

Application Number: F/YR14/0416/O
Minor
Parish/Ward: Wimblington
Date Received: 15th May 2014
Expiry Date: 10th July 2014
Applicant: Mr & Mrs P Salter
Agent: Mr T Brand, Brand Associates

Proposal: Erection of 7 dwellings involving demolition of existing stables and outbuildings

Location: Land East of 54-62 March Road, Wimblington

Site Area: 1.165 ha

Reason before Committee: This application is before committee at Councillor French's request for consideration due to a wider impact on the area for future investment in Fenland and open for business.

1.0 EXECUTIVE SUMMARY/RECOMMENDATION

1.1 This application seeks outline planning consent with all matters reserved for 7 dwellings involving the demolition of existing stables and outbuildings on land east of 54-62 March Road, Wimblington. A similar application was refused permission in December 2013. Since that time the Fenland Local Plan 2014 has been adopted.

The site is located outside the developed footprint of Wimblington in an area characterised by a linear group of approximately 35 dwellings situated both sides of March Road.

The main policy considerations are LP12 and LP16 of the Local Plan which seek to deliver and protect high quality environments across the District.

There are no in-depth residential developments set behind any of the dwellings located within this area. The proposal would be completely out of keeping with the pattern of development and is more akin to 'backland' style of development which bring about issues mainly relating to character and appearance and impact on residential amenity.

The proposed dwellings in the position shown on the submitted plans would not contribute towards protecting or enhancing the natural or built environment. It would be at odds with the overall character of the area. When viewed from the road in either direction the proposal would appear incongruous in its location and would erode the character and appearance of the area.

Accordingly the principle of residential development and the illustrative layout and form of development would be unacceptable and clearly contrary to Policies LP12 and LP16 of the Local Plan. The application is therefore recommended for refusal.

2.0 HISTORY

F/YR13/0847/O

Erection of 7 dwellings involving

Refused

	demolition of existing stables and outbuildings	24/12/2013
F/YR10/0516/F	Change of use from paddock land to accommodate the erection of 2 x 2-bed holiday log cabins	Refused 22/09/2010
F/YR09/0313/F	Change of use of land to static caravan and camping site involving conversion of part of stables to toilets and washing block	Refused 18/08/2009
F/YR09/0124/F	Change of use of land to caravan and camping site involving conversion of part of stables to toilets and washing block	Withdrawn 20/04/2009
F/YR05/1147/F	Change of use of stables to 2-bed holiday accommodation unit, stable and garage	Withdrawn 02/02/2006
F/98/0278/TRTPO	Works to 3 ash trees and 1 oak tree covered by TPO M/2/465/17	Withdrawn 26/08/1998
F/1687/89/F	Erection of a detached double garage with play-room over for residential use	Granted 27/03/1990
F/1469/89/F	Erection of a block of 6 stable units	Granted 16/02/1990
F/1116/89/F	Erection of a two-storey extension and detached double garage with self-contained flat above	Granted 14/12/1989

3.0 **PLANNING POLICIES**

3.1 **National Planning Policy Framework:**

Paragraph 11 – Applications must be determined in accordance with the development plan unless other material considerations indicate otherwise

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 - Local Planning Authorities should set out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

Paragraph 55 - Avoid isolated dwellings.

Paragraph 64 - 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.

3.2 **Fenland Local Plan:**

LP1 – A Presumption in Favour of Sustainable Development
LP2 – Facilitating Health and Wellbeing of Fenland Residents
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
LP5 – Meeting Housing Need
LP12 – Rural Area Development Policy
LP14 – Responding to Climate Change and Managing the risk of Flooding in Fenland
LP15 – facilitating the creation of a More Sustainable Transport Network in Fenland
LP16 – Delivering and Protecting High Quality Environments across the District
LP19 – The Natural Environment

