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**MAIN CASE**

**Reference No:** 18/00326/RMA

**Proposal:** Reserved matters for low energy sustainable home, located within the northern boundary of N 9, High Street Witcham.

**Site Address:** 9 High Street Witcham Ely Cambridgeshire CB6 2LQ

**Applicant:** Mr & Mrs James and Helen Bateson

**Case Officer:** Oli Haydon Planning Officer

**Parish:** Witcham

**Ward:** Downham Villages  
 Ward Councillor/s: Councillor Anna Bailey  
 Councillor Mike Bradley

**Date Received:** 14 March 2018      **Expiry Date:** 9<sup>th</sup> June 2018

[T17]

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1.0 **RECOMMENDATION**

1.1 Members are recommended to APPROVE the application subject to the recommended conditions below. The conditions can be read in full on the attached Appendix 1.

- 1 Approved Plans
- 2 Time Limit - OUT/OUM/RMA/RMM
- 3 Sample materials
- 4 Boundary Treatments

2.0 **SUMMARY OF APPLICATION**

2.1 The application seeks reserved matters consent for the access, landscaping, layout, scale and appearance for a detached dwelling to the rear of 9 High Street, Witcham. The site was granted outline approval (with all matters reserved) at the Planning Committee meeting held on 4<sup>th</sup> October 2017.

2.2 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.**

2.3 The application was called-in to Planning Committee by Cllr Schumann as the Planning Committee members stated that they wished to assess the reserved matters following a Committee determination of the associated outline approval.

### 3.0 PLANNING HISTORY

3.1

17/01547/OUT	Outline planning low energy sustainable home, located within the northern boundary of N 9, High Street Witcham.	Approved	04.10.2017
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16/01291/FUL	Two storey, low energy sustainable home	Refused	02.02.2017
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### 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located outside the development envelope for Witcham, 120m from the properties fronting High Street. The site would be accessed off Back Lane, is a partially metalled narrow green drove that leads onto Martins Lane to the west.

4.2 The site and its surroundings are predominantly rural in terms of location with the wider field forming one of a group of small fields and paddocks that emanate from the northern boundary of the village up to Back Lane. The predominantly rural character is informed by the nearby working farmstead at Witcham House Farm and only one dwelling, Ivy House Farm, located close-by; however, several permissions have recently been granted in the vicinity, although they are yet to be constructed.

### 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.

**Witcham Parish Council** – Objects to the proposal on the following grounds:

- Previous concerns raised from outline application
- Access is over a drove and Public Right of Way
- Access unsuitable for private cars and construction traffic
- Close to Conservation Area
- Lead to harmful precedent
- Loss of privacy and overshadowing for neighbours and users of the right of way
- Barn is not in-keeping with other barns in village
- Misleading photographs
- Damage and removal of trees and shrubs
- Large overlooking windows
- Trees requires to screen property.

**Ward Councillors** – Cllr Schumann requested the application be assessed at Planning Committee.

**Conservation Officer** - No Comments Received

**Local Highways Authority** - No objections raised.

**CCC Growth & Development** - No Comments Received

**Senior Trees Officer** – No comments to make.

**Environmental Health** – No issues raised aside from recommending conditions relating to contamination.

**Waste Strategy (ECDC)** – No objections subject to informatives.

5.2 **Neighbours** – Eight neighbouring properties were notified and a site notice was posted and the six responses received are summarised below. A full copy of the responses are available on the Council's website.

- Set a precedent for development of all paddocks and fields in Witcham
- Parish Council objected
- The house will be clearly visible from the upper floor of 17 High Street which currently looks out of fields and hedges
- Public Right of Way to the west will be overlooked.
- Out of character appearance
- Large number of overlooking windows
- Wrong position, should be relocated adjacent to the drove
- Too close to neighbouring paddock
- Property access is unadopted and in a poor state of repair and will not cope with heavy plant materials required for construction
- Does not have respectful appearance which enhances visual appearance of the site
- No other house looks like a barn conversion
- Unwelcome intrusion into the countryside
- Outside the development envelope
- Plot of land has been used for animal grazing
- Impact on biodiversity of area
- Height will stand out in area
- Large windows are eyesore
- Should be screened with planting
- Increase in road traffic from additional dwelling
- Impact on utilities and services in village
- Dark and foreboding structure
- Surface water and drainage

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

- ENV 1 Landscape and settlement character
- ENV 2 Design
- ENV 7 Biodiversity and geology
- ENV 8 Flood risk
- ENV 9 Pollution
- ENV11 Conservation Areas
- ENV12 Listed Buildings
- COM 7 Transport impact
- COM 8 Parking provision
- GROWTH 1 Levels of housing, employment and retail growth
- GROWTH 2 Locational strategy
- GROWTH 3 Infrastructure requirements
- GROWTH 5 Presumption in favour of sustainable development
- HOU 2 Housing density

