

Application Number: FYR13/0849/O
Minor
Parish/Ward: Whittlesey/St Marys Ward
Date Received: 13 November 2013
Expiry Date: 12 February 2013
Applicant: Mr R Barnes
Agent: Mr G Walker, Graham Walker Architect

Proposal: Residential development comprising either 2 x 2-storey detached dwellings or 3 x single-storey dwellings.

Location: Land East of 11 Scaldgate, Whittlesey.

Reason before Committee: The application is before Planning Committee as it has been called in by Councillor Swan over concerns relating to the development being a large development in the Conservation Area, concerns over the street scene, over intensification and back garden development.

1. EXECUTIVE SUMMARY/RECOMMENDATION

This application seeks outline planning consent for residential development at land East of 11, Scaldgate in Whittlesey. The site is within the main built up settlement of Whittlesey and is adjacent to the Conservation Area. The site comprises of a series of outbuildings around the site boundaries and residential amenity space linked with the existing frontage dwelling. The site is accessed off Scaldgate and the area is characterised by residential dwellings of a mixed nature and scale.

The key issues to consider are:

- Design and Layout
- Highway Safety

The key issues have been considered along with current Local and National Planning Policies and the proposal is considered to be acceptable in this instance, therefore the application is recommended for approval.

2. HISTORY

TP/8409	Use of land as a builders yard	Granted 13 April 1961.
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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: Seek to ensure high quality design and a good standard of amenity for all existing and future occupants.

Paragraph 53: LPAs should set out policies to resist inappropriate development of residential gardens.

Paragraph 56: Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

3.2 **Fenland Local Plan Core Strategy – Submission Version September 2013:**

CS1: Presumption in favour of sustainable development

CS3: Spatial Strategy, The Settlement Hierarchy and the Countryside.

CS11: Whittlesey

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

CS18: The Historic Environment

3.3 **Fenland District Wide Local Plan:**

H3 – Settlement Development Area Boundaries

E8 – Proposals for new development.

4. **CONSULTATIONS**

4.1 ***Town Council***

Recommend refusal due to insufficient information however the application does portray overintensification of the site, lack of parking and this is in a Conservation Area.

4.2 ***FDC Conservation Officer***

Number 11 is an attractive Victorian property which is designated as a BLI. The curtilage was previously used as a builder's yard. Would not wish to object to the demolition of any of the detached outbuildings as these are modern and are not of any architectural or historic merit. Would also agree that in principle there is scope for some sensitive redevelopment of the site. The existing contemporary brick wall is attractively detailed and the combination of the wall and trees behind is a positive feature complementing the setting of the house and adjacent conservation area. The illustrative layout would require the demolition of the wall and removal of the trees. Consider that this would be detrimental to the setting of the house and wider conservation area. A more sensitive approach would be to retain the access in its current position. A full landscaping scheme should be conditioned on any consent and new development should be limited to a maximum of 2-storeys.

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| 4.3 | <i>Whittlesey Society</i> | No objections to the proposal. It will tidy the site up. |
| 4.4 | <i>Anglian Water</i> | No objections. Provide advisory comments relating to waste water and foul and surface water disposal. |
| 4.5 | <i>CCC Highways</i> | The appropriate necessary access width, vehicle to pedestrian and vehicle to vehicle inter-visibility splays can be achieved within the limits of the existing public highway and land in the applicant's control. Therefore no objections. Requests conditions relating to permitted development rights for gates, access width, access construction, parking and turning space, temporary construction vehicle facilities, visibility splays and the closure of the existing access. |
| 4.6 | <i>Police Senior Architectural Liaison</i> | No comments to make in respect of crime prevention and fear of crime. |
| 4.7 | <i>FDC Scientific Officer</i> | No objections in terms of the local noise climate or air quality. The application involves the demolition of an existing garage/workshop and there is the potential for made ground. Given this and the former use as a builder's yard the contaminated land condition is required. |
| 4.8 | <i>FDC Housing Strategy/Enabling Officer</i> | In accordance with policy CS5 if the application is for 5 or more dwellings some on-site affordable housing should be provided. Therefore if the reserved matters application is approved for 5 or more dwellings the policy should be implemented. |
| 4.9 | <i>CCC Archaeology</i> | Records indicate that the site lies in an area of high archaeological potential and it is likely that important archaeological remains survive in the area which would be damaged or destroyed by the development. Therefore the site should be subject to a programme of archaeological investigation secured by condition. |
| 4.5 | <i>Local Residents:</i> | None received. |

5. SITE DESCRIPTION

- 5.1 The site currently forms an area of rear amenity space for the existing dwelling at 11 Scaldgate in Whittlesey. The site is within the main settlement core of Whittlesey and is adjacent to the Conservation Area. The site is currently occupied by a number of outbuildings which sit along the site boundaries. The area is characterised by relatively dense residential development in the form of flats, terraced dwellings and detached properties. The area is very mixed in terms of dwelling designs, scales and layouts.