4.0 CONSULTATIONS

- 4.1 **Wimblington Parish Council:** This application has been submitted previously. There are no changes and our objections remain the same as previously - the site is outside the development area boundary, the entrances, as defined, are too narrow for two-way traffic and will have a nuisance element to close neighbours. Wimblington needs more affordable housing rather than executive housing of this nature and plans provide for too many 'ransom strips' into other land.
- 4.2 **Local Highway Authority (CCC):** The application accords with the principles set out in the pre-application advice provided by this Authority. Therefore no objections in principle. It is noted that if further dwellings were using the accesses constructed under this application then they would require increasing in width to facilitate the intensification of both pedestrian and vehicular movements. Conditions suggested relating to no gates across the accesses, on site parking and turning, detailed scheme of the accesses to be submitted and temporary facilities.
- 4.3 **Middle Level Commissioners:** Noted that they will be commenting
- 4.4 **FDC Environmental Protection Team:** Note and accept the submitted information and have no objections to the proposed development. The proposal is unlikely to have a detrimental effect on local air quality or the noise climate. However given the development involves the demolition of existing outbuildings a condition relating to unsuspected contamination should be imposed.
- 4.5 **FDC Tree Officer:** Whilst the applicant's agent is correct that the Council has accepted the use of cellular confinement system within the root protection area (RPA) of a protected tree, the default position as stated in BS 5837:2012 is that all construction should be outside the RPA. This would be the case if only one access, the north, is used. If it is not possible to use the one access, then a full method statement for construction of the south access using a cellular confinement system can be conditioned ensuring the applicant installs the new access before contractor occupancy to ensure there is no temptation to operate vehicles within the RPAs of retained trees.
- 4.6 **CCC Archaeology:** The site lies within an area of high archaeological potential. Accordingly consider that the site should be subject to a programme of archaeological investigation.

- 4.7 **Environment Agency:** No objection in principle. The site is located within Flood Zone 1. Although the site area is over 1 hectare, the impermeable area of the development appears to be less than 1 hectare. Therefore we have no concerns with regard to flood risk. The site is located within the operational area of the March East Internal Drainage Board, and therefore the IDB should be consulted with regard to flood risk and surface water drainage issues. Further information given in respect of foul water drainage, surface water drainage and contamination.
- 4.8 **Cambridgeshire Fire & Rescue Service:** Request that adequate provision be made for fire hydrants, which may be way of S106 agreement or a planning condition.
- 4.9 **FDC Housing Strategy:** In accordance with LP5 of the Local Plan it is expected that 1 affordable home to be provided on site plus a financial contribution of broadly equivalent value to the provision of 0.4 of a further affordable home (£18,144.20) which is payable to enable some housing need to be met elsewhere, subject to viability.
- 4.10 **Local Residents:** 7 letters/emails (including two on behalf of two local residents) received objecting to the proposed development. The main concerns are summarised below:
- Inaccurate ownership details
 - Inadequate provision for refuse disposal
 - Harm to the protected trees/inadequate tree survey
 - Failure to plan for biodiversity
 - Proposal is contrary to National and Local policies
 - Loss of privacy
 - Concerns with highway safety and visibility
 - Safety issues relating to stray golf balls from the golf centre adjacent the site
 - Impact on the character and appearance of the area – proposal would be out of keeping
 - Devaluation of houses

5.0 SITE DESCRIPTION

- 5.1 The site is located away from the established settlement of Wimblington and is currently used as a riding school with paddocks and stables in association with the existing dwelling at No.58 March Road, Wimblington.

The site is located behind 6 of the road frontage dwellings (one being the applicant's property) and is bounded by a golf course on the eastern boundary, and further east with open field and the bypass (A141) which then continues into the open countryside.

6.0 PLANNING ASSESSMENT

6.1 Nature of Application

This application seeks outline planning consent for 7 dwellings involving the demolition of existing stables and outbuildings on land east of 54-62 March Road, Wimblington.

The proposal has been the subject of a recent refused application for the same development in December 2013 (LPA reference: F/YR13/0847/O) and previous to this (December 2012) pre-application discussion took place, where the principle of development, access and residential amenity concerns were raised.

The application has been submitted with all matters reserved; as such the plans submitted are for illustrative purposes only and application has been recommended on this basis.

The main issues associated with this proposal are:

- **Principle, policy implications and sustainability**
- **Character and appearance of the area**
- **Impact on residential amenity**
- **Highway safety matters**
- **Refuse collection**
- **Biodiversity**
- **S106 requirements – Affordable Housing**
- **Health and wellbeing**
- **Economic growth**

These are discussed in more detail below.

