

**Application Number: F/YR13/0748/F**

**Minor**

**Parish/Ward: Tydd St Giles**

**Date Received: 2<sup>nd</sup> October 2013**

**Expiry Date: 27<sup>th</sup> November 2013**

**Applicant: Mr M Thornton**

**Agent: Mr David Broker, David Broker Design Services**

**Proposal: Erection of 1 x 4-bed with car port and 2 x 3-bed 2-storey dwellings involving the demolition of existing fire damaged dwellings.**

**Location: The Old Post Office, Church Lane, Tydd St Giles**

**Reason before Committee: This application is before committee given that an elected Member is acting as agent for the scheme and in light of the earlier refusal by Planning Committee. Should this not have been the case it would have been determined under delegated powers by Officers.**

## **1. EXECUTIVE SUMMARY/RECOMMENDATION**

This application seeks full planning permission for the erection of 3 dwellings and a car port at The Old Post Office, off Church Lane in Tydd St Giles. The proposal sees the demolition of the existing fire damaged dwelling fronting onto Church Lane, with this dwelling being replaced and 2 additional dwellings to the East of this frontage dwelling. The site has permission for the redevelopment with the refurbishment of the frontage dwelling, therefore this permission seeks to demolish and replace this dwelling rather than refurbish.

It is appreciated that this proposal represents a resubmission of a scheme refused in September 2013, on the grounds that the development would represent an over intensification of the site which would be detrimental to the surrounding heritage location. Nevertheless the applicant is keen to pursue support of the proposal from the Local Authority rather than exercise their right of appeal at this stage. This view has been taken given the extant permission that exists on the site and in light of the earlier favourable recommendation by Officers.

The key issues to consider remain:

- Site History
- Layout and Design

The key issues have been considered along with current Local and National Planning Policies and the proposal is considered to be acceptable in terms of the principle and design of the proposal. It is considered that, on balance, there will be no adverse impacts on residential amenity, highway safety or the character of the surrounding area. Therefore the application is recommended for approval.

## **2. HISTORY**

Of relevance to this proposal is:

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- |     |               |  |  |
|-----|---------------|--|--|
| 2.1 | F/YR13/0499/F | Erection of 1 x 4-bed and 2 x 3-bed 2no storey dwellings and double car port involving the demolition of The Old Post Office and Kauniquila  | Refused 24 <sup>th</sup> September 2013. |
| 2.2 | F/YR13/0021/F | Erection of 2 x 3-bed 2-storey dwellings involving the demolition of 2 fire damaged dwellings, rear part of the Old Post Office and garages. | Granted 6 <sup>th</sup> March 2013.      |
| 2.3 | F/YR03/0856/F | Change of use of Post Office to living accommodation.  | Granted 9 <sup>th</sup> March 2003.      |

### **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: Seeks 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 quality homes.

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

#### **3.3 Fenland Core Strategy Submission Version – September 2013:**

CS1: Presumption in favour of sustainable development.

CS3: Spatial strategy, the Settlement Hierarchy and the Countryside

CS4: Housing.

CS16: Delivering and Protecting High Quality Environments across the District.

CS18: The Historic Environment.

#### **3.4 Fenland District Wide Local Plan:**

H3 – Settlement Development Area Boundaries

E8 – Proposals for new development.

TR3 – Car Parking

### **4. CONSULTATIONS**

#### **4.1 *Parish Council***

Not received at the time of writing the report

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- 4.2 ***FDC Tree Officer*** Providing the arboricultural method statement is adhered to there should be no significant damage to the retained trees. I feel that supervision of all works within the RPAs by the project Arboricultural consultant should be part of conditions to ensure the method statement is followed.
- 4.3 ***FDC Conservation Officer*** Not received at the time of writing the report
- 4.4 ***English Heritage*** Not received at the time of writing the report.
- 4.5 ***CCC Archaeology*** Archaeological considerations are included within the NPPF as a material consideration of planning. No objections to the development but recommend that an archaeological condition be applied should permission be granted. This is due to the location of the application site within the core of the historic settlement, whose origins pre-date the church. Remains are known to be present in this location relating to Medieval occupation and the location of a 17<sup>th</sup> Century blacksmiths shop on site. FDC is advised to include an archaeological condition on any planning consent granted for the scheme to ensure that heritage assets are not subject to unrecorded loss as a consequence of what should be manageable development impacts.
- 4.6 ***North Level IDB*** No comments or objections in relation to the application.
- 4.7 ***CCC Highways*** No objections. Requests conditions relation to the positioning of gates, access construction, access drainage measures and the provision of a parking area to the Church Lane frontage.

