

Application Number: FYR13/0171/F

Minor

Parish/Ward: Tydd St Giles

Date Received: 12 March 2013

Expiry Date: 7 May 2013

Applicant: Mr & Mrs D J Howlett

Agent: Mr R Briscoe, Peter Humphrey Associates

Proposal: Erection of 9no 2-storey dwellings comprising 4 x 4-bed with garages, 1 x 3-bed with garage and 4 x 3-bed and 1no shop attached to a dwelling

Location: Land west of Desford House, Church Lane, Tydd St Giles

Site Area/Density: 0.7ha/13 dwellings per ha

Reason before Committee: The level of support received

1. EXECUTIVE SUMMARY/RECOMMENDATION

The proposal is located predominantly outside the defined settlement of Tydd St Giles in a position which is behind the established building line along Church Lane. The development would result in an unacceptable encroachment upon the area of open agricultural land which forms a key feature of the character of the village and the proposal itself does not afford an acceptable quality of public realm. The proposed retail unit does not have sufficient car parking proposed and as such, is likely to result in vehicles parking in dangerous locations on the public highway, causing a danger to highway safety. In addition, the site is located in an unsustainable location, poorly related to the majority of the population of Tydd St Giles. As such, the proposed retail unit will result in a significant number of vehicle movements into/out of the site which will cause harm to the amenities of neighbouring residents by way of noise and general disturbance.

In view of the above it is considered that the proposal is contrary to policies of the Development Plan and it is therefore recommended that planning permission is refused.

2. HISTORY

No relevant planning history associated with the site.

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 32: Safe and suitable access to the site can be achieved for all people

Section 6: Delivering a wide choice of high quality homes.

Paragraph 58: Development should respond to local character and be visually attractive as a result of good architecture and landscaping.

Section 8: Promoting healthy communities.

Section 10: Meeting the challenge of climate change, flooding and coastal change.

Paragraph 103: Flood risk should not be increased elsewhere and development should be appropriate in areas at risk of flooding, informed by a site-specific flood risk assessment.

3.2 **Draft Fenland Core Strategy:**

CS1: A Presumption in Favour of Sustainable Development

CS2: Facilitating Health and Wellbeing of Fenland Residents

CS3: Spatial Strategy, the Settlement Hierarchy and the Countryside

CS4: Housing

CS12: Rural Area Development Policy

CS13: Supporting and Mitigating the Impacts of a Growing District

CS14: Responding to Climate Change and Managing the Risk of Flooding in Fenland

CS15: Facilitating the Creation of a More Sustainable Transport Network in Fenland

CS16: Delivering and Protecting High Quality Environments Across the District

3.3 **Fenland District Wide Local Plan:**

H3: Settlement Area Boundaries

TR3: Car Parking

E2: Open Spaces and Gaps in Settlements

E3: Landscaping in New Developments

E8: Design of New Developments

4. **CONSULTATIONS**

- | | | |
|-----|--|---|
| 4.1 | <i>Parish/Town Council:</i> | Objection – the Parish Council are against this planning application. |
| 4.2 | <i>Local Highway Authority (CCC):</i> | Requested amended drawings as the layout plan should contain all relevant dimensions in order to be properly assessed. |
| 4.3 | <i>Scientific Officer (FDC):</i> | Not received at time of report. |
| 4.4 | <i>North Level:</i> | No objection in principle to the development. However, as the surface water from the estate road is proposed to be discharged into the drain to the north, some improvement works may be required. A development levy will be required to deal with the increase in run off from this site. |

4.5 **Environmental Health (FDC):**

No objections – there are no implications to Environmental Health.

4.6 **Local Residents:**

99 letters of objection (plus an additional 2 which have not been registered owing to missing addresses) submitted on the following grounds:

- Totally out of character with the pattern of development in the village
- The unique open space of countryside should be preserved
- Loss of high quality agricultural land
- Sufficient building plots elsewhere in the village
- Why not just fill the gap with a single dwelling?
- Tydd St Giles is identified in the emerging Core Strategy as a small village and development should be limited to residential infilling only (contrary to CS3 and CS4)
- It is obvious that further applications for development will be sought
- Allowing this proposal would open the floodgate of applications for further developments destroying the unique layout of the village
- The size of the shop is too large for the village
- Existing sewers are already overloaded
- The proposed shop is in an unsustainable location
- What will the proposed ‘affordable’ housing be?
-
- The site contains medieval archaeological remains, this should be preserved not destroyed
- The village does not have adequate roads to take on more traffic
- The development is outside the Development Area Boundary
- The new access could potentially cause accidents to the many horse riders who frequently ride around the village
- The Design and Access Statement is inaccurate on many points
- Not all residents who have views over the fields to be affected have been notified of the planning application

- A shop in the village is not viable, as shown by the recent change of use to residential of the former shop
- The school has insufficient capacity
- Poor positioning of the shop
- Insufficient parking for the houses and
- Is it common practice to offer a substantial 'financial incentive' to the Parish if the plans are passed? This should not be connected in any way with the planning application
- Increase in noise and disturbance to existing properties both in Church Lane and Hockland Road
- The design of the proposed shop is awkward and at odds with the character of the area
- Development is contrary to the linear form of the village
- Adverse impact on residential amenity of neighbours by reason of noise, disturbance, loss of privacy, overlooking, overshadowing and loss of view
- The access to the site has poor sight lines and a speeding survey should support the application

The Agent has provided 65 signatories and 10 individual letters/emails in support of the proposal.

In addition, one further letter of support has been submitted directly to the Council.

5. **SITE DESCRIPTION**

- 5.1 The application site is located on the eastern side of Church Lane and comprises an area of agricultural land between and to the rear of the dwellings known as Church Lodge, Desford House and Mayberry Lodge. The area proposed for the majority of development lies outside the established building line albeit the proposed vehicular access is situated within.

The land is currently used for arable crops and has a history of agricultural use. The surrounding area is characterised by residential development in linear form with agricultural land forming a unique and important square within the village form.

6. **PLANNING ASSESSMENT**

- 6.1 The key considerations for this application are:
- Principle and policy implications
 - Design, layout and impact on character of the area
 - Impact upon residential amenity
 - Parking and highway implications
 - Trees and landscape features

- Drainage and flood risk
- Developer contributions
- Other matters

6.2 Principle and policy implications

As detailed in Section 5 above, the site lies within the settlement of Tydd St Giles, albeit on land which is predominantly positioned behind the established building line.

In accordance with Policy CS3 of the emerging Core Strategy, Tydd St Giles is classified a 'small village' where development will normally be of a very limited nature and limited in scale to residential infilling. The Council has taken the approach that the rural villages can reasonably accommodate a 10% increase in dwelling stock in order to meet the housing target set and not compromise the character or sustainability of development.

Emerging Policy CS12 of the Core Strategy, clearly states that if a proposal within or on the edge of the village would, in combination with other development since April 2011, increase the number of dwellings in the village by 10% or more, the proposal should have demonstrable evidence of strong local community support for the scheme generated through a proportionate pre-application consultation exercise. Given the number of consented dwellings in the village since April 2011, the proposal in combination would exceed this 10% threshold. The Agent for the Applicant has submitted a number of emails of support for the proposal, along with a petition however it is unclear as to how the consultation exercise has been undertaken and Officers do not consider that this can constitute a proportionate or thorough pre-application community consultation.

With regards to the proposed retail shop unit, it is noted that this has been included by the Applicant to afford a more 'sustainable' development. However, the retail unit is poorly related to the existing population of Tydd St Giles and only readily accessible to the majority of the population by private car.

In addition, design policies within the current Local Plan, emerging Core Strategy and guidance contained within the NPPF (E8, CS16 and Section 7 respectively) stipulate that new development should respond to local character in terms of materials, scale, layout and landscaping and should not have an adverse impact on highway safety, neighbouring amenities or the natural environment.

These points will be discussed in more detail in the 'Design and Layout' section of this report.

On the basis of the above, it is considered that the proposed development is not sustainable and fails to accord with the emerging settlement hierarchy and housing allocations for the District. The principle of development is therefore not acceptable and the scheme contrary to emerging Policies CS3 and CS12 of the Fenland Local Plan Core Strategy (Proposed Submission February 2013).

6.3 Design, layout and impact on character of the area

The application site is located behind the established building line along Church Lane and outside the previously identified Development Area Boundary. Whilst the proposed pedestrian and vehicular access is within the built form, the proposed dwellings and retail shop are located to the rear.

It is considered that the proposal would be wholly at odds with the established built form and character of Tydd St Giles which is formed by ribbon development along the four principal roads – Church Lane, Hockland Road, High Broadgate and Newgate Road.

Within this 'square' of development, lies a large area of open agricultural land which forms an important gap and landscape feature within the settlement, intrinsic to its character. The proposal would encroach upon this area, resulting in an unacceptably harmful impact upon the character of not only the immediate locality but also the wider area. Furthermore, Officers consider that the proposed development would set an unacceptable precedent for the further erosion of this important open space.

On this basis, the proposal is contrary to paragraph 109 of the National Planning Policy Framework (2012), emerging Policies CS12 and CS16 of the Fenland Local Plan Core Strategy (Proposed Submission February 2013) and Policies E1, E2 and E8 of the Fenland District Wide Local Plan (1993).

