

MAIN CASE

Reference No: 19/00590/OUT

Proposal: Construction of detached bungalow, garaging, parking, access and associated site works

Site Address: Site South West Of 6 Lode Lane Wicken Cambridgeshire

Applicant: Mr & Mrs Hall

Case Officer: Rachael Forbes, Planning Officer

Parish: Wicken

Ward: Soham South
 Ward Councillor/s: Ian Bovingdon
 Dan Schumann

Date Received: 23 April 2019 **Expiry Date:** 4th October 2019

[U83]

1.0 **RECOMMENDATION**

- 1.1 Members are recommended to REFUSE this application for the following reason:
- 1.2 The application site is located beyond the existing small row of dwellings on the west side of Lode Lane, where there is an immediate change in character to rural open countryside and Wicken Fen beyond. The proposed development would be located within a sensitive edge of settlement location and would extend residential built form into the countryside in a manner that would cause significant and demonstrable harm to the rural landscape character and visual amenity of the area. The resultant encroachment would increase the sense of suburbanisation of the countryside to the detriment of local visual amenity, whilst it would also result in the loss of important open views of the countryside and towards Wicken Fen. Therefore the proposal fails to comply with the aims and objectives of Policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015. Furthermore, the proposal is not considered to constitute sustainable development in principle as the harm to the local rural landscape character and visual amenity of the area would significantly and demonstrably outweigh the benefits of the proposed development, contrary to paragraph 11 of the National Planning Policy Framework.

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks outline permission for a detached bungalow, garaging parking, access and associated site works. The outline application seeks agreement for access and scale only. Appearance, landscaping and layout would be considered as part of a reserved matters application. The proposed bungalow would extend beyond the existing line of built form and the development envelope on the west side of Lode Lane. The scale indicated on the submitted plans is 17.8 metres in width, 23 metres in depth and 5.2 metres in height, including the double garage to the front of the plot. The creation of a new access is proposed from Lode Lane. The proposal includes the provision of a footpath to Wicken Fen. The application has been amended to show visibility splays, as requested by the Local Highway Authority and clarification around the footpath and an ecology report have been provided.
- 2.2 The planning history at the site consists of application 18/01287/OUT for a proposed detached chalet bungalow, garaging, parking, access and associated site works. The application was refused for two reasons. The first was that the extension of built form into the countryside would result in significant and demonstrable harm to the local rural landscape character and by virtue of the harm the proposal would not constitute sustainable development. The second reason for refusal was that insufficient information had been provided to ascertain whether there would be any ecological impacts as a result of the development due to the presence of a barn on site which was considered to have ecological potential. A copy of the decision notice is included under appendix 1.
- 2.3 The application has been called in to Planning Committee by Councillor Bovingdon as the application has no objections from the Parish Council and the addition of the footpath is a welcome addition.
- 2.4 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

3.0 PLANNING HISTORY

3.1

18/01287/OUT	Proposed detached chalet bungalow, garaging, parking, access and associated site works	Refused	09.11.2018
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4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located to the south west of the village of Wicken, outside of, but adjacent to, the established development envelope for the village. The application site comprises a small parcel of a much larger agricultural field. There is a

corrugated sheet barn located with the site. Wicken Fen Nature Reserve (a Site of Special Scientific Interest, Special Area of Conservation and Ramsar Site) is located further along Lode Lane to the south of the application site. There are residential dwellings located directly to the north of the site and on the opposite side of Lode Lane to the east of the site. A Public Right of Way (ProW) runs adjacent to the northern boundary of the site.

5.0 RESPONSES FROM CONSULTEES

5.1 Responses were received from the following consultees and these are summarised below. The full responses are available on the Council's web site.

Asset Information Definitive Map Team - 10 June 2019

Please note Public Footpath 18 Wicken runs adjacent to the application site. To view the location of the byway please view our interactive mapping online which can be found at <http://my.cambridgeshire.gov.uk/myCambridgeshire.aspx>.

Whilst the Definitive Map Team has no objection to this proposal, the applicant should be aware of the presence of the public Byway, its legal alignment and width which may differ from what is available on the ground. If you require a copy of the Definitive Map & Statement, this can be viewed at the County Council's offices in person or requested online for a fee.

