

Application Number: FYR14/0023/F

Minor dwellings

Parish/Ward: Christchurch Parish Council/Elm and Christchurch Ward

Date Received: 10 January 2014

Expiry Date: 7 March 2014

Applicant: Mr W Poole

Proposal: Erection of 1 x 3-bed and 1 x 4-bed 2-storey dwellings with attached double garages and 1.2 m high front boundary metal fence

Location: Land south east of The Paddocks, Green Lane, Christchurch

Site Area: 0.29ha

Reason before Committee: Due to the level of objection from local residents contrary to officer recommendation

1. EXECUTIVE SUMMARY/RECOMMENDATION

This application seeks full planning permission for the erection of 2 detached dwellings on land south east of The Paddocks fronting Green Lane, Christchurch. The application has been amended during the course of determination and changes have been made to the proposed access to the site off Green Lane. This amendment has resulted in the number of access points being reduced from two to one and hence the number of trees to be lost along Green Lane has also been reduced.

The proposal involves the development of paddock land associated with The Paddocks which lies adjacent to the existing village settlement limits.

Policy CS3 of the emerging Core Strategy sets out the settlement hierarchy of towns and villages within Fenland and Christchurch is identified as a small village where development will be considered on its merits but will normally be of a very limited nature and normally be limited in scale to residential infilling or a small business opportunity.

Policy CS12 supports development of sites which are in or adjacent to the existing developed footprint of the village but by definition excludes gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlements where the land relates more to the surrounding countryside than to the built up area of the settlement. Policy CS12 also seeks to retain and protect natural boundaries such as trees, hedgerows and drainage ditches and retain and respect biodiversity features.

The proposal will result in development that reflects the character of the area and whilst one tree will be lost along the Green Lane frontage, it is considered that this will not have an adverse impact on the character of Green Lane. The development will not overlook or overshadowing neighbouring properties and the proposal generally accords with Policy CS12 of the emerging Core Strategy and Policy E8 of the Local Plan.

2. HISTORY

F/YR13/0780/F Erection of 1 x 3-bed and 1 x 4-bed detached dwellings with garages Refused 13 December 2013 – Delegated

3. PLANNING POLICIES

3.1 National Planning Policy Framework:

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

Section 11: Conserving and enhancing the natural environment.

3.2 Fenland Local Plan Core Strategy (September 2013):

CS1: A presumption in favour of sustainable development

CS3: Spatial strategy, the Settlement Hierarchy and the Countryside

CS12: Rural Areas Development Policy

CS16: Delivering and Protecting High Quality Environments across the District

CS19: The Natural Environment

3.3 Fenland District Wide Local Plan:

E8: Residential amenity

H3: Development within Development Area Boundaries

4. CONSULTATIONS

4.1 **Christchurch Parish Council:** Raise no objection.

4.2 **Environmental Health:** No objection and from information provided contaminated land is not considered an issue.

4.3 **County Archaeology:** Do not object to this development proposal but recommend that an archaeological condition is applied to any consent for the scheme, owing to its location in the south-eastern part of an extensive Roman settlement that once occupied this village area on the south and west side of the Old Croft River.

The Cambs HER indicates that a large anomaly is known from air photographs from this development area, which has been interpreted as a possible moated site (MCB 263), although the feature has not been tested. Immediately north of the road, cropmarked evidence of a Roman settlement is known on the early roddon silts of the silted up Old Croft River

(MCB200). The Fen Causeway Roman road and canal transport system is located to the north of the village, which provided the alignment for the later field and settlement enclosures that extended south from Upwell Road, to Church Road and the southern end of Crown Road/throughout Upwell Fen (eg MCB8267). These field enclosures are of regional archaeological interest as they constitute a rare survival of surveyed centuriation, or limitatio: land allocated to veterans of the Roman army who were to settle in a new colony close after its occupation.

4.4 **Highways (CCC):**

Green Lane is not really suitable in its current condition to serve further development, being of single vehicle width, devoid of footways, lighting and appropriate turning head provision.

If there is prospect of further extension of the built frontage to the south of the site, then this development should form part of comprehensive masterplan which allows for the upgrading of the highway to appropriate residential standards.

As a stand alone proposal, this application is difficult to resist, being located in relatively close proximity to the widened length of Green Lane to the south, where good inter-visibility between the proposed dwelling accesses and the widened length should serve to minimise vehicular conflict on the narrow length. The LPA should be satisfied with the existing street infrastructure with regard to future resident amenity.

