

Case No: 15/01928/FUL (FULL PLANNING APPLICATION)

Proposal: PROPOSED DWELLING HOUSE IN THE CURTILAGE OF
2-6 THRAPSTON ROAD, SPALDWICK

Location: 2-6 THRAPSTON ROAD SPALDWICK PE28 0TA

Applicant: MR & MRS K TRAYNOR

Grid Ref: 512895 272853

Date of Registration: 11.11.2015

Parish: SPALDWICK

RECOMMENDATION - REFUSE

This application has been referred to Development Management Panel as Spaldwick Parish Council's recommendation to approve is contrary to the officer recommendation to refuse.

1. DESCRIPTION OF SITE AND APPLICATION

- 1.1 This application relates to a site situated to the rear of linear developments along on the High Street, to the south. Open fields lay beyond the site to the north, and further north is the A14. The site is accessed via an un-adopted gravel drive which serves the rear of the residential properties that are located to the west of the drive.
- 1.2 The access to the site runs parallel to car park with the George Public House. The existing stable building north of the public house car park is proposed to be demolished.
- 1.3 The site is situated in the designated conservation area for Spaldwick. The adjacent Public House, The George Public House is a Grade II* listed, and Manor Farm to the east of the site is Grade II listed.
- 1.4 The site contains a number of trees, notably on the southern and eastern boundaries. The application details confirm that all the trees and hedgerow will be retained. The application has not been accompanied by a tree report.
- 1.5 The application site is situated within Flood Zone 3 as shown on the Environment Agency flood maps, and in 1 in 1000 year in the Strategic Flood Risk Assessment (SFRA).
- 1.6 Planning permission is sought for the erection of a two storey detached dwelling with an attached garage. The built form of the dwelling would follow the corner of the site. The boundary treatment would consist of a mix of existing hedge and 1.8 metre high boundary fencing. The new dwelling is proposed to be constructed of brick and clay tiles.

2. NATIONAL GUIDANCE

- 2.1 The National Planning Policy Framework (NPPF)(2012) sets out the three dimensions to sustainable development - an economic role, a social role and an environmental role - and outlines the presumption in favour of sustainable development. Under the heading of Delivering Sustainable Development, the Framework sets out the Government's planning policies, the most relevant for this application being:
- delivering a wide choice of high quality homes
 - requiring good design
 - flooding and coastal change
 - conserving and enhancing the natural environment
 - conserving and enhancing the historic environment
- 2.2 The Planning (Listed Buildings and Conservation Areas) Act 1990
- 2.3 Planning Practice Guidance (2014)
- 2.4 BS5837:2012 Trees in relation to design, demolition and construction.

3. PLANNING POLICIES

- 3.1 Saved policies from the Huntingdonshire Local Plan (1995)
- H23: "Outside Settlements"
 - H31: "Residential privacy and amenity standards"
 - En2: "Character and setting of Listed Buildings"
 - En5: "Conservation Area Character"
 - En6: "Design standards in Conservation Areas"
 - En9: "Conservation Areas"
 - En17: "Development in the Countryside"
 - En18: "Protection of countryside features"
 - En19: "Trees and Landscape"
 - En25: "General Design Criteria"
 - CS9: "Flood water management"
- 3.2 Saved policies from the Huntingdonshire Local Plan Alterations (2002)
- HL5 - Quality and Density of Development
- 3.3 Adopted Huntingdonshire Local Development Framework Core Strategy (2009)
- CS1: "Sustainable development in Huntingdonshire"
 - CS3: "The settlement hierarchy"
 - CS10: "Contributions to Infrastructure Requirements"
- 3.4 Draft Huntingdonshire Local Plan to 2036: Stage 3 (2013)
- Policy LP 1: 'Strategy and principles for development'
 - Policy LP 6: 'Flood'
 - Policy LP 11: 'The relationship between the built up area and the countryside'
 - Policy LP 13: 'Quality of Design'
 - Policy LP 15: 'Ensuring a High Standard of Amenity'
 - Policy LP 18: 'Parking Provision'
 - Policy LP 26: 'Homes in the Countryside'
 - Policy LP 29: 'Trees, Woodland and Related Features'

- Policy LP 31: 'Heritage Assets and their Settings'

3.5 Supplementary Planning Guidance/Documents:

- Huntingdonshire Design Guide (2007)

Local policies are viewable at <https://www.huntingdonshire.gov.uk>

4. PLANNING HISTORY

- 4.1 There have been numerous planning applications relating to developments proposed at 2 – 6 Thrapston Road the most recent include: The erection of a flue which received planning consent on the 15.5.09 under planning 0900236FUL.
- 4.2 Whilst there is no formal planning history relating to this site, two preliminary enquiries have confirmed the principle of development at this site would not be supported, due to its location in the countryside.

5. CONSULTATIONS

- 5.1 **Spladwick Parish Council** recommends the development is approved (COPY ATTACHED) as the proposal will not adversely affect the Conservation Area or the adjoining properties. The Parish Council consider the site to be within the built up area of the village. It has been suggested that the existing gravel path forming the access from High Street should be paved where it passes close to 1 High Street to mitigate problems of noise and loose chips.
- 5.2 **Historic England** has objected to the development as it will detract from the setting of the grade II* listed George (the public house). It is also considered the development does not preserve or enhance the character of the Conservation Area.
- 5.3 **Environment Agency** has objected to the development as the Flood Risk Assessment (FRA) submitted does not provide suitable assessment of the risk of flooding arising from the development.