6. PLANNING ASSESSMENT

- 6.1 The key considerations for this application are:
- Design and Layout
 - Highway Safety

Design and Layout

This is an outline application for residential development comprising of either 2 x 2-storey dwellings or 3 x single-storey dwellings. Access has been committed for consideration with all other matters, including layout and design, being reserved for subsequent approval. Initially the proposal was for a maximum of 12 potential dwellings (flats) on the site with an indicative layout plan showing a footprint of 4 units. Discussions have been held with the Agent as it was considered that the information provided was not adequate to enable full evaluation of the application. From these discussions it has been agreed to proceed with the outline application but with indicative plans showing either 2 x 2-storey dwellings or 3 x single-storey dwellings. This provides a more specific indication of the form of development thereby enabling a more comprehensive evaluation to be undertaken.

The indicative layout schemes show that 2 or 3 dwellings can be accommodated on the site whilst still retaining sufficient amenity space for the existing and proposed dwellings. These layouts serve to illustrate that sufficient distances can be provided between the proposed dwellings and the surrounding existing dwellings, given the density of the development in the surrounding area. The indicative layout of the 3 single-storey dwellings show the dwellings positioned in a way that limits the level of private residential amenity space however, the layout is not committed and can be adjusted to overcome this in any future detailed scheme.

The indicative layouts submitted serve to demonstrate that the site can accommodate some level of residential development and as such the principle of the application is supported in this location, given its location in a sustainable area and the level of surrounding development.

Highway Safety

The application, although an outline proposal, seeks to commit the access arrangements for the site. Pre-application discussions have been undertaken with the Local Highways Authority prior to the submission of the application and the access arrangements carried out as advised by the LHA.

The proposal sees the relocation of the existing access to the south of the site, adjacent to the site boundary. This would allow for a garden area to be provided adjacent to the existing dwelling to serve this dwelling. The indicative layouts demonstrate that the required access width and visibility splays can be achieved in order to facilitate a safe access onto Scaldgate.

The comments of the Conservation Officer have been noted in relation to amending the proposed access to that of the existing access point in order to retain the frontage boundary wall. This has been considered by the LPA and also the Agent however, the Applicant does not view this favourably as this would result in their private garden being divorced from their dwelling by a communal access serving 1 or 2 dwellings to the rear. The LPA acknowledge that this would not be an ideal situation in terms of residential amenity for the occupants of number 11 and understand why the Applicant does not want to proceed along this route. It is also noted that the proposed new access is compliant with highway safety requirements and that the wall is contemporary rather than historic. Whilst it would have been beneficial to retain the wall in line with the Conservation officer's comments this has to be considered against the residential amenity and highway safety aspects of the scheme and it is felt that, on balance, the proposed new access is acceptable. A landscaping and boundary treatment scheme can be conditioned to be submitted with any subsequent Reserved Matters application which can ensure that the visual character of this site enhances the surrounding area.

7. CONCLUSION

- 7.1 The proposal has been considered in light of the above points and the relevant National and Local Planning Policies. It is considered that the proposal, which relates to the principle of development, is acceptable. As such it is recommended for approval.

8. RECOMMENDATION

Grant

1. Approval of the details of:

- (i) the layout of the site**
- (ii) the scale of the building(s);**
- (iii) the external appearance of the building(s);**
- (iv) the landscaping**

(hereinafter called "the Reserved Matters" shall be obtained from the Local Planning Authority prior to the commencement of development).

Reason - To enable the Local Planning to control the details of the development hereby permitted.