The Byway must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it. Should you need to temporarily close it for safe works, you should apply to the Street works Team online.

Public Footpath 18 Wicken must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it (it is an offence under s137 of the Highways Act 1980 to obstruct a public Highway).

The Public Footpath must not be used to access the development site unless the applicant is sure they have lawful authority to do so (it is an offence under s34 of the Road Traffic Act 1988 to drive on a Public Footpath without lawful authority)

No alteration to the Footpaths surface is permitted without our consent (it is an offence to damage the surface of a public right of way under s1 of the Criminal Damage Act 1971).

Landowners are reminded that it is their responsibility to maintain boundaries, including trees, hedges and fences adjacent to Public Rights of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980).

The granting of planning permission does not entitle a developer to obstruct a Public Right of Way (Circular 1/09 para 7.1).

Asset Information Definitive Map Team - 3 September 2019

As above.

Local Highway Authority – 14 May 2019

I note that only the means of access and scale are committed at this time.

It is unclear whether visibility of 2.4m by 43m between vehicles emerging from the proposed dwelling and those travelling along Lode Lane from the south can be achieved fully within the public highway and land in the applicant's control. To this end, the red line should be amended.

The parking areas shown appear to be short and should each be a minimum of 5m long by 2.5m wide. Despite this there would appear to be sufficient area for two vehicles to park and manoeuvre within the site, so as to enter and leave in forward gear.

The proposal includes provision of a section of footpath to be constructed on private land at the back of the Public Highway. It is unclear what purpose this is intended to serve, as no continuity of route is provided further north into the village. This should be clarified. It should be noted however, that the route would not be suitable for adoption as highway maintainable at public expense, and is unlikely to be considered necessary as part of an extended public rights of way network. I would recommend that Cambridgeshire County Councils Rights of Way team be included in this consultation in this regard and the effect on adjoining rights of way.

Local Highways Authority - 4 September 2019

I have no objections.

Please append the conditions and informative as recommended in my previous correspondence, dated 14th May 2019.

CCC Growth & Development - No Comments Received

Waste Strategy (ECDC) - 16 May 2019

- East Cambs District Council will not enter private property to collect waste or recycling, therefore it would be the responsibility of the owners/residents to take any sacks/bins to the public highway boundary on the relevant collection day and this should be made clear to any prospective purchasers in advance, this is especially the case where bins would need to be moved over long distances and/or loose gravel/shingle driveways; the RECAP Waste Management Design Guide defines the maximum distance a resident should have to take a wheeled bin to the collection point as 30 metres (assuming a level smooth surface).

- Under Section 46 of The Environmental Protection Act 1990, East Cambridgeshire District Council as a Waste Collection Authority is permitted to make a charge for the provision of waste collection receptacles, this power being re-enforced in the Local Government Acts of 1972, 2000, and 2003, as well as the Localism Act of 2011.

- Each new property requires two bins; this contribution is currently set at £43 per property.
- Payment must be made in advance of bins being delivered; East Cambs District Council Account Number 43135897, Sort Code 52-41-19, reference should be the planning application number followed by (bins) i.e. 15/012345/FUL (bins) a separate e-mail should also be sent to waste@eastcambs.gov.uk detailing the payment amount and the planning reference number.

Cambridge Ramblers Association - No Comments Received

Parish - 13 June 2019

Wicken Parish Council is pleased to see that the application includes a footpath along Lode Lane. This road and need for a footpath has been brought to the attention of ECDC by the Parish Council in the past due to safety concerns for visitors walking and cycling along the single track road to Wicken Fen.

Wicken Parish Council supports the application.

Parish – 11 September 2019

Wicken Parish Council is pleased to see the amended application still includes the footpath along Lode Lane and continues to support the application.

We are content for the final determination of the application to rest with the Planning Service.

Ward Councillors - No Comments Received

Consultee For Other Wards In Parish - No Comments Received

The National Trust - 3 June 2019

It is noted that an outline application for a similar proposal was refused by the Local Planning Authority in 2018 on grounds of a) the harm to local rural landscape character and b) the absence of an ecology report relating to the demolition of the barn at the site. The current application is a revised version of that proposal with a change in the form of the dwelling (now a bungalow rather than a chalet bungalow) and the proposed inclusion of a public footway along the north western side of Lode Lane.

