

**Application Number: F/YR14/0202/O**  
**Minor**  
**Parish/Ward: Wisbech/Roman Bank Ward**  
**Date Received: 4 March 2014**  
**Expiry Date: 29 April 2014**  
**Applicant: Mrs D Lawrence**  
**Agent: Mr. M Tams, Red Sky Architects**

**Proposal: Outline application for the erection of 2 dwellings involving demolition of existing outbuildings (access, layout and scale only)**  
**Location: Land west of North Mains, Sutton Road, Leverington**

**Site Area/Density: N/A**

**Reason before Committee: Number of objections received.**

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

The application site consists of a large, early 20<sup>th</sup> century dwelling set back 40 metres from Sutton Road situated within a mature woodland setting; a number of trees on site are protected by a Tree Preservation Order.

Tinkers Cottage, located to the immediate north, is a Grade 2 listed property. There is a public right of way to the west of the site, the site is identified as being within Flood Zones 1 and 3 and the Tidal Nene Hazard Mapping by the Environment Agencies maps. The Roman Bank Ancient Scheduled Monument (ASM) is located to the west of the site.

A planning application was withdrawn earlier this year, which sought planning permission for the erection of 5 dwellings. This application has been submitted to address Officer concerns and has been accompanied by a Flood Risk Assessment and Ecological Survey for protected species.

The key issues to consider are:

1. Principle of Development
2. Design, Layout and setting of the undesignated heritage asset.
3. Archaeology
4. Biodiversity and Trees
5. Access and Parking
6. Existing and Future Occupier Amenity
7. Ground Works
8. Other Matters

The key issues have been considered against Local and National Planning Policies and the proposal is considered to be acceptable subject to conditions. It is considered that, on balance, there would be no unacceptable adverse impact on neighbouring amenity, highway safety, the appearance of the area or the adjacent designated heritage assets. Therefore this application is recommended for approval.

## 2. HISTORY

Of relevance to this proposal is:

2.1	<b>F/96/0658/O</b>	Erection of a dwelling	(Refused February 1997)
	<b>F/YR07/1082/F</b>	Erection of detached triple garage block and detached motor bike/garden store building involving demolition of existing garage and shed	Delegated Refusal (November 2007)
	<b>F/YR07/1347/F</b>	Erection of detached triple garage involving demolition of existing garage	Delegated Approval (February 2008)
	<b>F/YR14/0020/O</b>	Outline Application for the Erection of 5 dwellings and the formation of a new access involving the demolition of existing garage (Access, Layout and Scale only)	Withdrawn (March 2014)

## 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 17: Seek to ensure high quality design and a good standard of amenity for all existing and future occupants and conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

Paragraph 53: Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

Paragraphs 9 and 64: 'Pursuing sustainable development involves seeking positive improvements in the quality of the built ... environment ... permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area'.

Paragraph 100: 'Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change...'

Paragraph 109: 'the planning system should ... minimise impacts on biodiversity and provide net gains ... where possible'.

Paragraph 120: 'To prevent unacceptable risks from pollution ... planning ... decisions should ensure that new development is appropriate for its location'.

Paragraph 128: 'Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation'.

Paragraph 135: 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application'.

### 3.2 Fenland Local Plan (2014).

LP1 – Presumption in Favour of Sustainable Development  
LP3 – Settlement Hierarchy  
LP5 – Meeting Housing Need  
LP12 – Rural Area Development Policy  
LP14 – Responding to Climate Change  
LP15 – Creation of a More Sustainable Transport Network  
LP16 – Protecting High Quality Environments  
LP18 – Historic Environment  
LP19 – Natural Environment

## 4. CONSULTATIONS

- |     |  |  |
|-----|--|--|
| 4.1 | <b><i>Parish Council</i></b>               | Object - loss of trees and wildlife habitat, Little Dowgate unsuitable for an increase in traffic or catering for heavy plant. Flood risk, surface water and contamination concerns (during construction). Impact on the public right of way and access to Roman Bank.   |
| 4.2 | <b><i>FDC Conservation Officer</i></b>     | No objection subject to a reduction in the number of units.  |
| 4.3 | <b><i>Environmental Health Officer</i></b> | No objection subject to a condition being attached with respect to uncovering unsuspected contamination.   |
| 4.4 | <b><i>Natural England</i></b>              | The proposal is unlikely to affect any statutorily protected sites or landscapes. The Local Authority should refer to standing advice on protected species.  |
| 4.5 | <b><i>CCC Highways</i></b>                 | No objection – subject to conditions with respect to construction of vehicular access, no gates being installed, provision of parking and turning, provision of temporary facilities for construction vehicles and visibility splays and improvements to Little Dowgate. |
| 4.6 | <b><i>North Level Drainage Board</i></b>   | No objection   |
| 4.7 | <b><i>English Heritage</i></b>             | No objection – the revised scheme addresses the harm to the significance of the scheduled monument which would have been caused by the previous scheme.  |

