

F/YR12/0173/F
28 February 2012

Applicant : Mr & Mrs J & R Embling

Agent : Mr Stephen Hodson
Hodsons

Land West of The Lodge, Mouth Lane, Guyhirn, Cambridgeshire

Erection of 1 x 4-bed 2-storey dwelling with double garage, outhouse and 6 metre high (hub height) wind turbine

This proposal is before the Planning Committee due to the application being called in by Councillor Scrimshaw. The reason for call in being to allow members to assess the effect of the development on the surrounding area and consider it along side emerging local and new government policy.

This application is a minor application.

1. **SITE DESCRIPTION**

The site is an area of pasture land measuring 0.21 ha situated to the south of Mouth Lane. The site is relatively featureless with an open rear boundary. The eastern boundary to The Lodge has been screened with planting but the western boundary shared with Shepherds is more open and lacking in landscaping. The site is located approx. a kilometre from the Guyhirn Development Area Boundary and is within Flood Zone 3.

2. **HISTORY**

Of relevance to this proposal is:

- F/YR07/0927/F - Erection of 2 x 3-bed semi detached houses – Refused – 10/10/2007
- F/YR04/3244/O - Erection of 2 dwellings – Refused 27/05/2004
- F/0301/88/O - Residential Development (4 bungalows) – Refused 12/05/1988

3. **CONSULTATIONS**

Parish/Town Council:

Awaited

Local Highway Authority (CCC):

Requested amended plan to accurately show the width of the carriageway and verge, reduction in width of access and appropriate widening of carriageway to provide adequate visibility and to act as passing bay for other vehicles.

Environment Agency

Development only acceptable if measures detailed in the Flood Risk Assessment are implemented and secured by way of a planning condition.

Natural England

It is not clear from the information provided in support of this application what the impact will be on protected species. We would encourage the LPA to ask the applicant to provide further information that clearly describes the impact of the proposal on protected species and any proposed mitigation together with evidence to show how they concluded what the impacts will be.

The application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance

FDC Scientific Officer (Land Contamination): Awaited

Local residents/interested parties:

2 letters of objection making the following points:

- Mouth Lane is a quiet single track lane in an unspoilt area of Fenland and the area should remain undeveloped.
- The site is outside the built up area of Guyhirn.
- Many properties in Mouth Lane are situated in large plots and residents will be seeking to acquire building permission on their land if planning permission is granted.
- Noise from wind turbine will be detrimental to residential properties nearby.
- Wind turbine will cause disturbance and be a danger to racing pigeons owned, exercised and raced by nearby residents.
- The proposed house is totally out of character with other properties in Mouth Lane.

- The site is teeming with wildlife which will be displaced if the development is allowed. Species commonly seen in the area include foxes, deer, pheasants, song birds, woodpeckers, owls and bats.
- Due to the closeness of the proposed building to existing properties there is concern that complaints will be made about the livestock already kept by neighbours to the site by the future occupiers.

4. POLICY FRAMEWORK

FDWLP Policy

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|-----|--|
| E8 | <ul style="list-style-type: none"> - Proposals for new development should: <ul style="list-style-type: none"> - allow for protection of site features; - have regard to amenities of adjoining properties; - provide adequate access. |
| H3 | <ul style="list-style-type: none"> - To resist housing development outside DABs. To permit housing development inside DABs provided it does not conflict with other plan policies. |
| H16 | <ul style="list-style-type: none"> - Outside the DAB new dwellings must be justified as required for agricultural, horticultural or forestry operations. |
| E1 | <ul style="list-style-type: none"> - To resist development likely to detract from the Fenland landscape. |

Core Strategy (Draft Consultation – July 2011)

- | | |
|------|--|
| CS1 | <ul style="list-style-type: none"> - Spatial Strategy, The Settlement Hierarchy and the Countryside |
| CS2 | <ul style="list-style-type: none"> - Growth and Housing |
| CS10 | <ul style="list-style-type: none"> - Rural Areas Development Policy <p>New development in villages will be supported where it contributes to the sustainability of that settlement and does not harm the wide open character of the countryside. Any proposal will need to satisfy policies CS1 and CS2 as well as specific criteria:</p> |

| | | | |
|--|--|----------------|--|
| | | | <ul style="list-style-type: none"> • Site is in or adjacent to the existing developed footprint of the village • Would not result in coalescence with neighbouring villages; • Not have an adverse impact on the character and appearance of surrounding countryside and farmland; • Proposal is of a scale in keeping with the shape and form of the settlement • The proposal will not adversely harm the settlements character and appearance • Site retains and respects natural boundaries • Not result in the loss of high grade agricultural land • Not put people or property in danger from known risks and would not result in unacceptable nuisances to residents and businesses. |
| | | CS14 | - Delivering and Protecting High Quality Environments across the District. |
| National Planning Policy Framework (NPPF) | | | |
| | | Paras 2 and 11 | - Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. |
| | | Para 14 | - Presumption in favour of sustainable development. |
| Core planning principles | | Para 17 | - Always seek to secure high quality design and a good standard of amenity for all existing and future occupants. |
| Conserving and enhancing the natural environment | | Para 109 | - The planning system should contribute to and enhance the natural and local environment by: Minimising impacts on biodiversity and providing net gains where possible. |
| Delivering a wide choice of high quality homes | | Para 55 | - Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the exceptional quality or innovative nature of the design of the |

dwelling. Such a design should:

- Be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- Reflect the highest standards in architecture;
- Significantly enhance its immediate setting; and
- Be sensitive to the defining characteristics of the local area.