6. REPRESENTATIONS

- 6.1 None received

7. ASSESSMENT

- 7.1 The main issues in this case are:
- the principle of the development
 - the effect of the development on the character and appearance of the site and the Conservation Area in general
 - the impact upon the settings of the adjacent Listed Buildings
 - flooding
 - impact on neighbour amenities
 - highways safety

The principle of the development:

- 7.2 This site is outside the built up area of Spaldwick, as the site relates more the open countryside than the built up linear forms of

development in the locality. The site is therefore in the open countryside for the purposes of the Development Plan, planning guidance and emerging planning policies. The relevant policies are generally restrictive, and will only permit new residential development where this is essential for the proper functioning of a rural enterprise. Any such, proposals should be accompanied by a specific justification, without which it cannot be supported by the Local Planning Authority.

- 7.3 In settlement policy terms, there is no justification for the proposed erection of a dwellinghouse in the location shown. Policy CS3 states that new residential development in the countryside "will be strictly limited to that which has an essential need to be located in the countryside". The development would not satisfy any of the exemptions referred to in policy LP26 (a to d), and there is no need in this case to make an exception in terms of meeting the District Council's five year housing target. The proposal be located in a backland position, and would extend the built up area of Spaldwick into the open countryside, and would erode its rural edge. Despite the possibility of screen planting, the intensification of built development at this point would have an adverse impact on the character and appearance of this part of the village.
- 7.4 For these reasons the proposed dwellinghouse is considered to be contrary to the policies controlling new development in the countryside and cannot be supported. The proposal conflicts with policies H23, En17, CS1, CS3 and emerging policies LP1, LP11 and LP26.

Form, scale and impact upon the character and appearance of the site and heritage assets:

- 7.5 The site is located in the Spaldwick Conservation Area, and is 25 metres to the north of the George Public House, which is a grade II* listed building. A hedge separates the site from grounds of the public house.
- 7.6 The Planning (Listed Buildings and Conservation Areas) Act 1990, Section 66(l) requires that a Local Planning Authority, in considering whether to grant planning permission for development which affects a listed building or its setting, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 7.7 This presumption against causing harm to the setting of a listed building or the character and appearance of a Conservation Area is a statutory one. It is not irrefutable and can be outweighed by material considerations if powerful enough to do so.
- 7.8 Paragraph 58 of the NPPF outlines that '...decisions should aim to ensure that developments respond to the local character and history, and reflect the identity of local surroundings and materials'.
- 7.9 Paragraph 132 of the NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight

should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. The paragraph continues that 'as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification'.

- 7.10 This application seeks the demolition of a single storey stable building. The stable would be replaced by a large 1 1/2 storey dwelling 17m long by 11m plus an attached garage.
- 7.11 The open landscape to the north of the site forms the wider backdrop to the George Public House and the Manor Farm House which contributes to the significance of these heritage assets. The openness of the land is an important part of the character of the conservation area, and the setting of the listed buildings. The morphology of historic development in the area is very linear in form, there are some smaller scale ancillary structures, including the stable to be removed within this area, but they are relatively minor elements when considering the character of the area.
- 7.12 The resultant building would be clearly visible from the rear of The George Public House. The development of a separate residential unit of this scale and massing will cause harm to the setting of the grade II* public house. It would be visually intrusive, and would have an adverse and harmful impact that would erode the character and appearance of the Conservation Area.
- 7.13 There is no overwhelming public benefit to outweigh the statutory duty to avoid harm to these assets.
- 7.14 The heritage statement submitted with the application is inadequate; there is no assessment of the setting of the grade II* listed building and the assessment of the impact on the character and appearance of the conservation area is inadequate.
- 7.15 In terms of the NPPF, Local Planning Authorities are required to give great weight to the conservation of a heritage asset. In this particular case, the harm is considered to be less than substantial to the significance of the assets and therefore Paragraph 134 is relevant. This paragraph states that less than substantial harm should be weighed against the public benefits of the proposal. As discussed above, the development would fail to preserve or enhance the character and appearance of the Conservation Area and the settings of the Listed Buildings; with very limited public benefit resulting. As such, the resultant public benefit would not outweigh the harm to the heritage assets and the proposal therefore does not accord with the provisions of paragraph 134 of the NPPF.
- 7.16 Taking all factors into account, the proposal will be detrimental to the character and appearance of the Conservation Area, and the settings of the adjacent Listed Buildings. The proposal is therefore contrary to the provisions of the NPPF, The Planning (Listed Buildings and Conservation Areas) Act 1990 and policies En2, En5, En9, En25, CS1 and emerging policies LP13 and LP31.

Flood related issues:

- 7.17 The entire site apart from the access point is located within Flood Zone 3 'high probability' and as shown on the Environment Agency flood zone maps; the proposal for a residential dwelling is classified as 'more vulnerable use' by paragraph 66 of Planning Practice Guidance.
- 7.18 The overall approach to development within areas liable to flooding is given in paragraphs 100-104 of the Framework. These set out a sequential, risk-based approach to the location of development. This approach is intended to ensure that areas at little or no risk of flooding are developed in preference to areas at higher risk. It involves applying a Sequential Test to steer development away from medium and high flood risk areas (FZ2 and FZ3 land respectively), to land with a low probability of flooding (FZ1). There is thus an in principle case to steer housing development away from Flood Zones 2 and 3 to Flood Zone 1 land.
- 7.19 The housing land supply situation has a bearing on whether the need to steer development away from Flood Zone 2 and Flood Zone 3 land should be weighed against the need to ensure a 5 year supply of sites. Huntingdonshire District Council can demonstrate a continuous 5 year supply of deliverable housing land with an additional buffer of 5% to ensure choice and competition in the market for land. There are therefore other more suitable sites available within the District. There is thus no need for the proposed development to help secure such a supply. As a result, it is considered that the proposed development would not satisfy the Sequential Test. As the development fails the sequential test, it is not necessary to consider applying the Exception Test. The development of this site is not therefore necessary and the principle of developing this site for a residential dwelling cannot be supported.
- 7.20 The FRA submitted outlines details of flood resilience and resistance techniques that could be included within the construction of the proposed dwelling such to minimise flood risk. The FRA indicates that the ground floor level of the proposed property will be 300mm above the existing ground level, or highest flood level. Paragraph 16 of the Technical Guidance to the NPPF makes it clear that 'Flood resistance and resilience measures should not be used to justify development in inappropriate locations'.
- 7.21 As no information has been provided within the FRA to ascertain the modelled flood level for the site, it is not possible to assess whether the 300mm flood mitigation measures are sufficient in this instance.
- 7.22 It is also a requirement of national policy to consider the requirements for flood emergency planning including flood alert and evacuation of people for a range of flooding events up to and including the extreme event. No information has been provided in the FRA to demonstrate that consideration has been given to evacuation during a flood or a method of receiving flood alerts.
- 7.23 The submitted FRA does not provide a suitable basis for an assessment to be made of the flood risk arising from this development.

