
MAIN CASE

Reference No: 15/00323/OUT

Proposal: Outline Application for Residential Dwelling & Associated Infrastructure

Site Address: Land Adjacent 14 Back Lane Wicken Cambridgeshire CB7 5YL

Applicant: Mr Joseph Clay

Case Officer: Julie Barrow Planning Officer

Parish: Wicken

Ward: Soham South

Ward Councillor Councillor Ian Bovingdon
Councillor Hamish Ross
Councillor Dan Schumann

Date Received: 20 March 2015 **Expiry Date:**

[Q9]

1.0 **RECOMMENDATION**

1.1 Members are requested to REFUSE the application for the following reason:

1. The application site is located outside of the development envelope for Wicken and is therefore designated as 'countryside' where, in accordance with Policy GROWTH 2 of the East Cambridgeshire Local Plan 2015, development will be strictly controlled, having regard to the need to protect the countryside and the setting of towns and villages. The application proposal does not fall within any of the exceptions to this policy as set out in GROWTH 2 and is therefore contrary to policy.

2.0 **SUMMARY OF APPLICATION**

2.1 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.**

2.2 The application seeks outline planning permission for one residential dwelling and associated infrastructure in the form of an access off Back Lane. The application is seeking approval of the access with appearance, landscaping, layout and scale to be reserved. An indicative layout has been shown on the submitted plan with a detached dwelling and double garage shown on the plot.

3.0 PLANNING HISTORY

3.1 No relevant planning history.

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located outside the development envelope and comprises part of a field in use for arable farming. The site is flat and open towards the fenland to the south. A shed is situated on the northern boundary with some vegetation and two trees close to it, some of which is outside of the application site. There is a residential dwelling adjacent to the western boundary and a further dwelling opposite. Back Lane is a narrow lane providing access to a number of residential dwellings and an agricultural building which is located to the east 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.

Ward Councillors
 Parish
 Local Highways Authority
 Conservation Officer
 Environmental Health
 Waste Strategy (ECDC)
 Natural England
 Arboricultural Officer
 Cambridgeshire Archaeology

Ward Councillor – I would like to call in the application ref 15/00323/OUT. I believe that the parish council have no objections to this application and although it is against policy I think the committee should consider whether this is an open-countryside or non-sustainable location.

Wicken Parish Council – The Parish Council was mindful of the fact that this application is for a site just beyond the existing planning envelope. However, the Council has consistently encouraged the development of small, affordable family homes in the village in an attempt to provide accommodation for the children of villagers and prevent young families from leaving the village. This site fulfils this aim.

The Council could see no other material planning consideration that would render this site unsuitable for a small residential dwelling and therefore recommends that the outline application be granted.

Conservation Officer – This application affects a site on the edge of Wicken Conservation Area and within close proximity to several listed buildings. Therefore any development should take care to preserve or enhance the character, appearance and setting and not have a detrimental impact.

At this stage there is insufficient detail provided to allow me to assess any impact on the character or appearance of the conservation area or the setting of the nearby listed buildings.

Should consent be granted with all matters reserved then I can comment on design, scale, etc. on the reserved matters application.

Environmental Health – I recommend that a contaminated land condition is attached requiring any unexpected contamination to be reported.

Waste Strategy (ECDC) – East Cambs will not enter private property to collect waste or recycling. It will be the responsibility of the owners/residents to take any sacks/bins to the public highway boundary on the relevant collection day. ECDC as a Waste Collection Authority is permitted to make a charge for the provision of waste collection receptacles. Each contribution is currently set at £43 per property.

Natural England – This application is in close proximity to the Wicken Fen Site of Special Scientific Interest (SSSI). The SSSI forms part of the Wicken Fen Wetland of International Importance under the Ramsar Convention (Ramsar Site) and the Fenland Special Area of Conservation (SAC).

Natural England advises that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which the Wicken Fen (Ramsar) and the Fenland SAC has been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.

In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Wicken Fen SSSI has been notified. We therefore advise that this SSSI does not represent a constraint in determining this application.

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protect species.

Local Highway Authority – The Highways Authority does not consider it within the public interest to adopt the proposed access/turning head to this new dwelling. Access points from the public highway leading to private properties are the

responsibility of the land owner alone. Therefore based on the current submitted plans the Highways Authority would not offer to adopt this area of planning permission were to be issued.

The proposal should have no significant impact on the public highway. Therefore the Highways Authority would have no objections in principle to this application subject to appropriate conditions.

Arboricultural Officer - I have visited the site and inspected the existing trees on the boundary of the site with Back Lane that the proposed development will require to be removed. There are two self-set Ash beside the existing outbuilding which are visually significant trees along the lane but their main stems are of poor form, and therefore the trees are not suitable for TPO status.

I have considered the amended plan with the existing trees plotted on this boundary and indicating the trees to be removed as part of the development.

I have no objection to the proposal, which will include new post and rail fencing for the boundary treatments and also make provision for new trees and native hedge planting.

