

Application Number: FYR12/0932/F

Minor

Parish/Ward: Elm/Christchurch

Date Received: 27 November 2012

Expiry Date: 22 January 2013

Applicant: Mrs N Smith

Agent: Mr D Upton, Peter Humphrey Associates Ltd

Proposal: Erection of 3 x 2-storey 4-bed dwellings with detached garages involving the formation of a new access

Location: Land North of 89-95 The Stitch Fronting Bar Drove, Friday Bridge

Site Area/Density: .49 hectares

Reason before Committee: he application has been called in by Councillor King in order to ensure the consistency of decisions for planning applications outside of the DAB and also due to the Parish Council's recommendation being contrary to Officer recommendation

1. EXECUTIVE SUMMARY/RECOMMENDATION

This application seeks full planning permission for 3 dwellings and detached garages and the formation of a new vehicular access at land to the North of 89-95 The Stitch in Friday Bridge. The dwellings are shown to front onto Bar Drove. The site is outside of the defined settlement area and does not adjoin the main settlement boundary.

The key issues to consider are:

- Principle and Policy Implications and comparable sites
- Design and Layout
- Highway Safety

The proposal relates to an existing area of fruit orchard land which sits to the North of The Stitch and is accessed off Bar Drove. The key issues have been considered along with current Local and National Planning Policies and the proposal is considered to be contrary to Policy. Therefore the application is recommended for refusal.

2. HISTORY

Of relevance to this proposal is:

- 2.1 WR/73/90/O Residential development. Refused 19th April 1973.

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.

3.2 **Draft Fenland Core Strategy:**

CS1: Spatial Strategy, The Settlement Hierarchy and the Countryside.

CS2: Growth and Housing.

CS10: Rural Areas Development Policy

CS13: Facilitating the creation of a more sustainable transport network in Fenland.

CS14: Delivering and Protecting High Quality Environments across the District.

3.3 **Fenland District Wide Local Plan:**

H3 – Settlement Development Area Boundaries

H16 – Housing in the open countryside

E1 – Conservation of the Rural Environment

E8 – Proposals for new development.

4. **CONSULTATIONS**

4.1 ***Parish/Town Council***

Supported.

4.2 ***CCC Highways***

Initial response noted some issues in the Design and Access Statement which related to the shape of the site, the current use of the site for traffic and the number of accesses present into the site. The D&A was then amended. In addition the LHA raised concerns over the width of the carriageway of Bar Drove, which is extremely narrow and 2 vehicles cannot pass one another within the available width. The LHA highlight the unsustainability of the site with a reliance on the use of a car. The daily vehicular traffic likely to be generated by the 3 dwellings will certainly be more than that generated by the previous use. Point out that the potential for vehicular conflict within the narrow Drove will be increased. The overall width of highway in this area is of insufficient width to accommodate a much needed passing place. Should the LPA be minded to approve this application it should be noted that the proposed widened metalled passing place at the access will require the existing ditch each side of the access point to be appropriately piped and filled for the length of the passing place.

Further to the submission of amended plans the LHA still point out the poor location to village amenities and facilities and provide a list of conditions in the event that the application is approved. These relate to access width, off site highway improvement works, access construction and temporary parking facilities.

4.3 ***Environment Agency***

The site falls within Cell F5 of the EA's Flood Risk Standing Advice Matrix and as such no further comments.

4.4 ***FDC Scientific Officer***

Requires the contaminated land condition due to the nature of the development and the potential for contamination to arise from a previous use such as orchard land. A detailed desk study should be sufficient to determine if further information is required or not.

4.5 ***Middle Level Commissioners***

No pre-application discussions were taken with the Board. Consent for the formation of an access culvert has not been sought and should not be assumed that it will be given. The installations of pipelines to facilitate passing bays are unlikely to be recommended to the Board for approval due to concerns about maintenance and potential flood risk. There appears to be some confusion concerning the method of water level management system proposed. Section 12 of the application form refers to the use of soakaways and item 9.0 of the D&A refers to rainwater harvesting. The part of the D&A covering flood risk is incorrect and does not show all sources of flooding and does not appear to have been prepared under the supervision of an experienced flood risk manager specialist. Therefore aspects of the proposed submission are inappropriate and require revision. There has yet to be adequate evidence provided to meet the requirement of the documents and policies PU1, CS2 and CS12. As a result MLC oppose the application. A copy of these comments were sent to the applicant directly from MLC however no amendments or further information have yet been received to address the issues raised.