- 7.24 This proposal is inappropriate development in an area at risk of flooding, and is not acceptable. It would be contrary to the NPPF which seeks to locate development away from the areas at the highest risk of flooding, as well as paragraphs 18 to 22 of the Planning Practice Guidance, policy CS9 of the Huntingdonshire Local Plan 1995, policy CS1 of the Core Strategy 2009 and emerging policies LP1 and LP6 of the Draft Huntingdonshire Local Plan to 2036: Stage 3 (2013).

Impact on neighbour amenities:

- 7.25 The proposed erection of a dwelling in the location shown is unlikely to have a significant impact on the amenities of the immediate neighbours, although the increased use of the site resulting from its permanent occupation could lead to greater noise and disturbance. However, this impact is unlikely to be serious and would not justify refusal of the application.
- 7.26 The proposed dwellinghouse and garage would be situated far enough away from the neighbouring properties, such that overshadowing would not be an issue. In addition, the proposed dwelling would have few first floor windows facing the neighbours. Where these do occur, the windows would light bathrooms and would have obscured glass. As a result, overlooking and loss of privacy would not be significant.
- 7.27 Consequently, the proposal complies with policy H31 and emerging policy LP15.

Highway safety:

- 7.28 The site is accessed via an un-adopted track. The number of vehicles using the site for residential purposes is not considered to impact upon the local highway network. The access is considered to be adequate bearing in mind it is an existing access point that can be readily used for vehicles relating to the stable block. The site plan indicates that the proposed dwellinghouse would have an attached garage, with hardstanding areas capable of parking two vehicles within the bounds of the site. This level of parking provision would be adequate such to accord with the aims of emerging policy LP 18.

Tree and hedgerow:

- 7.29 The site is located in the conservation area where trees and hedgerow along with other nature features are protected, due to the contribution they have on the character and appearance of the historic environments. The HDC landscape officer has confirmed that whilst an arboriculture report has not accompanied the application, the development of the site is not considered to cause undue impacts on the surrounding trees and hedgerow. Therefore the application complies with Policy En18 of the local Plan 1995 and Policy LP29 of the Local Plan – 2036.

Other issues:

- 7.30 A competed Unilateral Undertaking to secure the necessary wheeled bin contribution has been received in compliance with the Developer Contributions SPD 2011.

Conclusions:

- 7.31 The proposal is contrary to the settlement policies in the Development Plan, together with the policies relating to development outside the built up areas of the settlements, in that it is for non-essential development in the open countryside.
2. the proposal will not preserve or enhance the character and appearance of the Conservation Area, and will adversely impact upon the setting of the adjacent Listed Buildings.
 4. There are no overriding neighbour amenity issues.
 5. There are no overriding highway issues.
 6. The applicant has not demonstrated that the site can be effected mitigated against flooding and the safety and escape routes of the occupants has also not be demonstrated
 6. There are no other material planning considerations which have a significant bearing on the determination of this application.

8. RECOMMENDATION – REFUSE for the following reasons:

1. The erection of a dwelling at this site would constitute non-essential development in the open countryside, outside the built up area of Spladwick. The proposal, by reason of the scale, massing and location would extend built development into the open countryside, where it would be visually intrusive and would have an adverse impact on the character, visual amenities and setting of the site and the edge of the settlement in general. The proposal would therefore be contrary to the provisions of paragraph 55 of the National Planning Policy Framework 2012 and policies H23, En17 and En25 of the Huntingdonshire Local Plan 1995, policies CS1 and CS3 of the Local Development Framework Core Strategy 2009, and policies LP1, LP11, LP13 and LP26 of the Draft Huntingdonshire Local Plan to 2036 (Stage 3) 2013

2. The proposed dwelling by reason of its siting, scale and massing would create a visually intrusive and harmful form of development which would erode the character and appearance of the Conservation Area, and fail to conserve the settings of the adjacent grade II* and grade II Listed Buildings. This harm, whilst less than substantial, would not be outweighed by public benefit in accordance with paragraph 134 of the NPPF. As such the proposal is contrary to paragraph 134 and section 7 of the National Planning Policy Framework 2012, The Planning (Listed Buildings and Conservation Areas) Act 1990, policies En2, En5, En6, En9, and En25 of the Huntingdonshire Local Plan 1995, policy HL5 of the Huntingdonshire Local Plan Alterations 2002, policy CS1 of the Adopted Huntingdonshire Local Development Framework Core Strategy 2009, policies LP13 and LP31 of the Draft Huntingdonshire Local Plan to 2036 (Stage 3) 2013.