Should you be minded to recommend the application for approval, please apply the condition that a detailed, suitable soft landscaping scheme is submitted for the approval of the Council prior to commencement of the development.

Cambridgeshire Archaeology – Our records indicate that the site lies in an area of archeological potential. We do not object to the development proceeding in this location but consider that the site should be subject to a programme of archeological investigation to be secured through condition.

5.2 Neighbours – Site notice posted and 2 neighbouring properties were notified. Responses received from the occupiers of 14 Back Lane, 15 Back Lane and 4 Butts Lane and the responses received are summarised below. A full copy of the responses are available on the Council’s website.

- The plan of 14 and 12 Back Lane is incorrect.
- The proposed garage will have a significant effect on light to our sitting room.
- The extent of the proposed building is beyond the established building line as defined by the rears of 12 and 14 Back lane. This will influence privacy over these properties.
- A number of properties have been built/or extended on Back Lane and traffic on the narrow, single track has increased substantially. Traffic will inevitably increase. Very little public transport available.
- The proposed development is on part of the site of a barn used to store tractors and other machinery. Are there any contamination issues?
- The site is ‘Fen Edge’ and has archaeological interest that is well documented. Is there a plan for an archaeological survey?

- The field has a region along the edge of St Edmund's Fen that is considered to be a fragment of ancient farming practice. Is there a need to record this or undertake a botanical survey?
- There will be an impact on the view of the Fen from Back Lane.
- If a house were to be built it should be visually and architecturally pleasing.
- The proposed building would impose and spoil views from windows at the front of 15 Back Lane.
- Concerns that it will significantly lower the value of 15 Back Lane. Pose the question of compensation for loss of value to us and others.
- Will set a precedent for more development.
- Parking issues and congestion on a very narrow lane.
- There is a barn owl living and nesting in the sheds opposite and many different species that live in the fields and shed opposite.
- An up to date copy of the Wicken Development Envelope, Policies Map is attached which clearly shows that the proposed development is outside of that envelope.

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 9	Pollution
ENV 11	Conservation Areas
ENV 12	Listed Buildings
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations
Design Guide

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

7.0 PLANNING COMMENTS

The main issues to consider in the determination of this application are the principle of development, visual amenity and the impact of the proposal on the historic environment, biodiversity and ecology and highway safety.

7.1 **Principle of Development**

7.1.1 Section 38(6) of the Planning and Compulsory Purchase Act requires that decisions on planning applications are made in accordance with the Development Plan, unless material considerations indicate otherwise. The statutory Development Plan for the District currently comprises the recently adopted East Cambridgeshire Local Plan 2015 and the Cambridgeshire and Peterborough Minerals and Waste Plan 2012.

7.1.2 The site is located outside the Wicken development envelope and is therefore designated as being in the countryside. Local Plan policy GROWTH 2 states that, outside defined development envelopes, development will be strictly controlled, to protect the countryside and the setting of towns and villages. There are a number of exceptions to this principle as set out in policy GROWTH 2. Such examples include affordable housing exception schemes, dwellings for rural workers, outdoor recreation and leisure facilities and utility infrastructure and flood protection schemes.

7.1.3 This application is for an open market dwelling which does not fall within any of the exceptions listed in policy GROWTH 2. The proposal is therefore contrary to the East Cambridgeshire Local Plan 2015.

7.2 **Visual Amenity and the Historic Environment**

7.2.1 Back Lane is a narrow track providing access to a number of dwellings to the north and south of the track. The track leads to an agricultural building to the east of the application site with no evidence of regular vehicular traffic beyond that point. A number of dwellings fronting onto Back Lane are located close to the edge of the highway, including No. 15 which is opposite the site. The area has a semi-rural feel with open fields to the rear of the dwellings on the south of Back Lane. The introduction of a further dwelling on the edge of the settlement boundary would further blur the line between the urban and rural environment, however, provided it was sensitively designed and of an appropriate scale, an additional dwelling would not cause demonstrable harm to the character and appearance of the area. However, if the principle of development was established on this site it may lead to pressure for further development on the land between the eastern boundary of the site up to the agricultural building at the end of Back lane.

7.2.2 In response to comments received from nearby occupiers the applicant's agent has submitted an amended plan on which the extent of Nos. 12 and 14 Back Lane have been shown. The dwelling and double garage shown on the application site are for information purposes only with the layout, scale and appearance of the site to be determined at reserved matters stage. As this is an application for outline planning

permission the layout shown on the submitted plan is considered to be indicative only, however, it demonstrates that the plot is capable of accommodating a detached dwelling with an ancillary outbuilding and that the built form does not need to extend beyond the informal building line established to the rear of Nos. 12 and 14 Back Lane.

