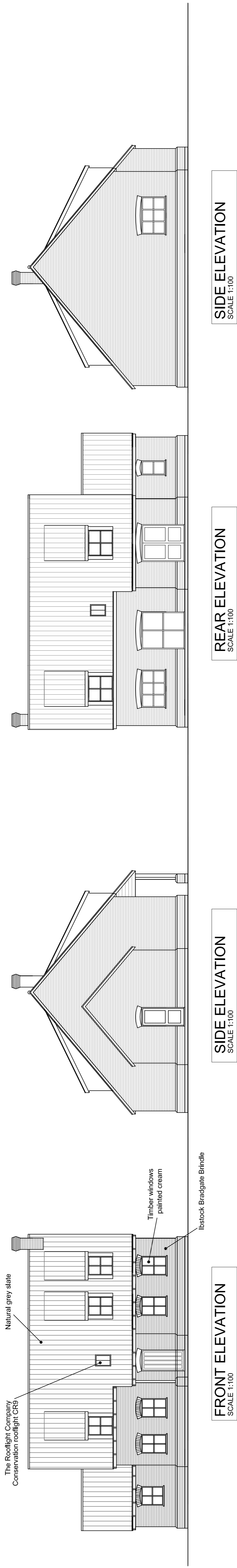
CLIENT
MRS MAGNUS

DATE NOV/2012 SCALE As Shown JOB No. 4711-PL21

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Peter Humphrey Associates
ARCHITECTURAL DESIGN AND BUILDING
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FAX: 01945 466 433
E-MAIL: info@peterhumphrey.co.uk
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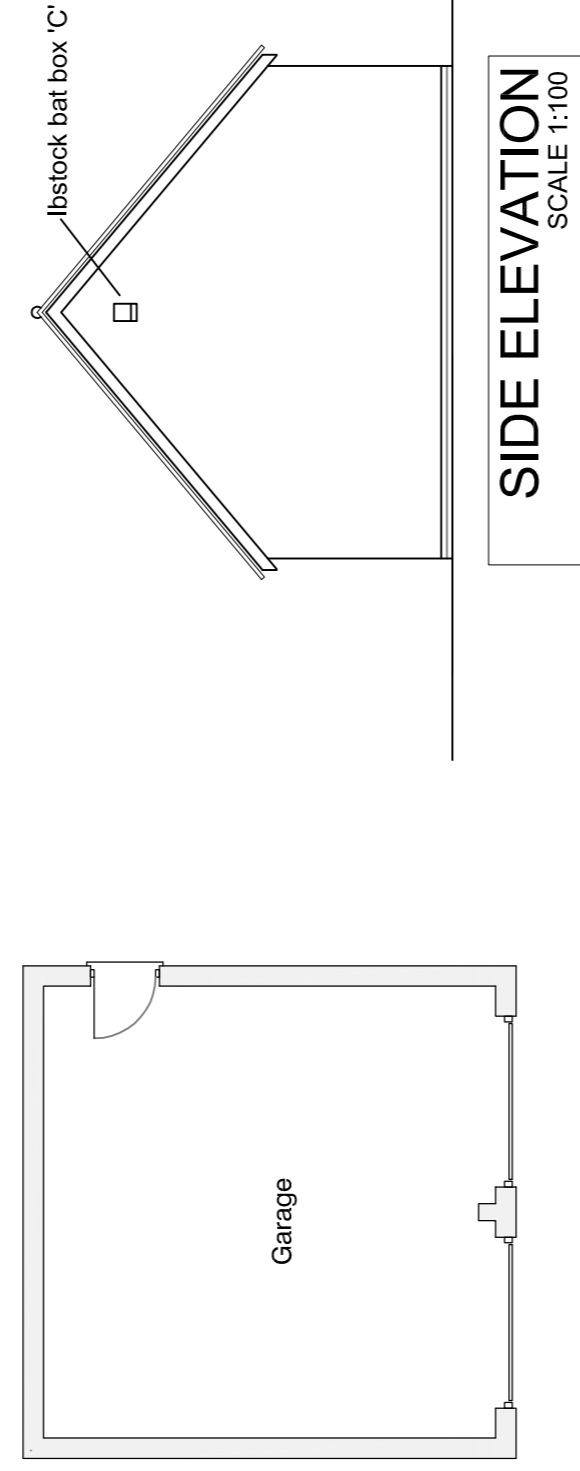


