
MAIN CASE

Reference No: 18/00496/FUL

Proposal: Two storey dwelling, detached double garage and garden store with hobbies room and storage area above, all associated access, parking and site works

Site Address: Land Adjacent To 12 Back Lane Wicken Cambridgeshire

Applicant: Mr & Mrs Richard & Emily Moor & Knight (respectively)

Case Officer: Richard Fitzjohn, Planning Officer

Parish: Wicken

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

Date Received: 13 April 2018 **Expiry Date:** 11 July 2018

[T44]

1.0 **RECOMMENDATION**

- 1.1 Members are recommended to REFUSE this application for the following reasons:
1. By virtue of its design, the proposed dwelling does not relate sympathetically to, or preserve, the traditional character and appearance of the surrounding area. Furthermore, the contemporary design is not of a high enough quality or architectural merit to enhance the character and appearance of the area. Instead, the design of the proposed dwelling would result in significant visual harm being created to the more traditional character and appearance of the surrounding built form and its sensitive rural setting, contrary to policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and policies LP22 and LP28 of the Submitted Local Plan 2017.
 2. By virtue of its height, scale and massing, in addition to its unsympathetic design for a domestic outbuilding, the proposed garage would be excessive in size for a domestic outbuilding and would have the appearance of a separate additional dwelling. Furthermore, due to its size and its siting forwards of the proposed dwelling, the proposed garage would appear visually dominant within the surrounding rural landscape. For these reasons, the proposed garage would cause significant visual harm to the character and appearance of the area,

contrary to policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015, policies LP22 and LP28 of the Submitted Local Plan 2017, and guidance set out within the East Cambridgeshire Design Guide Supplementary Planning Document.

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks full planning permission for the erection of 1no. detached two-storey dwelling, with a detached two-storey garage sited forwards of the proposed dwelling. The proposed dwelling would measure 15.4m wide and a maximum of 15.4m deep, with a maximum ridge height of 6.7m. The proposed garage would be 8m wide and 14.5m deep, with a maximum ridge height of 5.6m. The proposed dwelling and garage would be served by a new vehicular access onto Back Lane and would have a driveway with a parking and turning area for more than 2 cars.
- 2.2 Full planning permission has been approved for a dwelling on the application site by extant planning permissions 16/00245/FUL (which includes an additional detached dwelling on the adjacent parcel of land to the east) and 16/01806/FUL (which relates solely to a single dwelling on the current application site).
- 2.3 The proposal seeks to provide a Portuguese Laurel Hedge in front of a 1.35m post and rail fence along the front boundary of the site, with a mix of 1.8m high closeboarded fencing, 1.35m post and rail fencing and a new Portuguese Laurel Hedging along other sections of the site boundaries. Additional tree planting is also proposed within the site.
- 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.**
- 2.5 This application has been called into Planning Committee by Councillor Mike Rouse so that Members may discuss what is good or appropriate design for Back Lane. Councillor Joshua Schumann has also stated that he is happy to support Councillor Rouse's request for the application to be called-in to Planning Committee.

3.0 PLANNING HISTORY

3.1 Off-site (Adjacent No.12 Back Lane):

16/01489/OUT	Residential development for a one and a half storey detached dwelling	Approved	30.01.2017
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On site:

16/01806/FUL	Construction of five bedroom, two storey detached dwelling and garage.	Approved	12.07.2017
16/00245/FUL	Proposed 2No. detached dwellings, garaging, parking and associated works	Approved	04.07.2016

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located on the south side of Back Lane, outside the established development framework for Wicken. The site comprises open uncultivated land that was previously used for arable farming. The site is flat and open, with views towards Wicken Fen to the rear of the site. There is an existing hedge along the west boundary of the site.
- 4.2 Within close proximity to the site, there are dwellings that front North Street, including 3 no. listed buildings: Nos.3, 5 and 25 North Street, (Grade II Listed Buildings) which back onto Back Lane on the opposite side of the lane. There is also 2 dwellings located to the east, on the same side of Back Lane as the application site, and dwellings fronting Lode Lane that back onto the site.