4.5 **FDC Tree Officer:**

The supplied arboricultural report classes the trees as BS Category B & C, however, in my opinion, the trees form an important linear landscape feature and should be evaluated as a group. I do not believe that the trees should be devalued on the assumption that they may get ash dieback; I could see no evidence of the disease at the present time.

Whilst Tree T5 has deadwood in the crown and has suffered from dieback in the past, there is currently a good density of buds throughout the crown. The development proposal requires the removal of the trees to construct access to the plots by filling in the ditch. There is an alternative where the root protection areas and ditch can be bridged by the use of micro or screw piles and a deck which would allow retention of the trees. However, in its current form object to the proposal.

Following the submission of amended access details the Tree Officer makes the following comments:

The supplied method statement for the construction of the access is acceptable. As the location of the piles needs checking by hand digging a trial hole to determine if roots are present, recommends that the applicant's Arboricultural Consultant should be present to supervise the works, this also applies to the installation of the access road where it encroaches into the RPAs of the retained trees.

4.6 **Local Residents:**

Objection letters

22 letters of objection from 14 households re:

- loss of healthy trees;
- trees along frontage are protected and should be retained;
- residents of Green Lane do not want street lighting;
- paddock land should be excluded from development in accordance with Policy CS12;
- development in Christchurch should be limited to residential infilling;
- land is in open countryside;
- no functional need for the dwellings;
- difficulties for construction lorries to enter the site;
- too many executive homes in Christchurch;
- drainage ditches along the front of the site are active;
- difficulty for delivery vehicles to the site;
- Christchurch need affordable homes;

Support letters

7 letters of support as follows:

3 letters of support from local residents re:
- development will support local school
and amenities;

2 letter of general support for the
development from local residents.

1 letter of support from a local landowner
living outside Fenland relating to
development will support village life and
local amenities.

1 letter of support from outside of
Christchurch.

5. **SITE DESCRIPTION**

- 5.1 This site is laid out as paddock land and is part of the curtilage of the adjacent dwelling known as The Paddocks. There are a number of trees within the site and along the north eastern boundary of the site there are a number of trees subject to a TPO fronting Green Lane. There is an existing open ditch along Green Lane and also an existing open ditch along the south eastern boundary.

There is further paddock land to the south west of the site which is not included within the development site. To the south of the site is open agricultural land.

6. **PLANNING ASSESSMENT**

The key issues for consideration to this application include:

- Principle of development and policy considerations
- History of the site and surrounding area
- Form and character of the area
- Access
- Effect of development on trees
- Biodiversity
- The development proposal
- Other considerations.

Principle of development and policy considerations

The site is located just outside the existing core settlement and accordingly local policies H3 of the Fenland District Wide Local Plan 1993 and Policies CS3 and CS12 of the emerging Fenland Local Plan Core Strategy together with the National Planning Policy Framework are considerations in this respect.

The Inspector's Report into the Core Strategy has concluded that the Core Strategy is 'sound,' subject to a number of 'main modifications.' The most up-to-date version of the Core Strategy is the Pre-Submission version (September 2013), as amended by the schedule of modifications.

Due to its advanced stage, in accordance with paragraph 216 of the NPPF, significant weight can be accorded to the Core Strategy when considering planning applications

The Council will consider the adoption of the Core Strategy (with main and minor modifications) at Cabinet and Full Council on 8 May 2014. Provided it is approved, the Core Strategy (incorporating main and minor modifications) will have full statutory weight as of 9 May 2014.

Although the Core Strategy will replace all of the existing or “saved” policies of the Fenland Local Plan, this document remains part of the statutory development plan for the District until the Core Strategy is formally adopted by the Council.

Policy CS3 of the emerging Core Strategy sets out the settlement hierarchy of towns and villages within Fenland and Christchurch is identified as a small village where development will be considered on its merits but will normally be of a very limited nature and normally be limited in scale to residential infilling or a small business opportunity.

Policy CS12 supports development of sites which are in or adjacent to the existing developed footprint of the village but by definition excludes gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlements where the land relates more to the surrounding countryside than to the built up area of the settlement.