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- 4.8 ***FDC Environmental Protection*** No objections in terms of local air quality or the noise climate. Due to the fire and the requirement for demolition of existing structures it has been agreed with the applicant the remedial measures to protect future site users is required. The second half of the contaminated land condition is required. It will also be prudent to add the unsuspected contamination condition.
- 4.9 ***Local Residents:*** None received.

## **5. SITE DESCRIPTION**

- 5.1 The application site lies within the existing established settlement of Tydd St Giles where the principle of new development is supported. The site is not within a Conservation Area however it adjoins the curtilage of the Grade II\* Listed Church and Grade I bell tower. The site has a frontage building which has been fire damaged and boarded up. The area is characterised by a mix of dwelling designs and scales.

## **6. PLANNING ASSESSMENT**

- 6.1 The key considerations for this application are:
- Site History
  - Layout and Design

### (a) Site History

This site has been subject to a previous consent earlier this year. The building on site was formally the Post Office, which was then converted to living accommodation in 2003. Following a fire which damaged the building and associated land permission was given for the erection of 2 x 3-bed 2 storey dwellings involving the demolition of the rear part of the fire damaged dwellings, under planning reference F/YR13/0021/F. This permission results in 3 dwellings on the site as the intention is to refurbish the existing frontage building.

Following this approval the application was resubmitted with the proposal being altered to include the demolition and rebuilding of the frontage dwelling. This was refused at September's Planning Committee on the grounds of the over intensification of the site.

The resubmitted application again seeks permission to demolish the frontage building and rebuild this. Essentially, it would result in a similar proposal to that already approved at the beginning of the year, with the difference being a rebuilt frontage dwelling rather than a refurbishment of the existing. The design and layout within the site remains the same as previously approved therefore weight and consideration should be given to this.

### (b) Layout and Design

The current proposal seeks to develop the site for 3 dwellings as per the

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previous approval, with the demolition of the whole frontage dwelling rather than the refurbishment. The proposal sees a pair of semi-detached cottages within the site which front on to the proposed private driveway to the South of the site. These are linked to the proposed new frontage dwelling with the first floor master bedroom with a car port underneath allowing parking for 1 car in this part. The frontage dwelling will face onto Church Lane and allow for a further parking space as existing. Additional parking and turning for 4 cars will be to the rear of the site. Each dwelling will have their own areas of private amenity space. The proposed layout reflects that approved earlier this year. It is considered that the level of parking and amenity space is acceptable for this development and the Local Highways Authority have raised no objections to the proposal in terms of the provision of parking and turning areas within the site.

One of the key concerns expressed by the committee when they last considered this proposal was that of amenity space provision. The agent has clarified the level of private garden provision as being 40sq metres for the frontage unit, and 30 sq metres and 53 sq metres respectively for the remaining two units. It is noted that the submission version of the Core Strategy on Policy CS16 states that schemes should provide 'sufficient private amenity space, suitable to the type and amount of development proposed[...] as a guide and dependant on the local character of the area, this means a minimum of a third of the plot curtilage should be set aside as private amenity space.

Taking the footprint area of the dwellings (excluding the parking areas) Officers have calculated the level of provision in accordance with the latest iteration of the Core Strategy

|        |       | Dwelling footprint | Total plot size | Private amenity space proposed | Core strategy guidance regarding provision |
|--------|-------|--------------------|-----------------|--------------------------------|--|
| Plot 1 | 4-bed | 92 sq.m            | 132 sq. m       | 40 sq. m                       | 44 sq m                                    |
| Plot 2 | 3-bed | 44 sq.m            | 74 sq. m        | 30 sq. m                       | 25 sq. m                                   |
| Plot 3 | 3-bed | 44 sq.m            | 97 sq. m        | 53 sq. m                       | 32 sq. m                                   |

Whilst the calculation does exclude space given over to parking and turning within the site it does seek to illustrate that the amenity space does in practice accord with the spirit of the guidance in the main. Whilst the larger unit does demonstrate a 10% shortfall this is not considered in itself significant enough to warrant a recommendation from Officers to refuse the proposal.