Principle, policy implications and sustainability: The site is located away from the settlement core of Wimblington, within a small group of dwellings within a linear arrangement.

Policy LP3 of the Local Plan identifies Wimblington as a growth village. In growth villages, development and new service provision either within the existing urban area or as small village extensions will be appropriate albeit of a considerably more limited scale than that appropriate to Market towns.

The site is located to the north of the village away from the core of the settlement and lies within an area of paddock land. The site is approximately 860 metres away from nearest edge of the established settlement of Wimblington, and in line with Policy LP12 it is clear that for villages, new development will only be supported if the site is in or adjacent to the existing development footprint of the village. The developed footprint of the village is defined as the continuous built form of the settlement.

In this case it excludes individual buildings and groups of dispersed, or intermittent building that are clearly detached from the continuous built up area of the settlement. Furthermore it excludes gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where the land relates more to the surrounding countryside than to the built up area of the settlement.

The site is located within a group of dispersed buildings that are clearly detached from the continuous built up area of Wimblington and is located on garden/paddock land within the curtilage of No.58 March Road where the land is considered to relate more to the surrounding countryside than to the built up area of Wimblington. Accordingly the principle of developing the site would be unacceptable and contrary to Local Plan Policy LP12 (a).

The site is located approximately 1,650 metres away the local shop in the

village and other facilities such as the Primary School and Church. Accordingly it is not considered to be within walking distance to the existing services and facilities within the village. It is highly likely that those occupants of the proposed dwellings would be largely reliant on private car use for everyday journeys.

Overall the proposed development in this location would be contrary to the aims of achieving sustainable development as set out in the National Planning Policy Framework.

Character and appearance of the area: The immediate area is characterised by a linear group of residential dwellings (approximately 35 dwellings) on either sides of the road. The area features mature trees (covered by TPO M/2/465/17) along the road frontage with larger style dwellings set in spacious plot sizes, overall the area is attractive.

The site is located behind 6 of the frontage dwellings (one being the applicant's property) and is bounded by a golf course on the eastern boundary, and further east with open field and the bypass (A141) which then continues into the open countryside.

There are no in-depth residential developments set behind any of the dwellings located within this area, although there is a small caravan site to the south. The proposal would be completely out of keeping with the pattern of development and is more akin to 'backland' style of development which bring about issues mainly relating to character and appearance and impact on residential amenity.

The proposed dwellings in the position shown on the submitted plans would not contribute towards protecting or enhancing the natural or built environment. It would be at odds with the overall character of the area. When viewed from the road in either direction the proposal would appear incongruous in its location and would erode the character and appearance of the area.

Overall the proposal is clearly contrary to Policy LP12 (c) and (d) and Policy LP16 (d) of the Local Plan 2014.

Impact on residential amenity: As previously mentioned above, all matters have been reserved for a subsequent application, which makes assessing the application highly difficult, so in effect this application is being determined as a matter of principle as before. The proposed development would introduce all the activities of residential use into what is considered to be a quiet rural area, which would be detrimental to the amenities enjoyed by the adjoining residents.

It is considered that additional harm would be caused to the occupants of No. 62 by the coming and going of vehicles immediately adjacent to their property. This property's main aspect is from the side adjacent the access road with its main entrance door and pathway to the site. The vehicles using the drive would pass close to the house, within 1 metre of the garage at its closest along the length of the garden resulting in noise and disturbance over and above what is expected.

The application seeks to alleviate this issue by proposing 'new acoustic fencing' along the side boundary between No.62 and the access road. The height is unknown; however a fence of this nature would make the proposal more unacceptable due to its intrusive nature and would harm the living conditions

currently enjoyed by the occupiers of this property.

A similar situation would occur for the existing occupants of No.56 and the proximity of the new access road which would run along the entire side boundary of their property and garden area.

Accordingly the proposal is clearly contrary to LP16 (e) which states that proposal will only be permitted if it does not adversely impact on the amenity of neighbouring users such as noise, light pollution, loss of privacy and loss of light.

Highway safety matters: Whilst access has been reserved, indicative layout drawings submitted with the application indicate two access points to the site.

The access point in between No.64 and No. 62 is an existing access point leading to the rear of the site and is shared with No.62. This would serve 3 dwellings (Plots 5, 6 and 7).