3. The site is located in Flood Zones 3 of the Environment Agency Flood Maps. The proposed development is not considered acceptable

and would result in inappropriate development in an area of high probability of flood risk contrary to the NPPF which seeks to locate development away from the areas at the highest risk of flooding. The Flood Risk Assessment submitted with this application does not comply with the requirements set out in the National Planning Policy Framework and does not provide a suitable basis for an assessment to be made of the flood risks arising from the proposed development. The development is therefore contrary to paragraphs 018 - 022 of the Planning Practice Guidance, paragraphs 100-104 of the NPPF, and policy CS9 of the Huntingdonshire Local Plan 1995, policy CS1 of the Adopted Core Strategy and emerging policies LP1 and LP6 of the Draft Huntingdonshire Local Plan to 2036: Stage 3 (2013).

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CONTACT OFFICER:

Enquiries about this report to **Linda Walker Development Management Officer 01480 388411**

Huntingdonshire DC Public Access

From: David <davidstowell@onetel.com>
Sent: 20 November 2015 14:50
To: DevelopmentControl
Subject: Planning Application 15/01928/FUL

Application number: 15/01928/FUL Case Officer: Linda Walker

Proposal: Proposed dwelling house in the curtilage of 2-6 Thrapston Road, Spaldwick

Location: 2-6 Thrapston Road, Spaldwick

Observations of Spaldwick Parish Council: Two errors were noted in the supporting documents:

'The development is not within a designated conservation area' – in fact it is just within the Spaldwick Conservation Area.

'The proposed dwelling will not impact on the street scene' – in fact it would be seen (extending above the adjacent fence) from High Street at the vehicle entrances to The George and the Manor Farmhouse.

The Council has taken these deviations from the supporting documents into account in reaching its decision to recommend approval as it is of the opinion that the proposal will not adversely affect the Conservation Area or the adjoining properties, and is within (albeit on the edge of) the built up area of the village. It is suggested that the existing gravel path forming the access from High Street should be paved where it passes close to 1 High Street to mitigate problems of noise and loose chips.

