

Application Number: F/YR13/0188/F
Minor
Parish/Ward: Gorefield Parish Council
Date Received: 19 March 2013
Expiry Date: 14 May 2013
Applicant: Ms S Caldwell
Agent: Mr J Burton Swann Edwards Architecture

Proposal: Erection of a 2-storey, 5-bed dwelling with car port and associated poly tunnel, wood store/potting shed, green house and chicken coop and formation of pond/reed bed

Location: Land West of Pear Tree House High Side Fronting Black Lane, Gorefield

Site Area/Density: 0.43 Ha

Reason before Committee: Departure from Development Plan/Member Call in at request of Cllr Humphrey in order to allow the merits of this unique application as well as the impact on the rural landscape to be considered/Level of Interest

1. EXECUTIVE SUMMARY/RECOMMENDATION

This application seeks full planning permission for the erection of a 2-storey 5-bed dwelling with car port and associated poly tunnel, wood store/potting shed, green house and chicken coop and formation of pond/reed bed at Land West of Pear Tree House, High Side Fronting Black Lane, Gorefield.

The key issues to consider are;

- Policy Implications;
- Layout, Design, Appearance and Impact upon Amenity;
- Other Matters.

The proposed dwelling, which represents a contemporary interpretation of a barn development is located outside the established settlement of Gorefield, Accordingly, the proposal would be contrary to the overarching local settlement Policies H3 and CS3 and would not strictly adhere to all of the criteria within Policy CS12 of the emerging Fenland Local Plan – Core Strategy (Feb 2013). However, the NPPF also sets out that ‘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’.

The applicant labels the proposal as an ‘innovative solution that seeks to raise the standards of design in this rural area’, thereby representing the very special circumstances to allow a departure from the Local Plan in this instance. The proposal will employ the very high ‘*Passivhaus*’ energy efficiency standards, and will provide a leading example of a low energy design concept in Fenland.

It is acknowledged that the proposal does not constitute an ‘outstanding’ or ‘exceptional’ design. However, each application is considered on its own merits and in this instance giving weight to the proposal and *Passivhaus* design it may be considered that the proposal, which at this particular point in time is unique to

Fenland, would result in significant additional benefits, and help raise the general standard of design within the district.

In this instance it is felt that the proposal could be seen to be in line with the NPPF and CS14 of the emerging Fenland Local Plan – Core Strategy (Feb 2013) and result in an ‘innovative’ exemplar project that on balance arguably outweighs the concerns regarding the unsustainable location and Officer favourably recommend the scheme on this basis.

2. HISTORY

Of relevance to this proposal is:

2.1 No relevant history

3. PLANNING POLICIES

3.1 National Planning Policy Framework:

Paragraph 2: Planning law requires that application for planning permission must be determined in accordance with the development plan.

Paragraph 14: Presumption in favour of sustainable development.

Paragraph 17: Seek to ensure high quality design and a good standard of amenity for all existing and future occupants.

Paragraph 55: Avoid new homes in countryside unless there are certain circumstances.

Paragraph 63: Great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

Paragraph 93/97: Increase the delivery, use and supply of low carbon energy developments

Paragraph 96: New development should take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

3.2 Emerging Fenland Core Strategy (Feb 2013):

CS1: Presumption in Favour of Sustainable Development

CS3: Spatial Strategy, The Settlement Hierarchy and the Countryside.

CS12: Rural Areas Development Policy

CS14: Responding to Climate Change and Managing the Risk of Flooding in Fenland

CS16: High Quality Environments

CS19: Natural Environment

3.3 Fenland District Wide Local Plan (1993):

H3: Development should be within existing settlement

E3: Retention of Trees, Hedgerows and Landscaping

E8: Landscape and Amenity Protection

4. CONSULTATIONS

4.1 Parish Council

Supports the very idea of eco friendly homes but feel this one is not in keeping with the surrounding area and is development in the open countryside.