The other access point between No.56 and No. 58 would be new and would serve 4 dwellings (Plots 1 - 4).

The Highway Authority (HA) has no objections to the proposal subject to conditions relating to no gates across the access roads, on site parking and turning and details of temporary facilities.

Notwithstanding the HA comments, the proposed access points raise serious concerns in respect of the impact on the character and appearance of the area and to residential amenity.

In addition there has been an ownership dispute with regard to the northern access point which was raised with the agent; however has not been clarified within this application submission. Whilst land ownership issues are not strictly planning matters, the dispute may involve the indicative access point being restricted in terms of width which may be unacceptable from a highway safety point.

Due to the location of the proposed southern new access point and its proximity to the protected ash tree there is potential for there to be an adverse impact. From the submission it is clear that substantial work would be required on the ash tree to facilitate the access. The loss of this tree would be unacceptable in visual and amenity terms and the Council's Tree Officer has expressed concerns with the new vehicular access point.

Refuse Collection: The proposed accesses to the site would be private, therefore the Council refuse vehicles would not enter the drive due to its ownership and construction. As a consequence waste collection arrangements should be provided at the roadside. The addition of up to 8 bins on one access point and 6 bins at the other access to the site would result in a significant loss of amenity in the area, albeit of a temporary nature (i.e. once a week).

As the nearest dwelling is over 95 metres from the road, the carry distance in paragraph 5.6 of the RECAP design guide is significantly exceeded and therefore it would be contrary to RECAP to allow bins to be stored at the roadside.

The alternative is private collection, however it is unclear whether the proposed access roads could take the weight of a refuse vehicle, particularly in the interests of protecting the roots of a TPO trees. This is a further indication that the proposed development in this form is not considered acceptable.

Biodiversity: The Biodiversity Checklist completed by the applicant confirms that there have been no site surveys for bats, barn owls or breeding birds and other biodiversity is regarded as 'Not Applicable'. The application involves the demolition of stables which may have potential for bat roosting. It may also be possible that Barn Owls would use the roofspace of the stables, the stables structure and the trees on site should be surveyed by a qualified ecologist.

The applicant stating that they have seen no evidence of owls nesting or roosting is not considered sufficient and in any event does not indicate they may be present on the site. There is no evidence to suggest that a suitably qualified ecologist has surveyed the site, and therefore the potential impact of the development cannot be properly assessed. It therefore fails policies LP16 (b) and LP19 of the Local Plan.

S106 Requirements – Affordable Housing: In accordance with Local Plan Policy LP5, the Council will seek the provision of 20% of dwellings to be affordable housing on sites of 5 –9 dwellings. In this case, for a scheme of 7 dwellings it would be expected that one affordable dwelling would be provided on site with a financial contribution of broadly equivalent value to the provision of 0.4 of a further affordable home (£18,144.20) which would be payable to enable some housing need to be met elsewhere, subject to viability.

This proposal has been put to the applicant's agent and a response will be reported as an update to Planning Committee.

Health and wellbeing: In accordance with Policy LP2 of the Local Plan development proposals should positively contribute to creating a healthy, safe and equitable living environment. In doing so development proposals, amongst other things, should create sufficient and the right mix of homes to meet people's needs, and in the right location. There has been no sufficient evidence put forward as part of the proposal which would indicate whether the type of houses proposed here would meet a recognised local need. Indeed the Parish Council have concerns in this respect and have indicated that Wimblington is in need of affordable house types.

Economic growth: Whilst the development would be likely to provide a degree of local employment during construction together with future new home bonus income etc., there has been no evidence submitted with the application to suggest as to how development in this location would support the continued sustainability and economic growth of Wimblington. As such this does not overcome the significant issues relating to the principle and form of development as discussed in this report.

