
MAIN CASE

Reference No: 16/01806/FUL

Proposal: Construction of five bedroom, two storey detached dwelling and garage.

Site Address: Land Adjacent To 12 Back Lane Wicken Ely Cambridgeshire CB7 5YL

Applicant: Mr & Mrs A Watts

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: 28 December 2016 **Expiry Date:** 12th July 2017

[S40]

1.0 **RECOMMENDATION**

1.1 Members are recommended to REFUSE this application for the following reasons:

1. By virtue of its large scale and massing, the proposed dwelling would be out of character with the scale of the surrounding built form and its sensitive rural setting, appearing visually dominant within the surrounding rural landscape to an extent which would cause significant visual harm to the character and appearance of the area. The proposed is therefore contrary to Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
2. The dormer window serving 'Bedroom 5', would be positioned 5.2m in distance from the east boundary of the site, facing towards a plot of land which has an extant full planning permission for a new dwelling (ECDC planning permission reference: 16/00245/FUL). The window to 'Bedroom 5' would result in a significant loss of privacy to future occupiers of the approved dwelling on the adjacent plot of land, contrary to Policy ENV2 of the East Cambridgeshire Local Plan 2015.
3. Policy GROWTH2 of the East Cambridgeshire Local Plan 2015 advises that applications outside of the development envelope should be strictly controlled to categories such as agriculture to protect character of the countryside. In addition, Policy ENV1 of the East Cambridgeshire Local Plan 2015 advises that

development proposals should demonstrate that they create positive, complementary relationships, respecting the pattern of distinctive historic and traditional landscape features and the settlement edge. Additional supporting information states that there should be a clear distinction between gardens and farmland, that this is maintained, and considers that ad hoc changes that damage this relationship will not be permitted. The proposal is contrary to this, further extending amenity space into the countryside and blurring this key relationship, eroding the surrounding countryside character and setting a precedent for similar changes of use of neighbouring land. The proposal is therefore contrary to Policy ENV1 of the East Cambridgeshire Local Plan 2015.

2.0 SUMMARY OF APPLICATION

2.1 The application seeks full planning permission for the erection of 1 no. detached two-storey dwelling with a detached single-storey double garage sited to the rear of the proposed dwelling. The proposed dwelling would measure 16.6 wide and 14.8m deep, with a ridge height of 6.5m. The dwelling would be served by a new vehicular access onto Back Lane and would have a driveway with a parking and turning area. The proposal includes a low level brick wall with piers and railings, however no details have been provided with the application to show what this would look like.

2.2 Full planning permission (ECDC planning permission reference 16/00245/FUL) has recently been approved for 2 dwellings of a smaller scale and detached garages on land comprising the application site and the part of the field adjacent to the south-east boundary of the application site.

2.3 The proposal seeks to retain existing trees and boundary hedging along the west boundary of the site. The proposal also seeks to provide a native hedge and post and rail fence along the east boundary of the site to the front of the dwelling and a 1.8m high closeboarded fence along the east boundary to the rear of the dwelling. Additional tree planting is also proposed to the front and rear of the dwelling.

3.4 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.eastcambbs.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 Ian Bovingdon for an open discussion as he feels the refusal on the amended plans is not founded.

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
	On site			

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located on the south side of Back Lane, outside the development envelope of the village of 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.

5.1.1 Wicken Parish Council – The Council had no objections to the proposal but was 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.

5.1.2 Ward Councillor Ian Bovingdon – Would like this planning application to be called in to planning committee for an open discussion as he feels the refusal on the amended plans is not founded.

5.1.3 Trees Officer – Concerns raised regarding impact of the proposed development upon landscape character. The dwelling appears excessively large and the proposal gives no clear indication of the intended landscaping. Consider the proposed development to be of detriment to the landscape.

If approved, recommends conditions requiring a scheme for tree protection and a scheme for soft landscaping with associated maintenance schedule to be submitted and agreed by the Local Planning Authority prior to development.

The landscaping scheme would require a high degree of boundary planting to achieve any meaningful contribution to assimilating the building within the landscape.

5.1.4 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.

5.1.5 Anglian Water Services Ltd - No Comments Received.

- 5.1.6 Natural England - No comments to make. Refer to Natural England standing advice.
- 5.1.7 The National Trust – No Comments Received.
- 5.1.8 Local Highways Authority – It states that it has no objection to the proposal, subject to conditions relating to gate location and parking/turning.
- 5.1.9 Conservation Officer –

Comments on original plans

This application affects a site located within proximity to a listed building and therefore any development should take care to preserve or enhance the wider of the listed building and not have a detrimental impact.