4.6 **Local Residents:**

5 letters of objection received concerning (in summary):

- Chose to live in Friday Bridge as it's a peaceful location.
- Chose their house as it looks out over the orchard and has a good outlook.
- Concerned that the proposal will be disruptive to the quiet life in this area and will result in the loss of outlook.
- Concerns over the impact on drainage in the area and the existing trees which protect the existing homes from the strong winds.
- Concerns that caravans will be sited on the land rather than the houses if approved.
- The size of the proposed houses will result in the overshadowing of the existing bungalows and loss of privacy.
- Access is very limited and concern that Bar Drove cannot take additional traffic.
- There will be disruption when connecting to utilities that are already under strain.
- The existing dwellings enjoy open views to the front and rear which will be lost.
- The proposal will affect the value of the existing houses.
- Who will own the paddocks which will remain in between the existing houses and the proposed houses? Will they be subject to further development or used for residential caravans?
- Why is part of the orchard being retained and for what purpose? Will it be used to provide access to the paddocks to the rear?
- Would like assurance that a 2.4m close boarded fence be erected to the rear of the existing dwellings.
- Would need assurance that the planting of trees adjoining properties along The Stitch would be conditioned and done at the time of building otherwise 41 years of privacy will be lost.
- Understood that Bar Drove is outside of the village line and would like assurance that the site will not be used for a travellers site.

5. **SITE DESCRIPTION**

- 5.1 The site currently comprises an existing field and plum orchard with a derelict shed adjacent to the front boundary. The site measures approximately 0.49 hectares in size. The site is accessed off Bar Drove and there are existing dwellings to the South of the site which front onto The Stitch and Needham Bank. The site is outside of the main settlement area of Friday Bridge. The application has been accompanied by a full tree report which concludes that the trees on site are mainly short-lived species which are already relatively old. The edible plums are no longer productive in a commercial sense and are of common varieties. The ash trees are at threat due to current ash dieback and the sycamore are of little ecological merit. New planting would build on the retained trees.

6. **PLANNING ASSESSMENT**

- 6.1 The key considerations for this application are:
- Policy and Principle Implications and comparable sites
 - Design and Layout
 - Highway safety

The application site is outside of any settlement core, but is in an area characterised by some residential development. The proposal has been considered in line with the Development Plan Policies and National Guidance detailed in the Policy Section of this report.

The NPPF seeks to promote sustainable development in rural areas where it will maintain the vitality of rural communities. This is further supported by the policies within the Local Plan and Emerging Core Strategy where it is determined that new development in villages will be supported where it contributes to the sustainability of the settlement and does not harm the wide, open character of the countryside.

It is acknowledged that Friday Bridge is classed as a limited growth village within the Emerging Core Strategy and Policy CS1 allows for development of a limited nature, i.e. infilling of no more than 3 dwellings, however this site fronts onto Bar Drove which has limited development along it and as such this proposal is not considered to be a form of infilling. It is acknowledged that there are existing dwellings to the South of the site however these are established dwellings and front onto The Stitch which has the highway capacity to support these dwellings. It is therefore considered that the proposed development does not meet with the spirit of this Policy and regardless of design and scale, which are considered to be overly large in comparison to the character of any nearby dwellings, the proposal is unacceptable.

Policy CS10 of the Fenland Communities Development Plan Emerging Core Strategy Draft Consultation is relevant in this instance and lists the general good practice criteria.

The criteria listed in this policy details that the site should be in or adjacent to the existing developed footprint of the village, would not result in coalescence with neighbouring villages, would not have an adverse impact on the character and appearance of the surrounding countryside, should be in keeping with the shape and form of the settlement, respects natural boundaries, would not result in the loss of high grade agricultural land or result in risks or unacceptable nuisances to residents and businesses. The site is an existing field/orchard which sits in a relatively isolated plot in terms of the developments along Bar Drove. It is acknowledged that there are some residential properties in the surrounding area, however it is considered that this development does not comply with Policy CS10 as it is not adjacent to the existing developed footprint and is not considered to be in keeping with the shape and form of the settlement. In addition it is considered that the site is not in a sustainable location.

Recent approval on a nearby site

The Agent for this application has pointed out that a recent appeal decision for F Smith further along Bar Drove was granted (Application reference F/YR11/0521/F; Appeal Ref: APP/D0515/A/12/2169147/NWF). In this appeal decision the Inspector commented that the site was in a reasonably sustainable location meeting the guidance of the PPTS. In addition the Inspector concluded that Bar Drove had good visibility therefore finding no conflict with Policy E8.