7.0 CONCLUSION

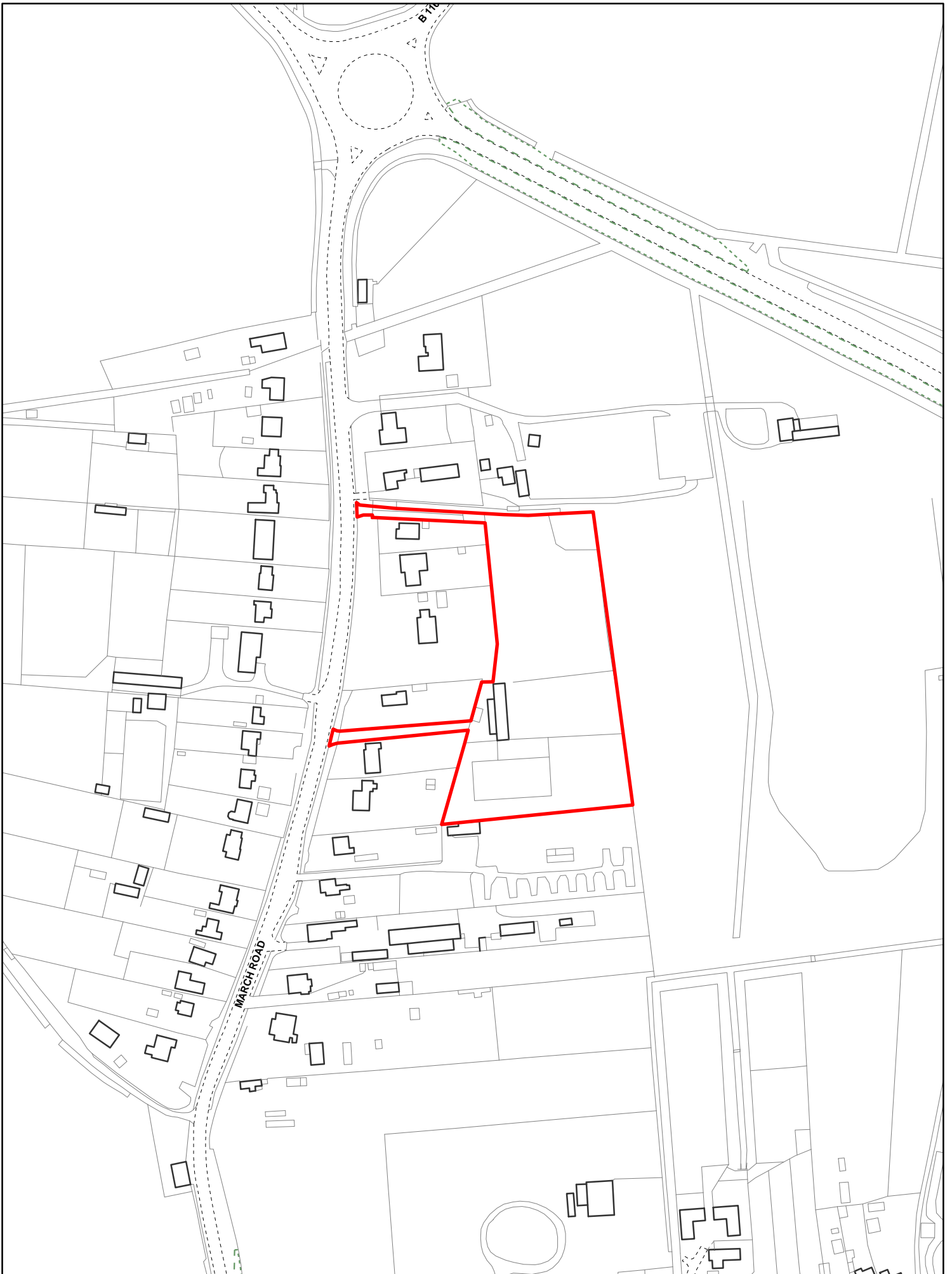
- 7.1 The current proposal is similar to an application which was refused in December 2013. There has been no changes to this application other than an updated planning statement by the applicant suggesting the development is acceptable. The policy presumption for refusal remains as before. There are clear and fundamental issues relating to the principle of residential development

on this site. These were clearly set out in the previous reasons for refusal. It is not considered that this application addresses those reasons. Since that time the Local Plan 2014 has been formally adopted by the Council. The proposed development is considered to be contrary to the requirements of the development plan. There is not considered to be any justification for an exception to the made to the adopted planning policy. Accordingly refusal is recommended.

