

**Application Number: F/YR12/0620/F**

**Minor**

**Parish/Ward: Wisbech St Mary**

**Date Received: 13 August 2012**

**Expiry Date: 08 October 2012**

**Applicant: Mr B Boston**

**Agent: Mr D Barker, Planning Places for People**

**Proposal: Erection of a 2-storey 2-bed dwelling**

**Location: land north east of 2 Gore Villas, Mill Road, Murrow**

**Site Area/Density: 0.08ha/12dph**

**Reason before Committee: The proposal is a departure from the Development Plan**

**1. EXECUTIVE SUMMARY/RECOMMENDATION**

The proposal has overcome the previous reasons for refusal by virtue of the changes to planning policy, it being a permanent structure which is of an appropriate design and the positioning of the building within the plot. It is considered that the proposal will cause no harm to the character and appearance of the surroundings or the wider area. As such it is recommended that the application can be approved as a departure from the Development Plan.

**2. HISTORY**

Of relevance to this proposal is:

- |                   |   |                  |
|-------------------|---|------------------|
| 2.1 F/YR11/0891/F | Siting of a mobile home and storage container (retrospective) | Refused 16.01.12 |
| F/YR06/1043/F     | Erection of a single-storey dwelling (log cabin style)        | Refused 23.10.06 |
| F/98/0853/O       | Erection of a bungalow  | Refused 04.07.99 |

**3. PLANNING POLICIES**

**3.1 National Planning Policy Framework:**

Paragraphs 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.

Paragraphs 14: Presumption in favour of sustainable development

Core planning principles, paragraph 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, paragraph 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.

**3.2 Draft Fenland Core Strategy:**

CS1: Spatial Strategy, The Settlement Hierarchy and the Countryside

CS2: Growth and housing

### CS10: Rural Areas Development Policy

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:

- 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.

### 3.3 Fenland District Wide Local Plan:

E8: Proposals for new development should:

respect the scale, style and character of the surrounding development;  
allow for protection of site features; provide adequate access.

H3: To resist housing development outside DABs. To permit housing development inside DABs provided it does not conflict with other plan policies.

H16: Outside the DAB new dwellings must be justified as required for agricultural, horticultural or forestry operations.

E1: To resist development likely to detract from the Fenland landscape.

## 4. CONSULTATIONS

- |     |   |  |
|-----|---|--|
| 4.1 | <b>Parish/Town Council:</b>                 | Not received at time of report   |
| 4.2 | <b>Environment Agency:</b>                  | No objections, provides advisory comments, if a public sewer is not available an acceptable method of foul sewerage treatment may be the provision of a septic tank. |
| 4.3 | <b>FDC Environmental Protection:</b>        | Unsuspected land contamination condition required  |
| 4.4 | <b>North Level Internal Drainage Board:</b> | No objection in principle provided a minimum distance of 4.5metres is kept from the centre line of the dyke to the nearest point of the construction site.           |
| 4.5 | <b>CCC Highways:</b>                        | No highway comments  |
| 4.6 | <b>Neighbours:</b>                          | None received  |

## 5. SITE DESCRIPTION

- 5.1 The site is located on the northern side of Mill Road, approximately 250metres from the junction with Murrow Bank. The site is beyond the established settlement area boundary. There are open fields to the north and east and a few sporadic residential dwellings to the west. The site is currently enclosed by a combination of hedging and fencing and is occupied by the mobile home and storage container.

## 6. PLANNING ASSESSMENT

- 6.1 The key considerations for this application are:
- Principle and policy implications
  - Design and layout
  - Flood risk and drainage
  - Other matters.

### (a) Principle and Policy Implications

The site is located outside of the village core. The NPPF seeks to promote sustainable development in rural areas where it will maintain the vitality of rural communities. This is the general thrust of policies contained within the Local Plan and 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.

The policies of the Local Plan require consideration as the application site lies beyond the village core where new development should be resisted (H3) unless justified. In terms of emerging policy the general good practice criteria set out in Policy CS10 of the Draft Core Strategy should be observed. This document is emerging policy, therefore, only limited weight can be attached to the policy 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.