- 4.8 **Environment Agency** No objection subject to a condition being attached with respect to the development being undertaken in accordance with the submitted Flood Risk Assessment (RSA00633FR1/V1.2 March 24 2014).
- 4.9 **CC Archaeology** No objection - The site lies within an area of high archaeological potential therefore the site should be subject to a program of archaeological investigation. This can be secured by condition.
- 4.10 **Local Residents:** At the time of writing this report 12 letters of objection have been received raising the following concerns;
- Previous scheme for a dwelling refused on the site
  - Future fence maintenance
  - Gates
  - Refuse collection
  - Damage to infrastructure during construction
  - Little Dowgate is a Cycle Route, a no through road, there is no pedestrian footway and is in a poor state of repair
  - Sutton Road/Little Dowgate is a particularly busy junction
  - Highway and pedestrian safety, free flow of traffic, access for emergency vehicles
  - Unsustainability
  - Wildlife and Loss of trees
  - Garden grabbing
  - Precedent
  - Setting of the Ancient Schedule Monument (Roman Bank)
  - Loss of view
  - Surface Water

## 5. SITE DESCRIPTION

- 5.1 The application site consists of a large, early 20<sup>th</sup> century dwelling set back 40 metres from Sutton Road situated within a mature woodland setting. The property stands in the region of 750mm above Sutton Road and is visually prominent when travelling north out of the village. The dwelling benefits from a large rear garden; a number of trees on site are protected by a Tree Preservation Order (WR/12/2/465/2).

Tinkers Cottage, located to the immediate north, is a Grade 2 listed property. There is a public right of way to the west of the site, the site is identified as being within Flood Zones 1 and 3 and the Tidal Nene Hazard Mapping by the Environment Agencies maps. The Roman Bank Ancient Scheduled Monument (ASM) is located to the west of the site.

## **6. PLANNING ASSESSMENT**

### **6.1 1) Principle of Development**

The application site is located within Leverington which is identified as a Limited Growth Village under Policy LP3. In these settlements a small amount of development will be encouraged in order to support their continued sustainability. As such the principle of development can be considered subject to addressing the following issues.

#### **2) Design and Layout and Setting of the undesignated heritage asset**

The submitted Design and Access Statement (December 2013) has identified five separate character areas to the north, east and south of the application site, which consist of high, medium and low density areas that are made up of single and two storey properties. While this assessment of the area of the area is not disputed; each application is considered on its own individual merits against relevant policies and is not considered purely on dwellings per hectare. Any application is required to address the unique constraints of the site.

The application site consists of a large detached dwelling which is considered to be early 20<sup>th</sup> century with a mixture of Revival/Arts Crafts detailing. The property benefits from a large lawn and commands a prominent position within the street scene set some 750mm above street level. Given the size, scale and design of the dwelling, its juxtaposition within the street scene and its mature woodland setting the Conservation Officer considers that the property would be worthy of inclusion as a building of local importance and should be considered as a non-designated heritage asset.

A new vehicular access would be created from Little Dowgate; Highway standards require an access width of 5m for 10m from the highway. Whilst landscaping has been illustrated on the submitted drawings, the landscaping is a reserved matter and is indicative only at this stage. The Conservation Officer has advised that the front lawn is an important feature of the properties setting; therefore to protect the setting of the host dwelling a landscaping buffer to the new vehicular access, as shown on the indicative drawings, will not be included. The highway merits of the access are discussed below.

The proposed dwellings would have a floor area of 12m X 9m and propose to stand at 5m to eaves and 8m to ridge. Details of materials and appearance would be secured as part of the reserved matters application. The form, scale and massing of the buildings are not considered to have an unacceptably adverse impact on the setting of the host building or adjoining ancient scheduled monument at Roman Bank. It is considered that this reduced proposal for 2 dwellings would have an acceptable impact upon the appearance of the area.