4.2 Local Highway Authority (CCC) No objection recommend conditions

4.3 National Grid (Gas)	No comments received
4.4 FDC Environmental Health	No objections
4.5 North Level IDB	No comments received
4.6 FDC Animal Welfare Officer	No comments received
4.7 Local Residents/Interested Parties	<p data-bbox="823 432 1473 533">5 letters of support (8 in total, however, 3 were from the same addresses) were received comments include;</p> <ul data-bbox="823 544 1473 947" style="list-style-type: none"> <li data-bbox="823 544 1473 611">• self sufficient, self sustainable and low carbon; <li data-bbox="823 622 1473 689">• will fit in with this part of Black Lane and enhance street scene; <li data-bbox="823 701 1473 869">• site could provide a site for caravans to park on; and in respect of other problems we had at the other end of Black Lane, a few years ago this would be a favourable situation; <li data-bbox="823 880 1473 947">• Make use of this piece of land which is not big enough for any agricultural use. <p data-bbox="823 992 1473 1059">3 letters of objection were received comments include;</p> <ul data-bbox="823 1070 1473 1968" style="list-style-type: none"> <li data-bbox="823 1070 1222 1104">• unsustainable location; <li data-bbox="823 1115 1473 1182">• land is agricultural land not amenity land; <li data-bbox="823 1193 1473 1261">• Up to year 2000-2002 land was good agricultural land; <li data-bbox="823 1272 1473 1373">• Black Lane is a single track road and is poorly maintained and could not accommodate heavy traffic; <li data-bbox="823 1384 1473 1451">• questions regarding details within the design and access statement; <li data-bbox="823 1462 1473 1529">• Reed pond – contamination and potential smell; <li data-bbox="823 1541 1457 1574">• Possibility of flooding from pond raised; <li data-bbox="823 1585 1473 1653">• Legitimacy of local support and letters questioned; <li data-bbox="823 1664 1473 1731">• Area of land not large enough to accommodate proposal; <li data-bbox="823 1742 1473 1809">• Applicant ‘will sell the land and Pear Tree House and move out of the area’ <li data-bbox="823 1821 1473 1888">• ‘Purpose is to get as much money as possible from the sale of the land’; <li data-bbox="823 1899 1473 1933">• Structure is not in keeping with the area; <li data-bbox="823 1944 1185 1977">• Will set a precedent; <li data-bbox="823 1989 1409 2022">• Proposal against development plan.

5. SITE DESCRIPTION

- 5.1 This site is located off an unclassified road Black Lane which is situated outside the established settlement of Gorefield. The site is located within the open countryside; however, there is a small cluster of development in close proximity to the site. To the west of the site is a dwelling in the ownership of the applicant (Pear Tree House), to the north of the site is a dwelling (Dorrell), a further dwelling (The Bungalow) is located in close proximity to the south west of the site. To the east of the site it is noted that there have been recent approvals for domestic barn conversions.

A small element of the eastern boundary is within Flood Zone 2. The site previously functioned as agricultural land, however, it appears that over the past decade this area of land has not received much attention with overgrown brambles and scrub present. Hedgerows and cherry copse provide some boundary treatment to the perimeter of the site. The applicant has indicated that the proposed dwelling is intended to be a low energy sustainable development conforming to the *Passivhaus* principles established in Germany in the early 1990's. *Passivhaus* is a specific energy performance standard that delivers very high levels of energy efficiency.

Based primarily on the employment of *Passivhaus* design standards the applicant claims that this would be *Fenland's first Fossil Fuel Free Environmentally Responsible Exemplar Project* that strives to meet the *Passivhaus* standard and achieve carbon neutrality in occupation.

6. PLANNING ASSESSMENT

- 6.1 The key issues to consider are;

- History of Site
- Policy Implications;
- Layout, Design, Appearance and Impact upon Amenity;
- Other Matters.

6.2 Policy Considerations

The site is located outside the established settlement of Gorefield. Under criteria contained in Policy H3 of the Fenland District Wide Local Plan (1993) the principle of development in such locations is normally unacceptable. Policy H16 restricts development in the open countryside unless associated with agriculture, horticulture or forestry. The emerging Fenland Local Plan – Core Strategy (Feb 2013) seeks to concentrate new residential development in the most sustainable locations such as market towns and villages. Policy CS3 echoes the policy approach set out in Policy H3 and seeks to restrict development in the countryside, unless it is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation etc.