Whilst the introduction of the footway could secure some limited benefit in terms of pedestrian safety, it is not considered that this would outweigh the significant harm to local landscape character arising from the development. In any event, the land required for the footway appears to be outside the applicant's direct control so it is difficult to see how a condition to secure it would be reasonable or enforceable.

The reduction in the scale of the proposed dwelling would do little to minimise its impact on the open setting and a decision to approve any dwelling at this site could

set a regrettable precedent that could render the entire frontage of this section of the Lane vulnerable to similar proposals. In addition, the applicant does not appear to have addressed the lack of any information relating to the ecological impact of the development.

In these circumstances, it must be assumed that the Local Planning Authority will reach the same conclusion that it reached in relation to the previous application as to the scale of harm caused by the development and will, accordingly, refuse it.

National Trust – 27 August 2019

I write further to your recent letter advising that amended plans and information had been submitted in relation to the current outline application (ref 19/00590/OUT) for the erection of a dwelling at the above site.

I write to advise that, with the exception of the comments relating to the potential ecological impact of the development, the National Trust would wish to restate its original representations on this proposal.

Natural England – 23 May 2019

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

Cambridgeshire Archaeology - 7 May 2019

Our records indicate that the site lies in an area of archaeological potential. The fields to the south of the Back Lane properties demonstrate prehistoric occupation consistent with that of other fen-edge sites in the locality, in the form of field scatters and find spots of Neolithic and early Bronze Age flints and stone tools whose distribution closely correlates with the transitional area between the waterlogged fen and the higher ground (for example scrapers, cores, axe heads and arrowheads, Cambridgeshire Historic Environment Record references 07058, 07073, 07075),

while an earlier, Mesolithic tranchet axe was found at the village green (07067). Later remains are evident in the scheduled monument of a medieval moated enclosure south of Chancel Farm (eg National Heritage List for England ref NHLE 1017845, CHER ref 01067) and some surviving late medieval historic fabric in the village's buildings. In addition, archaeological investigations opposite the application area identified field or boundary systems and refuse pits (ECB5566), while archaeological investigations to the north west at Hawes Lane revealed a dense concentration of Roman occupation (ECB5846).

We have commented on this in recent years. We would recommend that the same archaeological standard condition is placed on the development as was for prior application (18/01287/OUT) within the same bounds, that is:

We do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition, such as the example condition approved by DCLG.

Cambridgeshire Archaeology - 6 September 2019

Comments as above.

Cambs Wildlife Trust - 30 August 2019

I have reviewed the Preliminary Ecological Appraisal (PEA) report accompanying the above planning application and am satisfied with the conclusions that the proposed development is unlikely to have significant negative impacts on protected species, habitats, or direct ecological impacts on nearby protected sites. The mitigation and enhancements proposed in section 8 of the PEA report are appropriate for addressing on-site impacts, and should permission be granted, should be required by way of a suitably worded planning condition(s).

However, the proposal site is in close proximity to Wicken Fen SSSI/NNR, (it appears to be within the Wicken Fen Vision area) and I note the National Trust have raised concerns over potential landscape impacts. Wicken Fen is a key biodiversity and green infrastructure asset (as recognised in the East Cambridgeshire Local Plan 2015, and Cambridgeshire Green Infrastructure Strategy) and planning proposals within the Wicken Fen Vision area should be carefully considered in terms of whether they are appropriate and fit within the long term aims for this area.

5.2 **Neighbours** - Seven neighbouring properties were notified and four responses were received which are summarised below. A full copy of the responses are available on the Council's website:

Objections:

- The three fold dimensions of sustainability as defined by the NPPF, are not met: the economic and the social roles are negligible whilst the environmental negativity is overwhelming. The proposal fails to meet all three, not just one, of the NPPF development guidelines.