5.0 RESPONSES FROM CONSULTEES

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

Wicken Parish Council - The Council has no objections to the overall proposal but are concerned that the size of the dwelling should not dominate the variety of properties around it. The overall height should be carefully controlled and the finished floor level agreed before approval is given.

Soham South Ward Councillors – No comments received.

Councillor Mike Rouse (Vice-Chairman of the Planning Committee) – “In my view this simply has to come to committee, so we may discuss what is good or appropriate design for Back Lane, Wicken.”

Councillor Joshua Schumann (Chairman of the Planning Committee) – “Happy to support Mike's request for it to come back to committee.”

Cambridgeshire Archaeology - No objection. Recommends a condition is appended to any grant of planning permission requiring a programme of archaeological investigation to be submitted to and agreed in writing by the Local Planning Authority prior to any development.

Local Highways Authority - No objection in principal to this application. The development site has previous planning approval. Requests any previous and relevant highways comments, recommend conditions and informatives are

appended to any permissions that the planning authority is minded to grant as per this previous approval and / or outline permission

CCC Growth & Development - No Comments Received.

Trees Officer - There appears to be trees close to this development which may be affected. If this is the case, recommends a Tree Constraints Plan is sought to provide information upon the trees and the root protection areas, to ensure that the development can be successfully achieved without damage to the trees to be retained.

Conservation Officer - No Comments Received

Waste Strategy (ECDC) –

- 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.

Natural England - No comments to make. Refer to Natural England standing advice.

Middle Fen and Mere Internal Drainage Board – No objection from a drainage point of view.

Anglian Water Services Ltd - No Comments Received.

The National Trust - No Comments Received.

- 5.2 Neighbours – A site notice was displayed near the site on 16th May 2018 and a press advert was published in the Cambridge Evening News on 3rd May 2018. In

addition, 7 neighbouring properties were directly notified of the application by letter. However, no representations have been received.

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
HOU 2	Housing density
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 12	Listed Buildings
ENV 14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations
Design Guide
Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated
Flood and Water

6.3 National Planning Policy Framework 2012

- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design
- 11 Conserving and enhancing the natural environment
- 12 Conserving and enhancing the historic environment

6.4 Submitted Local Plan 2017

LP1	A presumption in Favour of Sustainable Development
LP3	The Settlement Hierarchy and the Countryside
LP16	Infrastructure to Support Growth
LP17	Creating a Sustainable, Efficient and Resilient Transport Network
LP22	Achieving Design Excellence
LP23	Water Efficiency
LP25	Managing Water Resources and Flood Risk
LP26	Pollution and Land Contamination
LP27	Conserving and Enhancing Heritage Assets

LP28	Landscape, Treescape and Built Environment Character, including Cathedral Views
LP30	Conserving and Enhancing Biodiversity and Geodiversity
LP31	Development in the Countryside

7.0 PLANNING COMMENTS

7.1 The main issues to consider when assessing this application relate to the principle of development, in addition to the impacts on character of the area and nearby listed buildings, residential amenity, trees, drainage, highway safety and archaeology.

7.2 Principle of Development

7.2.1 The Council cannot currently demonstrate a robust five year housing supply and therefore the policies within the Local Plan relating to the supply of housing should not be considered up-to-date. In light of this, applications for housing development, such as this one, should be considered in the context of the presumption in favour of sustainable development as set out in paragraph 14 of the National Planning Policy Framework (NPPF).

7.2.2 The key considerations in determining this application are therefore; whether any adverse impacts would significantly and demonstrably outweigh the benefits of the development when assessed against the policies in the NPPF taken as a whole, and against the policies within the Local Plan which do not specifically relate to the supply of housing; or, whether any specific policies within the NPPF indicate that the development should be restricted.

7.2.3 There are extant planning permissions on the site for a dwelling (planning permission refs: 16/00245/FUL and 16/01806/FUL). The principle of development for a dwelling on the site has therefore already been established and is considered acceptable. In addition, the extent of the red line boundary of the application site is the same as that which was approved by planning permission 16/01806/FUL and therefore this is also considered to be acceptable.