Bin Storage – Letters of representation have raised concern with the introduction of a bin storage area on Little Dowgate. It is understood that resident's refuse is currently collected by a mini-refuse collection vehicle due to the width of the road; it is not considered that any additional bins, in an allocated storage area, would not have an unacceptably adverse impact on the character of the area nor on the way the current collection system operates. Details of any bin enclosures shall be secured by planning condition.

The building to be demolished is of no architectural or historic merit, and its loss is accepted.

With respect to the submitted details it is considered that layout, access and scale as proposed would have an acceptable impact on the character and appearance of the area and the setting of the adjacent non-designated heritage asset. Further, given the distances and intervening boundary treatment the proposal would not have an unacceptably adverse impact on the setting of the adjacent Grade 2 listed building. The proposal is considered to be in accordance with Policy LP16 and LP18 of the Fenland Local plan 2014 and Paragraphs 9, 17, 53 and 64, 135 and 137 of the NPPF (2012).

### **3) Archaeology**

The County Council's Archaeologist (CCA) has advised that the application site is within an area of high archaeological potential, with the following Ancient Scheduled Monuments (ASM) in the immediate area: Roman Bank, St Johns Baptist Hospital and Rabbit Hill. The CCA has recommended that a condition be imposed with respect to securing a written scheme of investigation. English Heritage have raised no objections.

Subject to conditions securing landscaping and a written scheme of archaeological investigation the proposal would not have an unacceptably adverse impact on any yet unknown or undiscovered archaeology, and accords with Policy CS18 of the Fenland Local Plan 2014.

### **4) Biodiversity and Trees**

An arboricultural assessment has accompanied the application (Bob Widd Associates March 2014) which has identified a number of trees that are protected by a Tree Preservation Order as well as a grouping protected WR/12/2/465/2. With respect to the submitted Tree Constraints plan protected trees are illustrated as;

- T1 - Beech (Grade B)
- T3 – Lime (Grade C)
- T4 – Beech (Grade B)
- T7 – Beech (Grade B)
- T8 – Oak (Grade B)
- T11 – Horse Chestnut (Grade B)
- T14 – Turkey Oak (Grade B)
- T29 – Lime (Grade A)
- T30 – Sycamore (Grade A)
- T31 – Hybrid Black Poplar (Grade A)
- T32 – Hybrid Black Poplar (Grade U)

To facilitate development 30 trees and 7 groups would be removed, including tree No.32, which is a protected Hybrid Poplar. This tree has been classified as a U category tree, it is a mature tree which has been topped by up-to 3 metres in the past and new growth has resulted in a poor shape. Given the age and condition of this tree its removal has been accepted. As the remaining trees are not protected (Conservation Area or TPO status) these could be removed without receiving permission from the Local Authority.

To facilitate the access to the site T9 (Grade C) and T10 (Grade B) would be removed and T13 (Grade B) would be removed to facilitate access for construction vehicles. It would be possible to provide replacement planting as part of any landscaping scheme, secured by planning condition.

The proposed dwellings would be served by a dedicated vehicular access from Little Dowgate, along the south of the site (north of the protected trees). The access would be located within the Root Protection Areas of six trees, four of which are protected by preservation orders. Whilst the new vehicular access would be located within and up to 28.4% of the root protection area of these trees, the access would serve domestic vehicles only and would utilise a no-dig method of construction and a cellular structure laid atop, therefore ensuring no damage to roots.

The LPA are awaiting comments from the FDC Tree Officer. These will be reported in the update report.

An Ecological Survey (Chick Ecological Consultant, Feb 2014) has also been submitted which has identified the site as having potential to support bat roosts, breeding birds as well as offering good foraging opportunities for these species.

The following trees were graded on their likelihood of supporting potential roosts;

T1 – Birch – Med/Low  
T3 - Lime – Med/Low  
T4 – Beech – Medium  
T7 – Beech – Med/High  
T8 – Oak – Medium  
T10 – Lime Med/High  
T11 – Horse Chestnut – Medium  
T12 – Hornbeam - Low  
T14 – Turkey Oak – Med/High  
T29 - Lime - Medium

Of these T10 would be removed to facilitate the new vehicular access to the site. Within the Ecological Survey it is recommended that this tree should be subject to further inspection prior to the commencement of any development and given that the site has been identified as optimum feeding habitat (trees and hedgerows) that the introduction of bat (and bird) boxes, as well as replacement planting, would go towards mitigating the loss of trees and hedgerows. A note to applicant shall be attached ensuring that any tree/hedge removal is undertaken outside of bird breeding season.