Policy H3 and E8 of the Local Plan outlines that development should be within the existing settlement limits and new development should allow for the retention and enhancement of any special features on the site and be of a design compatible with their surroundings. Development should also have regard for the amenities of adjoining dwellings and provide adequate access, parking and amenity space. The site adjoins the identified development area boundary with the host dwelling within the DAB and the paddock area outside.

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.

History of the site and surrounding area

The site is a well maintained paddock area associated with the dwelling to the north known as The Paddocks. A similar application was refused in December 2013 as it failed to demonstrate the possible effect that the development may have on the trees fronting Green Lane and also the lack of a biodiversity study relating to protected species.

Form and character of the area

The area is predominantly rural in character with development mainly on the north eastern side of Green Lane. The original village development area boundary includes The Paddocks and an area of land along Green Lane.

The area is characterised by detached dwellings and the application site is located close to the village centre. There are no footpaths or lighting along this section of Green Lane.

The paddock area has a close association with the host dwelling and there is a defined edge to the paddock along the south east of the site by virtue of a drainage ditch. Beyond the paddock area is open agricultural land which gives a clear distinction between the two uses.

Access

Access into the site is proposed to be via Green Lane, which is a public byway, and the amended proposal is to form one vehicular access which will serve both plots at the northern corner of the site. This access will utilise a bridge type construction which will remove the need to infill the open watercourse and will also protect the trees along Green Lane.

However whilst the original proposal involved the loss of 2 ash trees along Green Lane, the new proposal involves only the loss of 1 ash tree (T8)

The Local Highway Authority considers that Green Lane is not suitable to take any further traffic due to the width of the road and lack of footpaths and lighting however does not object to this one additional development. The LHA has recommended that the access must be a minimum of 5 m wide to ensure that vehicles can pass without waiting on the highway. They have also recommended that it is for the Local Planning Authority to decide if the road is suitable to take further traffic in terms of lack of width, lighting and footpaths.

Effect of development on trees

The development requires the removal of 1 ash tree located along Green Lane in order to facilitate access into the paddock area. This ash tree is shown as T8 on the site block plan. In consideration of where an acceptable access point could be provided, the trees along Green Lane were surveyed. The root systems of trees T5, T6 and T7 are likely to either meet or nearly meet along the south side of the drain and into the paddock. This is a significant constraint as it is difficult to make new vehicle crossings of the drain without potential harm to roots. As T5 and T6 are fully mature trees it has been decided to make the access elsewhere.

The access point involves the removal of tree T8 from the north side of the drain. Tree T8 roots could be seriously affected by the construction of the new access across the dyke to plot 1. However it is a lower quality tree than T5, T6 and T7 having been cut to the base on a previous occasion. Thus it has two stems from a potentially weak fork at ground level both of which are very close to a telephone pole and the overhead wires. It also overhangs the electricity overhead line across the road.

The tree also grows on the road side of the dyke which prevents drain cleaning from Green Lane. There is also a seedling sycamore growing in the drain which will also be removed.

Within the site there are a number of trees including a large sycamore on the boundary with The Paddocks. This tree is shown as tree T11 and its roots and branches spreading onto the proposed access area. The roots of this tree will require protection by way of using no-dig porous paving for the proposed access. Similarly the root area of tree T12, which is a maple tree, will also need the same type of protection. Both of these trees will also need their crowns raising to clear the new paddock access.

Trees T3 (oak) and T4 (ash) are to be removed as they will be too close to the proposed dwellings.

With regards to above ground constraints, tree T6 has low spreading branches which extend over the dyke bank and part of the front garden area of plot 2. It is proposed to raise the canopy to 1.8 m to allow maintenance of the garden however it is considered that the proposed works will not affect the amenity value of the tree.

A total of 3 trees out of 12 on or near the site are to be felled as a direct consequence of this development and all the trees are considered to be Grade C trees and according to BS 5837 guidance, whilst trees of this grade should be taken into account when considering planning applications they would not normally be considered as critical factors in determining an application.

Service runs to each of the proposed dwellings are not shown on the layout and must be designed and routed so they runs outside the root protection areas of any retained trees. In practice this means that they cannot run under the no-dig sections of the new access drive where it passes over tree roots. A condition will be imposed to provide further details of the service runs prior to the commencement of any development on the site.