7.3 Impact upon the character of the area and nearby listed buildings

7.3.1 The proposed dwelling is of a similar height and scale to the dwelling that could be constructed on the site under planning permission 16/01806/FUL, which was approved in July 2017. For this reason, the height and scale of the proposed dwelling is considered to be acceptable. Due to its height, scale and proximity from nearby listed buildings, the case officer has reached the same conclusion as with planning application 16/01806/FUL, that the proposed development would not cause harm to the setting of the nearby listed buildings.

7.3.2 The proposal seeks to provide new hedging along sections of the site boundaries and new trees within the site. This would help to assimilate the development into the landscape, but should not be relied on as a long term measure.

- 7.3.3 Policy ENV2 of the East Cambridgeshire Local Plan 2015 states that all development will be designed to a high quality, enhancing and complementing local distinctiveness and public amenity by relating well to existing features and introducing appropriate new designs. It also states that design which fails to have regard to local context including architectural traditions and does not take advantage of opportunities to preserve, enhance or enrich the character, appearance and quality of an area will not be acceptable and planning applications will be refused.
- 7.3.4 The designs of the dwelling approved on the application site by extant planning permissions 16/00245/FUL and 16/01806/FUL were of a more traditional appearance, that better reflected the traditional character and appearance of nearby dwellings along Back Lane, than the design of the dwelling currently proposed. The proposed dwelling is of a more contemporary design which does not relate sympathetically to, or preserve, the traditional character and appearance of the surrounding area. Furthermore, the contemporary design is not considered to be of a high enough quality or architectural merit to enhance the character and appearance of the area. Instead, it is considered that the design of the proposed dwelling would result in significant visual harm being created to the more traditional character and appearance of the surrounding built form and its sensitive rural setting, contrary to policy ENV2 of the Local Plan.
- 7.3.5 The East Cambridgeshire Design Guide Supplementary Planning Document states that garages should ideally be positioned to the side and rear of the dwelling, and that it will rarely be acceptable to construct a garage between the front elevation and the highway. Furthermore, the Design Guide states that outbuildings should be of the minimum size necessary; and, in countryside locations, they should not have the appearance/volume of a dwelling, as this will inevitably give rise to an unacceptable presence in the countryside, contrary to national policies to protect it.
- 7.3.6 The proposed garage would have an excessive height, scale and massing, in addition to having an unsympathetic design, for a domestic outbuilding, creating the appearance of a separate additional dwelling. Furthermore, due to its size and its siting forwards of the proposed dwelling, the proposed garage would appear visually dominant within the surrounding rural landscape and it would be contrary to the guidance relating to garages and outbuildings which is set out within the East Cambridgeshire Design Guide Supplementary Planning Document.
- 7.3.7 For the reasons set out above, it is considered that the proposed development would cause significant visual harm to the character and appearance of the area, contrary to policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015, policies LP22 and LP28 of the Submitted Local Plan 2017 and guidance set out within the East Cambridgeshire Design Guide Supplementary Planning Document.
- 7.4 Residential amenity
- 7.4.1 Policy ENV2 requires all new development proposals to ensure 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.