In addition, it is considered that within the proposed development itself, the design and layout of the proposed dwellings and retail unit is of poor quality and does not represent an acceptable quality of public realm. The focal point to the development from Church Street is the proposed single storey retail unit. This is positioned awkwardly within the streetscene and the design of the proposal does not respect or reflect the character and appearance of the established form of this area of Tydd St Giles. Furthermore, given its awkward positioning within the layout, the visual amenity of the development is poor with the streetscene dominated by blank flank side and rear elevations to the unit.

On this basis, the proposal is contrary to paragraph 58 of the National Planning Policy Framework (2012), emerging Policy CS16 of the Fenland Local Plan Core Strategy (Proposed Submission February 2013) and Policy E8 of the Fenland District Wide Local Plan (1993).

6.4 Impact upon residential amenity

It is considered that the proposal affords an adequate level of amenity for future occupants. There is adequate private amenity space to the rear of the properties and there will not be any significant overlooking or overshadowing impact as a result of the proposed dwellings to neighbouring properties.

However, the proposal would introduce a new vehicular and pedestrian access from Church Lane between the dwellings known as Church Lodge and Desford House. Given the proposed number of dwellings, size of the proposed retail unit and the site location which is only accessible to the majority of the local population by private car, it is considered that the proposed access will result in an unacceptable level of noise and general disturbance to occupants of these neighbouring dwellings. As such, the proposal would result in an unacceptably harmful impact upon neighbour amenity.

On this basis, the proposal is contrary to paragraph 123 of the National Planning Policy Framework (2012), emerging Policy CS16 of the Fenland Local Plan Core Strategy (Proposed Submission February 2013) and Policy E8 of the Fenland District Wide Local Plan (1993).

6.5 **Parking and highway implications**

The Local Highway Authority (LHA) has requested amended drawings in relation to the proposed road and footpath widths. These are awaited from the Applicant's Agent and an update will be provided to Members. Notwithstanding this, the LHA has not raised any objections to the proposal.

Sufficient parking is proposed for the residential dwellings, in accordance with both adopted and emerging parking standards.

However, given the site's location, the proposed shop unit is not readily accessible on foot to the majority of the population of Tydd St Giles. As such, the proposal is likely to generate a significant level of private car trips. The level of parking proposed for the retail unit falls below both the adopted and emerging parking standards and therefore, the proposal is likely to result in cars parking on the proposed and existing public highway, parking in dangerous locations, impeding the free flow of traffic and resulting in a danger to highway safety. The proposal is therefore contrary to Policies TR3 and E8 of the Fenland District Wide Local Plan (1993) and emerging Policy CS15 of the Fenland Local Plan Core Strategy (Proposed Submission 2013).

6.6 **Trees and landscape features**

The Applicant has submitted an Arboricultural Assessment which considers the impact of the proposal upon the trees which are located to the southern and western boundary of 'Church Lodge'. As a result of this assessment, the position of the dwelling within Plot 1 has been amended.

Revised consultation is currently taking place with local residents and the Council's Landscape Officer on this amendment and an update will be provided to Members prior to the Committee meeting.

6.7 **Drainage and flood risk**

The site is located within Flood Zone 2 and a site specific Flood Risk Assessment was submitted as part of the planning application. The North Level Internal Drainage Board has not expressed any objection in principle to the proposal. However, as the Applicant has indicated that surface water is to be discharged from the estate road into the drain running to the north of the site, some improvement may be required to ensure a good level of water conveyance. As such, a development levy has been requested to deal with increased run off from the site.

On this basis, it is not considered that the proposal would either be at risk from or result in an unacceptable increased risk of flooding elsewhere. The proposal is therefore in accordance with paragraph 103 of the National Planning Policy Framework (2012) and emerging Policy CS14 of the Fenland Local Plan Core Strategy (Proposed Submission February 2013).

6.8 **Developer contributions**

In accordance with emerging Policy CS5 of the Fenland Local Plan Core Strategy (Proposed Submission February 2013), the development proposal is required to make a contribution towards affordable housing in the District. The proposed scheme provides for 4 no. 3-bed affordable dwellings however at this stage, no link to a local RSL has been established.

Subject to securing a S106 legal agreement for the proposed units if Members are minded to grant consent contrary to Officer recommendation, the proposal is in accordance with the above policy.

6.9 Other matters

Although 76 letters/emails and signatures (included on a petition) of support have been received in respect of the proposal, these must be balanced against the 99 letters of objection which have also been received.

The comments raised in support/objection to the application have been noted and are either detailed above or discussed below:

Need for the proposed dwellings and retail units

The contribution of the proposed dwellings to the housing targets set within the emerging Fenland Local Plan Core Strategy are discussed in Section 6.2 above. The un-implemented existing planning consents for residential dwellings within Tydd St Giles are considered within the policy implications assessment set out in Section 6.2 above. With regards to the 'need' for a retail unit within the village, this is not a material planning consideration and therefore cannot be considered in the determination of this application.

Potential for undiscovered archaeological remains

Consultation is currently ongoing with CCC Archaeologist and an update will be provided to Members.

Public consultation has been insufficient

The Council has a statutory duty to notify all properties with an immediately adjoining boundary to the site that an application has been submitted. This area has been extended to include those properties which are in close proximity to the proposal and a site notice has been displayed, however not all properties with a view of the site have been consulted.

7. CONCLUSION

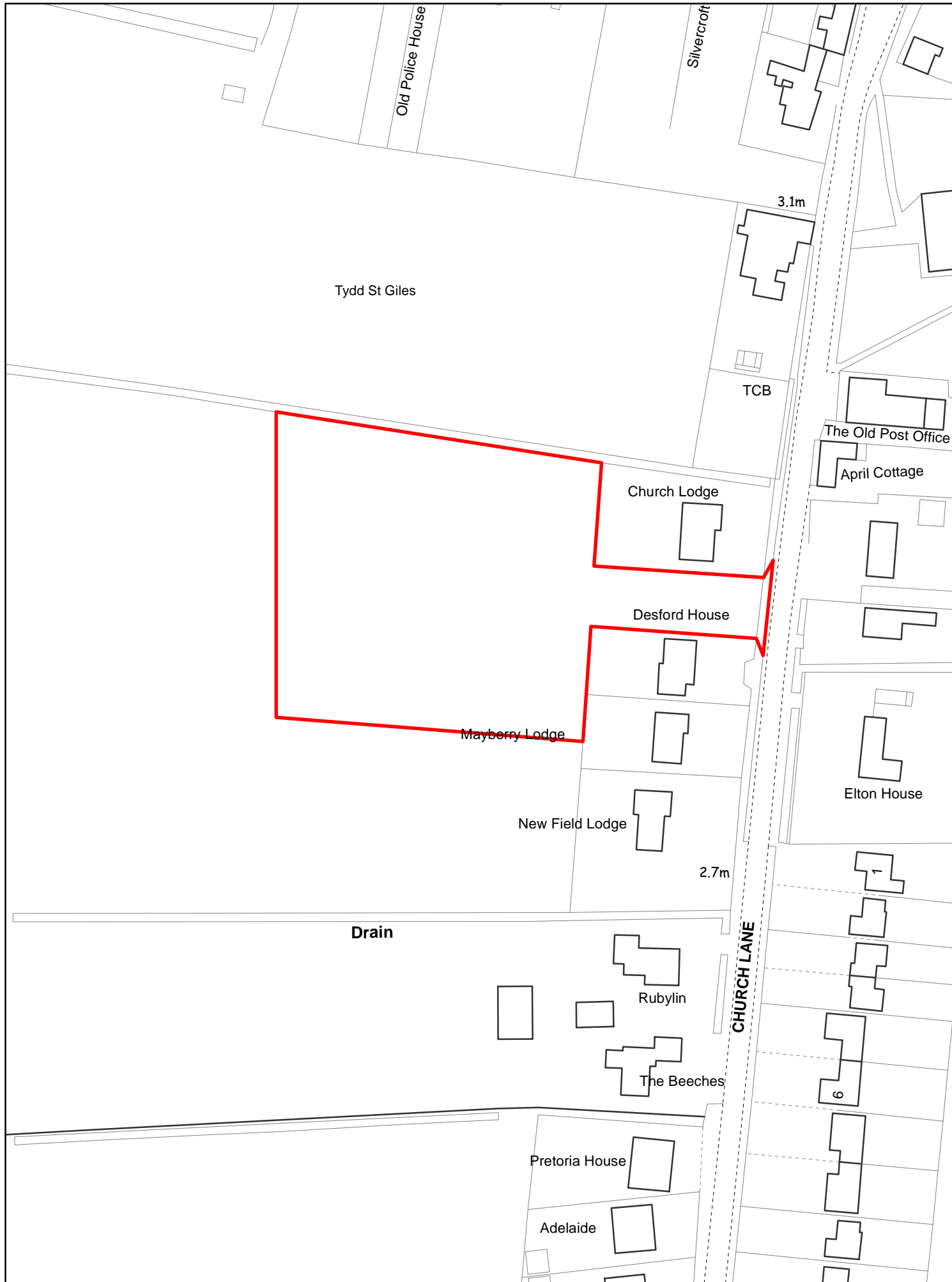
Despite the location of the site, part within the defined settlement of Tydd St Giles, the proposal cannot be supported in principle due to the resulting form of development which is inconsistent with the defining characteristics of the area. The location of the proposal is such that it would appear incongruous and at odds with the existing built form of the village and would result in encroachment upon an open space which is integral to the character of Tydd St Giles. The proposal would therefore result in unacceptable harm to the character, appearance and visual amenity of the locality. Furthermore, the proposal is not of a sufficient quality of design or layout to afford an acceptable quality of public realm. The proposed retail unit is located in an unsustainable location and the associated lack of parking and significant number of vehicle trips which would be generated will result in an unacceptably harmful loss to the amenities of neighbouring residents, as well as a danger to highway safety.