F D Stowell

Clerk to Spaldwick Parish Council

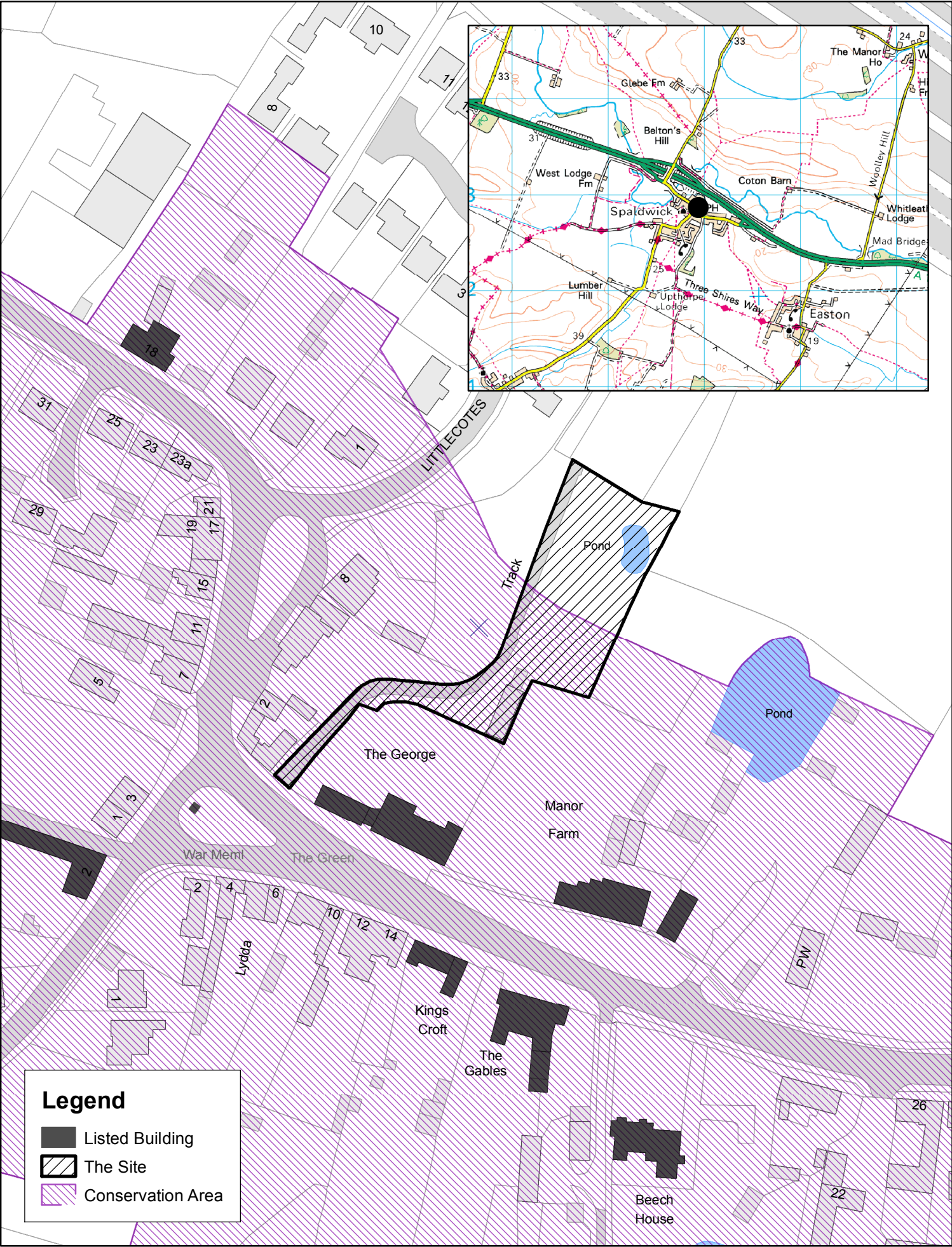
20 November 2015

Development Management Panel



Scale =1:1,250
Date Created: 21/12/2015

Application Ref: 15/01928/FUL
Location:Spaldwick

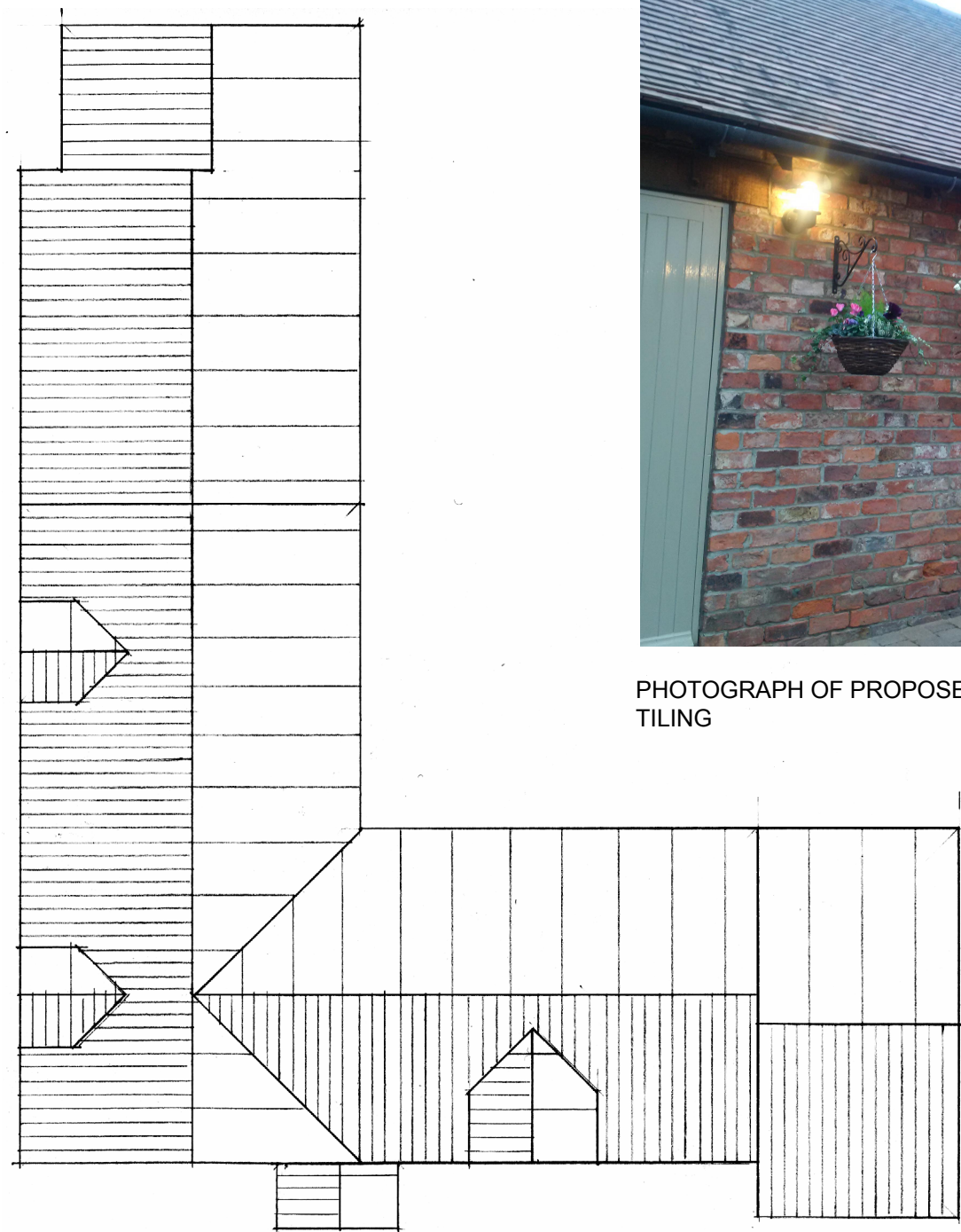


Legend

Listed Building

The Site

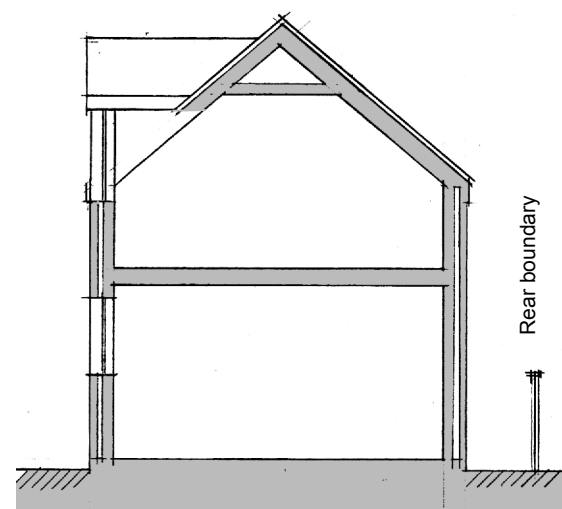
Conservation Area



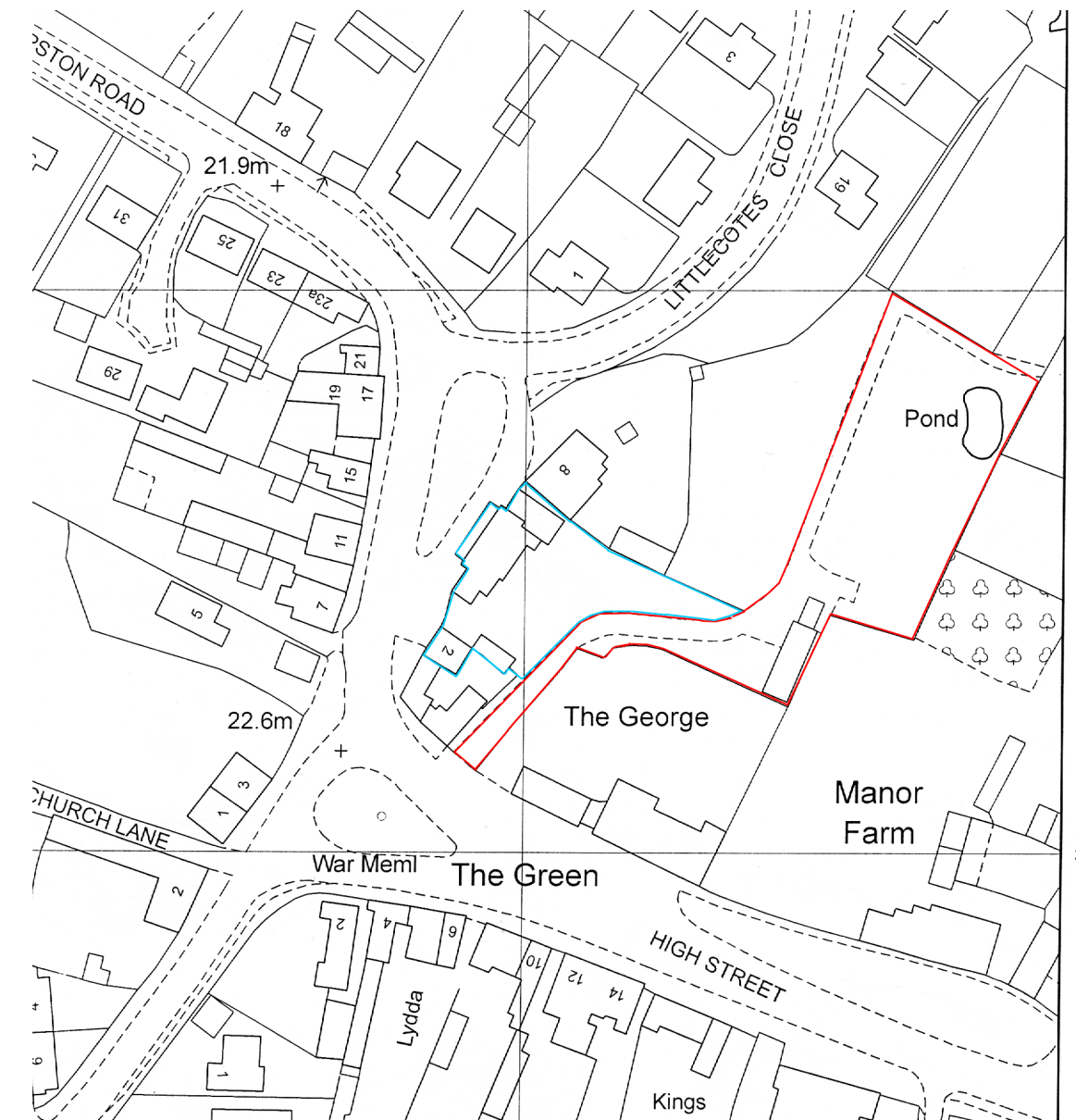
ROOF PLAN Scale 1/100



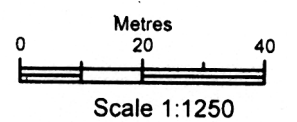