This appeal decision has been noted and the points raised by the agent considered, however this application was for the change of use of the land for the siting of 2 mobile homes, 2 touring caravans, a day room and fencing which would form a travellers site. The Inspector acknowledged that the proposal did not comply with Policy H3 and H20 of the Fenland District Wide Local Plan however, due to the nature of this site it was also assessed against the Planning Policy for Traveller Sites (PPTS).

Whilst the Inspector appeared to suggest that the site was acceptable in terms of sustainability and highway safety this was in the context of the PPTS, with this policy framework relating specifically to the provision of sites for gypsy and travellers. As such, Officers do not consider that this appeal decision is material to the consideration of the current scheme which relates to the formation of new dwelling units. It was also highlighted in the appeal decision that the site was particularly well screened and that allowing development at this location did not set a precedent for future development in Bar Drove. Furthermore the Inspector clearly indicated that if there had been no other material considerations (e.g. personal needs of applicants, the need for gypsy and traveller provision, and the absence of adopted policy to support such provision) the conflict with development plan policies in terms of the sites location in an open countryside location would justify dismissing the appeal.

It is considered that the proposed development relates poorly to the village core and has no relationship with adjoining development, situated as it is fronting Bar Drove when the majority of development fronts The Stitch and Needham Bank and represent modest dwellings in the main. The emerging core strategy indicates that Friday Bridge has the capacity for limited development of an infill character of no more than 3 dwellings. Whilst the current scheme is for three units it does not represent infill and as such does not accord with the policy framework.

Design and Layout

The proposal is for 3 large 2-storey dwellings, each with a detached garage, with a single access point leading to a private drive for each dwelling. Each dwelling is proposed to be a 4-bed dwelling. The layout of the dwellings is in a linear fashion, sited towards the front of the site. The land to the rear is to remain as paddock land, not associated with the proposed dwellings. Whilst it is noted that the layout of the dwellings along The Stitch and Needham Bank are mainly linear frontage development such an arrangement is considered to be out of keeping with the overall character of Bar Drove. In addition the dwellings are of a scale and design which is not considered to reflect the nearby dwellings, many of which are bungalows. Although it is acknowledged that some of the dwellings on The Stitch are chalet dwellings these are of a smaller scale than those proposed within this application. As such it is considered that in this instance the design and layout is not in keeping with the surrounding area.

Highway Safety

The proposal involves a new access off Bar Drove, leading to 3 private drive areas. Ample parking and turning has been proposed for each dwelling. The Local Highways Authority response has been summarised within section 4 of this report and it is noted that the Highways Authority have advised that Bar Drove is not wide enough for two vehicles to pass. The road is very narrow and concerns have been raised over its ability to cope with the additional traffic that would be generated by this proposal. Both the LPA and the LHA have concerns over the sustainability of the site which is likely to result in the reliance on the private car which would lead to an increase in traffic using this narrow road. It is also noted that there is no footpath adjacent to the site which also compounds the unsustainability of the site. The LHA point out that there is very little evidence that traffic is generated from this site now and therefore traffic levels would be increased by the proposal and this would in turn increase the potential for vehicular conflict on this road. The proposed provision of passing bays shown on the plan is noted however the Highways Authority do point out that the overall width of the highway in this area is of insufficient width to accommodate a much needed passing place. This would require the existing ditch to be piped and filled and the Middle Level Commissioners have pointed out that they would be unlikely to recommend approval for these works to the ditches. (As summarised in Section 4.) As such it is considered that there are outstanding issues relating to highway safety in terms of this development.

7. CONCLUSION

- 7.1 The proposal is considered to be contrary to the relevant policies in terms of the overall principle of development, as well as the scale and layout of the proposal which is not considered to reflect the character of the area, and highway safety. As such the proposal is recommended for refusal for the reasons listed below.

8. RECOMMENDATION

Refuse.