There exists a pond on site, which was assessed for its suitability for supporting amphibians; however this was concluded to be of a poor quality and in any event would be retained.

Further to the Ecologists site assessment no badgers were found to be on site, however given the links to the wider countryside and the site's village location further checks prior to development taking place have been recommended. It is therefore considered reasonable to attach a condition which would ensure a further survey, for all protected species, is undertaken if development has not commenced within 2 years of the date of permission being granted.

Independent ecological advice has been sought from which will be reported in the update report.

### **5) Access and Parking**

In 1996 permission was sought for the erection of a dwelling; however this application was refused on the basis that Little Dowgate was unsuitable to cater for any further development (restricted carriageway width, lack of pedestrian provision, limited street lighting and poor junction geometry at Sutton Road). Further, it was stated that the manoeuvring of vehicle[s] ... would have an adverse effect on the safety and free flow of traffic on the adjoining public highway [and that] Little Dowgate does not provide adequate facilities for the loading, unloading and turning of service vehicles.

A number of objections have been raised with respect to highway safety and concerns with the intensification of Little Dowgate through the introduction of two dwellings and construction traffic. As part of this application improvements to the junction at Little Dowgate and Sutton Road are proposed, the design of which has been accepted by the Local Highways Authority. These highway improvements would be secured by planning condition prior to the occupation of the dwellings, as well as temporary facilities for construction vehicles.

A new vehicular access would be introduced from Little Dowgate to serve the proposed dwellings. As a result of this, the new access would create adequate space for the loading, unloading and turning of service vehicles; something the lane does not currently benefit.

As such the Local Highways Authority have raised no objection on highway safety grounds and recommended a number of conditions. Subject to these conditions the development would not result in an adverse highway safety impact and would accord with LP15 and LP16 of the Fenland Local Plan (2014).

### **6) Existing and Future Occupier Amenity**

Whilst details of appearance have been reserved for future consideration, given the distances to surrounding properties, the scale of the proposed dwellings and the host building the proposed layout would not result in an unacceptably overbearing adverse impact on neighbouring amenity. Give the juxtaposition of the plots and intervening distances and vegetation to adjacent property the scheme would not result in a loss of privacy, outlook or light.



There would be a distance in excess of 25metres from Plot 1 to the host building, therefore the host property would retain both a sufficiently sized private amenity space but also privacy. Both Plots 1 and 2 would be served by proportionally sized gardens.

The development would not have an unacceptably adverse impact on neighbouring properties and would provide satisfactory gardens for both the host building and proposed plots. The scheme accords with LP16 of the Fenland Local Plan (2014).

### **7) Contamination and Flood Risk**

Fenland's Environment Health Officer has raised no objection subject to attaching a condition with respect to uncovering unsuspected contamination.

The application site has been identified to be within Flood Zone's 1 and 3, as well as Tidal Nene Hazard Mapping. The north-west of the site falls within Flood Zone 3. Further to clarification from the Agent the submitted sections are to scale and informed by a site topographical survey. The dwellings would be located within Flood Zone 1, the scheme is therefore not required to be subject to a sequential test. Concerns relating to surface water have been raised; however matters of drainage would be covered by the building control process. The Environment Agency have raised no objections subject to a condition securing the development be undertaken in accordance with the submitted Flood Risk Assessment.

Subject to conditions the development would accord with Policy LP14 of the Fenland Local Plan (2014) and Paragraphs 100 and 120 of the NPPF (2012).

### **8) Other Matters**

Garden Grabbing, Precedent and History of refusals – Each application is considered on its own individual merit. Since the 1996 decision planning policy has changed both at National and Local level.

## **7. CONCLUSION**

- 7.1 Subject to conditions and no objections being raised by the Ecologist or FDC Tree Officer the proposal would not have an unacceptably adverse impact on neighbouring amenity, highway safety, the appearance of the area or the adjacent designated heritage assets. The proposal is therefore considered to accord with Policies LP1, LP3, LP12, LP14, LP15, LP16, LP18, LP19 of the Fenland Local Plan (2014) and the NPPF (2012).