FRONT ELEVATION
SCALE 1:100

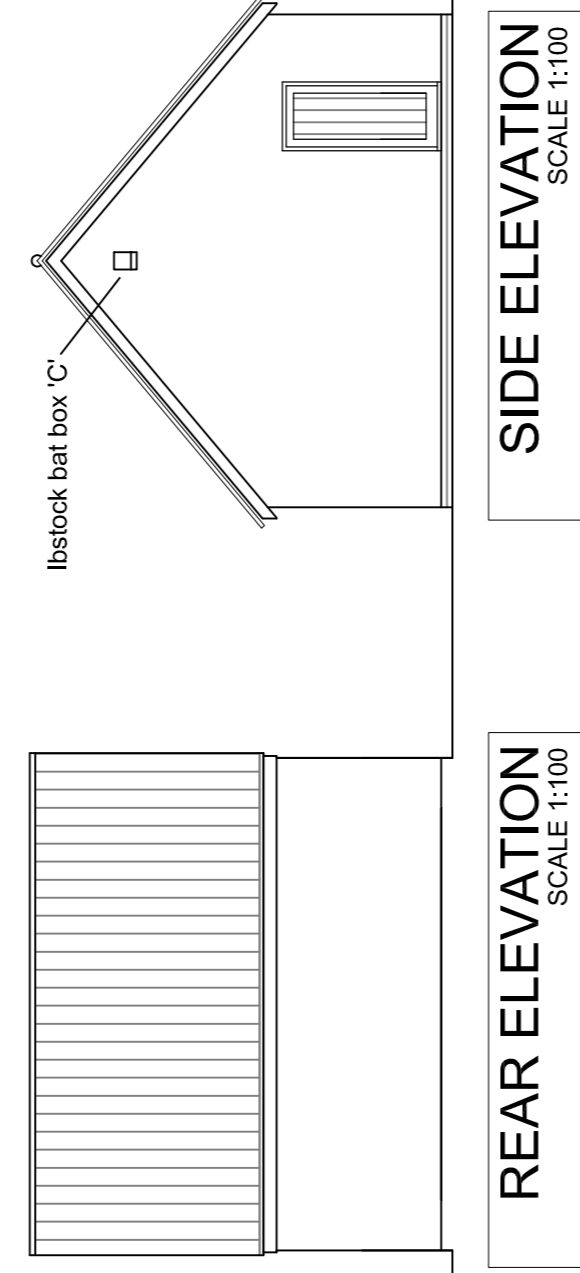
SIDE ELEVATION
SCALE 1:100

REAR ELEVATION
SCALE 1:100

SIDE ELEVATION
SCALE 1:100



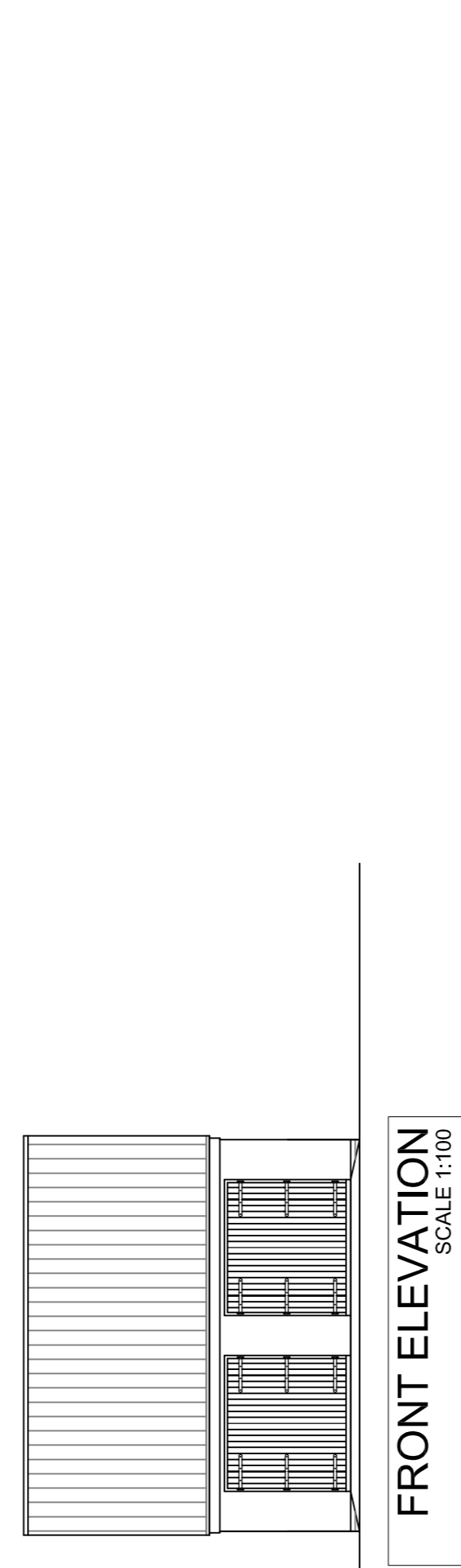
GROUND FLOOR
SCALE 1:100



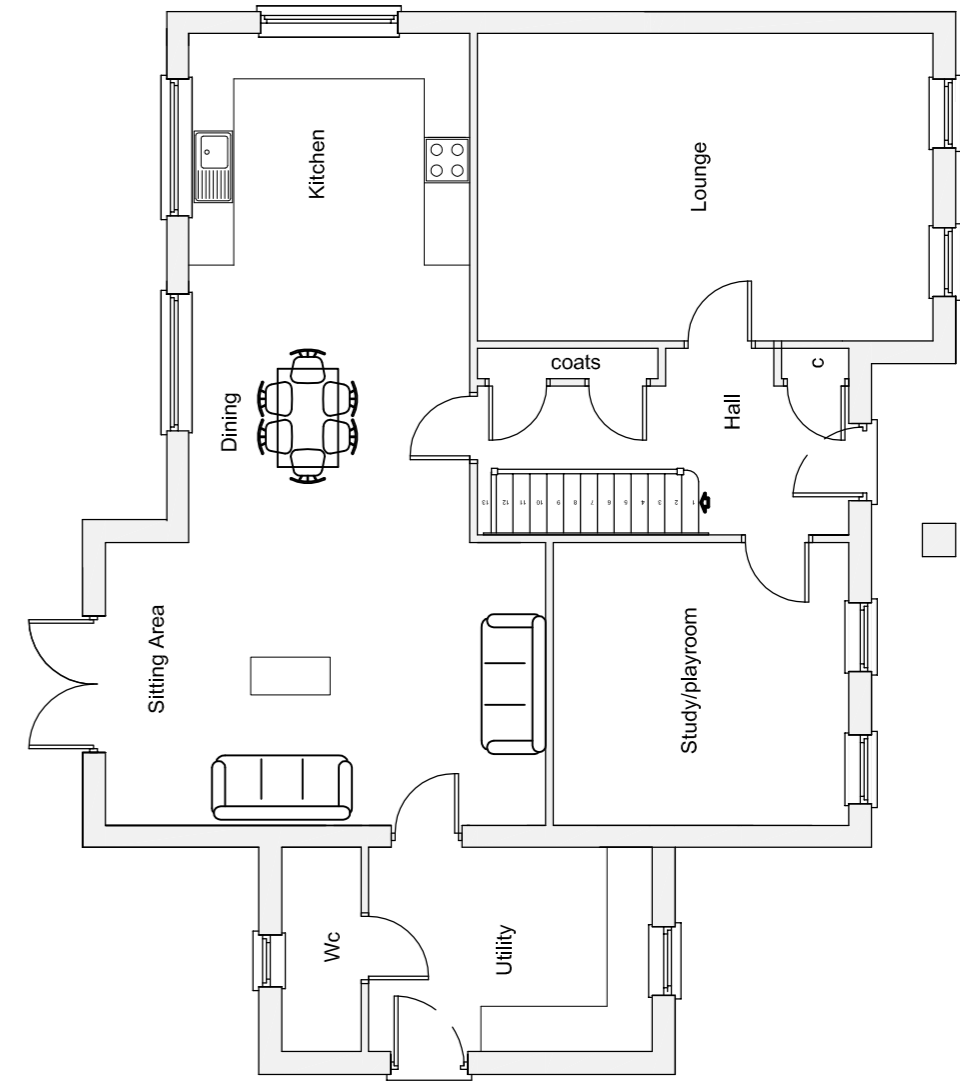