- 1. The proposed development, which is located outside the main settlement of Friday Bridge, will be situated within open countryside which forms the rural character of this part of the village and it is considered that the scale and form of development will be visually intrusive and will fail to assimilate into the rural landscape or the prevailing form and character of existing developments. As a result the proposal is contrary to the provisions of the National Planning Policy Framework paragraph 55, Policies E1, H3 and H16 of the Fenland District Wide Local Plan and Policies CS10 and CS14 of the Draft Core Strategy July 2012.**
- 2. The scheme, by virtue of the width of Bar Drove and the additional traffic that will be generated as a result of 3 additional dwellings, is considered to be detrimental to highway safety. In addition the lack of a footpath results in safety issues for any pedestrian visitors to the site. The application is therefore contrary to Policy E8 of the Fenland District Wide Local Plan and Policies CS10 and CS13 of the Draft Core Strategy July 2012.**

The following was also presented to Members' as an update at the Committee on 6th February 2013:

The Agent has written to confirm that the Applicant is prepared to enter into an agreement with the adjacent riparian landowner to clean up any drains up to a point approximately 250m North-West of the site. This is to be done in accordance with any Drainage Boards requirements. They request this be dealt with by condition.

Middle Level Commissioners have responded advising that they note the contents of the letter sent however in the absence of any further information it is not possible to comment further concerning this matter, which was one of many issues raised. The others remain unresolved and therefore the Board continue to oppose the planning application.

POLICY UPDATE:

Since the preparation of this report the Fenland Local Plan Core Strategy – Proposed Submission (February 2013) was approved by Cabinet and Full Council on the 24th January 2013. This has resulted in numbering changes to the policies as follows:

CS1 → CS3 Spatial Strategy, the Settlement Hierarchy and the Countryside.

CS2 → CS4 Growth and Housing

CS10 → CS12 Rural Areas Development Policy

CS13 → CS15 Facilitating the creation of a more sustainable transport network in Fenland.

CS14 → CS16 High Quality Environments.

UPDATE

Members' deferred this application from the 6th February 2013 committee to allow the Applicant/Agent to address the Middle Level Commissioners' and Highways' objections and to develop a more comprehensive scheme.

A new plan has been submitted which has increased the amount of land included within the application site. The red line now includes the paddock land to the rear and goes up to the rear boundary of the neighbouring dwellings along The Stitch. This land is still to be retained as paddock and the design, scale and layout of the proposal is as previously reported.

The Agent has been in discussions with Middle Level Commissioners in relation to the points of concern raised in their initial objection. Middle Level Commissioners have responded as follows:

- Initial concerns related to the ability of the adjacent watercourse to serve the development for the lifetime of the development (for residential development this is generally accepted to be at least 100 years).
- The use of soakaways for surface water disposal and the density of the site. MLC have now advised that adequate evidence and test results, where appropriate, will be required to prove that the proposed water level/flood risk management system will work efficiently at the location and effectively in the long term for the lifetime of the development.
- The formation of the culverts in the adjacent private watercourse.
- The provision of an adequate FRA.
- In relation to the way forward MLC advise that the private watercourse should be improved to a suitable standard including the removal/replacement/improvement of culverts/crossing points as required.
- Other issues that need to be considered are spoil disposal, potential need for a road closure to undertake the works. MLC advise that the site design needs to allow ready access to the private watercourse without requiring a road closure, suitable maintenance agreements are entered into where required and consideration is given to the necessary consents required

It is considered that the issues raised above could be conditioned by the Local Planning Authority where appropriate and for any other outstanding issues the MLC have their own byelaws.

As previously proposed, the submitted plan shows a single central vehicular access of a width of 5 metres to facilitate access into the site, and 3 passing bays along Bar Drove, one either side of the proposed access and 2 to be sited either end of the site itself. The comments of the Local Highway Authority are as previously reported, namely that should permission be granted conditions relating to access width, the construction of the passing bays, access construction and temporary facilities for parking and loading/unloading should be imposed. The LHA do still point out, however, the poor relationship to village facilities and amenities.

A further letter of objection has been received in relation to the proposal reiterating the following concerns (in summary):

- Poor access to Bar Drove
- Houses proposed in an area predominantly characterised by bungalows
- The area is prone to flooding and this will reduce the drainage even further.
- Assured on purchase of their property that this land would not be built on.
- Chose to live here due to ill health and advice from their doctor that peace and quiet was needed.
- Loss of wildlife and natural habitats.