Biodiversity

An extended Phase 1 Habitat Survey was carried out in December 2013. It identifies the north eastern boundary of the site as the most ecologically diverse feature which comprise a line of mature ash trees most of which are heavily clad in ivy and are located on the southern bank of a wet ditch.

The survey included a search of the site for signs of protected species in particular the ditches were examined for signs of water vole. There was no evidence of water voles on the site. Some mammal tracks were found in and around the site which could have been badgers. It was concluded that the site is currently of low ecological value but that the trees along Green Lane could provide a habitat for nesting songbirds, and the ditch a habitat for invertebrates and amphibians (toads and frogs). The trees could also provide a roosting opportunity for bats but the development proposal should not impact on bats.

Therefore it will be important to ensure that any works to the trees are undertaken at an appropriate time of year to avoid nesting birds. Similarly as the ditch has the potential for water vole habitat suitable surveys must be undertaken before any works to the ditch is carried out to form the accesses.

In order to encourage wildlife to the site following development it is suggested that compost heaps in the gardens should be encouraged; bird nest boxes under the eaves of the houses should be incorporated or on the ash trees and bat roost boxes erected on the mature ash trees.

The development proposal

The proposal shown is for 2 detached dwellings each of which will be located on large plots and provide for adequate parking and turning. The designs differ but compliment each other in terms of form and scale and are in keeping with the surrounding detached nature of the adjoining dwellings.

The dwellings are set back into the site in line with The Paddocks and results in a large frontage area facing Green Lane. This frontage area provides for adequate parking and turning set behind the retained trees on Green Lane.

There will be no overlooking or overshadowing to neighbouring properties. It is proposed to use buff bricks with slate roof tiles.

The existing open ditch on the south east side of the site forms a natural end to any further development on the south side of Green Lane with existing agricultural land beyond which lead to open countryside.

Other considerations

The site lies within Flood Zone 1 and is therefore at low risk of flooding and the proposal does not require a Flood Risk Assessment to support the application. The discharge of surface water will be assessed under Part H of the Building Regulations and calculations will be submitted to the Building Control Section prior to works commencing on site.

22 letters of objection have been received from 14 households as summarised in the report above. The report has identified many of these concerns and addressed them accordingly however as an overview, the following comments are made:

The amended proposal now seeks the removal of only one tree along the Green Lane frontage which is of lower quality than the rest set close to the northern edge of the site and 2 trees within the site. The rest of the significant trees along Green Lane will be retained. It is considered that the paddock area relates more to the built settlement than the adjacent open countryside. A biodiversity survey has indicated that the site has a low ecological value with the site most likely to provide an occasional foraging resource for some animals such as songbirds, small terrestrial mammals and possibly badgers and amphibians.

7 letters of support have been received which consider that the development will assist in supporting services within Christchurch such as the shop and schools.

CONCLUSION

The site is located immediately adjacent to the village settlement limits and consists of a well maintained paddock area. The application is for 2 detached dwellings served via a single vehicular access off Green Lane which is a single track public byway leading to the open countryside.

Policy CS3 of the Fenland Local Plan Core Strategy (September 2013) indicates that Christchurch is a small village where residential infilling would normally be supported.

Policy CS12 of the Fenland Local Plan Core Strategy (September 2013) supports new development in villages where it contributes to the sustainability of that settlement and does not harm the wide open character of the countryside. This site adjoins the existing built settlement and is a well maintained paddock area which relates to the existing dwelling known as The Paddocks and does not relate particularly well to the adjacent open agricultural land which then leads into the wide open countryside.

The proposal will not have an adverse impact on the character and appearance of the surrounding countryside and farmland and is of a scale that is in keeping with the core shape and form of the settlement. On the north side of Green Lane is a line of dwellings which radiates from the main settlement and forms part of the built settlement of Christchurch and the 2 dwellings proposed on the south side of Green Lane will not extend the built form of Green Lane.

The applicant has provided sufficient evidence by way of both an ecological survey and tree survey to prove that the development will not have a harmful effect on wildlife or the trees to be retained.

Green Lane is two way for only the first 40 metres (approx.) reducing in width to single storey where the byway begins. The access to the site is approximately 50 metres from the widened section of the lane and the site will not benefit from footpaths or street lighting. Whilst the LHA has not objected to the proposal they had informed the LPA that the lack of infrastructure is a consideration in determining the application. Officers considers that an additional 2 dwellings will not have an adverse impact on the character of Green Lane and the lack of footpaths etc is not a major concern, indeed the provision of such a footpath would have an effect on the rural nature of this lane. Therefore the LPA is content with the existing infrastructure serving this site.