The proposal follows on from the previously approved 16/00245/FUL under which consent was granted for 2 detached dwellings, across a much larger site. These dwellings were large in size, but designed to sit centrally on the two plots with a ridge height that was 1m lower than the listed buildings to the front of the site. Concerns were raised regarding the acceptability of 2 storey dwellings in this location due to the character of the built form in the area and the fact that the plots were located off 'Back Lane' which is, as the name suggests, a lane providing access to the rear of the properties along High Street. It is not a main routeway or principal street within the village and development should be designed accordingly to reflect this.

The previous proposal, whilst large in size, attempted to take account of the surrounding character of the area and used a building form and materials that were appropriate to the locality. The proposed dwelling is overly large in size and bears no relation to the scale or form of the surrounding area. The property measures nearly 20m in length and over 13m in depth with a ridge height of 6.9m.

The house is overly grand in appearance and is not in keeping with the character of the surrounding area, which although features a mix of architectural styles, is rural in nature with simple dwellings of varying character. The creation of such a large visually dominant on a back lane would result in substantial harm being caused to the character and appearance of the area and therefore the wider setting of the listed buildings.

Consent should not be granted from a conservation viewpoint.

Comments on amended plans

The Conservation Officer is currently on sick leave and has not been able to submit comments on the revised plans.

- 5.1.10 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 Act's 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.

5.2 Neighbours – 7 neighbouring properties were notified and 1 response was received, summarised below. A full copy of the response is available on the Council's website.

5.2.1 Occupier of No.9 Lode Lane - Not willing to accept the location of the proposed dwelling and garage. It is located further towards Wicken Fen than the previously approved dwelling and will intrude on the rear garden of No.9 Lode Lane, spoiling views of the rural landscape from the rear garden and first-floor windows of this property.

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 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 12	Listed Buildings
ENV 14	Sites of archaeological interest
COM7	Transport impact

COM8 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
- 12 Conserving and enhancing the historic environment
- 12 Conserving and enhancing the historic environment

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, 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 The site is located outside the development envelope, but adjacent to the development envelope within what is considered to be a sustainable location within walking distance of public transport and village facilities. Furthermore, there is an extant planning permission on the site for a dwelling which was approved as part of planning application 16/00245/FUL. The principle of development for a dwelling on the site has therefore already been established.

7.2.4 However, the application site for the previous application did not extend as far in depth to the south as the current application site, beyond the rear curtilage of other properties located on the south side of Back Lane. The proposed dwelling would result in a zero net increase of dwellings to the district's housing supply due to the extant planning permission for a dwelling on the site.

Generally speaking the loss of agricultural land is not supported by the Local Planning Authority. Local Plan policy GROWTH2 advises that applications outside of the development envelope should be strictly controlled to categories such as agriculture to protect character of the countryside. In addition, Local Plan policy ENV1 advises that there should be a clear distinction between gardens and farmland, that this is maintained, and considers that ad hoc changes that damage this relationship will not be permitted. The proposal is contrary to this, further extending amenity space into the countryside and blurring this key relationship, eroding the surrounding countryside character and setting a precedent for similar changes of use of neighbouring land. The proposal is therefore contrary to Policy ENV1 of the East Cambridgeshire Local Plan 2015.

The proposed extension of this garden land is not considered necessary to improve the residential amenity of the future occupier under Local Plan Policy ENV2 of the East Cambridgeshire Local Plan 2015. Whilst the Local Planning Authority does not have an adequate 5 year land supply for housing, this proposal will not lead to a net increase in dwellings.

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

7.3.1 Planning permission (ECDC planning permission reference: 16/00245/FUL) has previously been approved for 2 dwellings within the site and the adjacent plot of land to the east which are of a design, scale and appearance which is in keeping with the character and appearance of the area. Due to the scale and design of the previously approved dwelling on this site, and given the size of the plots, the previously approved development would retain views through the site to the Fenland landscape beyond.

7.3.2 The dwelling proposed by the current application would be of a larger scale and mass than that which has previously been approved on the site. Although the height of the dwelling is considered to be acceptable, the proposed dwelling would measure 16.6 wide and 14.8m deep with a full two-storey height frontage. By virtue of its scale and mass, the proposed dwelling would further diminish views to the rear of the site beyond that which would be created by the previously approved dwelling on the site. The scale and massing of the proposed dwelling would also be out of character with the scale of the surrounding built form and its sensitive rural setting, appearing visually dominant within the surrounding rural landscape to an extent which would cause significant visual harm to the character and appearance of the area. In addition, the significant depth of the residential curtilage which is proposed by the application would alter the rural character and appearance of the site to the detriment of the rural character and appearance of the surrounding area. The change of use of this significant amount of land would allow domestic paraphernalia to be sited within it which would detract from the rural character and appearance of the area, contrary to Policy ENV1.