Members will recall refusing planning permission for the mobile home and storage container in January 2012, for reasons of flood risk, the temporary appearance of the proposal, and the location of the site being outside of the established settlement.

As the site has not changed, the proposal remains in principle contrary to countryside housing policies. However, since the previous refusal the Development Plan has been updated with new documents, namely the National Planning Policy Framework and the emerging Fenland Communities Development Plan. With this in mind it is considered that the proposal can now be supported in principle as the Rural Areas Development Policy (CS10) states that new dwellings within the countryside can be supported if the site is in or adjacent to the existing developed footprint, would not have an adverse impact on the character and appearance of the surrounding countryside and is of a scale and in a location which is in keeping with the core shape and form of the settlement.

Since the site adjoins the existing linear development, bringing it further towards the heart of the village, and that it lies opposite an approved site for 4 dwellings, it is considered that no harm to the open countryside will be caused by the development. The proposal is, therefore, considered to overcome the issues of principle which were raised in the previous application. Issues of flood risk and appearance will be discussed later on in this report.

(b) Design and Layout

The proposal is for a detached 2-bedroom dwelling, which has the character and appearance of a typical countryside cottage which is acceptable in this location. Due to the positioning of first floor windows and the location of the site in relation to neighbouring properties, it is considered unlikely that neighbouring residents will suffer from overlooking or loss of privacy as a result of the proposal. Sufficient garden space has been provided and bin storage and 4 parking spaces, which exceeds the requirements of the Local Plan, are available to the east of the dwelling. CCC Highways have raised no objection to the proposal.

(c) Flood risk and drainage

The site lies within Flood Zone 3 and the application has been accompanied by a Flood Risk Assessment. The Environment Agency has raised no objections to the proposal and provided advisory comments relating to septic tanks.

The previous application resulted in objections from the North Level Internal Drainage Board (IDB) as the mobile home was positioned within the 6m buffer zone of the surface water pipe, which is along the south of the site. Following pre-application discussions between the IDB and the applicant the buffer zone has been reduced to 4.5m, which the proposal now complies with. Should permission be granted, it is recommended that a condition restricting permitted development rights in terms of extensions and structures is imposed to ensure that the protected area around the water pipe is not compromised. In view of the above, all matters with regard to drainage and flood risk have been satisfied.

(d) Other Matters

FDC Scientific Officer has requested that a condition is put in place to ensure that the Council is contacted should any unsuspected land contamination be found during the course of construction. Details of the proposed materials have not been provided, however, they can be secured via a condition should permission be granted; although the agent has been advised that it would be of benefit to supply these details.

## 7. **CONCLUSION**

- 7.1 The proposal has overcome the previous reasons for refusal by virtue of the changes to planning policy, it now being a permanent structure which is of an appropriate design and the siting of the building within the plot. It is considered that the proposal will cause no harm to the character and appearance of the surroundings or the wider area. As such it is recommended that the application can be approved as a departure from the Development Plan.

## **8. RECOMMENDATION**

### **Grant**

- 1. The development permitted shall be begun before the expiration of 3 years from the date of this permission.**

**Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.**

- 2. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, and amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. The development shall then be carried out in full accordance with the amended remediation strategy.**

**Reason - To control pollution of land and controlled waters in the interests of the environment and public safety.**

- 3. Prior to the commencement of the development hereby approved full details of the materials to be used for the external walls and roof shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved particulars and retained in perpetuity thereafter.**