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 commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-
- a) hard surfacing, other hard landscape features and materials
 - b) existing trees, hedges or other soft features to be retained
 - c) planting plans, including specifications of species, sizes, planting centres number and percentage mix
 - d) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
 - e) details of siting and timing of all construction activities to avoid harm to all nature conservation features
 - f) location of service runs

Reason - The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted.

3. 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 BS5837:2012.

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

4. Prior to the commencement of any works or storage of materials on the site all trees that are to be retained shall be protected in accordance with British Standard 5837:2012. Moreover measures for protection in accordance with that standard shall be implemented and shall be maintained to the Local Planning Authority's reasonable satisfaction until the development is substantially complete.

Reason - To ensure that retained trees are adequately protected.

5. All vegetation clearance at the site shall only take place outside the bird breeding season of March to September inclusive. If this is not possible, a nesting bird survey must be undertaken by an experienced ornithologist 24-48 hours prior to clearance and the report submitted to the Local Planning Authority.

Reason - To ensure compliance with Section 1 of the Wildlife and Countryside Act with respect to nesting birds and to provide biodiversity mitigation in line with the aims of Planning Policy Statement 9 Biodiversity and Geological Conservation.

6. Prior to the commencement of the development hereby approved adequate temporary facilities (details of which shall have previously been submitted to and agreed in writing with the Local Planning Authority) 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. The details shall also include the proposed access route into the site for construction traffic etc.

Reason - To minimise interference with the free flow and safety of traffic on the adjoining public highway.

7. Notwithstanding the details shown on drawing No. 2090/1401 date stamped 13 March 2014, prior to the commencement of the development hereby approved, the vehicular crossing of the ditch/watercourse along the frontage of the site shall be constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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, and shall be hardsurfaced sealed and drained for an overall length of 5m from the existing carriageway edge in accordance with a detailed scheme to be submitted to and approved in writing by the LPA .

Reason - In the interests of highway safety and to ensure satisfactory access into the site.

9. Prior to the construction of the vehicular access, the location of the piles will require investigation by hand digging trial holes to determine if roots are present and to avoid any damage thereto. This work must be carried out under supervision of an appointed Arboricultural Consultant and documented accordingly and the details submitted for approval by the Local Planning Authority.

Reason – To ensure that the proposed works will not harm the retained trees and that they are adequately protected.

10. Any ground works that fall within the root protection areas of all retained trees must be carried out by air spade by an Arboricultural contractor using hand excavation rather than mechanical excavation.

Reason – To ensure that the proposed works will not harm the retained trees and that they are adequately protected.

11. All service runs should be designed and routed outside the root protection areas of all retained trees. Any works required within root protection areas must be carried out by air spade by an arboricultural contractor and hand excavation rather than mechanical excavation shall be used.

Reason – To ensure that the proposed works will not harm the retained trees and that they are adequately protected.