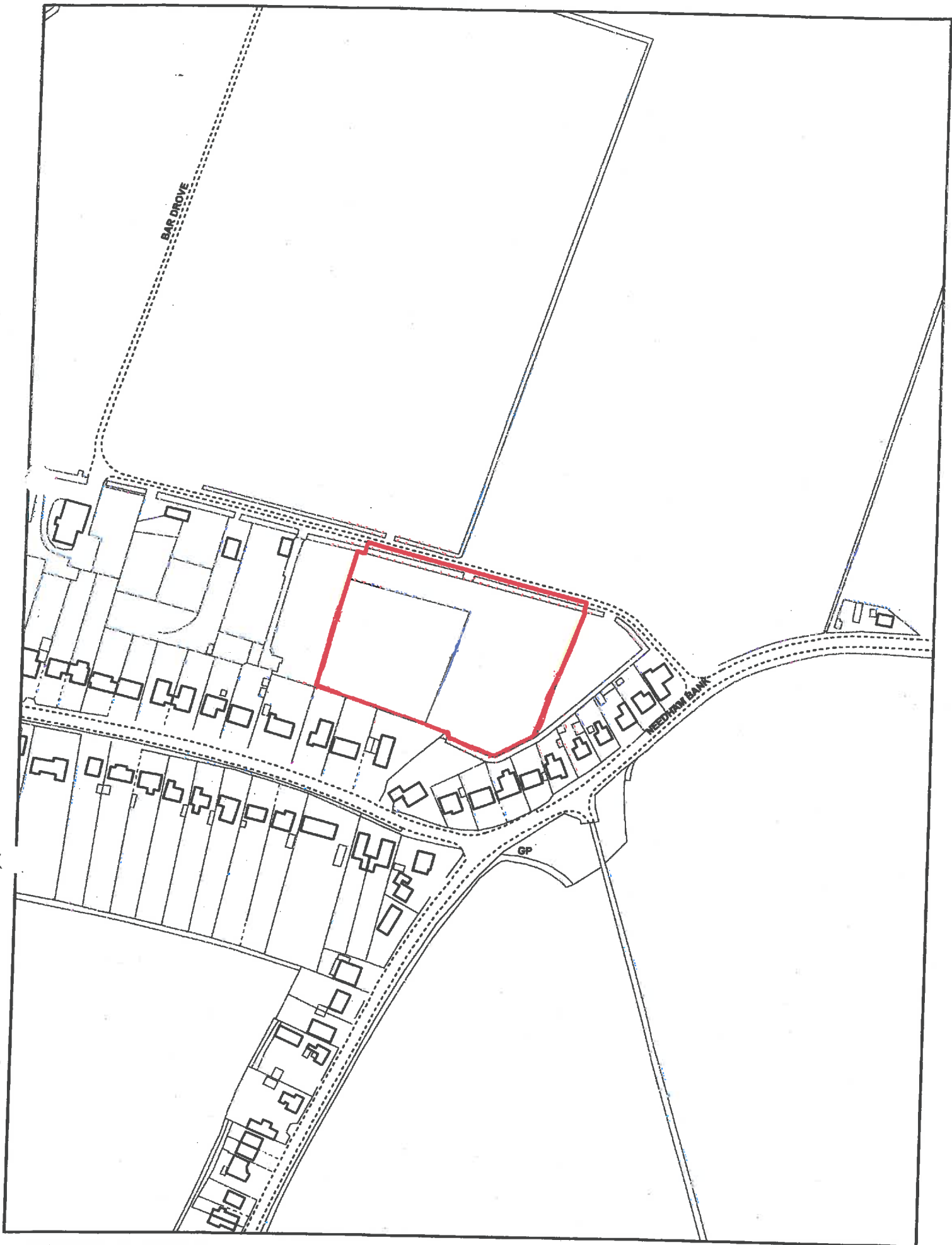
Following the receipt of the amended plans and further information from MLC the Local Planning Authority acknowledge that some of the previous issues have been address in relation to this proposal. However, a key consideration for this application was the principle of residential development in this location. The application remains contrary to the relevant Policies (as amended in the previous update above) and, as stated previously, although it is acknowledged that there are some residential properties in the surrounding area it is considered that this development does not comply with Policy CS12 as it is not adjacent to the existing developed footprint and is not considered to be in keeping with the shape and form of the settlement. In addition it is considered that the site is poorly related in location terms to the village.

As such, given the location of the site, the proposal cannot be supported in principle, despite the Middle Level Commissioners comments and the alterations to the site area, and as such the recommendation remains one of refusal for the following reasons.