- 2. Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.**

Reason - To ensure compliance with Section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall begin before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

4. The details submitted in accordance with Condition 01 of this permission shall include:

(a) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;

(b) details of any proposed topping or lopping of any retained tree or of any tree on land adjacent to the site;

(c) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation within the crown spread of any retained tree or of any tree on land adjacent to the site

(d) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree or hedge from damage before or during the course of development;

(e) the plans and particulars submitted shall include details of the size, species, and positions or density of all trees or hedges to be planted, and the proposed time of planting.

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

5. All hard and soft landscape works including any management and maintenance plan details, shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development.

6. Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking, amending or re-enacting that order) no gates shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

7. The access shall be a minimum width of 5.0m, for a minimum distance of 10m measured from the near edge of the highway carriageway.

Reason: In the interests of highway safety.

8. 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 and to ensure satisfactory access into the site.

9. Prior to the first occupation of the development sufficient space shall be provided within the site to enable vehicles to:

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

The area shall be levelled, surfaced and drained and thereafter retained for that specific use.

Reason: In the interests of satisfactory development and highway safety.

10. Temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction in accordance with a detailed scheme to be submitted to the LPA for approval.

Reason: In the interests of highway safety.

11. Prior to the commencement of the use hereby permitted visibility splays of 2.0m x 2.0m shall be provided each side of the vehicular access measured from and along the back of the footway. Such splays shall thereafter be maintained free from obstruction exceeding 0.6m above the level of the highway footway.

Reason: In the interests of highway safety.

- 12. The vehicular access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway in accordance with a scheme to be submitted to and approved in writing by the LPA.**

Reason: In the interests of highway safety.

- 13. The existing vehicular access to Scaldgate shall be permanently and effectively closed and the footway reinstated in accordance with a scheme to be agreed with the Local Planning Authority in consultation with the Highway Authority, within 28 days of the bringing into use of the new access.**

Reason: In the interests of highway safety.

- 14. 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

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

The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:

- a) A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. This should include a conceptual model, and pollutant linkage assessment for the site. Two full copies of the desk-top study and a non-technical summary shall be submitted to and approved in writing by the**

Local Planning Authority.

IF during development any previously unsuspected contamination is discovered then the LPA must be informed immediately. A contingency plan for this situation must be in place and submitted with the desk study. If a desk study indicates that further information will be required to grant permission then the applicant must provide, to the LPA:

- b) A site investigation and recognised risk assessment carried out by a competent person, to fully and effectively characterise the nature and extent of any land and/or groundwater contamination, and its implications. The site investigation shall not be commenced until:
 - (i) A desk-top study has been completed, satisfying the requirements of paragraph (a) above.**
 - (ii) The requirements of the Local Planning Authority for site investigations have been fully established, and**
 - (iii) The extent and methodology have been submitted to and approved in writing by the Local Planning Authority. Two full copies of a report on the completed site investigation shall be submitted to and approved in writing by the Local Planning Authority.****