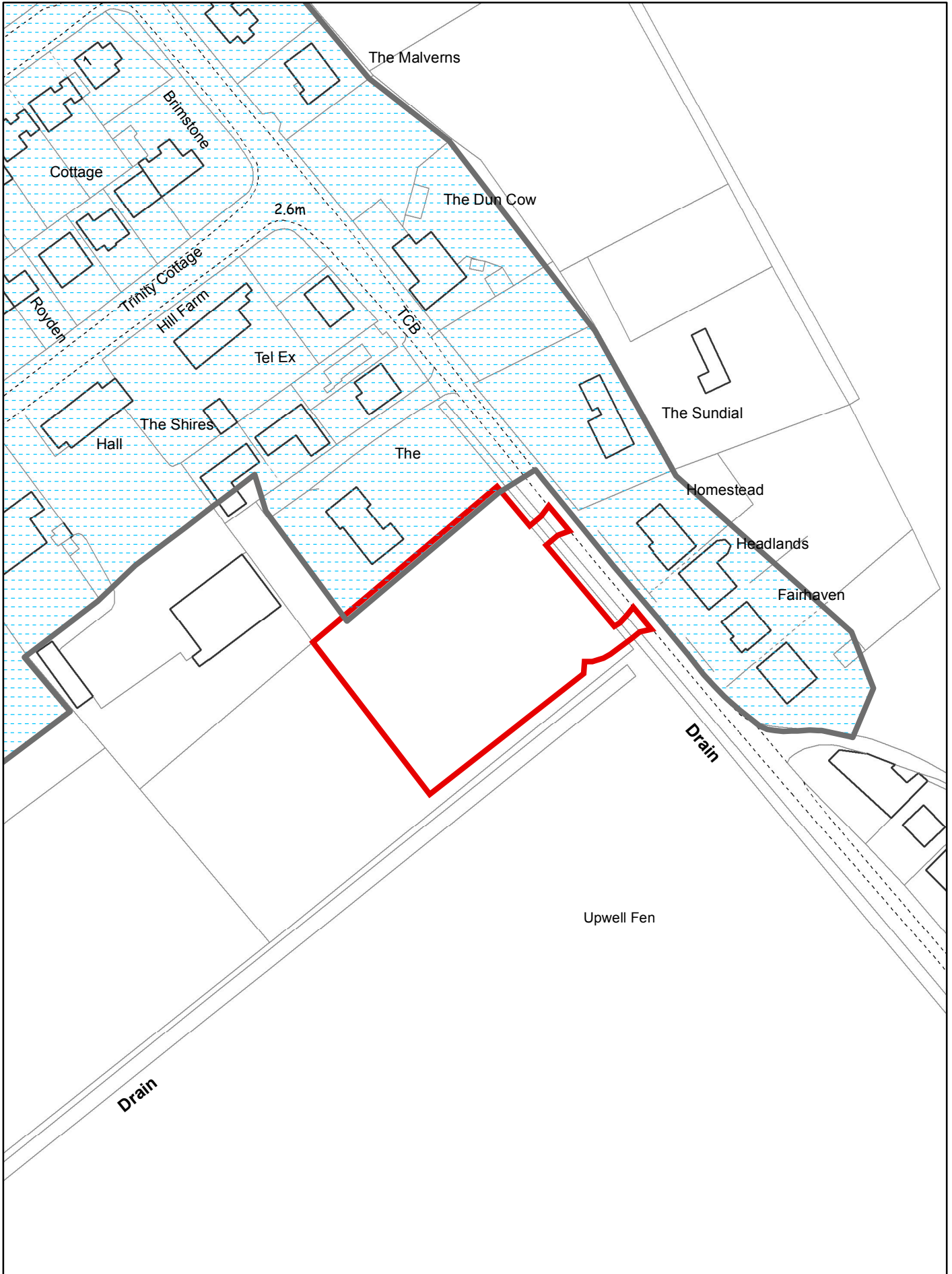
12. Prior to the commencement of works for the construction of the vehicular access across the open watercourse, an ecologist should be contacted to survey the relevant stretches of ditch for water vole burrows and work on the ditch would only then be permissible should the survey reveal no active water vole burrow in these areas. Should active burrows be found then a mitigation strategy will need to be devised and approved by the Local Planning Authority prior to the commencement of the works.

Reason – To ensure the development does not have an adverse affect on a protected species.

13. Prior to the commencement of the development hereby approved full details of the materials to be used for the external walls and roof shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved particulars and retained in perpetuity thereafter.

Reason - To safeguard the visual amenities of the area.