5. ASSESSMENT

Nature of Application

This application seeks full planning permission to erect 1 x 4-bed 2 storey dwelling with double garage, outhouse and 6m high (hub height) wind turbine on land to the west of The Lodge, Mouth Lane, Guyhirn.

The application is considered to raise the following key issues;

- Site history
- Principle and policy implications
- Layout and design
- Access and parking
- Service provision including Flood Risk
- Biodiversity
- Other matters

Site History

An application for four bungalows on this site was refused in 1988. In 2005 an outline application was submitted for the erection of two dwellings on the application site. This application was refused and dismissed at appeal as contrary to the aims of the FDWLP in that it would be an inappropriate form of infill development outside the DAB.

A full application was submitted in 2007 for 2 x 3-bed semi detached dwellings and refused as being contrary to Policy H3 of the FDWLP and as a result causing significant harm to the character of the countryside.

Earlier this year pre-application advice was sought on the likelihood of this proposal according with current policy and receiving officer support. The advice to the agent was that the proposal could not be supported as the site lies well beyond the Development Area Boundary of Guyhirn and the proposed dwelling is much larger and the design much more elaborate than any of the other dwellings along Mouth Lane. As a result concerns were expressed that the proposal would appear as an incongruous feature within the landscape.

It has been stated in the information submitted with the application that the site once housed four cottages, however, there is no evidence of this and now appears to form part of the countryside.

Principle and Policy Implications

The proposal is for a dwelling approx. 1 km from the edge of the DAB. The NPPF seeks to promote sustainable development in rural areas where it will maintain the vitality of rural communities. The policy statement requires local planning authorities to avoid new isolated homes in the countryside unless there are special circumstances.

This is the general thrust of policies contained in the FDWLP and emerging Core Strategy where new development in villages will be supported where it contributes to the sustainability of the settlement and does not harm the wide open character of the countryside. Outside DAB's new dwellings must be justified as required for agriculture, horticulture or forestry operations.

The justification for this development as submitted by the agent is that the proposed executive dwelling will make a statement and is not a typical design, but has an Italianate look with low pitched slate roofs and light coloured walls. There is no justification in relation to agriculture etc.

As such the application must be considered against the criteria in the NPPF which make reference to the exceptional quality or innovative nature of the design of the dwelling, where such a design should:

- Be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- Reflect the highest standards in architecture;
- Significantly enhance its immediate setting; and
- Be sensitive to the defining characteristics of the local area.

The policies of the FDWLP require consideration as the application site lies well beyond the DAB where new development should be resisted (H3) unless justified. In terms of emerging policy the general good practice criteria set out in Policy CS 10 of the Draft Core Strategy (see policy section above) should be observed (although as the policy is emerging it is acknowledged that limited weight can be attached to the criteria at this time). However, it is important to note the direction of travel of the emerging core strategy and its conformity to the policies of the NPPF in terms of the approach to rural housing and the requirement for sustainable development which is sensitive to the defining characteristics of the local area.

Layout and Design

The proposal is for a single dwelling in a parcel of land of 0.21 hectares with a footprint of 154 square metres, therefore, the plot is of generous proportions with ample private amenity space.

A domestic scale wind turbine (6m to hub) is proposed in the south western corner of the plot close to the boundary with the property known as Shepherds. No data has been provided to enable the assessment of the noise impact of the turbine on neighbouring properties at the time of writing.

The design of the property has been described by the agent as Italianate. The choice of materials is of a light brick or render with a slate roof. Officers are of the opinion that the design of the dwelling is not truly outstanding or innovative and neither can it be seen to reflect the highest standards in architecture which significantly enhances its immediate setting as required by

the NPPF.

The dwelling is significantly larger and of a different scale and proportions to the properties either side of the plot. It is acknowledged that there are a variety of housing types along Mouth Lane, however, the proposal would be one of the largest and be situated in very formal grounds. The majority of nearby housing does not sit in landscaped grounds and has a more rustic and natural appearance. In addition the design which incorporates very shallow pitched roofs and has irregular proportions in terms of fenestration leads to a top heavy appearance which is out of character and would be unacceptably dominant in this cluster of dwellings.

Access and parking

The parking requirements are for a minimum of 3 parking spaces and these can be accommodated on the site.

The Highway Authority has not raised any insurmountable objections to the proposal, but amended plans have been requested to accurately reflect the carriageway and highway verge and provide an area which can be used as a passing bay within the access. In addition the width of the access at 7.0m wide is remarked upon as excessive to cater for domestic traffic which suggests that the scale of the development proposed is inappropriate and out of scale in this rural location where the majority of the development is of a more modest nature.

Flood Risk

The site lies within Flood Zone 3 and a Flood Risk Assessment has been submitted which has satisfied the Environment Agency that development can occur on the site. It has been suggested that conditions are imposed including that the finished floor levels of the living accommodation must be set no lower than 2.5m above Ordnance datum or 500mm above existing ground levels. In order to comply with this condition the dwelling will need to sit up from the ground and have an overall ridge height of 8 metres.

Biodiversity

Neighbours have indicated that the application site is rich in biodiversity Natural England has suggested that the local planning authority should consider the possible impacts resulting from the proposal in relation to protected species.