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

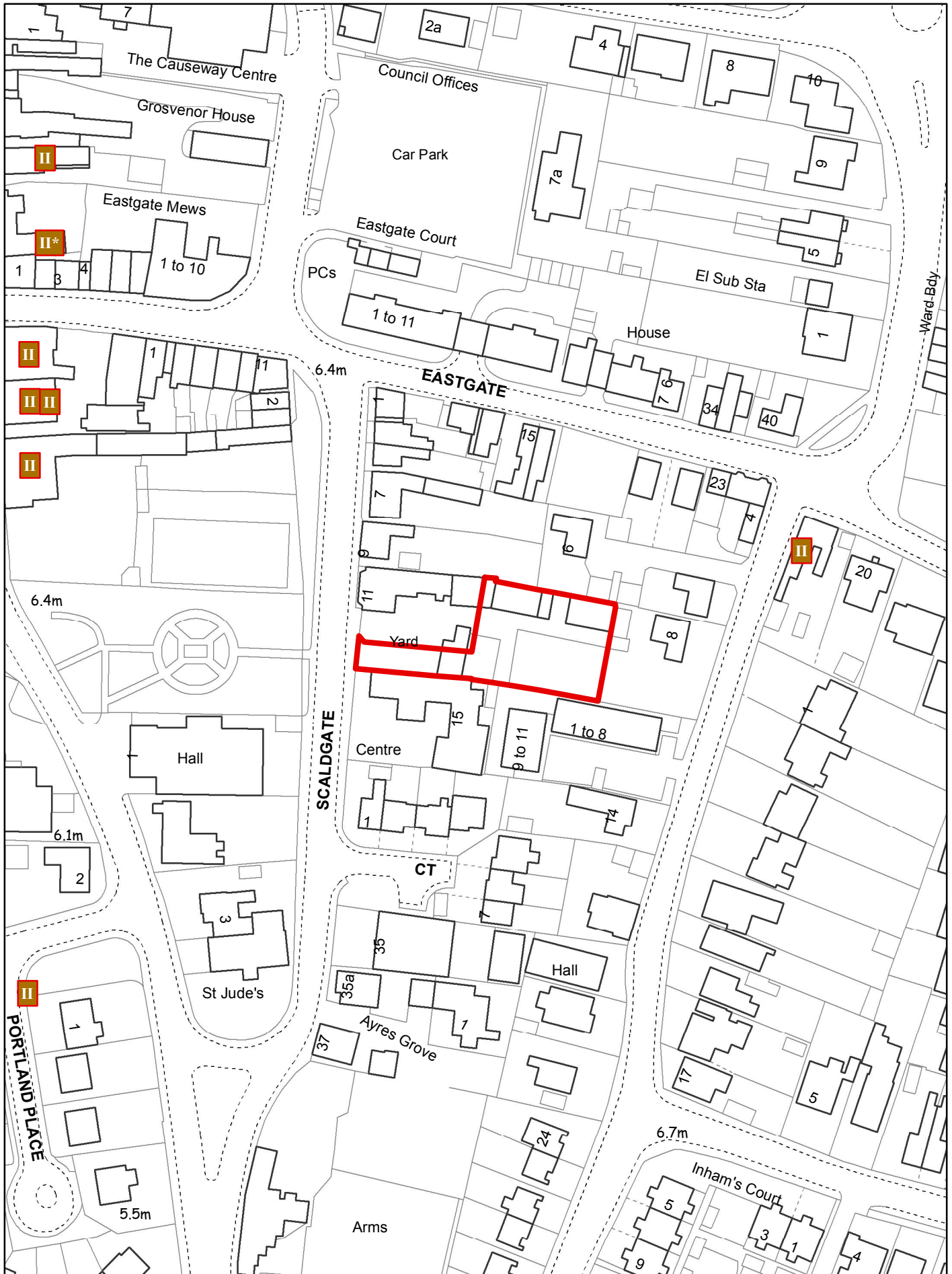
- c) A written method statement for the remediation of land and/or groundwater contamination affecting the site. This shall be based upon the findings of the site investigation and results of the risk assessment. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.**
- d) 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

- 16. 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.**

Reason – In the interests of protecting the archaeological potential and integrity of the site.

- 17. Approved Plans**



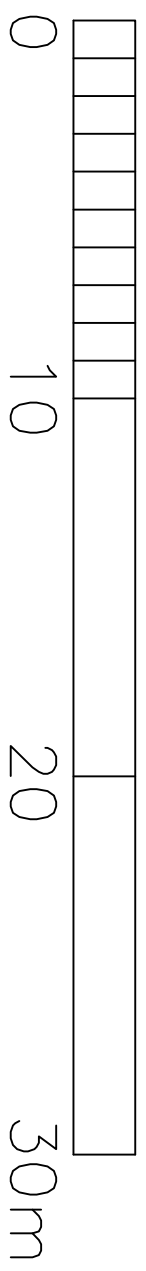
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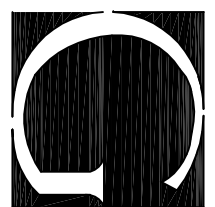