PHOTOGRAPH OF PROPOSED BRICKWORK AND ROOF TILING



PROPOSED SECTION Scale 1/100



LOCATION PLAN Scale 1/1250



Proposed dwelling at
2-6 Thrapston Road
Spaldwick
Cambs PE28 0TA
For Mr & Mrs Traynor

As proposed

Scale 1/100

Sheet No: 3

Date: 21 Oct 15

Richard Biddle
Member of Chartered Institute of Builders

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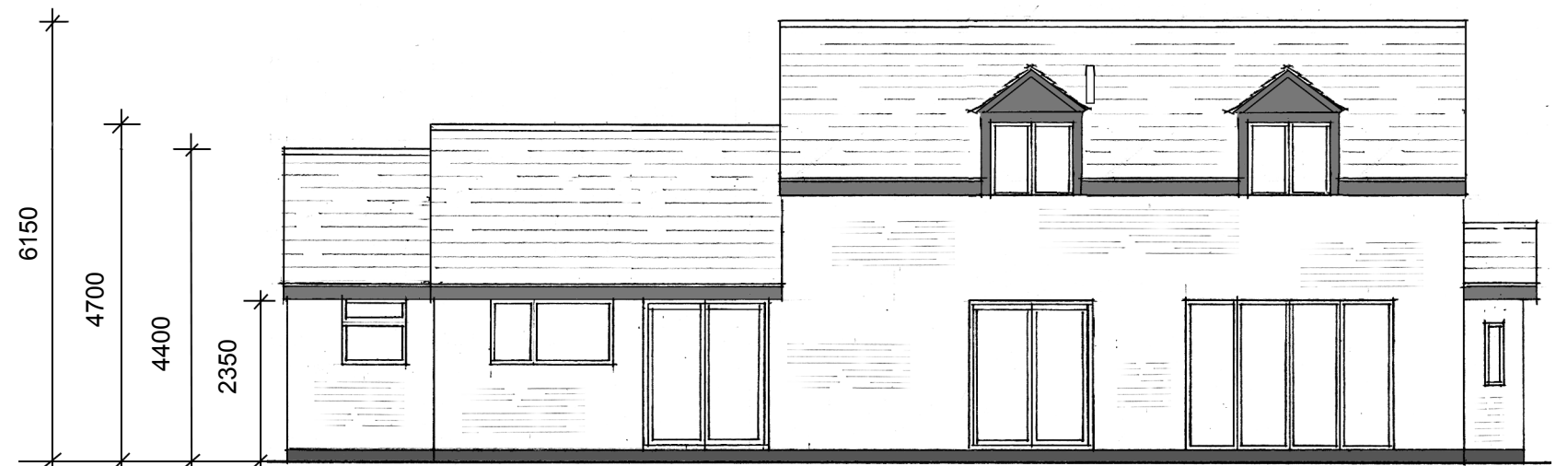
Email: biddle945@btinternet.com