6.2 Supplementary Planning Documents

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

6.3 National Planning Policy Framework 2012

- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design
- 8 Promoting healthy communities
- 11 Conserving and enhancing the natural environment

6.4 Submitted Local Plan 2017

- LP1A presumption in Favour of Sustainable Development
- LP2 Level and Distribution of Growth
- LP3 The Settlement Hierarchy and the Countryside
- LP6 Meeting Local Housing Needs
- LP17 Creating a Sustainable, Efficient and Resilient Transport Network
- LP22 Achieving Design Excellence
- LP25 Managing Water Resources and Flood Risk
- LP26 Pollution and Land Contamination
- LP28 Landscape, Treescape and Built Environment Character, including Cathedral Views
- LP31 Development in the Countryside
- LP27 Conserving and Enhancing Heritage Assets

## **7.0 PLANNING COMMENTS**

- 7.1 The application seeks reserved matters consent for the appearance, access, layout, landscaping and scale of a detached dwelling located on a 0.1ha plot of land off Back Lane in Wicken, to the rear of the dwellings along High Street. The proposal has outline planning consent, with the principle of the development therefore being considered acceptable.
- 7.2 Regarding the principle of development, an important material consideration, in this case, is the recent planning history. There is presently an extant outline planning permission for residential development on the site. This was approved at Planning Committee in October 2017 under application reference 17/01547/OUT. The issues that are of concern to the current application were also relevant to the previous one. That application was approved on the basis that the LPA was unable to demonstrate a five-year housing land supply and the location of the site on the edge of the settlement was considered sustainable. It is well connected to the village and its limited range of services by a public footpath and road. It was determined that the benefits of the development were not demonstrably and significantly outweighed by any adverse impacts. Even though the Council is now able to demonstrate a five-year housing land supply, the extant planning permission has established the principle of new dwellings on this plot. In the interests of consistency, the principle of this level of development on this site remains acceptable

## **7.3 Residential Amenity**

- 7.3.1 The development site is isolated from surrounding residential development, albeit positioned in the long back garden of 9 High Street, 120m from the existing dwelling at 9 High Street. The nearest dwelling is Ivy House Farm, 67m to the northwest and separated from the site by a thick tree belt.
- 7.3.2 The house will be orientated in such a way that the two gable ends face east and west, with the wide rear elevation facing onto the dwellings on High Street. The elevation facing south onto the High Street will contain three first floor windows, two small bedroom skylights and one full length skylight serving the main bedroom. This angled full-length skylight will be at least 100m from the rear elevation of the nearest property on High Street and any overlooking impact or perceived impingement of privacy will be negligible. The side-facing first-floor windows are also sufficiently distanced from any neighbouring plots to avoid overlooking.
- 7.3.3 The proposed height of the dwelling, around 7m combined with the separation distances from neighbouring properties is sufficient to avoid any harmful overbearing on these neighbours.
- 7.3.4 It is considered that the proposal avoids any harmful impact on residential amenity and is compliant with the requirements of the SPD Design Guide with regards to plot size and private amenity space.

## **7.4 Visual Amenity**

- 7.4.1 As part of the previous outline approval it was concluded that the proposal “is sensitive to the defining characteristics of the area with the plot deemed sufficient

for a modest, yet sensitively designed dwelling”. Furthermore, a 2016 refusal on the site for a dwelling was considered to appear out of character with the rural landscape and harm views from the nearby footpaths. The applicants were advised to reconsider their scheme and propose a sympathetically designed proposal, akin to a more rural structure.

- 7.4.2 The proposed dwelling has the aesthetic of a converted barn, with a curved roof and traditional full-length openings. The barn would be timber-clad with brown tiling (although material samples will be secured by condition). The dwelling would be 7m in height, 8m in width and 11.8m in length with the scale and proportions similar to that of an agricultural structure. The thick existing screening from Back Lane will be retained and any new boundary treatments will be secured by condition. The dwelling will sit comfortably within its 1,000sqm plot, avoiding the appearance of overdevelopment or an unnecessarily large curtilage.
- 7.4.3 The structures along Back Lane are mainly unused, low-quality and derelict agricultural buildings with no prevalent pattern of built form or design. It is considered that the dwelling would enhance its immediate setting and provide a high-quality dwelling that remains sensitive to the area. The proposal would retain the screening to soften the overall visual impact and when viewed from the dwellings on High Street, approximately 100m to the south, the building should appear as a converted agricultural building as opposed to a newly built dwelling.
- 7.4.4 The dwelling would be 25m from the public footpath to the west and it is considered that due to the proposed design and scale of the scheme along with these separation distances, the views from the footpath will not be irrevocably harmed.
- 7.4.5 The applicant has provided mock-up photographs showing the dwelling’s position on the site, which have been subject to an element of challenge from nearby residents and the parish council. These photographs are purely indicative and they add minimal weight to the consideration of this proposal.
- 7.4.6 Concerns have also been raised that the construction of the dwelling would impinge on the countryside views of the dwellings along High Street. Whilst protection of residential views is not a material planning consideration, it’s considered that the dwelling has been designed to appear as a structure that has historically existed and been subsequently converted.
- 7.4.7 It is considered that the comments made as part of the previous outline (and 2016 refusal) have been addressed and the proposed dwelling would not appear harmfully out of character with the rural landscape. The proposal is therefore considered to meet the requirements of Policies ENV1 and ENV2 of the Local Plan 2015 and LP22 and LP28 of the 2017 Submitted Local Plan.