14. Approved plans



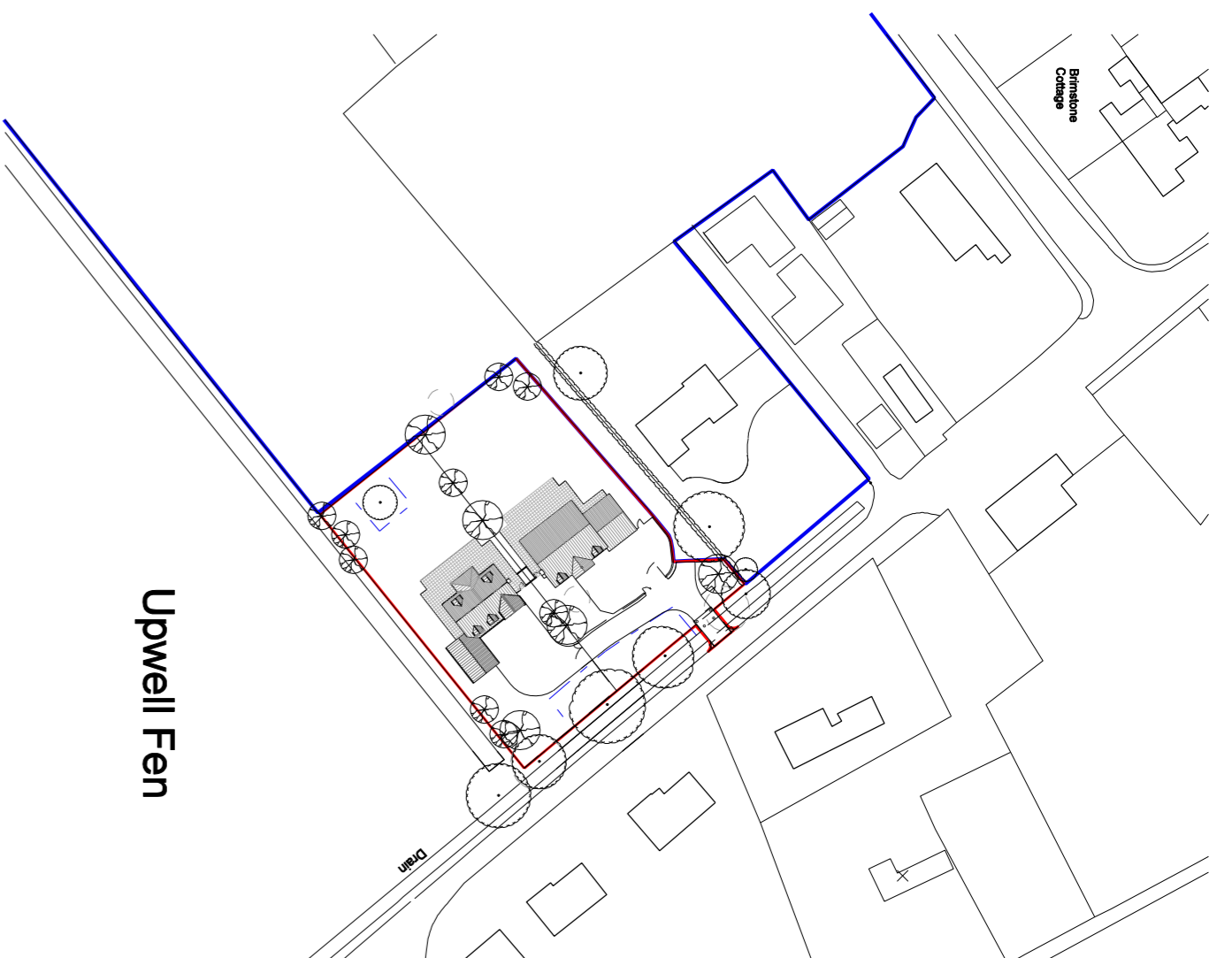
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F/YR14/0023/F
(showing DAB)

Scale = 1:1,250





Location Plan scale 1:1250



Site of approval
Ref: F/YR12/0630/F

Post and Wire Fence
with Native Hedging
grown on boundary

Open Estate Railing
rear boundary

1200mm Close
boarded fence

Field Access

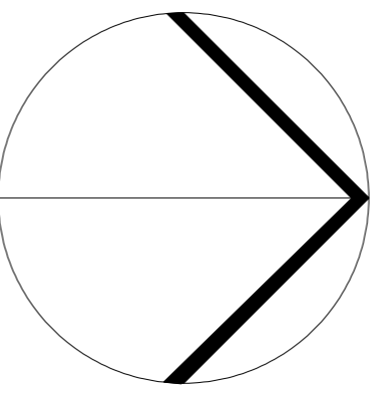
Shared
Private
Access

Existing Frontage
Trees Retained

Existing Ditch

Retained Tree

Drain



Deter Humphreys Associates
ARCHITECTURAL DESIGN AND BUILDING

Proposed Residential Plots

Green Lane
Christchurch

DRAWING		Site Block Plan	
CLIENT		Mr W Poole	
DATE	Sept 2013	SCALE	1:200/1:250 @ A1 20%wk
REV.	DETAILS		DATE
A	Access positions adjusted to suit new survey and production requirements		Dec 2013
B	Layout adjusted to single access point		Dec 2013

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