The agent has indicated, on the bio-diversity checklist submitted with the application, that the site has been surveyed for bats, barn owls, breeding birds, badgers, dormice, great crested newts, reptiles and other protected species such as otters and water voles, however, the results of the surveys have not been included in the application. This information has been requested and will be provided via an update to this report.

Other matters

Neighbours have raised a number of concerns relating to the development. A significant point that has been made is that if this development is approved there are a significant number of plots which could come forward as potential housing sites for similar developments as the area is characterised by a cluster of dwellings interspersed with open countryside.

In 2005 the appeal inspector felt that building houses on the application site would consolidate development along Mouth Lane and effectively destroy a small area of countryside that contributes to the predominantly open character of the area. Although the national guidance which was in force at the time of the appeal has recently been replaced by the NPPF the thrust of the policy in relation to the provision of rural housing is consistent with previous advice, in ensuring it does not significantly harm the character of the countryside, whilst promoting sustainable development. Whilst each case is treated on its merits it must be considered that the approval of this proposal could open the door to several more applications, which if approved would alter the character of the area in a harmful and unsustainable manner.

Conclusion

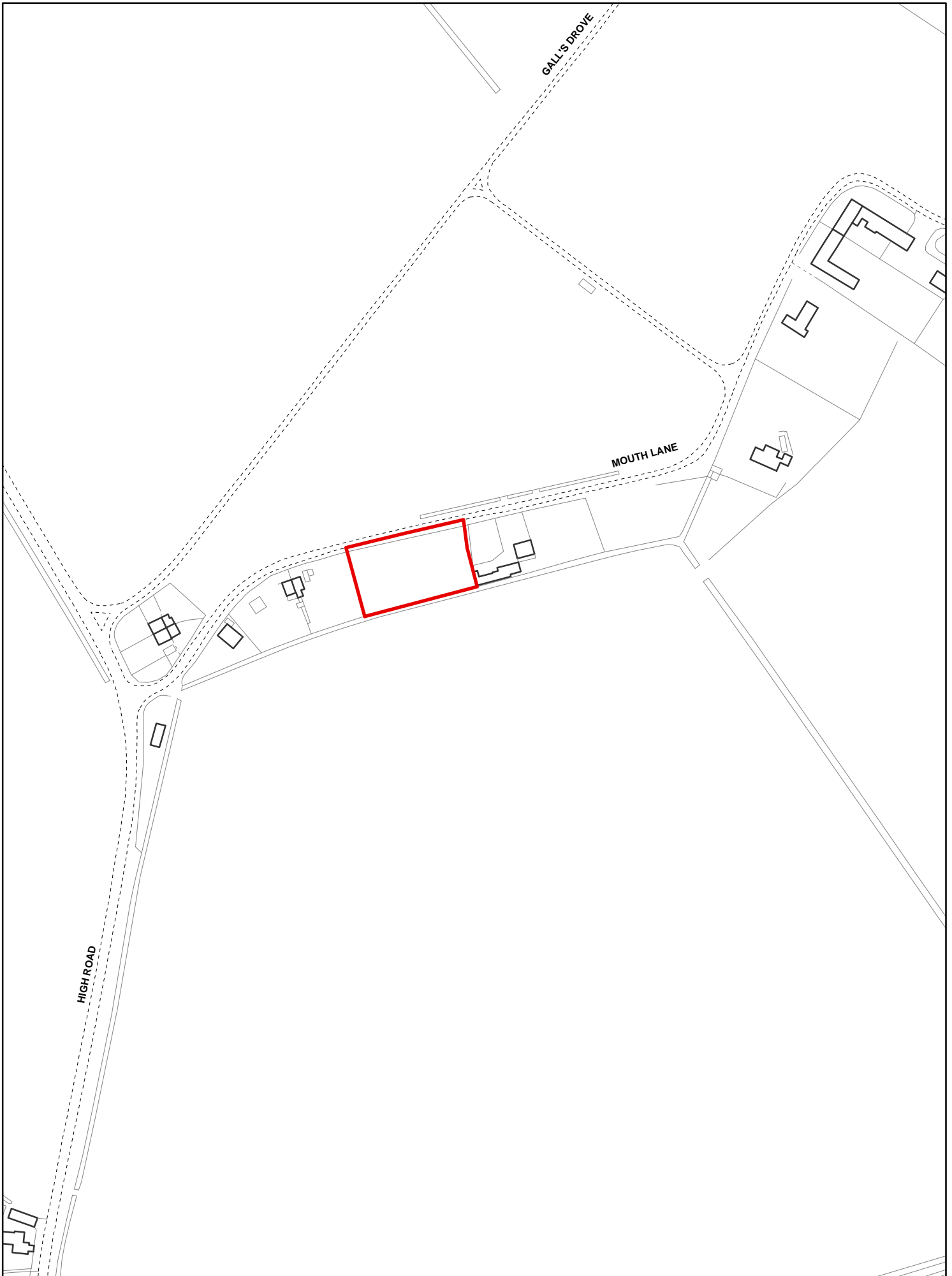
The site lies to the north east of the village of Guyhirn and is approx. 1 km from the DAB. Development along the lane is sporadic and the surroundings are generally flat and featureless. The area cannot be regarded as having a continuous built up frontage and is more akin to a cluster of dwellings with a few more isolated properties interspersed with open countryside. The proposed dwelling, although able to site comfortably on the plot, appears more elaborate and formal than surrounding development and as a result is an incongruous form of development at odds with the prevailing character and scale of the existing development.