- 7.2.3 The site is located on the edge of the Wicken Conservation Area and in close proximity to several listed buildings. Local Plan policies ENV11 and ENV12 seek to ensure that development proposals within or affecting a Conservation Area or the setting of a listed building should preserve or enhance the character or appearance of the area and not materially harm the immediate or wider setting of the listed building. The application site currently has a neutral impact on the Conservation Area due to its undeveloped nature and the introduction of a sensitively designed dwelling on the site would not cause significant harm to the setting of the conservation area or the nearby listed buildings. It will be encompass upon the applicant at the reserved matters stage to consider the historic environment and the visual impact of the dwelling when viewed from Back Lane and the fenland to the south. At this stage the Council's Conservation Officer will comment on any detailed plans.

7.3 Biodiversity and Ecology

- 7.3.1 A dilapidated shed is located in the north eastern corner of the site, alongside which are two Ash trees together with some vegetation. The plan submitted with the application indicates that one of the Ash trees will need to be removed to accommodate the new access and that the shed is to be demolished. The Council's Trees Officer has commented on the application and has stated that whilst the two Ash trees are visually significant along the lane, their main stems are of poor form and are not suitable for Tree Protection Order status. It is therefore considered acceptable for one of the trees to be removed on the basis that provision is made for new trees and native hedge planting.
- 7.3.2 The applicant has submitted a barn owl survey report following an inspection of the shed by an ecologist. The report states that the shed is used by a barn owl for roosting and that no nesting site is present. An active blackbird nest was present in the shed at the time of inspection. The loss of the shed can be mitigated by the installation of two A-frame barn owl boxes on mature trees near the site and it is recommended that demolition is carried out outside of the bird nesting season. These measures are considered to meet the requirements of Local Plan policy ENV8 which seeks to protect biodiversity, provide appropriate mitigation measures and maximise opportunities for the creation of natural habitats.
- 7.3.3 The site is located within close proximity of Wicken Fen, a Site of Special Scientific Interest and Natural England has been consulted on the application. It is satisfied that the development would not damage or destroy the interest features for which the Wicken Fen SSSI has been notified.

7.4 Highway Safety

- 7.4.1 The application is for outline planning permission with access to be the only matter determined at this stage. Local Plan policy COM7 requires development proposals to provide safe and convenient access to the highway network and be capable of accommodating the level/type of traffic generated without detriment to the local highway network. It is noted that Back Lane is a narrow track which currently serves a number of residential properties and the agricultural buildings beyond. However, the level and type of traffic generated from the addition of one further dwelling on the lane would not significantly increase the use of the lane such that a highway safety issue would arise. The Local Highway Authority is satisfied that the proposal would have no significant impact on the public highway and has no objection to the application. There is sufficient space within the site to accommodate two car parking spaces as required by Local Plan policy COM8.
- 7.4.2 On the original plan submitted with the application the applicant had shown a turning head that could be made up to adoptable standard and offered for adoption by Cambridgeshire County Council. The Council's Waste team has stated that the turning head is not necessarily required for waste collection and the Local Highway Authority does not consider it within the public interest to adopt the turning head. It would therefore remain the responsibility of the land owner.

7.5 Other Material Matters

- 7.5.1 *Archaeology* – Cambridgeshire Archaeology has been consulted on the application and has stated that the site lies within an area of archaeological potential. No objection has been made to the application on the basis that a programme of archaeological investigation is undertaken prior to work commencing. Such a programme could be secured by planning condition should the application be approved.
- 7.5.2 *Residential Amenity* – Concerns have been raised by the occupiers of No. 14 Back Lane and No. 15 Back Lane regarding the potential impact of the development on their residential amenity. As discussed above, the dwelling and double garage shown on the submitted plan are indicative only and do not form part of this application. The plot is considered to be of a sufficient size to accommodate a detached dwelling and associated outbuilding and the applicant at reserved matters stage will be required to consider the residential amenity of neighbouring occupiers in the layout and design of the dwelling. There will be some impact from the addition of a dwelling on what is currently an undeveloped site, however, the loss of a view is not a material planning consideration and it is considered that a development can be achieved without causing a significantly detrimental impact on the residential amenity of nearby occupiers.
- 7.5.3 *Property Value* – The impact of a proposal on the value of nearby land or property is not a material planning consideration and compensation would not be payable through the planning process for any perceived loss of value.

- 7.5.4 *Contamination* – A contaminated land report has been submitted with the application and has been examined by the Council’s Scientific Officer. The contents of the report are considered sufficient to confirm that there are no identified sources of contamination on the site.
- 7.5.6 In summary, the site is located outside the development envelope where development is strictly controlled and is restricted to a number of exceptions. The applicant has not demonstrated that the proposal meets any of these exceptions and is therefore contrary to the adopted Development Plan in this regard. The introduction of a sensitively designed dwelling on the site would not materially harm the character and appearance of the area or the historic environment. The impacts of the proposal on biodiversity and ecology can be mitigated against and the proposal would not cause any issues in connection with highway safety.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
Application File 15/00323/OUT	Julie Barrow Room No. 011 The Grange Ely	Julie Barrow Planning Officer 01353 665555 julie.barrow@eastcambs.gov.uk