In respect of the heritage considerations of the scheme, Members are advised that the design of the dwellings has been informed by the previous approval, which followed on from lengthy negotiations with the Conservation Officer in order to achieve a development which would enhance the visual character of the area due to its prominent location adjacent to the Listed Church and Bell Tower. The semi-detached dwellings are the same design as approved in the previous application. The proposed frontage dwelling is to be of a relatively traditional design and will enhance the street scene through the replacement of

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the boarded up property. The design of the development is comprehensive and cohesive.

The proposed materials for the frontage dwelling are TBS Farmhouse Antique facing bricks, natural colour stone sills and lintels to front elevation, natural slate roofing and timber joinery. For the semi-detached dwellings the materials proposed are Desimpel Hathaway blend facing bricks, Redland Duo plain slate grey roof tiles and timber joinery. The proposed materials are considered to be acceptable and commensurate with the heritage considerations of the location.

It is considered that the proposal remains acceptable in terms of the layout and design of the proposal when considered against the character of the area. The existing dwelling is vacant and boarded up and it is considered that the redevelopment of this site will improve the visual appearance of the area.

There will be no adverse impacts on the character of the area, the adjoining Listed Buildings and the site has the benefit of a recent consent. Consideration has been given to the previously approved scheme, which was approved under the same policy considerations, albeit an earlier version of the emerging Core Strategy, and as such it is considered that the proposal can be supported.

Archaeology: It should be noted that CCC have requested a standard Archaeology condition be imposed on any consent as granted, however no such request was highlighted on the originally approved scheme which remains extant. The Agent for the scheme has challenged this request in light of the extant permission and a further update in this regard will be reported to the committee.

## **7. CONCLUSION**

- 7.1 The proposal has been assessed in line with Local and National Planning Policies in relation to the design, scale and impact on the surrounding area and residential amenity. The proposal is considered to be acceptable in terms of siting and design and will not give rise to any adverse visual, highway or residential amenity impacts. The proposal will result in the redevelopment of an existing fire damaged building thereby bringing a prominent site back into use. This is considered to be of substantial benefit to the village. As such the proposal is recommended for approval with appropriate conditions.

## **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. Prior to the commencement of the development hereby approved the Local Planning Authority will require:**

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- a) **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.**
- b) **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.***

3. **If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, and amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. The development shall then be carried out in full accordance with the amended remediation strategy.**

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

4. **Prior to the first occupation of the development the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.**

**Reason: In the interests of highway safety.**

5. **Before the development hereby permitted is occupied the parking area to the Church Lane frontage shall be laid out to accommodate only a single vehicle and shall be hardsurfaced, sealed and drained in accordance with a detailed scheme to be submitted to and approved in writing by the LPA.**

**Reason: In the interests of highway safety.**

6. **The access road shall be constructed with adequate drainage measures to prevent any surface water run-off to the adjoining public highway in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.**

**Reason - In the interests of highway safety.**

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7. Any gates must be set back at least 10.0m from the edge of the carriageway.

**Reason - In the interests of highway safety.**

8. Prior to the commencement of use hereby approved the permanent space shown on the plans hereby approved to be reserved on the site to enable vehicles to:

- a) enter, turn and leave the site in forward gear;
- b) park clear of the public highway;
- c) load and unload;

shall be levelled, surfaced and drained and thereafter retained for no other purpose in perpetuity.

***Reason - In the interests of satisfactory development and highway safety.***

9. 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 with or without modification), 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);

***Reason: In order to control future development and to prevent the site becoming overdeveloped***

10. Any resurfacing of the parking court shall be carried out using a 'no dig' technique. During development all works within the Root Protection Areas shall be supervised by the project Arboricultural Consultant.

**Reason – In the interests of the health of the nearby trees.**

11. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.



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**Reason: In the interests of preserving and protecting any archaeological remains that may be present on site.**

**12. Approved Plans**