A3

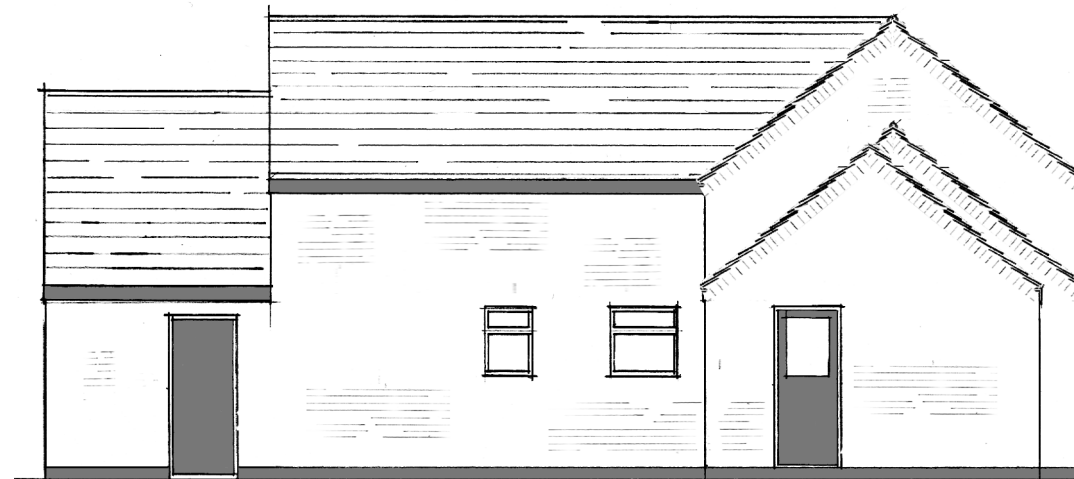
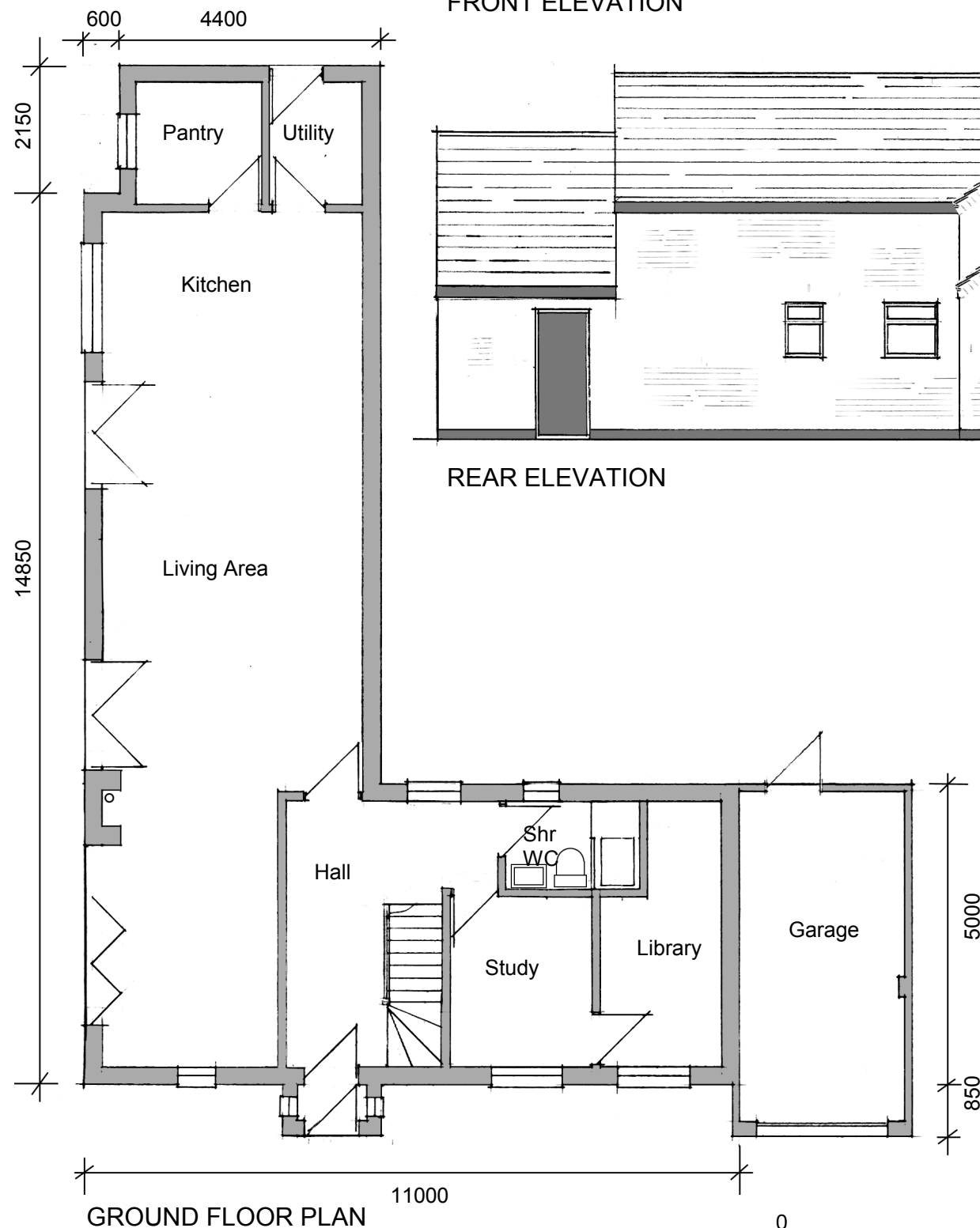