- The proposal will set a precedent for development down the west side of Lode Lane.
- The house and plot are too large.
- The proposal will spoil the National Trust landscape, which is a significant visitor attraction.
- The building is on a T junction which does not seem ideal regarding traffic.
- The site is frequented by barn owls, slow worms and grass snakes and supports over 10,000 rose blooms that attract innumerable insects in the summer and sustain overwintering species too – the general setting is of unquestioned landscape importance and is internationally recognised and protected for its ecological significance.
- Lode Lane is a heavily trafficked small road which at present poses a high risk to pedestrians, cyclists, disabled persons and horses and riders enjoying access to the popular Wicken Fen. Approving this application will set the precedence for development along the north west side of Lode Lane, therefore it is essential that an alternate, dedicated access road directly linking the A1223 with the National Trust car park be made prior residential development being opened up.

Supporting – subject to questions being answered about the footpath.

- Previous opposition to an application to build on this site on the grounds that it is outside the village envelope and to allow development would make a mockery of the plan. However, the provision of a footpath put a different slant on the discussion. A footpath is sorely needed as pedestrians are forced onto the verges every time a vehicle comes along. The nature of the path must be clearly spelled out.

Following receipt of the amended plans, the following summarised comments were received:

- Footpath provision - the promise of such 'infrastructure' amendments in such cases are often unfulfilled and in this case the commitment is fraught with difficulties. If built will the path be a permissive right of way revocable at any time? Is the path to be designated as a permanent right of way? Who retains ownership of the facility, who maintains it, to what surface standard will it be built, what new drainage arrangements would be implemented? These and other questions are not addressed. Is the applicant prepared to construct the path to the required standard prior to the main project?
- Highways Authority - from the cursory examination I have been able to make of the Highways assessment their observations suggest necessary structural changes that would further aggravate the aesthetic, traffic concerns and public footpath proximity issues which have been raised previously.
- Ecological Assessment - This document contains a number of inaccuracies thereby diminishing the adverse impact of the project; for example, overstating the distance of bodies of water, vital to newts and frogs, from the

site. Scant attention is given to the floral richness at and surrounding the site nor are the references to nocturnal wildlife reliable.

- Essentially objections rest on the detrimental environmental impact on the adjacent Wicken Fen Ramsar site, and other matters, as emphasized at an earlier date. The amended application is merely an exacerbation of an already undesirable plan which has already been officially deemed unsuitable

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

Design Guide
Flood and Water

6.3 National Planning Policy Framework 2019

- 2 Achieving sustainable development
- 5 Delivering a sufficient supply of homes
- 9 Promoting sustainable transport
- 11 Making effective use of land
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment
- 16 Conserving & enhancing the historic environment

6.4 Planning Practice Guidance

7.0 PLANNING COMMENTS

7.1 The main issues to consider in the determination of this application are:

- The Principle of Development

- Visual Amenity
- Residential Amenity
- Ecology
- Highway Safety and Parking
- Public Right of Way
- Historic Environment
- Flood Risk and Drainage

7.2 Principle of Development

The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990. Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan consists of the adopted East Cambridgeshire Local Plan 2015 and related Supplementary Planning Documents.

- 7.3 The National Planning Policy Framework (NPPF) 2019 requires Council's to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies or against their local housing need where the strategic policies are more than five years old as set out in paragraph 73.
- 7.4 Paragraph 78 of the NPPF, 2019 states that to promote development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 79 states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply; there is an essential need for a rural worker; the development would represent the optimal viable use of a heritage asset or would be enabling development to secure the future of heritage assets; the development would re-use redundant or disused buildings and enhance its immediate settings, the development would involve the subdivision of an existing residential dwelling or the design is of exceptional quality.
- 7.5 The East Cambridgeshire Local Plan, 2015 describes Wicken as a small village on the edge of the fens near Soham, 10 miles north east of Cambridge and 5 miles south of Ely. It states that Wicken is likely to grow with new housing being built on suitable 'infill' sites within the village' and 'a development envelope has been drawn around Wicken to define the built up part of the village where development (infill and allocation sites) may be permitted. The purpose is to prevent sprawl into the open countryside'. Policy Growth 2 states that 'outside defined development envelopes housing, employment and other development will be strictly controlled, having regard to the need to protect the countryside and the settings of towns and villages'. There are exceptions to this set out in the policy, however the proposed

development does not fall into one of these exceptions. As the proposal is outside of the development framework it would not be considered to comply with the vision for Wicken as set out in the Local Plan, or policy Growth 2.