8.0 RECOMMENDATION

REFUSE

- 1 The site is located outside the existing developed footprint of the village. In addition the proposal is of a scale and in a location which would be out of keeping with the core shape and form of the settlement, and would result in adverse harm to the character and appearance of the area. Accordingly the proposed development is contrary to Policies LP12 (a) and (d) and LP16 (d) of the Fenland Local Plan 2014 which both seek to secure high quality development which contributes to the sustainability of each settlement and does not harm the wide open character of the countryside.**
- 2 The proposed development would give rise to unacceptable level of noise and disturbance to the occupiers of No.62 and No.56 March Road due to the proposal introducing activities associated with residential use into this location, in particular due to the proximity of the proposed access roads. As such the proposal is contrary to Policy LP16 (e) of the Fenland Local Plan 2014.**
- 3 The proposal has failed to incorporate an arboricultural assessment which would include appropriate tree root impact protection measures. Therefore the proposal is contrary to Policies LP12 and LP16 of the Fenland Local Plan 2014.**
- 4 The application fails to incorporate mitigation measures for protected species that may be present on the site due to the lack of an appropriate biodiversity study. The proposal is therefore contrary to Policies LP12, LP16 and LP19 of the Fenland Local Plan 2014.**
- 5 The proposed development does not comply with the guidance set out in the RECAP Waste Management Design Guide (February 2012) in respect of the provision for the collection of waste. The proposal is therefore contrary to Policy LP16 (f) of the Fenland Local Plan 2014.**
- 6 The applicant has failed to enter into a Town and Country Planning Act S106 agreement to secure contributions relating to affordable housing. As such the application is contrary to Policy LP5 of the Local Plan 2014.**



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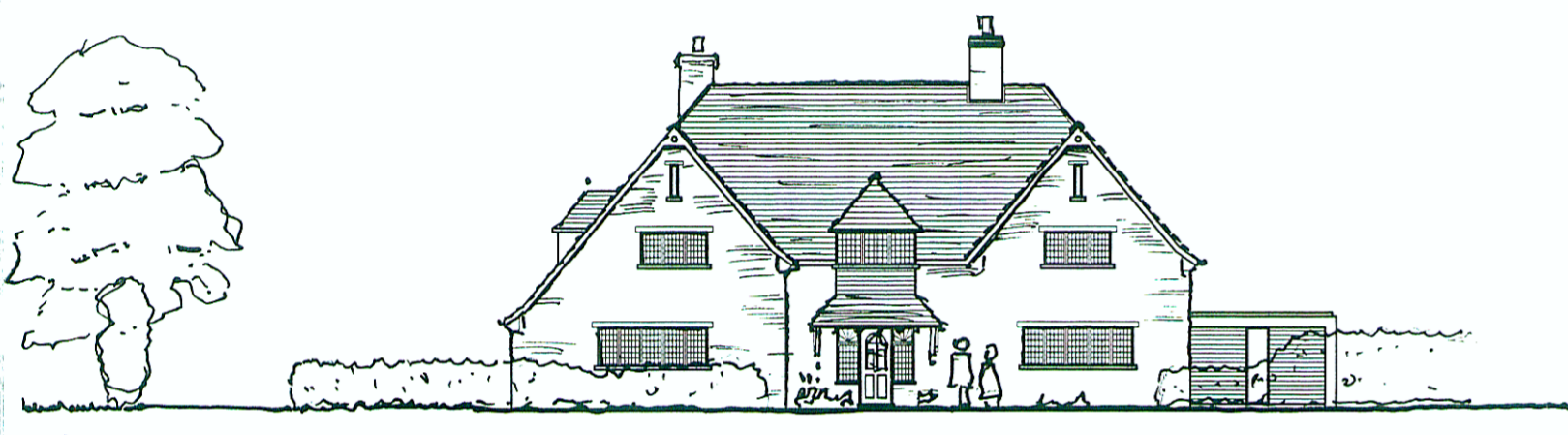
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F/YR14/0416/O

Scale = 1:2,500



- CS = Contemporary Sunroom
- CD = Contemporary design wing
- ⊗ = New trees
- ⊙ = Existing trees retained
- P = Parking spaces
- G = Garages
- ⊖ = TREES TO BE REMOVED
- ⊖ = OUTBUILDINGS TO BE REMOVED