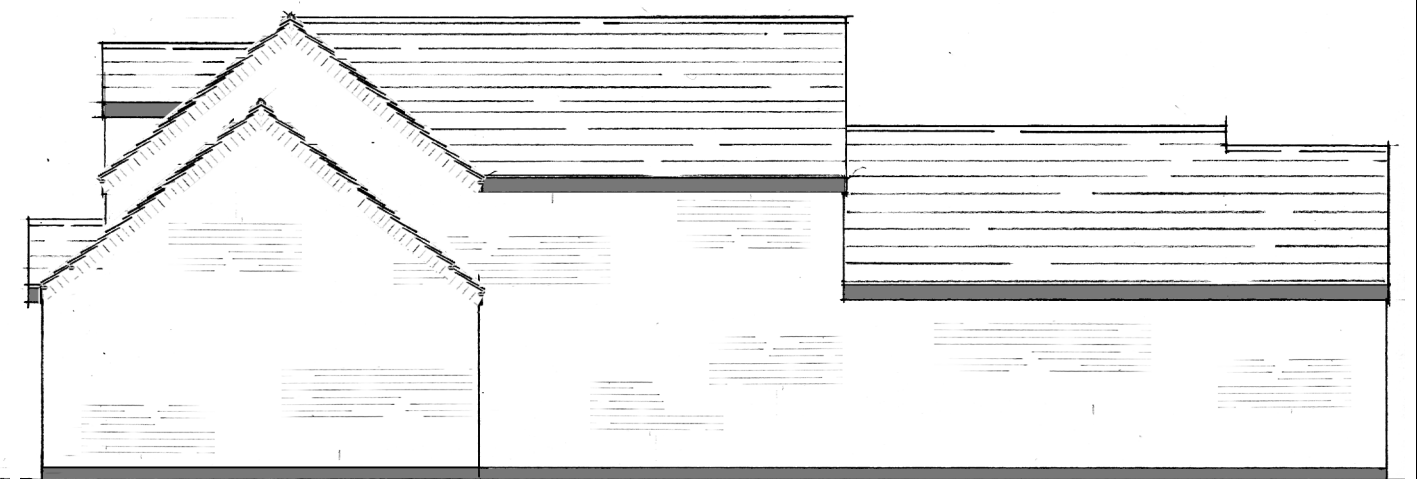
FRONT ELEVATION



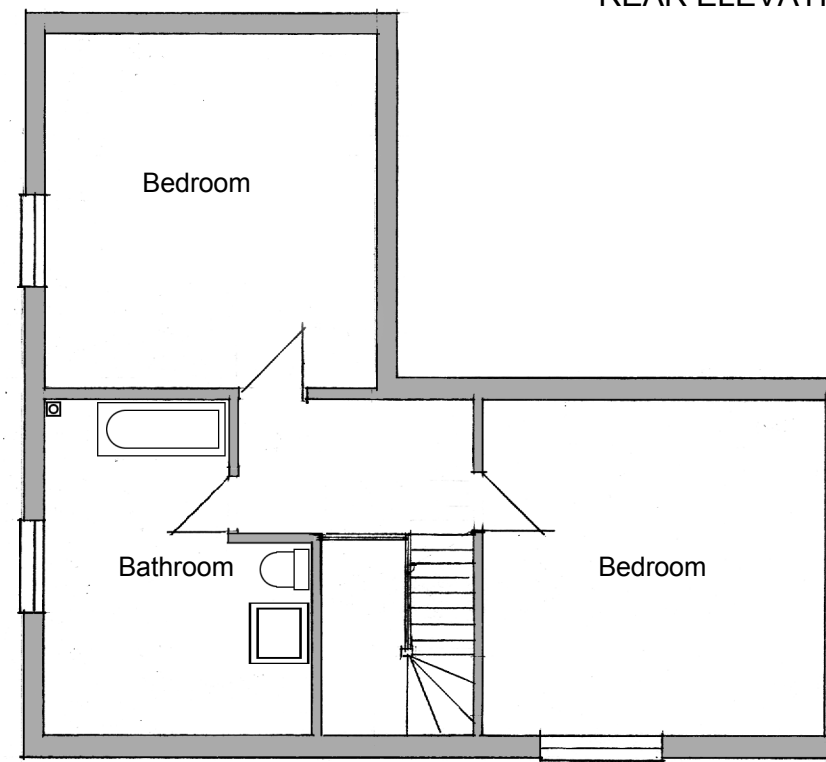
SIDE ELEVATION



REAR ELEVATION



REAR ELEVATION



Proposed dwelling at
2-6 Thrapston Road
Spaldwick
Cambs PE28 0TA
For Mr & Mrs Traynor

As proposed

Scale 1/100

Sheet No: 2

Date: 3 Sep 15

A3

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Trees	Type	Girth
T1	Ash	0.92M
T2	Damson	0.5M
T3	Spruce	0.89M
T4	Eucalyptus	1.0M
T5	Crack Willow	0.77M
T6-9	Elm	

Proposed dwelling at
2-6 Thrapston Road
Spaldwick
Cambs PE28 0TA for Mr & Mrs
Traynor

Site plan Scale 1/500

Sheet No: 1

Date: 21 Oct 15

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A3