For the reasons detailed above, it is recommended that planning permission is refused.

8. RECOMMENDATION

Refuse

- 1. The proposal, in combination with the number of consented dwellings within Tydd St Giles since April 2011, would exceed the 10% threshold set out in emerging Policy CS12 of the Fenland Local Plan Core Strategy (Proposed Submission February 2013) and no thorough or proportionate public consultation has been undertaken to demonstrate that there is public support for the proposal. The scale of the proposal is therefore out of keeping with the character and built form of the village and is contrary to emerging Policies CS3 and CS12 of the Fenland Local Plan Core Strategy (Proposed Submission February 2013).**
- 2. The application site is located within a large area of open agricultural land which forms a key feature of the character of Tydd St Giles. The proposal would represent an unacceptable encroachment upon this space, eroding and therefore detrimental to the character of the area, contrary to emerging paragraph 58 of the National Planning Policy Framework (2012), emerging Policies CS12 and CS16 of the Fenland Local Plan Core Strategy (Proposed Submission February 2013) and Policies E1, E2 and E8 of the Fenland District Wide Local Plan (1993).**
- 3. The design and layout of the proposed development, and in particular the proposed single storey retail unit, is of poor quality and fails to afford an acceptable quality of public realm, with the shop unit significantly detracting from the quality of the proposed street scene. The proposal is therefore contrary to paragraph 58 of the NPPF (2012), emerging Policy CS16 of the Fenland Local Plan Core Strategy (Proposed Submission February 2013) and Policy E8 of the Fenland District Wide Local Plan (1993).**
- 4. Given the location of the site, the proposed retail unit is not readily accessible on foot to the majority of the population of Tydd St Giles. As such, the proposal is likely to generate a significant level of private car trips. The level of parking proposed for the retail unit falls below both adopted and emerging parking standards and therefore, the proposal is likely to result in cars parking on the proposed and existing public highway, impeding the free flow of traffic and resulting in a danger to highway safety. The proposal is therefore contrary to Policies TR3 and E8 of the Fenland District Wide Local Plan (1993) and emerging Policy CS15 of the Fenland Local Plan Core Strategy (Proposed Submission 2013).**
- 5. The proposed development would be accessed between the existing residential dwellings known as 'Church Lodge' and 'Desford House'. The proposal would result in a significant number of vehicles using the access, resulting in an unacceptable level of noise and general disturbance to occupants of these neighbouring dwellings. As such, the proposal would result in an unacceptable level of harm to neighbour amenity, contrary to emerging Policy CS16 of the Fenland Local Plan Core Strategy (Proposed Submission February 2013) and Policy E8 of the Fenland District Wide Local Plan (1993).**



Created on: 19/03/2013

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F/YR13/0171/F

Scale = 1:1,250



Key to Symbols

1.8 c.b	1.8m Close Boarded Fence
1.2m p.r	1.2m Timber Post & Rail Fence
	BRINDLE BLOCK PAVINGS 200 x 100 x 60 thick Marshall Mono concrete block paviors Colour: Brindle stretcher bond pattern 50mm compacted sharp sand to BS.12 100mm mill sub-base
	NEW MACADAM SHARED SURFACE TO HIGHWAYS ADOPTION STANDARD Subject to Section 27B Agreement
	PATIO AREAS 15mm thick concrete slabs Colour: Yellow Buff Size: 300 x 240 x 50 Laid on 50mm sharp sand 100mm compacted hardcore
	SHRUB/ LANDSCAPE PLANTING (with reference)
	INDICATIVE TREE PLANTING

LANDSCAPE SCHEDULE

Trees Species	Ref.
Robinia Pseudoacacia Frisia Pseudo	t1
Pseudolaran Brilliantissimum	t2
Sorbus Aria Whitebeam	t3
Gleditsia Triacanthos Skyline	t4
Aesculus Carnei Brioti	t5
Shrubs	
Viburnum Tinus	s1
Eleagnus Ebringii	s2
Phormium Tenax Variegata	s3
Barbens Thumbergii Rose Glow	s4
Cotinus Coggria Royal Purple	s5

- HOUSE TYPES**
- Plot 1 - House Type B
4 bed Detached with separate Double Garage Unit
 - Plot 2 - House Type C
3 bed Detached Chalet Bungalow Double Garage Unit
 - Plot 3 - House Type A
4 bed Detached with separate Double Garage Unit
 - Plot 4 - House Type A
4 bed Detached with separate Double Garage Unit
 - Plot 5 - House & Shop Unit Type D
4 bed Detached & Double Garage Unit with 140sq m Shop Unit
 - Plot 6 - Semi Detached 3 Bed House Type C (Affordable)
with Parking Spaces for Two Cars
 - Plot 7 - Semi Detached 3 Bed House Type C (Affordable)
with Parking Spaces for Two Cars
 - Plot 8 - Semi Detached 3 Bed House Type C (Affordable)
with Parking Spaces for Two Cars
 - Plot 9 - Semi Detached 3 Bed House Type C (Affordable)
with Parking Spaces for Two Cars



PROPOSED SITE ARRANGEMENT

Peter Humphrey Associates
ARCHITECTURAL DESIGN AND BUILDING

PROJECT
Proposed Residential Development
SITE
Off Church Lane
Tydd St. Giles
Cambridgeshire

DRAWING
SITE LAYOUT PLAN

CLIENT
Mr and Mrs Howlett

DATE Jan 2013 SCALE 1:250 @ A1 JOB No. 4689/(P) 10 c
1:500 @ A3

REV.	DETAILS	DATE
A	House Type Reference and Details updated	Jan 2013
B	Position of House on Plot 1 adjusted to provide 3.0m clearance to eastern boundary.	April 2013
C	Additional Road Setting out dimensions added.	April 2013

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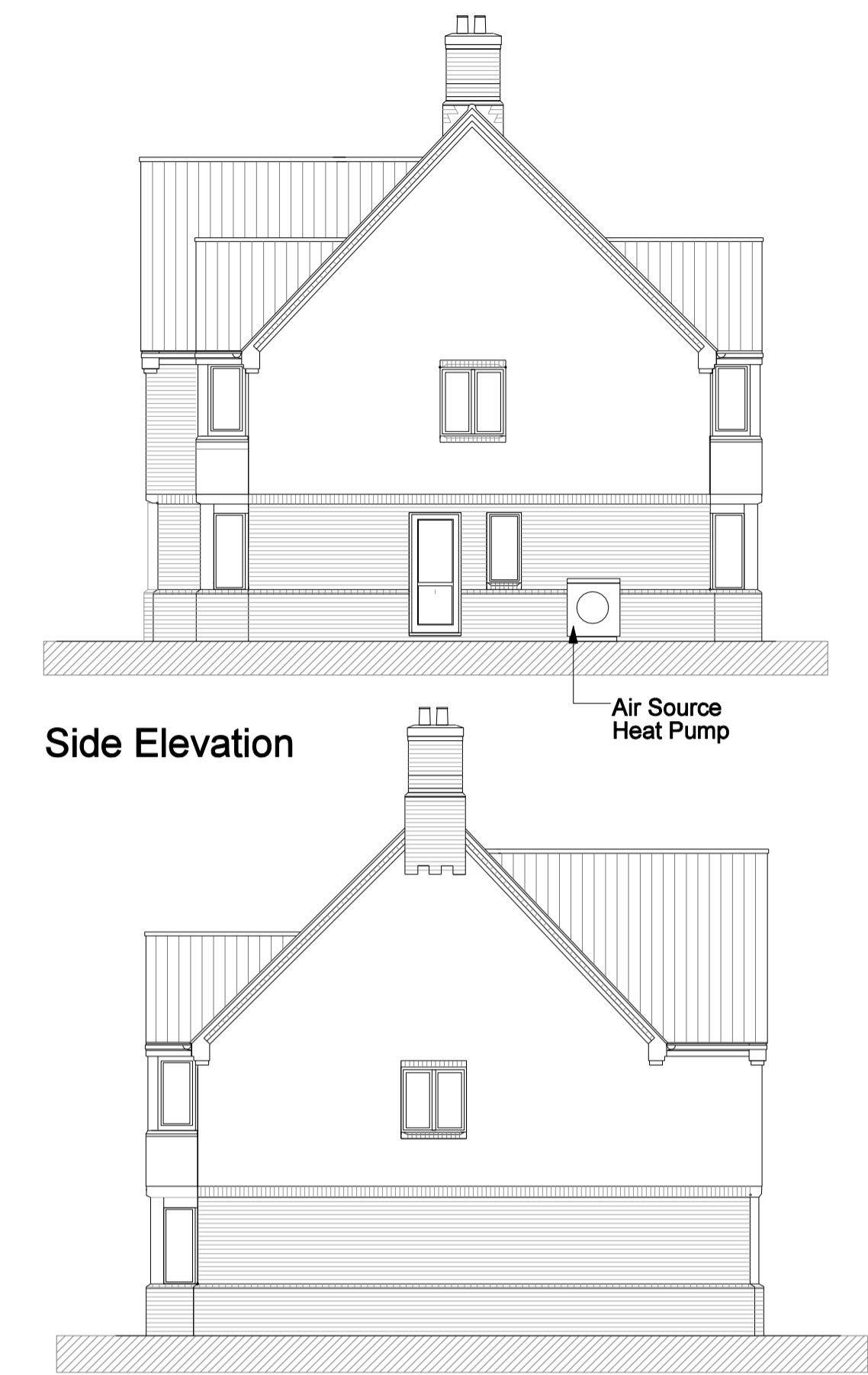
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TELEPHONE 01945 466 966
FAX 01945 466 433
E-MAIL:
info@peterhumphrey.co.uk
31 OLD MARKET WISBECH CAMBS PE13 1NB