- 7.6 The National Planning Policy Framework promotes sustainable development and states in Paragraph 11 that decisions should apply a presumption in favour of sustainable development. The Framework supports the delivery of a wide range of high quality homes. Paragraph 11 makes it clear that where the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:
- i. The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 7.7 The Council is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore, all local planning policies relating to the supply of housing must be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development set out in the National Planning Policy Framework. This means that development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweigh the benefits.
- 7.8 The benefits of this application are considered to be: - the limited but positive contribution of the provision of 1No. additional dwelling to the district's housing stock, the limited but positive contribution to the local and wider economy through the construction of the new dwelling and future spending and the addition of a footpath to Wicken Fen.
- 7.9 However, the NPPF states that sustainable development has three dimensions, namely: an economic role; a social role, and an environmental role. All three are mutually dependent and should not be undertaken in isolation. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. Therefore, where a development does not achieve one or more of these roles that development will not be considered to be sustainable.
- 7.10 It is necessary, therefore, to consider the benefits of the proposed development and weigh those against any adverse impacts in order to determine whether or not the development comprises sustainable development. These are explained in more detail below.
- 7.11 **Visual Amenity**
- 7.12 Policy ENV1 of the East Cambridgeshire Local Plan, 2015 states that development proposals should ensure that they provide a complementary relationship with the existing development and conserve, preserve and where possible enhance the distinctive and traditional landscapes and key views in and out of settlements. Policy EV2 states that development proposals ensure that the location, layout,

massing, materials and colour of buildings relate sympathetically to the surrounding area.

- 7.13 The application site comprises a small parcel of a much larger open agricultural field which has a modest agricultural barn located on it. The rural character and appearance of the application site at present provides a positive contribution to the wider rural surroundings to the south and west, whilst also contributing to views over the open fields and towards Wicken Fen Nature Reserve.
- 7.14 The application site is located in a sensitive edge of village location, beyond an existing small row of dwellings on the west side of Lode Lane, where there is an immediate change in character to rural open countryside and Wicken Fen beyond.
- 7.15 A previous application for a chalet bungalow was refused on this site in 2018 (18/01287/OUT). The first reason for refusal is relevant and states that by virtue of its location and scale, the proposed development would extend residential built form into the countryside in a manner that would cause significant and demonstrable harm to the local rural landscape character and visual amenity of the area. The dwelling proposed under this application is no longer proposed to be a chalet bungalow; it is now single storey. The previous dwelling was proposed to be 18 metres in width, 13 metres in depth and 7.5 metres in height. While the height has now been reduced to 5 metres; the width has only marginally been reduced to 17.8 metres and the depth has increased significantly to 23 metres. It is considered that the scale would still result in significant and demonstrable harm to the local rural area and would increase the sense of suburbanisation of the countryside to the detriment of local visual amenity and would also result in the loss of important open views of the countryside and towards Wicken Fen.
- 7.16 It is also noted that while layout is not for consideration at this stage, the garage is indicated to be positioned to the front of the site. This would be contrary to the Design Guide SPD which states that garages should ideally be positioned to the side or rear of dwellings and that it will rarely be acceptable to construct a garage between the front elevation and the highway.
- 7.17 It is therefore considered that the proposal, in respect of visual amenity would be contrary to policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015.
- 7.18 **Residential Amenity**
- 7.19 Policy ENV2 of the East Cambridgeshire Local Plan, 2015 states that new development will be expected to ensure that there is no significantly detrimental effect on the residential amenity of nearby occupiers and that occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity.
- 7.20 The closest neighbouring dwelling to the application site is to the north east, 6 Lode Lane. Scale is for consideration at this outline stage and it is considered that there is sufficient distance between the proposed dwelling and the neighbouring dwelling that the proposal would not result in a detrimental impact to residential amenity in respect of overshadowing and overbearing. Overlooking cannot be assessed at this stage as appearance is not for consideration at this outline stage, however it is

considered a dwelling in this location could be achieved without resulting in an overlooking impact to neighbouring dwellings.