RECOMMENDATION

Refuse

- 1 The proposed development, which is located outside the main settlement of Friday Bridge, will be situated within open countryside which forms the rural character of this part of the village and it is considered that the scale and form of development will be visually intrusive and will fail to assimilate into the rural landscape or the prevailing form and character of existing developments. As a result the proposal is contrary to the provisions of the National Planning Policy Framework paragraph 55, Policies E1, H3 and H16 of the Fenland District Wide Local Plan and Policies CS10 and CS14 of the Draft Core Strategy July 2012.**
- 2 The scheme, by virtue of the width of Bar Drove and the additional traffic that will be generated as a result of 3 additional dwellings, is considered to be detrimental to highway safety. In addition the lack of a footpath results in safety issues for any pedestrian visitors to the site. The application is therefore contrary to Policy E8 of the Fenland District Wide Local Plan and Policies CS10 and CS13 of the Draft Core Strategy July 2012.**



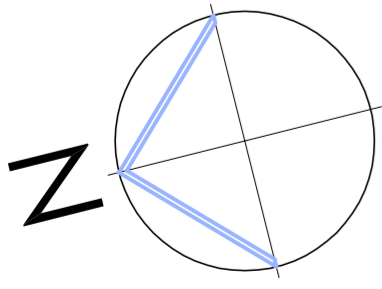
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F/YR12/0932/F

Scale = 1:2,500





Note 1:
Existing ditch to be
piped and filled as
shown hatched.

Proposed Vehicular:
Existing access point- Min. 5.0m tarmac wide. Min.
10m long from roadside channelling of the
road.

HOUSE TYPE SCHEDULE		GARAGE TYPE	
PLOT NUMBER	No. OF BEDROOMS	Type	
PLOT 1 - Type A	4 BEDROOM	Detached challot	Double garage + 2 car spaces
PLOT 2 - Type B	4 BEDROOM	Detached barn	Double garage + 2 car spaces
PLOT 3 - Type A	4 BEDROOM	Detached challot	Double garage + 2 car spaces

Total 3 Units
12 car spaces

SITE AREA = 4900 sqm approx. (equivalent to 0.49ha)

MATERIAL SCHEDULE		
PLOT NUMBER	BRICK	ROOF
PLOT 1 - Type A	Bestock Handmade Light Red Multi	Natural Slates - blue
PLOT 2 - Type B	Bestock Handmade Orchard Mixture	Sandtoit - Farmhouse clay pan tiles
PLOT 3 - Type A	Bestock Handmade Multi	Sandtoit - Village clay plain tiles

KEY TO SYMBOLS	
	1.8m c.b. 1.8m CLOSE BOARDED FENCE
	1.2m p.r. 1.2m TIMBER POST & RAILS FENCE
	timber gate
	BRINDLE BLOCK PAVIORS 200x100x60 thick Marshalls Mono Lite. Concrete paving or similar Concrete paving with brickwork border pattern. 50mm compacted sharp sand to BS 12 100mm Minimum sub-base
	VEHICULAR ACCESS ENTRANCE 5m wide Tarmac Road to C/C Highway - full construction standard specification.
	GRAVEL DRIVEWAY 20mm clean stone over Inflex membrane 20mm clean stone over 20mm clean crushed stone over Inflex membrane
	EXISTING SHRUBLANDSCAPE PLANTING
	PROPOSED INDICATIVE TREE PLANTING
	BOUNDARY AND PLOTS 1.2m high galvanised steel security fence with hedging
	MIXED CONSERVATION HEDGE: 70% CRAETAGUS 30% DOGWOOD (CORNUS) FIELD MAPLE (ACER CAMPESTRE) OREGON GRAPE (MAHONIA AQUIFOLIUM) PRIVAT (LIGUSTRUM) GUelder ROSE (VIBURNUM OPALUS)
	Position of wheeled bins



Proposed Site Plan 1:500 @ A2



1:500 SCALE IN METERS

REVISION A: TWO PASSING BAYS ADDED, 2012/2012

Peter Humphreys Associates
ARCHITECTURAL DESIGN AND BUILDING

PROJECT
Proposed Residential Development
Land off Bar Drive
Friday Bridge
Cambridgeshire

CLIENT
P+R+T+N. Smith & T. Punter
DRAWING TITLE
Proposed Site Plan

DATE August 2012 SCALE AS SHOWN JOB No. **4876-P01A**

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Architectural

30 OLD MARKET WISBECH CAMBS PE11 1NE
Building
Category Winner 2008