FRONT ELEVATION NORTH



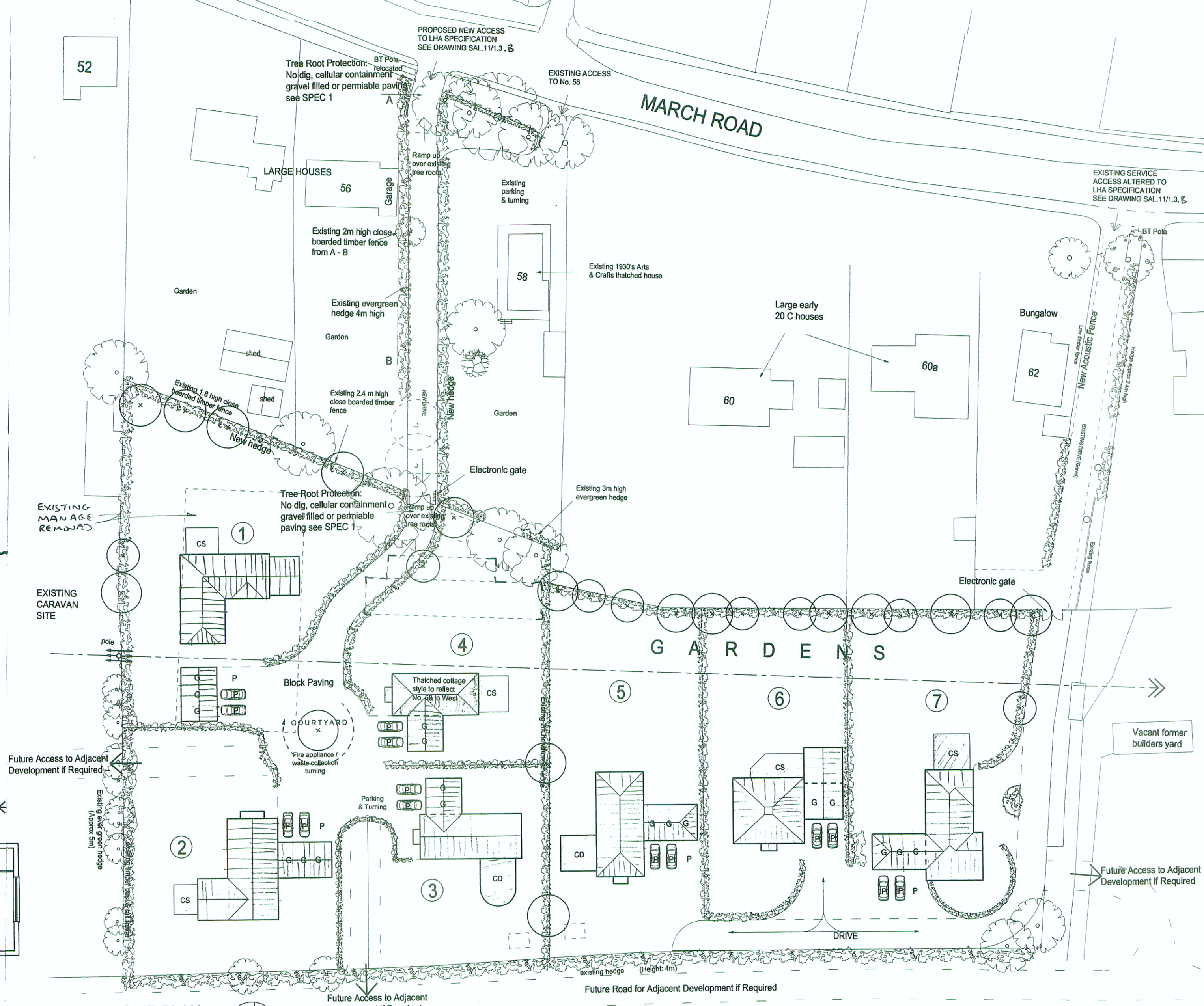
SIDE ELEVATION EAST



TYPICAL PLAN - PLOT 7
 1:200



TYPICAL PLAN - PLOT 5 (5 BEDROOM - 372m²)
 1:200



SITE PLAN
 1:500

GOLF & DRIVING RANGE