## **8. RECOMMENDATION**

**Grant – Subject to;**

**1. No objections being raised from the Wildlife and Tree Officers.**

**1. Approval of the details of:**

- i. the appearance; and**
- ii. 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 Authority 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. Prior to commencement of development details of existing ground levels (relation to an existing datum point), proposed finished floor levels and floor slab levels of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the approved details.**

Reason In the interests of visual amenity of the area

**5. No development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme and timetable of archaeological work and recording in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The approved programme shall then be implemented in accordance with the approved timetable prior to any other works taking place on site.**

Reason - To secure the provision of the investigation and recording of archaeological remains threatened by the development and the reporting and dissemination of the results in accordance with Policy CS18 of the Fenland Core Strategy (2014).

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. **Prior to the first occupation of the development the proposed on-site parking / turning areas shall be laid out in accordance with a detailed scheme to be submitted to the approved by the Local Planning Authority.**

Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.

8. **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 Local Planning Authority for approval.**

Reason: In the interests of highway safety.

9. **Prior to the commencement of the development visibility splays shall be provided each side of the vehicular access to Little Dowgate in accordance with the layout shown on Drawing PL002a. The splays shall be thereafter maintained free from any obstruction exceeding 0.6m above the level of the highway carriageway.**

Reason: In the interests of highway safety.

10. **Before the development hereby permitted is occupied the improvements to Little Dowgate and the junction with Sutton Road shown on Drawing PL002a Nov 2013 shall be laid out and constructed in accordance with a detailed engineering scheme to be submitted to and approved in writing by the Local Planning Authority, and such a scheme shall include levels, forms construction, relocation of street furniture and surface water drainage.**

Reason: In the interests of highway safety.

11. **The plans and particulars to be submitted under conditions 1 and 2 shall include a Landscape Management Strategy, including details of any phasing. The Strategy shall cover the following details:**

- **Long term design objectives throughout the build out of development;**
- **Management responsibilities throughout the build out of the development; and**
- **Maintenance schedules including replacement planting for any trees/shrubs which fail for the course of the development and 5 years thereafter.**

**The Landscape Management Strategy shall be implemented in accordance with a timetable contained therein.**

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity

**12. The hard and soft landscaping scheme to be submitted as reserved matters under conditions 1 and 2 shall include the following details:**

- **Planting plans including trees, species, numbers, size, density of planting and proposed time of planting as well as means of protection and maintenance;**
- **An implementation programme (if phased);**
- **A landscape buffer to the west of the site;**
- **Hard surfacing materials;**
- **Boundary treatments;**
- **Refuse areas;**
- **Any external lighting**
- **Measures to promote biodiversity**

**The development shall thereafter be carried out in accordance with the approved reserved matters application prior to first occupation. In the case of the soft landscaping works these shall be carried out no later than the first planting/seeding season following the occupation/use of the element to which it relates.**

**If within a period of five years from the date of the planting of any tree or shrub that tree or shrub or any tree or shrub planted in replacement for it is removed uprooted or destroyed or dies or becomes in the opinion of the Local Planning Authority seriously damaged or defective another tree or shrub of the same species and size as that originally planted shall be planned at the same place unless the Local Planning Authority gives written consent to any variation.**

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity.

**13. The plans and particulars to be submitted under conditions 1 and 2 to address landscaping should include a detailed Arboricultural Impact Assessment to assess the impact of the development on existing landscaping. This Assessment should include details of any necessary trees protection measures. The Assessment should be carried out in accordance with BS5837-2005 Tree in Relation to Construction.**

Reason: In order to protect existing landscaping on and adjoining the site.

**14. Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The construction Management Plan shall include the following:-**

- **Haul Routes to and from the site**
- **Hours of working**
- **Parking, Turning and Loading/Unloading areas for all construction/contractors vehicles**
- **Site compounds/storage areas**
- **Details of wheel cleaning or road cleaning equipment;**

**The development shall thereafter take place in accordance with the approved Construction Management Plan.**

Reason: In the interests of the amenity of the area and highway safety.

- 15. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment for residential development at Land on Sutton Road, Leverington for Mrs D Lawrence by Jackson purdue lever ref: RSA00633FR1/V1.2 dated 24 March 2014 and the following mitigation measures detailed within the FRA:**

- 1. Flood resilient and resistant construction will be utilised throughout the development**
- 2. Safe refuge is available on the first floor of the development.**
- 3. Finished floor levels will be set no lower than 4.25mAOD**
- 4. No sleeping accommodation will be located on the ground floor**

**The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, agreed in writing, by the Local Planning Authority.**

Reason: To reduce the risk of flooding to the proposed development and future occupants.

- 16. Approved Plans**



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