7.3.3 The Council's Conservation Officer that the creation of such a large visually dominant dwelling on a back lane would result in substantial harm being caused to the character and appearance of the area and therefore the wider setting of the listed buildings. Although the Planning Officer agrees that the proposed dwelling, by

virtue of its scale and massing, would have a significant detrimental impact upon the character and appearance of the surrounding area, it is not agreed that the proposed dwelling would have a detrimental impact upon the setting of the nearby listed buildings. The proposed dwelling is located more than 40m to the rear of the nearest listed building, No.25 North Street. Due to its large separation distance from, and its location to the rear of, nearby listed buildings, it is considered that the proposal would cause less than substantial harm to the setting of the nearby listed buildings.

7.3.4 The proposal seeks to retain existing trees and hedging along the west boundary of the site, in addition to providing additional trees and hedging to the front, rear and east boundary of the site. This would help to assimilate the development into the landscape and conditions could be appended to any grant of planning permission requiring a soft landscaping scheme and maintenance to be agreed with the Local Planning Authority.

7.3.5 By virtue of the scale and massing of the proposed dwelling, in addition to the significant depth of the proposed residential curtilage, it is considered that the proposed development would be out of character with the scale of the surrounding built form and its sensitive rural setting, appearing visually dominant within the surrounding rural landscape to an extent which 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.

7.4 Residential Amenity

7.4.1 Policy ENV2 requires consideration of the impact of a proposed development on residential amenity of neighbouring properties. The proposed dwelling and garage would be positioned 14.3m and 6.4m respectively in distance from the rear boundaries of the properties to the west along Lode Lane. The proposed dwelling would be positioned 4.96m from eastern boundary with the adjacent plot of land which has an extant planning permission for a dwelling (ECDC planning permission reference: 16/00245/FUL). In addition, the proposed dwelling would be set back 21.6m into the site from Back Lane. 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 or loss of light to the neighbouring properties.

7.4.2 The proposed dwelling includes two en-suite windows within the side elevations facing neighbouring properties. These windows are considered acceptable as they serve non-habitable rooms and a condition could be appended to any grant of planning permission requiring these windows to be obscure-glazed and non-opening below 1.7m in height. However, the east elevation of the dwelling also includes a first-floor window serving 'Bedroom 5'. This bedroom window would be positioned 5.2m in distance from the east boundary of the site, facing towards a plot of land which has an extant full planning permission for a new dwelling (ECDC planning permission reference: 16/00245/FUL). The window to 'Bedroom 5' would result in a significant and unacceptable loss of privacy to future occupiers of the approved dwelling on the adjacent plot of land.

7.4.3 It is therefore considered that the proposed development would create a significant detrimental impact upon the residential amenity of future occupiers of the approved dwelling on the adjacent plot of land to the east which has not yet been constructed (ECDC planning permission reference: 16/00245/FUL), contrary to Policy ENV2 of the East Cambridgeshire Local Plan.

7.5 Flood Risk and Drainage

7.5.1 The application site is located within Flood Zone 1 where the principle of development is acceptable in flood risk terms. To ensure that there is adequate surface drainage a standard surface water drainage condition will be attached to any approval. It is considered that subject to an appropriate surface water drainage scheme the proposed development will accord with Policy ENV8 of the East Cambridgeshire Local Plan.

7.6 Highway safety

The application proposes a new vehicular access to the proposed dwelling. The proposed vehicular access would be located in a similar position to the vehicular access approved within the extant planning permission relating to the site (ECDC planning permission reference: 16/00245/FUL). 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.

7.7 Archaeology

7.7.1 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.

7.8 Planning Balance

7.8.1 The benefits of the proposed development are the provision of an additional dwelling to the district's housing stock 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, highway safety and archaeology.

7.8.2 However, on balance, it is considered that the benefits of the proposed development would be outweighed by the significant and demonstrable harm caused to the character and appearance of the area and residential amenity. The proposal is therefore considered to be contrary to Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
16/01806/FUL	Richard Fitzjohn Room No. 011	Richard Fitzjohn Planning Officer

16/01489/OUT

The Grange
Ely

01353 665555
richard.fitzjohn@ea
stcambs.gov.uk

16/00245/FUL

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>