- 7.21 The Design Guide SPD sets out that in most cases building plots should be approximately 300sqm and built form should not take up more than a third of the plot. Rear private amenity space should be a minimum of 50sqm. While it is considered that the proposed dwelling does take up more than a third of the plot, the plot is in excess of the 300sqm and the private amenity space exceeds far 50sqm and it is therefore considered that the proposed dwelling would not have a detriment to the amenity of any future occupiers.
- 7.22 The proposal is therefore considered to comply with policy ENV 2 of the East Cambridgeshire Local Plan, 2015 in respect of residential amenity.
- 7.23 **Historic Environment**
- 7.24 The site is considered to have archaeological significance. Policy ENV 14 of the Local Plan, 2015 states that development proposals at or affecting all sites of known or potential archaeological interest will have regards to their impacts upon the historic environment and protect, enhance and where appropriate, conserve nationally designated and undesignated archaeological remains, heritage assets and their settings.
- 7.25 The Cambridgeshire County Council Archaeology Team have commented that the site lies in an area of archaeological potential. These comments are set out in full in paragraph 5.1 and advise that they do not object to development proceeding in this location but consider that the site should be subject to a programme of archaeological investigation. If the application were to be approved, this could be controlled by a condition.
- 7.26 **Highway Safety and Parking**
- 7.27 The site proposes an access from Lode Lane and drawing number 18:092-2 rev B shows the provision of visibility splays measuring 2.40m x 43m. The plan shows a double garage and two 2.5m x 5m parking spaces. Access is for agreement at outline stage.
- 7.28 Policy COM 7 of the East Cambridgeshire Local Plan, 2015 states that development proposals shall provide a safe and convenient access to the highway network. Policy COM 8 of the East Cambridgeshire Local Plan, 2015 states that development proposals should provide adequate levels of car and cycle parking in accordance with the Council's parking standards. The application site is located along a 30mph road and the proposal would provide a new access onto this lane. Drawing number 18:092-2 rev B shows two car parking spaces and a double garage.
- 7.29 The Local Highway Authority initially commented that it was unclear whether the visibility splays shown could be achieved fully within the public highway and in land within the applicant's control. They also commented that the parking areas appeared to be too short and should be 2.5 x 5m. Lastly, they commented that the purpose of the footpath was unclear and that it would not be suitable for adoption by the Local Highway Authority.

- 7.30 Following amendments to show the visibility splays within the applicant's control, the enlarging of the parking spaces and clarification around the footpath, the Local Highway Authority have no objections to the proposal, subject to the imposition of conditions relating to the layout and provision of parking, a detailed engineering scheme for the construction of the access, visibility splays and access drainage.
- 7.31 The proposal is considered to provide safe access to the highway network and provides adequate parking and is therefore considered to comply with policies COM 7 and COM 8 of the East Cambridgeshire Local Plan, 2015.
- 7.32 **Public Right of Way**
- 7.33 A Public Right of Way (Public Footpath No.18 Wicken) runs along the northern boundary of the application site. However, the proposed development does not obstruct the PRow and the County Council Definitive Map Team state they have no objection to the proposal.
- 7.34 The proposal includes creating a footpath from Public Footpath No.18 Wicken to the Wicken Fen, which would be constructed by the applicant. The inclusion of a footpath does contribute to the social aspect of sustainable development as it provides safe access to one of the Districts main visitor attractions.
- 7.35 The proposal is therefore considered to comply with policy COM 7 of the East Cambridgeshire Local Plan, 2015.
- 7.36 **Ecology**
- 7.37 The application is in close proximity to Wicken Fen, which is a Ramsar Site (listed under the Convention on Wetlands of International Importance and are important in terms of Wildfowl Habitat), a Special Area of Conservation (classified under the EC Habitats Directive aimed at promoting measures to main or restore natural habitats and wild species), a Site of Special Scientific Interest (SSSI – designated under the Wildlife and Countryside Act 1981 (as amended) and a National Nature Reserve (declared under section 19 of the National Parks and Access to the Countryside Act 1949).
- 7.38 Policy ENV7 of the East Cambridgeshire Local Plan, 2015 states that all applications for development that may affect biodiversity and geology interests must be accompanied by sufficient information to be determined by the Local Planning Authority, including an ecological report, to allow potential impacts and possible mitigation measures to be assessed fully. It also states that all development will be required to protect the biodiversity and geological value of land and buildings and minimise harm to or loss of environmental features, such as trees, hedgerows, woodland, wetland and ponds.
- 7.39 The officer report for the previous application (reference 18/01287/OUT) noted that '*the proposed development would require an existing barn on the application site to be demolished. This barn displays characteristics which could make it suitable for the presence of protected species*'. No ecology report was provided with the