The site is located well outside the established settlement of Gorefield. Part of the applicant's justification for residential development at this location is 'that the principle and sustainability of residential development within this area of Gorefield has been proven through recent precedents of approval being granted for the creation of new residential floor space within the immediate vicinity of the application site'. Whilst recent approvals of barn conversions in the immediate

proximity of the site are noted the applicants justification cannot be accepted as such approvals were based on different policy considerations namely Policy H19 for the Conversion of Rural Buildings. In principle based on the District's Settlement Hierarchy as set out in local planning policies, the location of the proposed development would not be considered as sustainable. The Design and Access Statement (DAS) points out that the proposal complies with criteria b-k of Policy CS12; however, it does not address criteria (a) which states that the site should be in, or adjacent to the existing developed footprint of the village. Taking the above into account along with the overarching settlement policy for the district as set out in Policies CS3 and H3 it is felt that the principle of development at this location would not be considered as sustainable.

Policy CS14 of the emerging Fenland Local Plan – Core Strategy (Feb 2013) addresses issues relating to resource use, renewable energy and climate change and outlines that the Council expects all developments of one dwelling or more to minimise resource consumption above and beyond what is required by Building Regulations and/or other standard planning policies. In addition, one of the core planning principles of the National Planning Policy Framework (NPPF) is to 'support the transition to a low carbon future in a changing climate'.

However, the NPPF also sets out that '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'. The applicant labels the proposal as an 'innovative solution that seeks to raise the standards of design in this rural area', thereby representing the very special circumstances to allow a departure from the Local Plan. The applicant considers that the dwelling is an 'innovative' design, to the very high 'Passivhaus' energy efficiency standards, and will provide leading example of a low energy design concept in Fenland.

It is noted that the NPPF states, great weight should be given to outstanding or innovative designs which help raise the standard more generally, which reflect the highest standards in architecture, which significantly enhance the immediate setting and which are reflective to the defining characteristics of the local area. This does not automatically mean a good design should result in the relaxation of the settlement policy in rural areas. However, truly innovative and exemplar design when taken in combination with the wider impacts on the open countryside may, in very exceptional cases, be justifiable. In addition, Passivhaus standards are not a common feature within the district.

It is considered that the proposal would be contrary to the overarching local settlement Policies H3 and CS3 and would not strictly adhere to all of the criteria within Policy CS12 of the emerging Fenland Local Plan – Core Strategy (Feb 2013). However, in light of national policy in the NPPF and Policy CS14 weight must be given to this unique proposal.

6.3 Layout, Scale, Design and Appearance

The applicant outlines that the proposed layout of the site has been informed by an approach to achieve low carbon architecture, Passivhaus design standards and whilst also taking into account the existing streetscene, building line and development pattern. The layout of the dwelling and site is designed, positioned and orientated to maximise solar gain with ancillary accommodation located to the North. The proposal features a large footprint in an attempt to reflect the

agricultural nature and features of the area, in particular 'Red Barn'. The DAS provided by the applicant states that the approximate total floor space will be 430m², with a ridge and eaves height of 9.5m and 5.3m respectively.

The proposed dwelling represents a contemporary interpretation of a barn development and the proposed materials include mixture of brick and cedar cladding (walls) and a combination of slate and aluminum standing seam (roof) with amorphous silicone photovoltaic (solar PV) to the south elevation.

The applicant outlines that the proposal will enhance the existing landscaping and will retain the existing boundary hedges and trees. In addition the applicant argues that the landscaping is informed by the desire to be as autonomous as possible with allotments, chicken coop, poly tunnels, potting sheds, compost areas, orchards and a willow coppice for fuel included on the submitted plans. Furthermore, the applicants point out that the intended shelter planting and the introduction of a pond/reed bed will increase and enhance the sites biodiversity. The benefits of the enhancement of local biodiversity and the creation of new habitats are welcomed, but in themselves would not amount to sufficient weight to allow a relaxation in policy.