Front Elevation

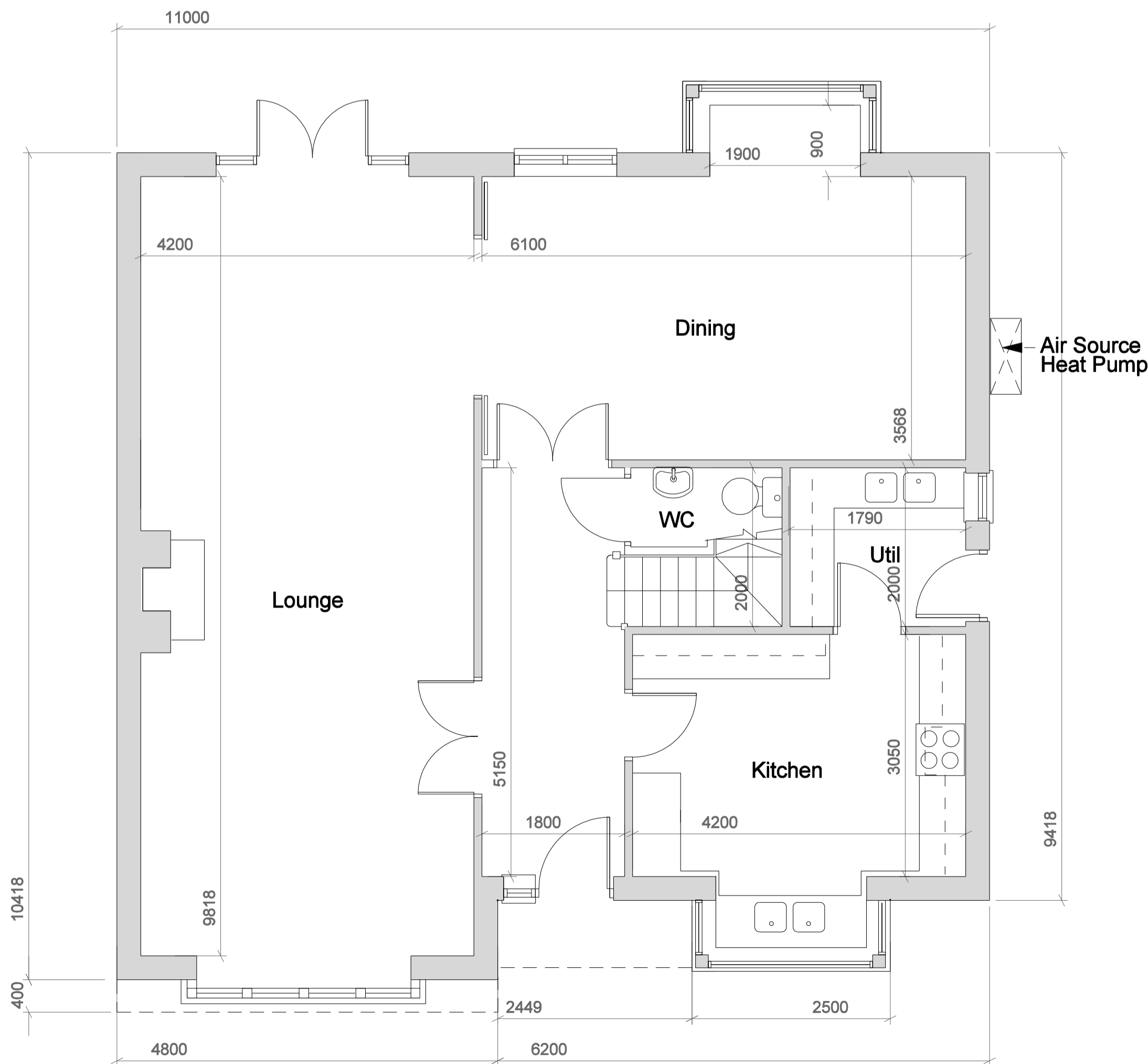


Rear Elevation

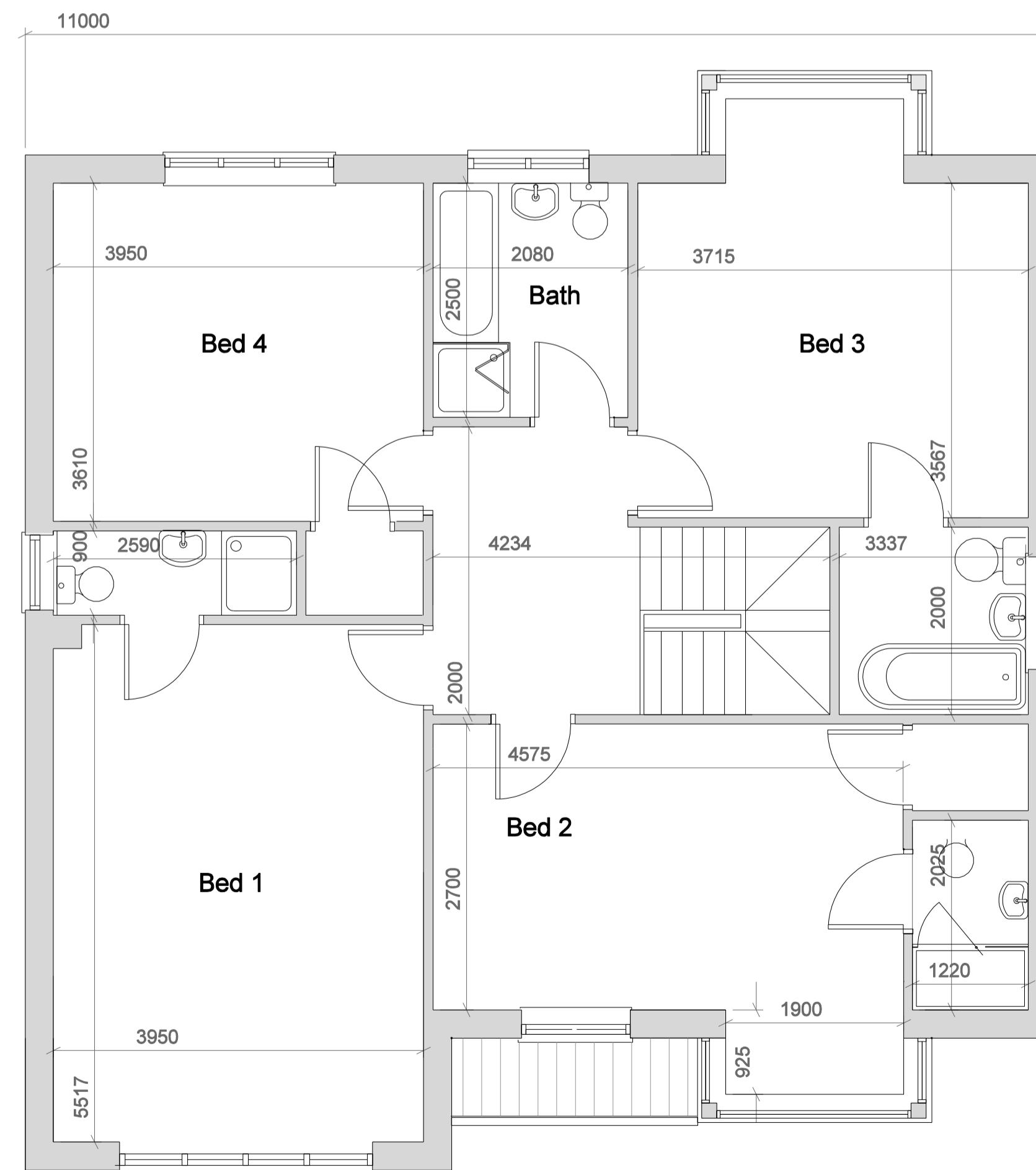


Side Elevation

Side Elevation



Ground Plan



First Floor

Peter Humphrey Associates
ARCHITECTURAL DESIGN AND BUILDING

PROJECT
RESIDENTIAL DEVELOPMENT
SITE
LAND OFF CHURCH LANE