previous application and therefore the ecological impacts could not be assessed. The barn still exists on site and would be demolished as part of this application.

- 7.40 An ecological report has been submitted for consideration. The Cambs Wildlife Trust have been consulted as part of the application and have commented that they have reviewed the Preliminary Ecological Appraisal and are satisfied that the conclusions that the proposed development is unlikely to have significant negative impacts on protected species, habitats or direct ecological impacts on nearby protected sites.
- 7.41 However, the Cambs Wildlife Trust have also commented that the proposal site is in close proximity to Wicken Fen and that Wicken Fen is a key biodiversity and green infrastructure asset and planning proposals within the Wicken Fen Vision area should be carefully considered in terms of whether they are appropriate and fit with the long term aims of the area.
- 7.42 It is considered that it has been sufficiently demonstrated that the proposals are unlikely to result in impacts to protected species, habitats or impacts to nearby protected sites and the mitigation and enhancement measures set out in section 8 of the ecology report could be secured by way of a suitably worded planning condition. Therefore, the proposal is considered to comply with policy ENV 7 of the East Cambridgeshire Local Plan, 2015.
- 7.43 Flood Risk and Drainage**
- 7.44 The site is entirely located within floodzone 1 and is therefore considered at the lowest risk of flooding and a location where residential development is acceptable in terms of flood risk. The application form states that surface water will be disposed of via soakaways, however, this has not been shown on the plan. It is therefore considered reasonable and necessary that a scheme for the provision of surface water drainage should be secured via condition, if the application is approved.
- 7.45 It is therefore considered that the proposed development is acceptable in terms of its susceptibility to and impact on flood risk and the drainage measures proposed in accordance with Policy ENV8 of the East Cambridgeshire Local Plan 2015.
- 7.46 Planning Balance**
- 7.47 The proposal represents unsustainable form of development on a sensitive settlement edge of Wicken. The proposal includes the creation of one dwelling, which by virtue of its location and scale, the proposed development would lead to harmful encroachment into the countryside which would erode the rural character and appearance causing significant and demonstrable harm to the character, appearance and views of the rural area, including the sensitive settlement edge.
- 7.48 The proposal has overcome one of the reasons for refusal on application 18/01287/OUT which was the concerns around the ecological potential of the site. The application also proposes a footpath from Public Footpath 18 Wicken, along Lode Lane to Wicken Fen, one of the District's main visitor attractions. Although this is only for pedestrian access, it is considered that it does provide a provision of a route for walking and therefore does meet the social element of sustainable

development. However, the NPPF makes it clear that sustainable development will only be attained where all three elements are secured jointly and simultaneously. All have equal status and where one or more is achieved at the expense of the others then development should not be considered sustainable.

7.49 In this case, the environmental role of sustainable development would not be realised. The degree of harm caused to the countryside on the edge of the settlement could not be resolved through mitigation and the development would therefore cause environmental harm, contrary to policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015. The adverse impacts of the proposed development are considered to outweigh the economic and social benefits of the scheme. For these reasons, the proposal does not constitute sustainable development and the application is recommended for refusal.

8 APPENDICES

8.1 Decision Notice for 18/01287/OUT

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/00590/OUT	Rachael Forbes Room No. 011	Rachael Forbes Planning Officer 01353 616300
18/01287/OUT	The Grange Ely	rachael.forbes@eastcambs.gov.uk

National Planning Policy Framework - https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 - <http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>