In terms of the impact of the proposal upon neighbouring properties, it is considered that the proposed development would not result in any harm upon the living conditions of neighbouring properties. The access will be located off an unclassified road, and CCC Highways have raised no objection to the proposal whilst recommending standard conditions.

In this instance it is considered that the proposal would not constitute 'outstanding' or 'exceptional' design as identified within the NPPF, however, it may be considered that the proposed development would result in an innovative design which helps raise the general standard of design in rural areas and in Fenland in general.

7. CONCLUSION

- 7.1 The site is located outside the established settlement of Gorefield and the proposal would be contrary to the overarching local settlement Policies H3 and CS3 and would not strictly adhere to all of the criteria within Policy CS12 of the emerging Fenland Local Plan – Core Strategy (Feb 2013). However, in light of national policy in the NPPF and Policy CS14 weight must be given to this unique proposal. It is acknowledged that the proposal does not constitute an 'outstanding' or 'exceptional' design. However, each application is considered and on its own merits and in this instance giving weight to the proposal and *Passivhaus* design it may be considered that the proposal, which at this particular point in time is unique to Fenland, would result in significant additional benefits, and help raise the general standard of design within the district. It should also be noted that similar future developments in the district would need to be carefully assessed each on their own merits.

In this instance it is felt that the proposal would result in an 'innovative' exemplar project that on balance arguably outweighs the concerns regarding the unsustainable location. As such Officers consider the scheme fulfills the requirements of Paragraph 55 of the NPPF and represents the very special circumstances required to allow a departure from the local plan.

8. RECOMMENDATION

Grant with conditions

- 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. Prior to the commencement of the development hereby approved samples 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.

- 3. Prior to occupation of the dwelling, written confirmation and details (including a Quality Assured Passivhaus Certificate) shall be submitted to and approved in by the Local Planning Authority to show that the dwelling has achieved the requirements of the Passivhaus Building Certification. Thereafter the development should be carried out in accordance with the approved details.**

Reason – In the interests of sustainable development and the weight attached to this material consideration in determining this unique application.

- 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 with or without modification), 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 including the installation of additional windows or doors, including dormer windows or roof windows (as detailed in Schedule 2, Part 1, Classes A and B);**
 - iv) alterations to the roof of the dwellinghouse (as detailed in Schedule 2, Part 1, Class C);**
 - v) the erection of any walls, fences or other means of enclosure to all boundaries (as detailed in Schedule 2, Part 2, Class A).**

Reason – In order to control future development and to prevent the site becoming overdeveloped.

- 5. Prior to the commencement of use hereby approved the permanent space shown on the plans hereby approved to be reserved on the site to enable vehicles to:**

- a) enter, turn and leave the site in forward gear;
- b) park clear of the public highway;
- c) load and unload;

shall be levelled, surfaced and drained and thereafter retained for no other purpose in perpetuity.

Reason - In the interests of satisfactory development and highway safety.

6. Prior to the commencement of the development hereby approved adequate temporary facilities (details of which shall have previously been submitted to and agreed in writing with the Local Planning Authority) shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction.

Reason - To minimise interference with the free flow and safety of traffic on the adjoining public highway.

7. Prior to the occupation of the development, a landscape management and maintenance plan, including long term objectives, management responsibilities and maintenance schedule for all areas within the development site shall be submitted to and approved by the Local Planning Authority in writing. The landscape management and maintenance plan shall be carried out as approved in accordance with the specified schedule contained therein.

Reason - To protect the visual amenity value of the landscaping, and the biodiversity value of the habitat within the site.