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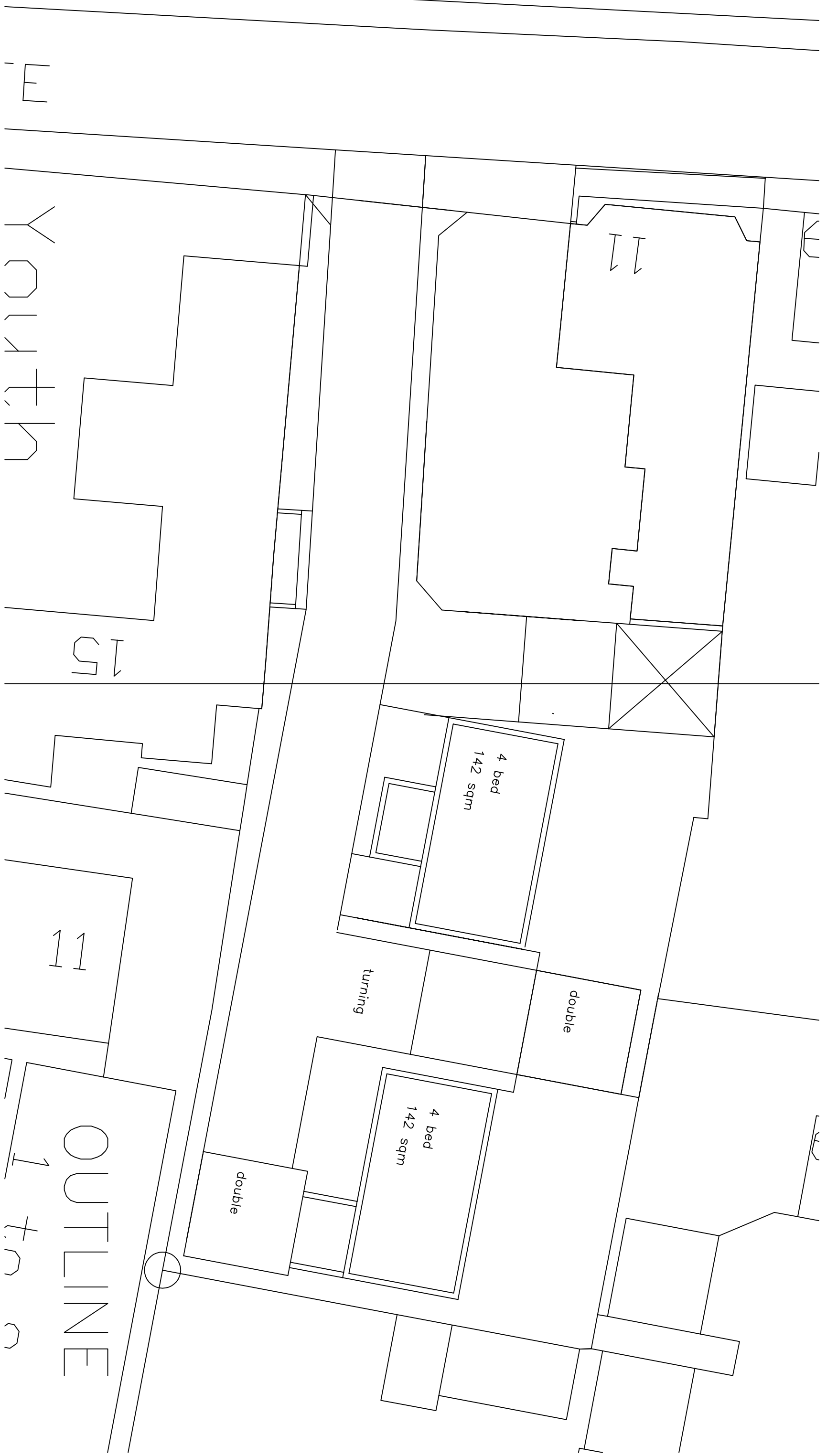


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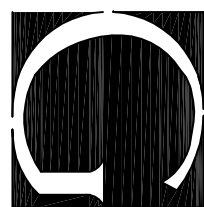
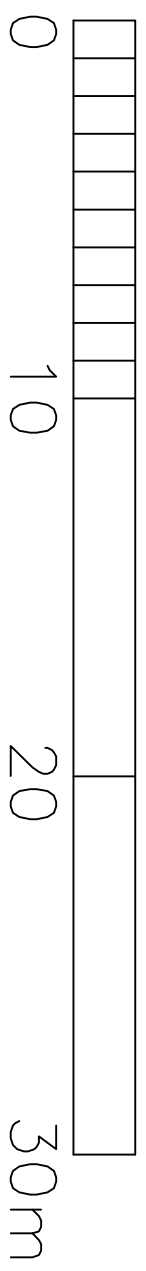
**11 SCALDGATE, WHITTLESEY
FOR MR MRS RICHARD BARNES**
OUTLINE SCHEME 7 : SITE

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YOUTH



11 SCALDGATE, WHITTLESEY
FOR MR MRS RICHARD BARNES
OUTLINE SCHEME 8 : SITE

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