REAR ELEVATION
SCALE 1:100



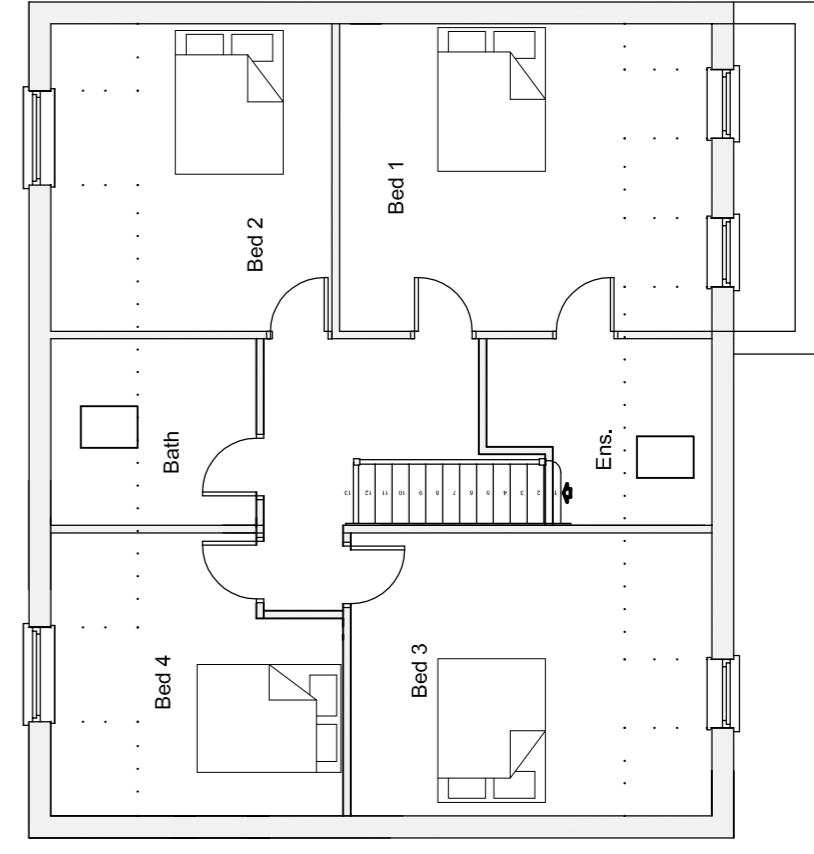
SIDE ELEVATION
SCALE 1:100



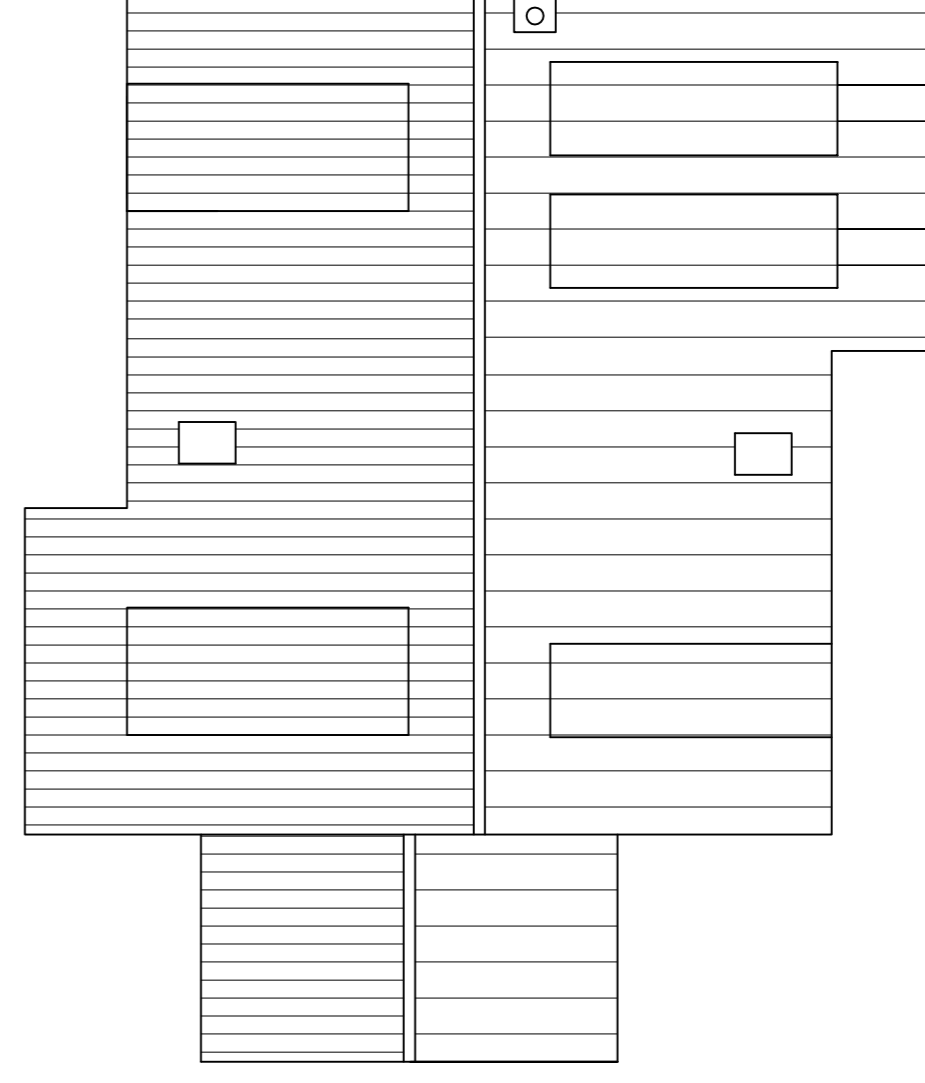
FRONT ELEVATION
SCALE 1:100



GROUND FLOOR
SCALE 1:100



FIRST FLOOR
SCALE 1:100



ROOF PLAN
SCALE 1:100

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PROPOSED RESIDENTIAL DEVELOPMENT

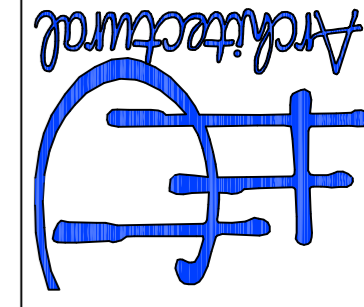
SITE
NORTH OF AMBERLEY
HOCKLAND ROAD
TYDD ST GILES

DRAWING
PROPOSED DWELLING

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Peter Humphrey Associates
ARCHITECTURAL DESIGN AND BUILDING
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FAX: 01945 466 433
E-MAIL: info@peterhumphrey.co.uk
SOLD MARKET WISBECH CAMBS PE13 1NB



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