## **7.5 Historic Environment**

- 7.5.1 The outline approval on the site concluded that as the northern boundary of Witcham Conservation Area is located some 60m to the south of the application site, across a field, that this was sufficient distance to avoid any material impact upon its character and setting. Similarly, the closest listed buildings such as St

Martins Church and the adjacent The Hall are positioned and screened by the fabric of the village in excess of some 100m distant.

- 7.5.2 As such, the proposal is considered not to have any discernible adverse impact upon the heritage assets of the village in compliance with the requirements of Policies ENV11 and ENV12 of the East Cambridgeshire District Plan 2015 and LP22 and LP27 of the 2017 Submitted Local Plan.

## **7.6 Highways**

- 7.6.1 The access for the scheme would be via an existing gated access point off Back Lane with the Local Highways Authority raising no objection to the proposal. The proposal is therefore considered to comply with 2015 Local Plan Policy COM7 and 2017 Local Plan Policy LP17 in relation to highway safety.
- 7.6.2 The proposal itself would not impact on any local walking routes and whilst there will be an increase in traffic; it is considered that this will be minimal and can be accommodated within the wider transport network.
- 7.6.3 Concerns have been raised regarding the quality of the lane and the impact of construction traffic. It is considered that construction disturbances are not a material planning consideration and as Back Lane is a track serving several agricultural units, that intensive large vehicle use is likely year-round regardless.
- 7.6.4 Sufficient parking and turning has been provided within the site in line with 2015 Local Plan Policy COM8 and 2017 Submitted Local Plan Policy LP22.

## **7.7 Other Material Matters**

- 7.7.1 Surface and foul water drainage schemes have been secured by condition as part of the outline along with a contamination assessment of the site.
- 7.7.2 The site comprises maintained grassland/paddock and it is unlikely that the dwelling would have a significant impact on any biodiversity. Biodiversity enhancement measures have been secured by condition as part of the outline approval.
- 7.7.3 The Trees Officer has raised no concerns with the proposal, having approved the previously submitted tree protection plan. The landscaping for the development comprises retained planting and minimal tree removal. Boundary treatments will be secured by condition to ensure the proposal is well assimilated into its surroundings whilst protecting the open character of the site.

## **7.8 Planning Balance**

- 7.8.1 It is considered that the previous full refusal on the site was on grounds of visual impact on the countryside setting as a result of an incongruous and out-of-keeping design; following an assessment of the design in its locality, the proposal is considered to be design-led in its aim to create a historic agricultural aesthetic on the site and it is not considered to represent an out-of-keeping form of development, overcoming the previous reasons for refusal.

- 7.8.2 The proposed development site, by virtue of its established pedestrian connections with the services and facilities of Witcham, is deemed to be in a sustainable location, from a National Planning Policy perspective. The proposal will result in an additional dwelling to add to the Council's housing stock and there are associated economic benefits from the construction process and continuing contribution to the local economy by future occupiers. All of the above add limited weight in favour of the proposal.
- 7.8.3 The proposed dwelling is not considered to cause significant and demonstrable harm to its edge-of-countryside setting such that it would outweigh the benefits of the proposal. The scheme is sufficiently well-distanced from neighbouring properties and its impact on the nearby public footpath is limited. No objections have been raised from the Local Highways Authority or the Trees Officer and subject to conditions the proposal is recommended for approval.

8.0 APPENDICES

8.1 18/00326/RMA Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00326/RMA	Oli Haydon Room No. 011	Oli Haydon Planning Officer
17/01547/OUT	The Grange Ely	01353 665555 oli.haydon@eastca
16/01291/FUL		mbs.gov.uk

National Planning Policy Framework -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](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>



## APPENDIX 1 - 18/00326/RMA Conditions

- 1 Development shall be carried out in accordance with the drawings and documents listed below

Plan Reference	Version No	Date Received
01		12th March 2018
02		12th March 2018
03		12th March 2018
04		12th March 2018
05		12th March 2018
06		12th March 2018
07		12th March 2018
08		12th March 2018
09		12th March 2018

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 No above ground construction shall take place on site until details of the walls, roof, windows and doors to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 3 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 4 No above ground construction shall commence until details of the boundary treatments have been submitted to and agreed in writing with the Local Planning Authority. The boundary treatments shall be in situ in accordance with the approved details prior to the first occupation.
- 4 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2017.