TYDD ST GILES, CAMBRIDGESHIRE

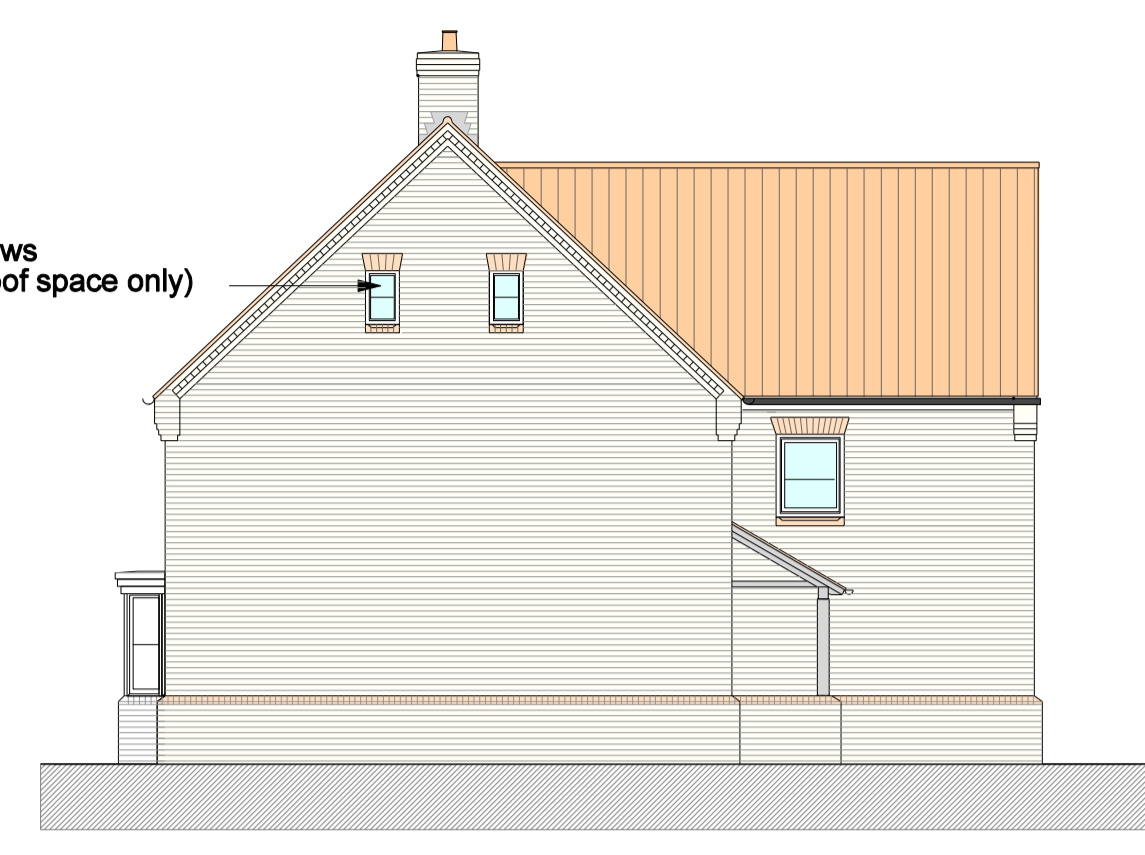
DRAWING
HOUSE 'A' DETAIL PLAN
CLIENT
MR & MRS HOWLETT

DATE JULY 2011 SCALE 1:50 / 1:100 @ A1 1:100 / 1:200 @ A3 JOB No. 4689/(P) 04 A

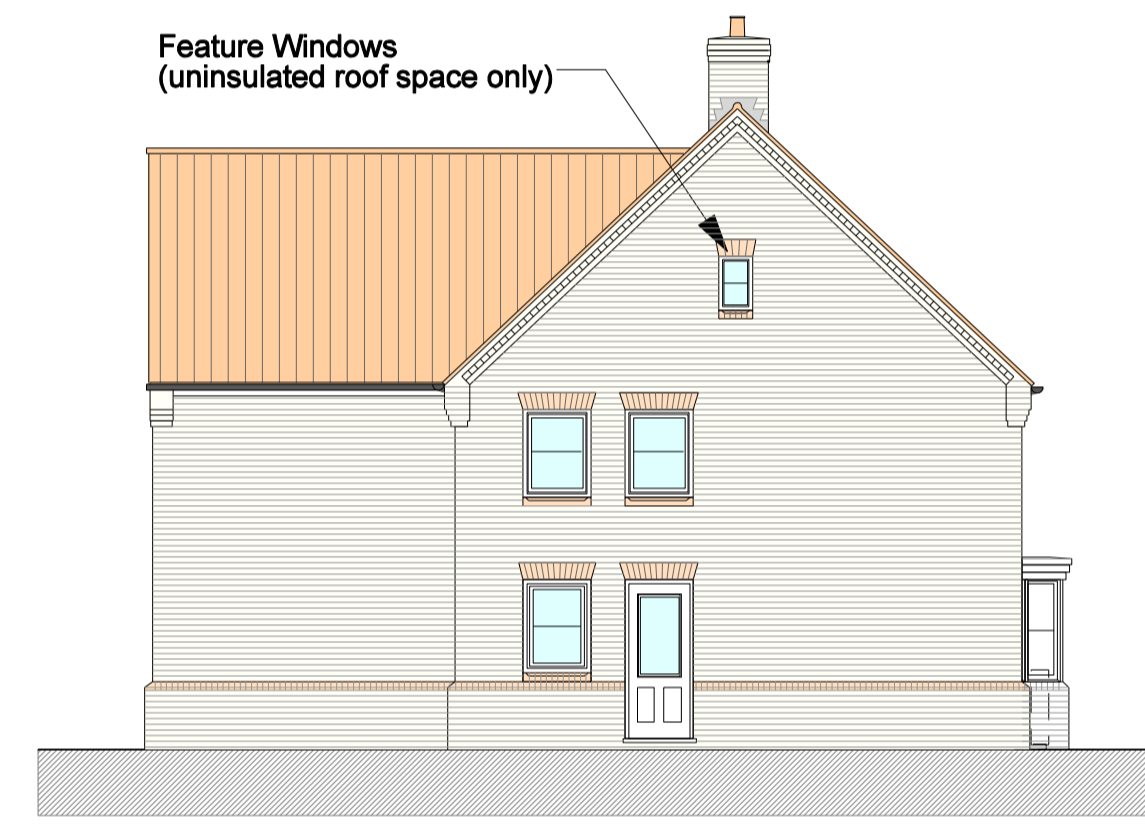
REV.	DETAILS	DATE
A	Plans generally updated	Jan 2013