Government advice in the NPPF along with adopted and emerging policy, whilst supportive of sustainable development in rural areas also recognises the need to protect the countryside for the sake of its intrinsic character and protect it from development which fails to secure high quality design. As a result the proposal is contrary to policies contained in the NPPF, the emerging draft Core Strategy and the FDWLP and it is recommended that planning permission is refused.

6. RECOMMENDATION

REFUSE

- 1. The proposed development, which is located outside the Development Area Boundary of Guyhirn, will be situated within open countryside which forms the rural character of this part of the village and it is considered that the scale and form of development will be visually intrusive and will fail to assimilate into the rural landscape. As a result the proposal is contrary to the provisions of the NPPF and Policies E1, H3 and H16 of the Fenland District Wide Local Plan. Furthermore it is considered that the special circumstances required in paragraph 55 of the National Planning Policy Framework have been not adequately demonstrated to justify the approval.**
- 2. The proposal fails to demonstrate that all biodiversity issues have been addressed in line with the requirements of the National Planning Policy Framework.**



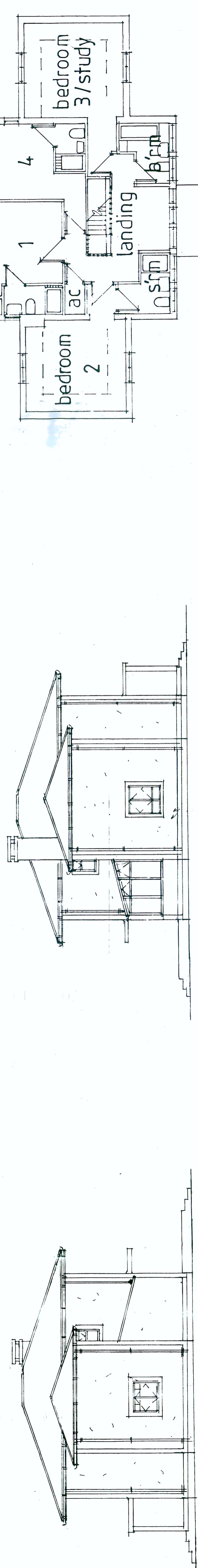
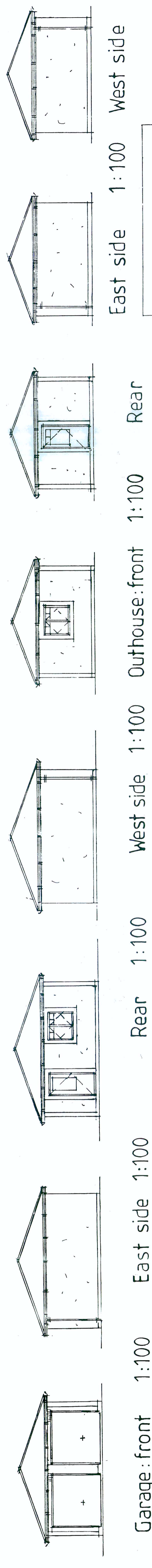
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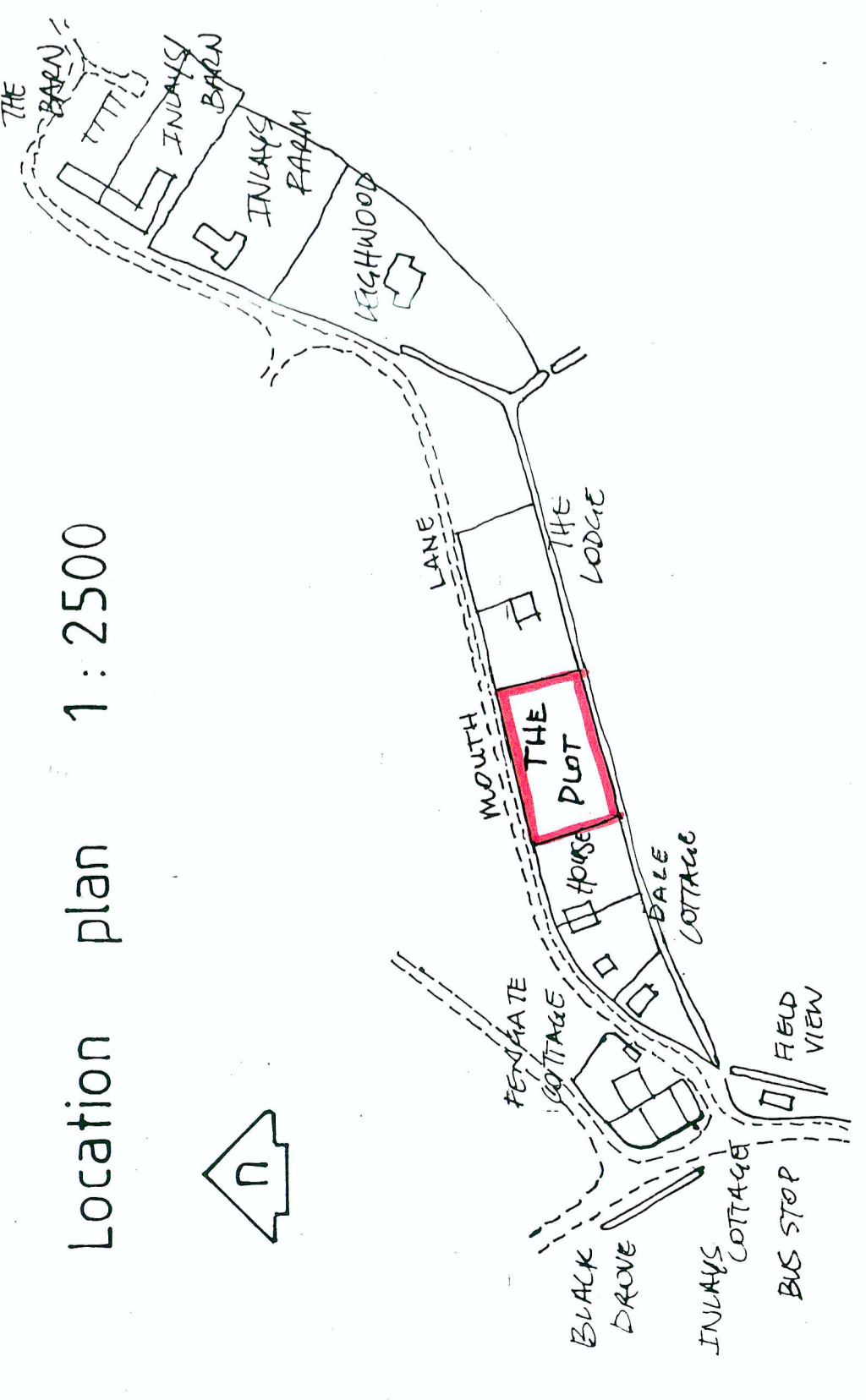
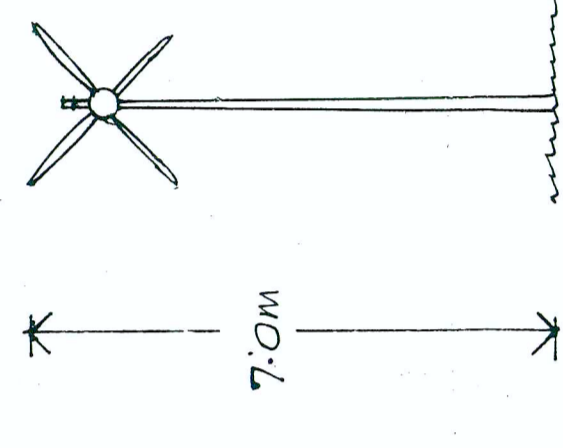
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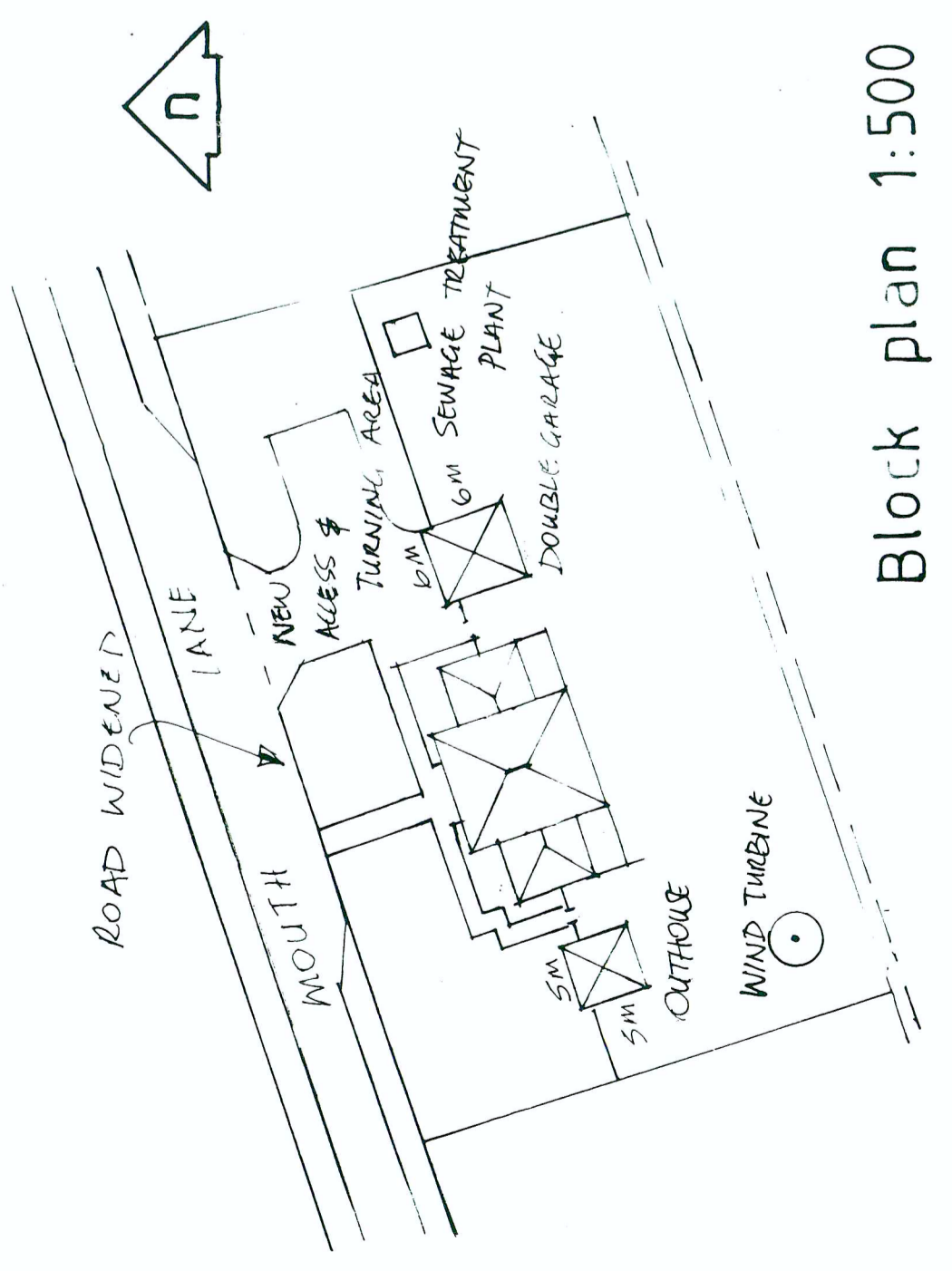