- 7.4.2 Wicken Parish Council has stated they have concerns that the size of the dwelling should not dominate the variety of properties around it and that the overall height should be carefully controlled. The proposed dwelling is of a similar height and scale, and would be sited in a similar location, to the dwelling that could be constructed on the site under planning permission 16/01806/FUL, which was approved at Planning Committee in July 2017. Wicken Parish Council has also that the finished floor level should be agreed before approval is given. The finished floor levels are stated on the submitted plans and they would be only very modestly higher than the existing surrounding site levels, not creating any significant issues in respect of the height of the dwelling on residential amenity.
- 7.4.3 Due to the separation distances between the proposed development and the existing and approved dwellings, the proposed development would not create any significant overbearing impact, significant loss of outlook or significant loss of light to any neighbouring properties. The first-floor windows within the side elevations facing the closest neighbouring properties would serve non-habitable rooms and are proposed to be obscure-glazed. It is therefore considered that these windows would not create any significant overlooking of neighbouring properties, subject to a planning condition requiring they are fixed shut below 1.7m in height from the finished floor levels of the rooms which they serve. The proposed garage would not create any first floor windows facing west towards the closest neighbouring properties. The proposed garage would include a single roof light within the west facing roof plane, however due to the pitch of the roof significant overlooking of neighbouring properties would not be created by this roof light.
- 7.4.4 It is therefore considered that the proposed development would not create any significant detrimental impacts upon the residential amenity of occupiers of existing properties, or future occupiers of the approved dwelling on the adjacent plot of land to the east which has not yet been constructed, in accordance with policy ENV2 of the East Cambridgeshire Local Plan and policy LP22 of the Submitted Local Plan 2017.
- 7.5 Trees
- 7.5.1 There are existing trees located along the west boundary of the application site and the Trees Officer has requested a Tree Constraints Plan is sought to provide information upon the trees and the root protection areas, to ensure that the development can be successfully achieved without damage to the trees to be retained. However, a planning condition requiring a Tree Protection Plan was deemed sufficient by the Trees Officer for extant planning permission 16/01806/FUL. Due to the similar impacts of the current proposal, it is considered by the case officer that a similar planning condition requiring a Tree Protection Plan would be acceptable to provide adequate protection of the boundary trees. It is therefore considered that the proposed development accords with policy ENV7 of the East Cambridgeshire Local Plan 2015 and policy LP30 of the Submitted Local Plan 2017.
- 7.6 Flood Risk and Drainage

- 7.6.1 The application site is located within Flood Zone 1, where the principle of development is acceptable in flood risk terms. Soakaways are proposed within the site and are considered an acceptable means of surface water drainage. It is therefore considered that the proposed development accords with policy ENV8 of the East Cambridgeshire Local Plan and policy LP25 of the Submitted Local Plan 2017.
- 7.7 Highway safety
- 7.7.1 The application proposes a new vehicular access to the proposed dwelling. The Local Highway Authority has no objection in principal to this application and therefore highway safety impacts are considered acceptable, in accordance with policy COM7 of the East Cambridgeshire Local Plan 2015 and policy LP17 of the Submitted Local Plan 2017. The proposal also demonstrates sufficient parking and turning within the site for 2 vehicles, in accordance with Policy COM8 of the East Cambridgeshire Local Plan 2015 and policy LP22 of the Submitted Local Plan 2017.
- 7.8 Archaeology
- 7.8.1 A condition could be appended to any grant of planning permission requiring a programme of archaeological investigation to be submitted to and agreed in writing by the Local Planning Authority prior to any development.
- 7.9 Planning Balance
- 7.9.1 The benefits of the proposed development are the provision of an additional dwelling to the district's housing stock (though this would be achieved through implementation of either of the extant planning permissions 16/00245/FUL or 16/01806/FUL) and the positive contribution to the local and wider economy in the short term through the construction of the new dwelling. The site is also located in a sustainable location where the principle of development for a dwelling has already been established. In addition, the proposed development is considered acceptable in respect of its impacts upon nearby listed buildings, residential amenity, trees, flood risk and drainage, highway safety and archaeology.
- 7.9.2 However, on balance, it is considered that the benefits of the proposed development would be outweighed by the significant and demonstrable harm which would be caused to the character and appearance of the area, contrary to policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015, policies LP22 and LP28 of the Submitted Local Plan 2017 and guidance set out within the East Cambridgeshire Design Guide Supplementary Planning Document. Therefore, the application is recommended for refusal for the reasons set out within paragraph 1.1 of this report.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00496/FUL	Richard Fitzjohn	Richard Fitzjohn

16/01806/FUL
16/00245/FUL

Room No. 011
The Grange
Ely

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01353 665555
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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>