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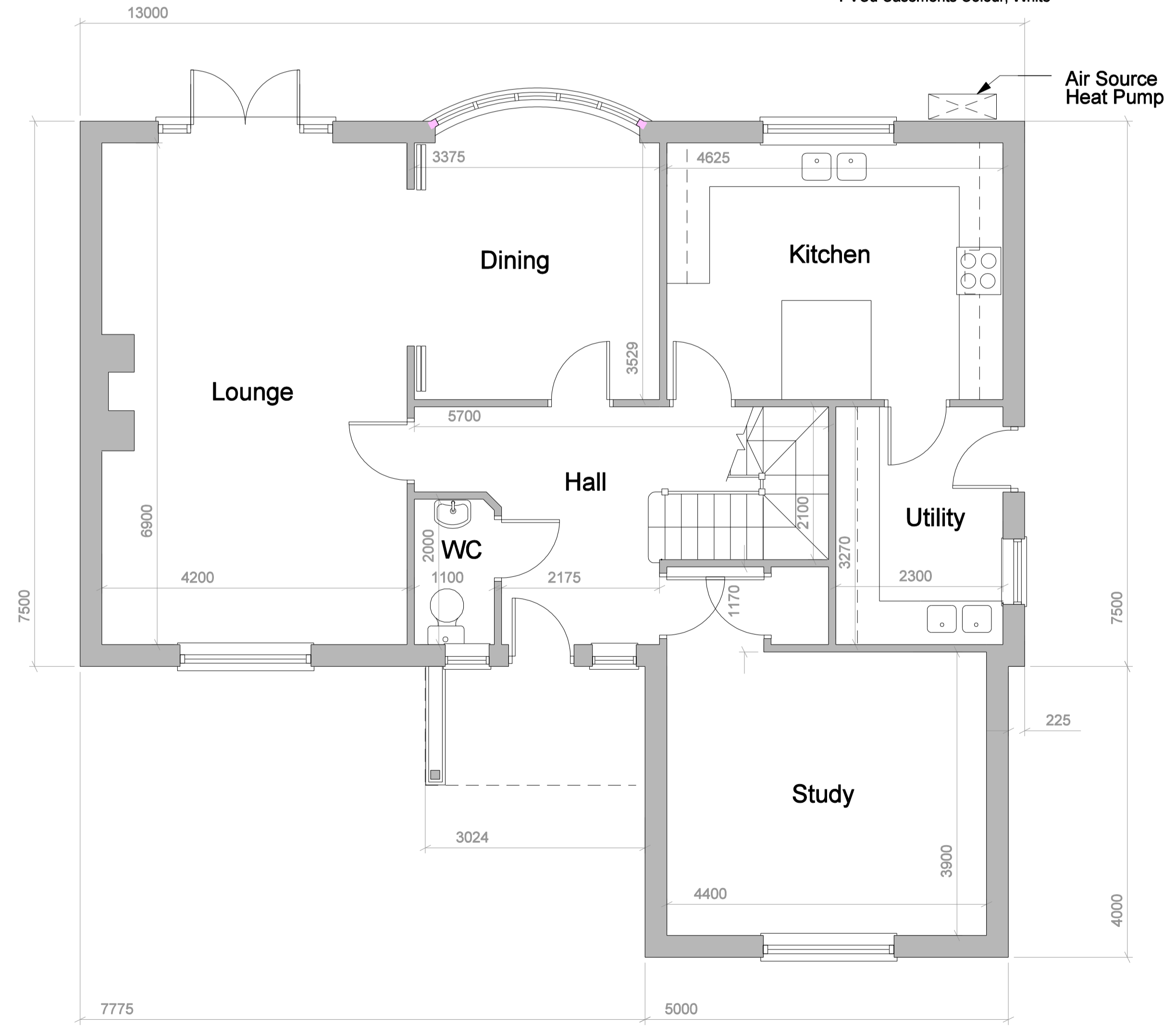
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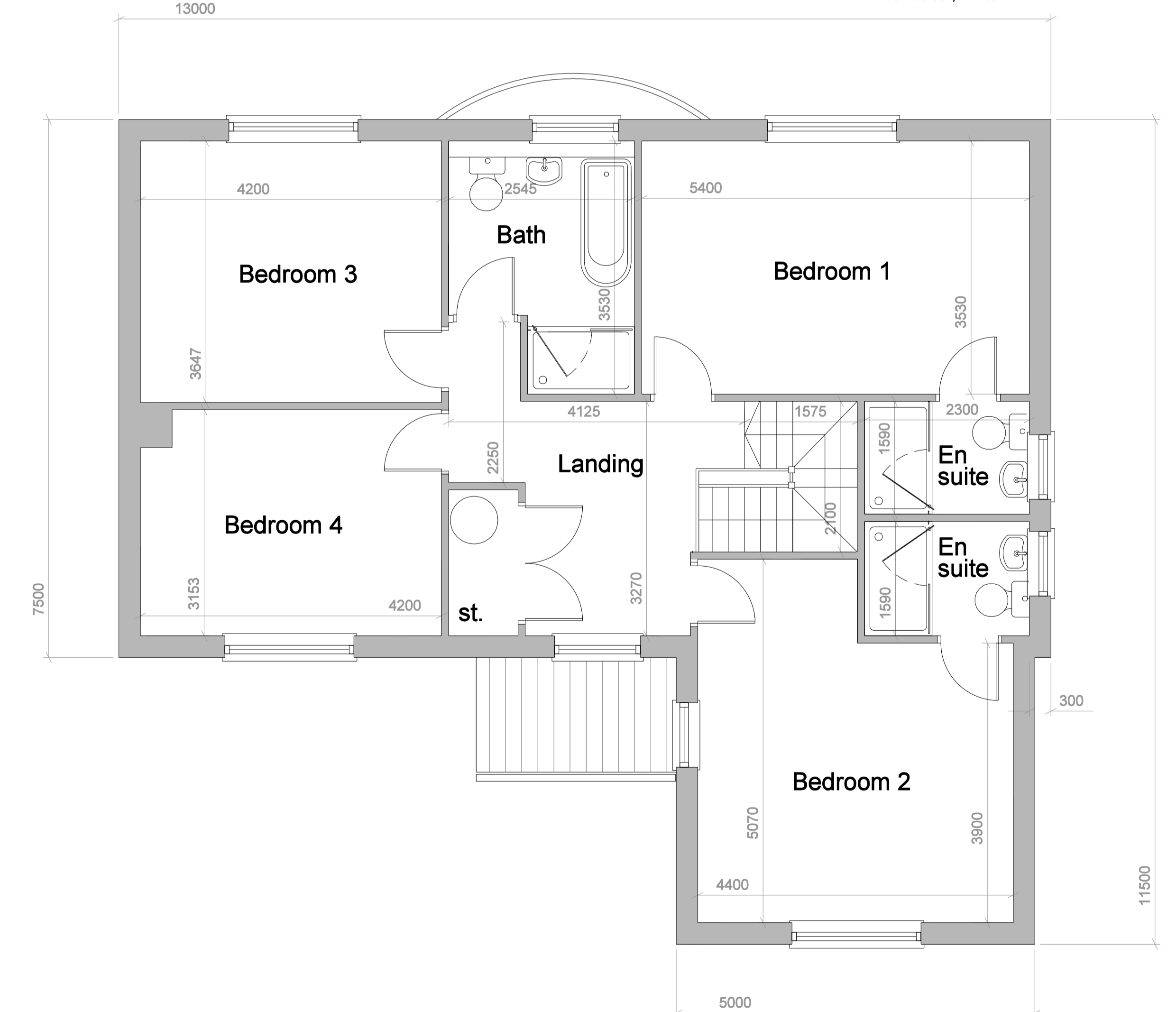
Side Elevation



Side Elevation



Ground Plan



First Floor Plan

Peter Humphrey Associates
ARCHITECTURAL DESIGN AND BUILDING

PROJECT
RESIDENTIAL DEVELOPMENT
SITE
LAND OFF CHURCH LANE
TYDD ST GILES, CAMBRIDGESHIRE

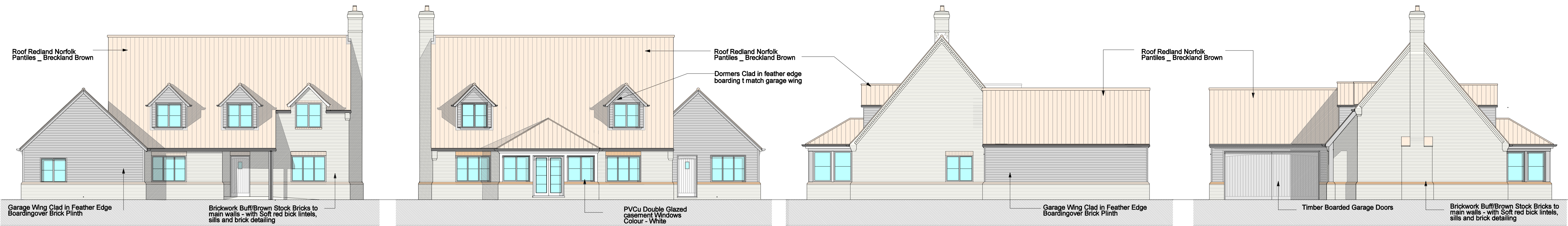
DRAWING
HOUSE B - DETAIL PLAN
CLIENT
MR & MRS HOWLETT

DATE JULY 2011 SCALE 1:50 / 1:100 @ A1 1:100 / 1:200 @ A3 JOB No. 4689/(P).05

REV.	DETAILS	DATE

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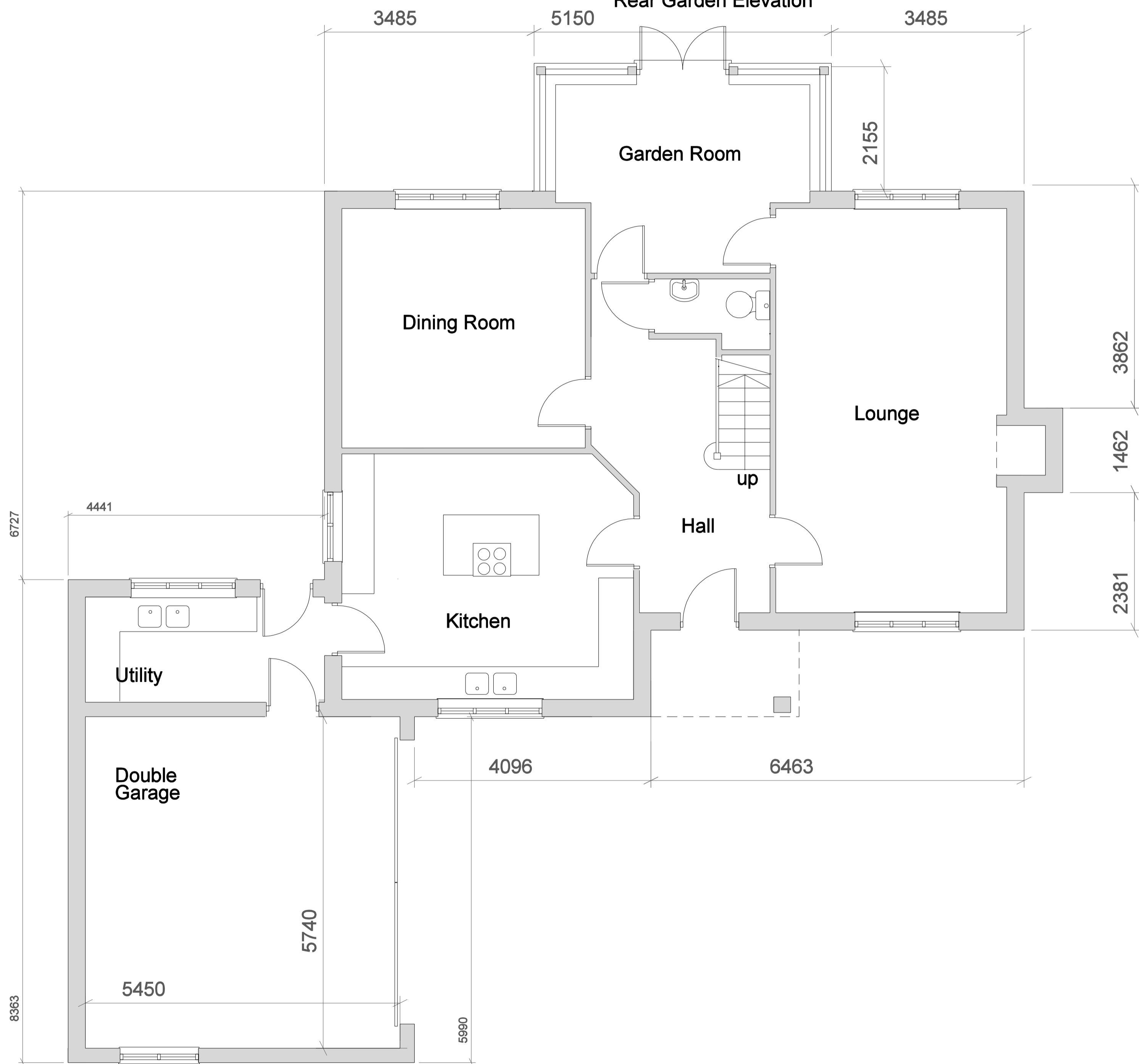