West elevation 1:100
 East elevation 1:100

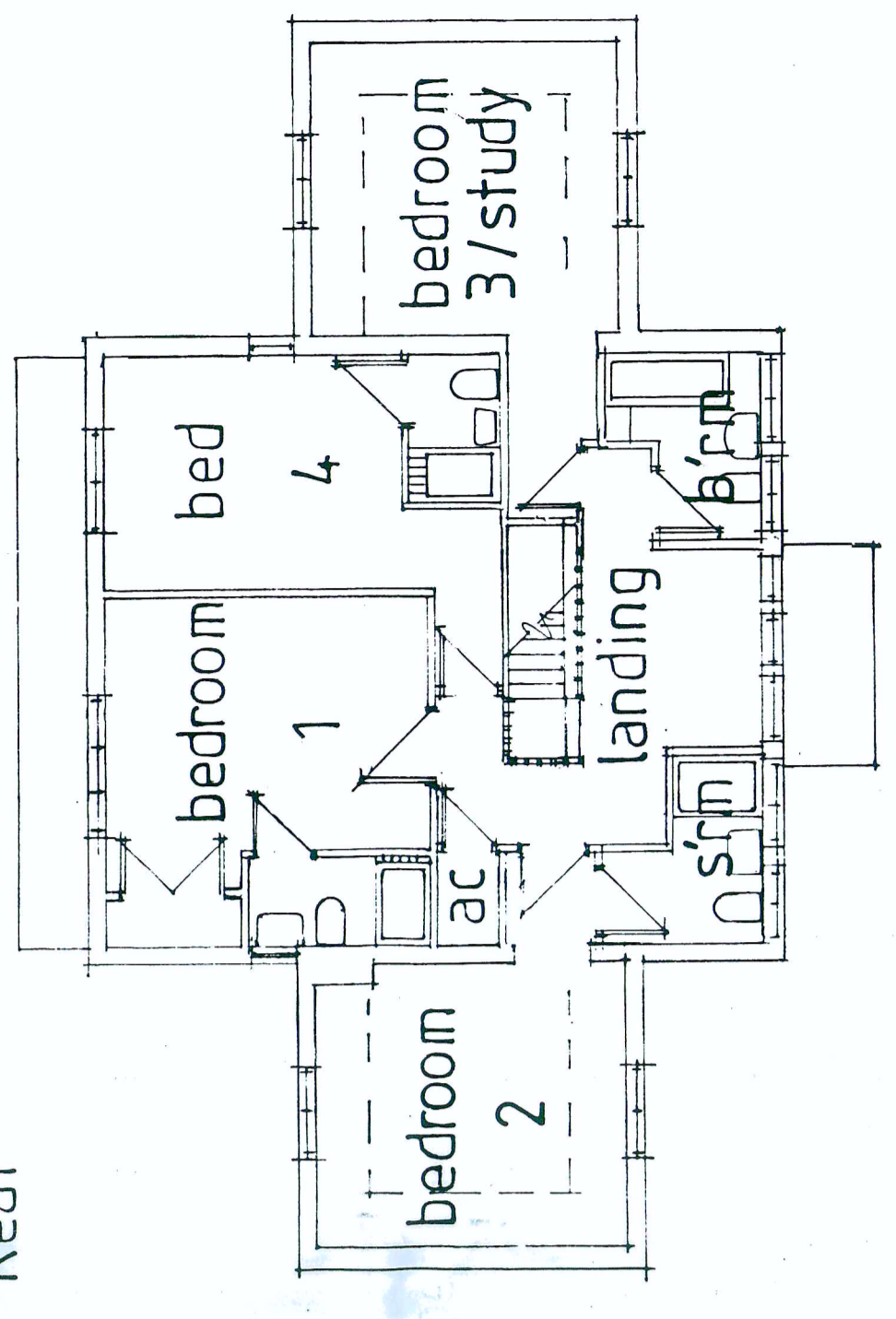


Location plan 1:2500

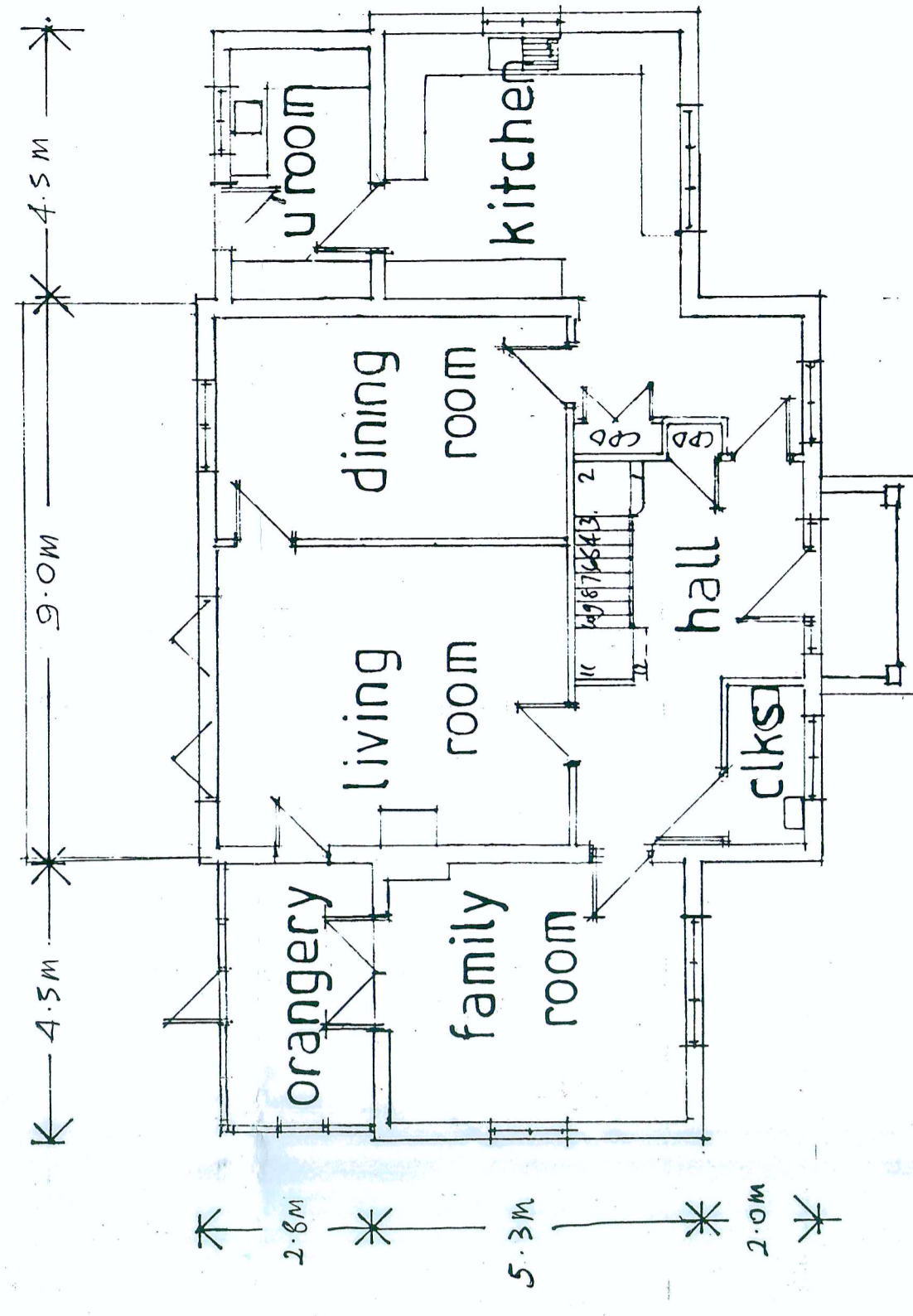


Block plan 1:500

East side 1:100 West side