### **Reason**

**To safeguard the visual amenities of the area.**

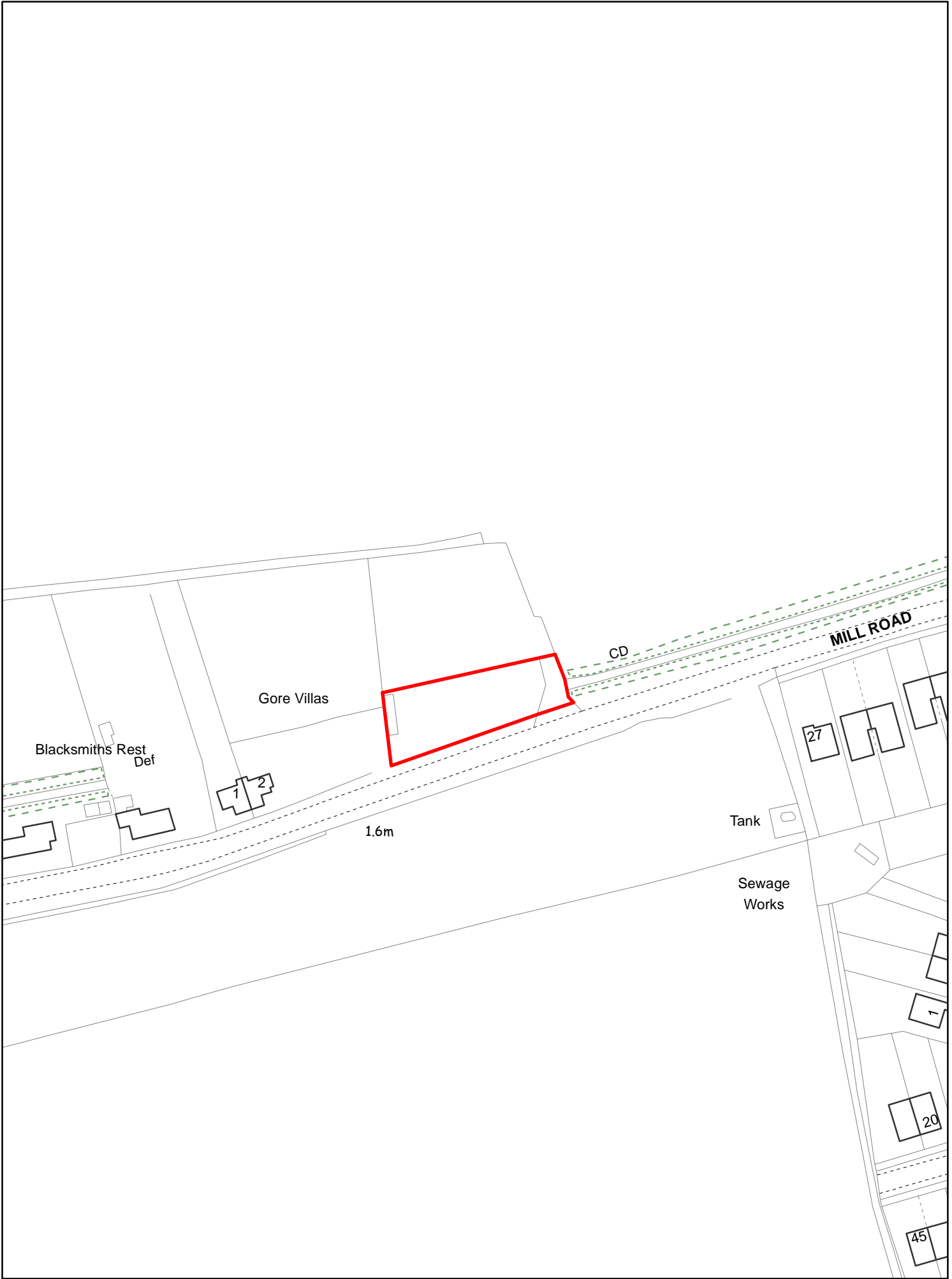
- 4. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, (or any Order or Statutory Instrument revoking and re-enacting that Order), planning permission shall be required for the following developments or alterations:**

- i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas, or raised decks (as detailed in Schedule 2, Part 1, Classes A and E);**
- ii) the erection of house extensions including conservatories, garages, car ports or porches (as detailed in Schedule 2, Part 1, Classes A and D);**
- iii) alterations to the roof of the dwellinghouse (as detailed in Schedule 2, Part 1, Class C);**

**Reason - In view of the constraints of the site imposed by the presents of a surface water pipe.**

5. **Prior to the first occupation of the development hereby approved, the proposed on-site parking shall be demarcated, levelled, surfaced and drained in accordance with the approved plan(s). Thereafter, these spaces shall be permanently retained and available for the parking of vehicles of residents / occupiers of the approved scheme, and shall not be used for any other purpose.**

**Reason - In the interests of highway safety.**



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