Front Elevation to Kirkgate

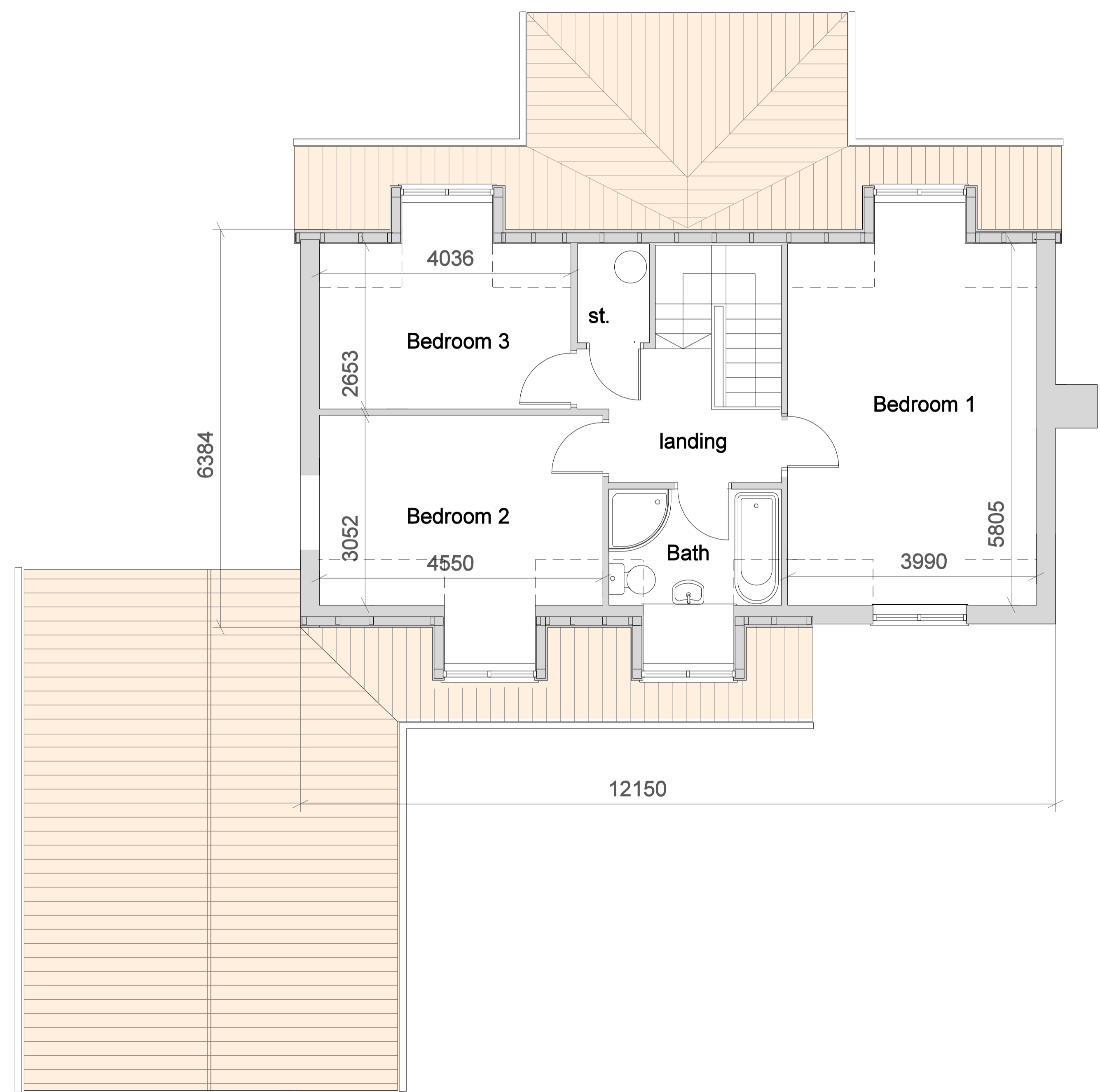
Rear Garden Elevation

Side Elevation

Side Elevation



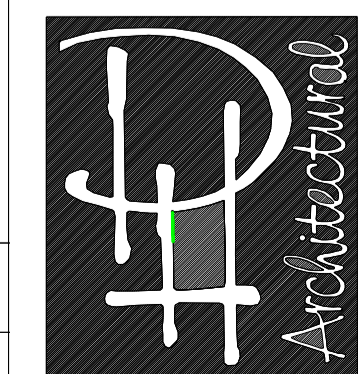
Ground Floor Plan



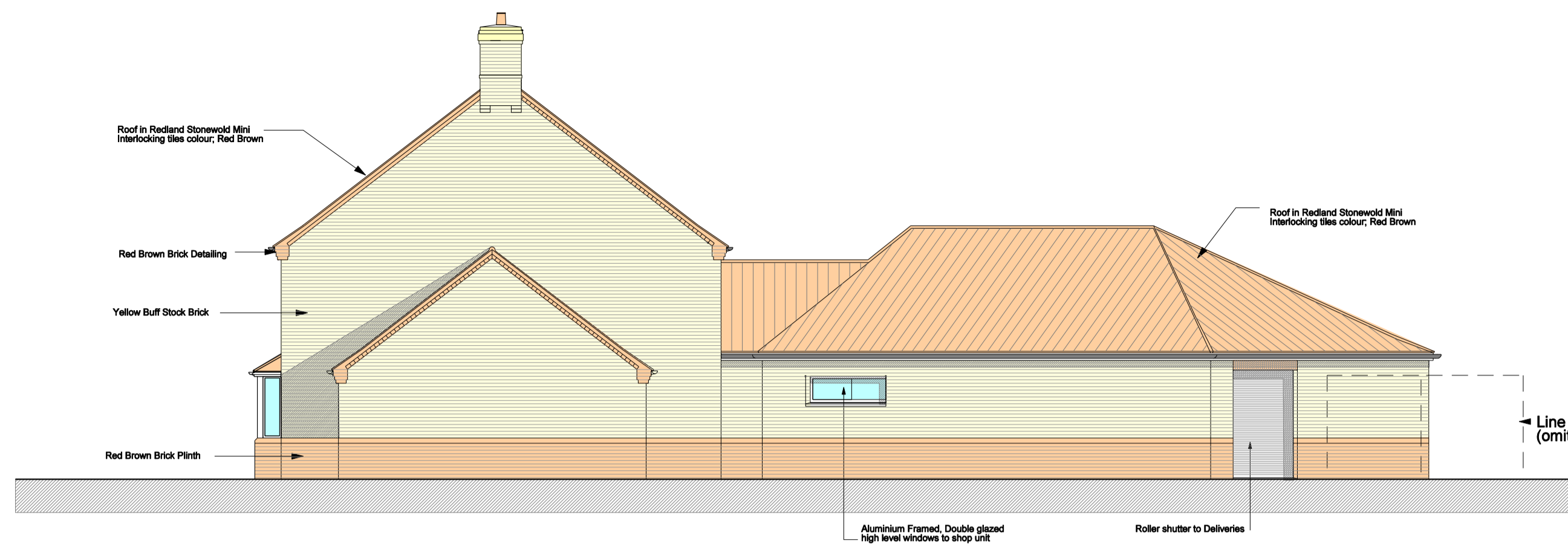
First Floor Plan

REV.	DETAILS	DATE	NOTES
A	Windows updated	Feb 2012	
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PROJECT	Proposed Residential Development Off Church Lane Tydd St. Giles Cambridgeshire
CLIENT	Mrs and Mrs Howlett
DATE	Jan 2013
SCALE	1:50/100 @ A1, 1:200/400 @ A3
	4689/(P) 11