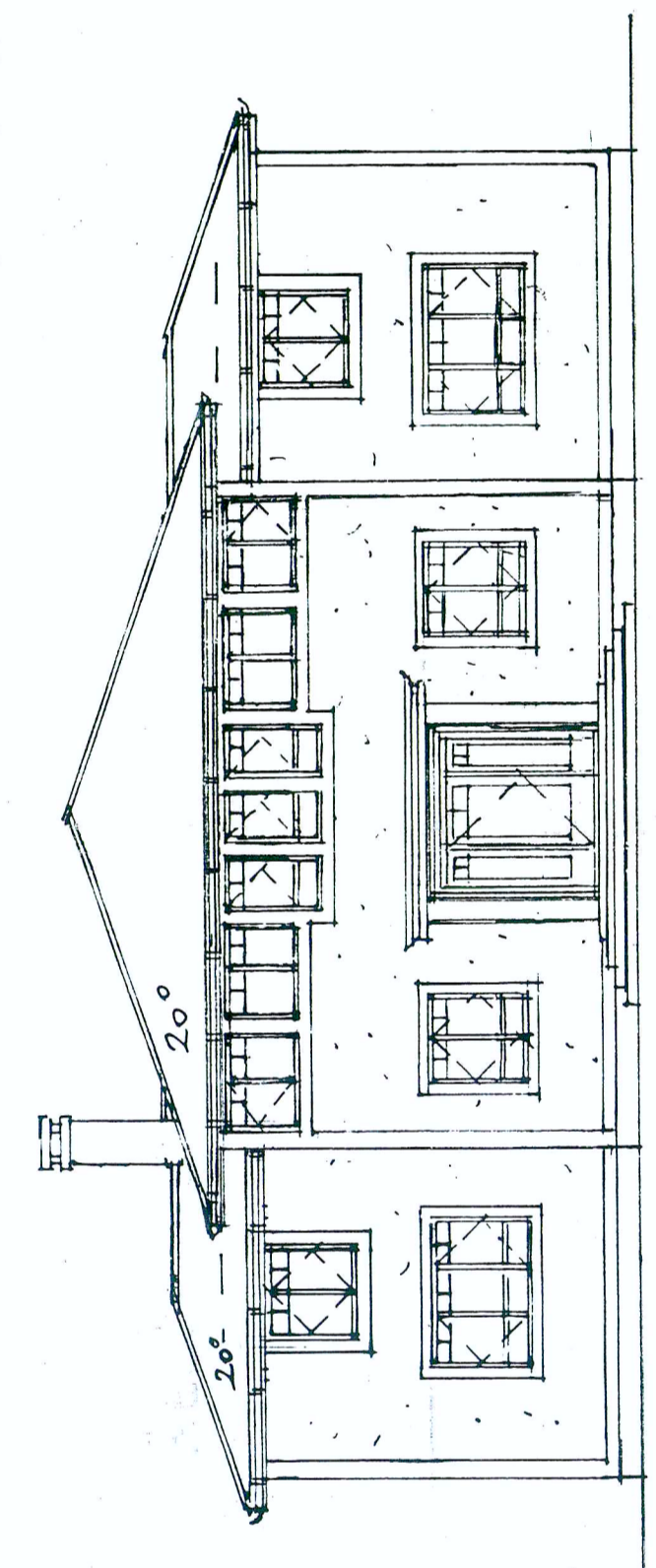


First floor plan 1:100

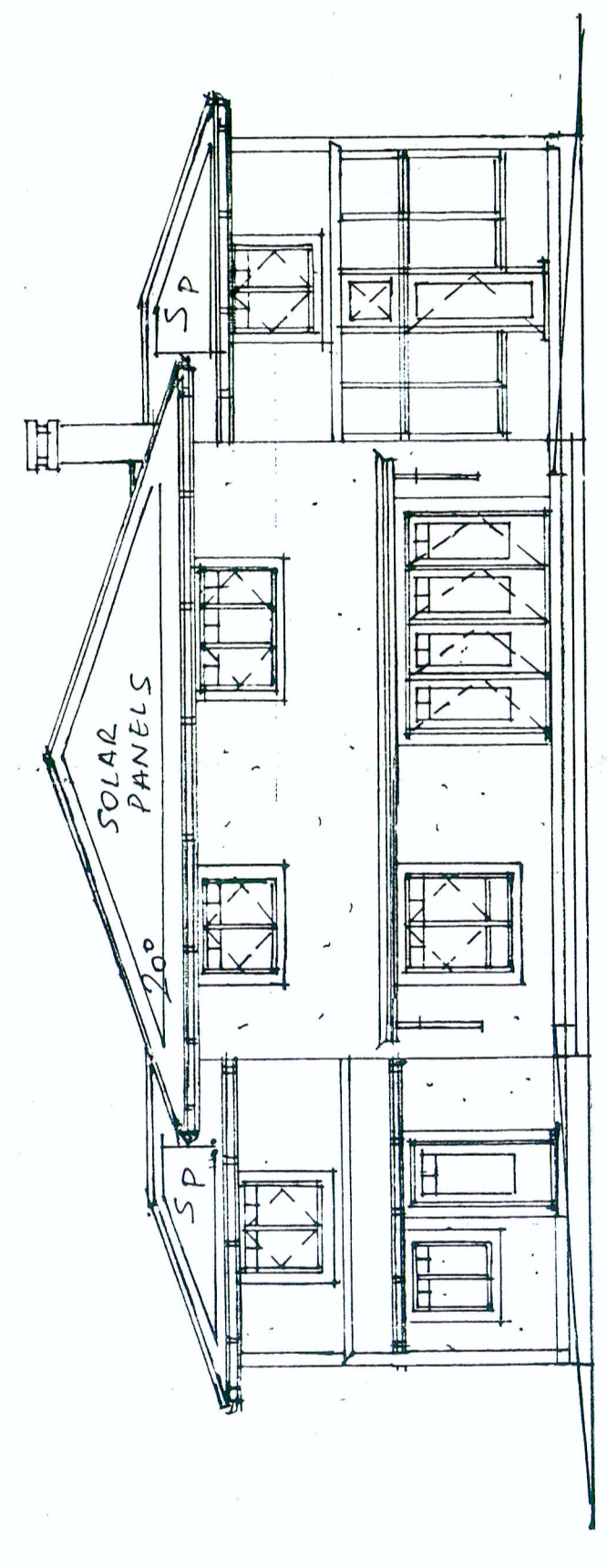


Ground floor plan 1:100

Front elevation 1:100



Rear elevation 1:100



Hodsons
 Chartered Surveyors,
 Market Street,
 Whittlesey,
 Peterborough.
 01733 203064

Plan no 1 of 2
 Project: 7614/B
 Proposed detached house and garage at Mouth Lane, Guyhirn, Wisbech

Winner
 B
 CA
 2010/11