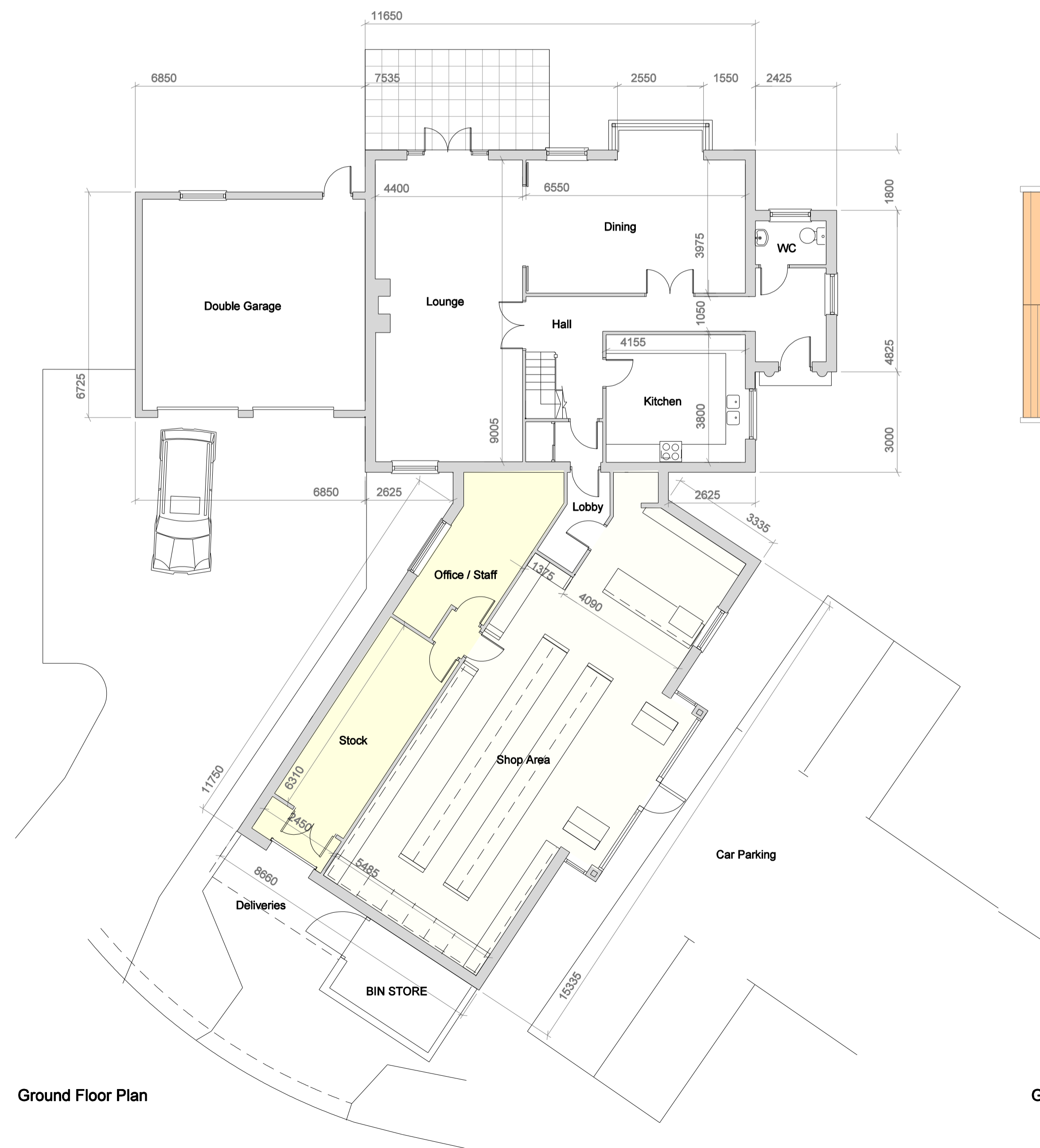
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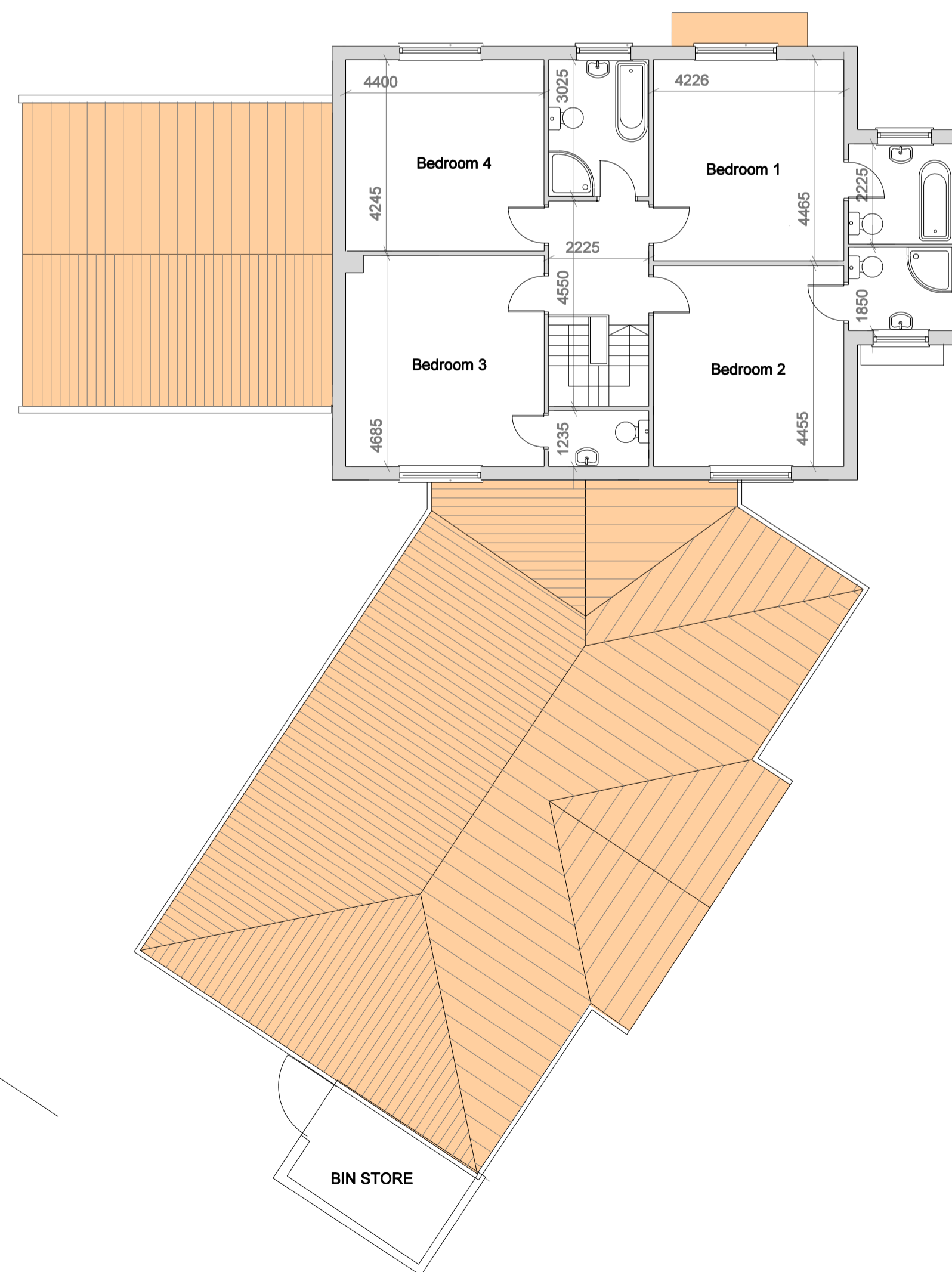
West Elevation



East Elevation



Ground Floor Plan



Ground Floor Plan

Peter Humphrey Associates
ARCHITECTURAL DESIGN AND BUILDING

PROJECT
PROPOSED RESIDENTIAL DEVELOPMENT

SITE
RESIDENTIAL DEVELOPMENT
LAND OFF CHURCH LANE
TYDD ST GILES, CAMBRIDGESHIRE

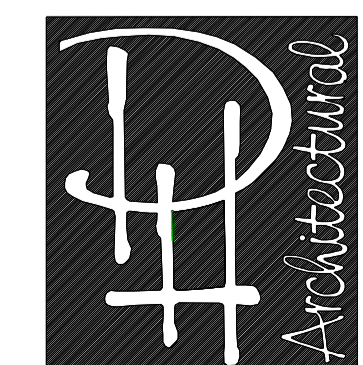
DRAWING
TYPE D HOUSE & SHOP

CLIENT
MR & MRS HOWLETT

DATE JAN 2013 SCALE 1:50 / 1:100 @ A1 1:100 / 1:200 @ A3 JOB No. 4689/(P) 12

REV.	DETAILS	DATE

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