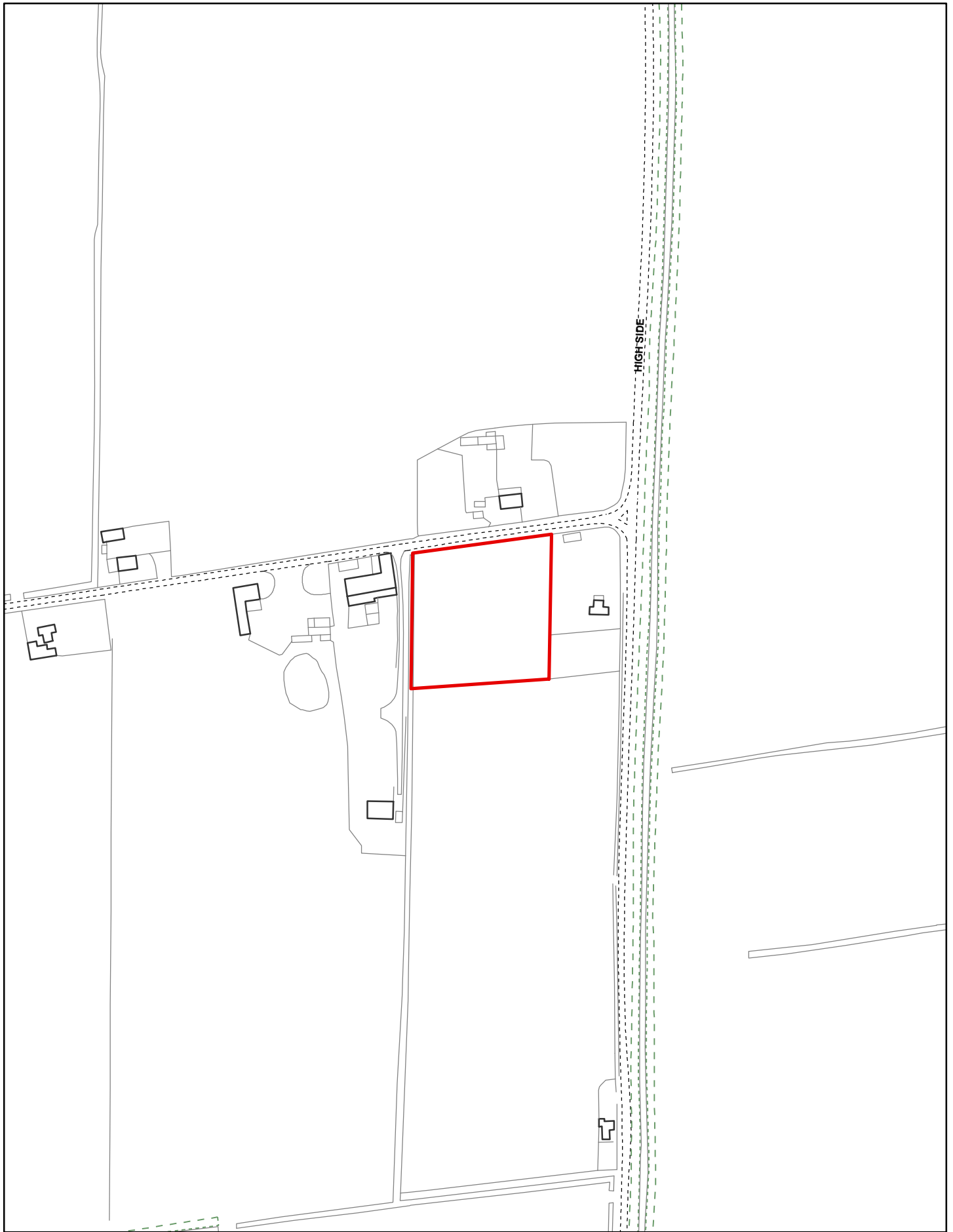
8. All hard and soft landscape works including any management and maintenance plan details, shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development.

9. Prior to the commencement of any development, full details of the scheme for the provision and implementation of foul water drainage (including details of the pond/reed bed method) shall be submitted and agreed in writing with the Local Authority. The scheme shall subsequently be implemented in accordance with the approved details before the relevant parts of the development are first brought into use and thereafter retained in perpetuity.

Reason - To ensure a satisfactory method of foul water drainage and to prevent the increased risk of pollution to controlled waters.

10. Approved Plans



Created on: 27/03/2013

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Scale = 1:2,500



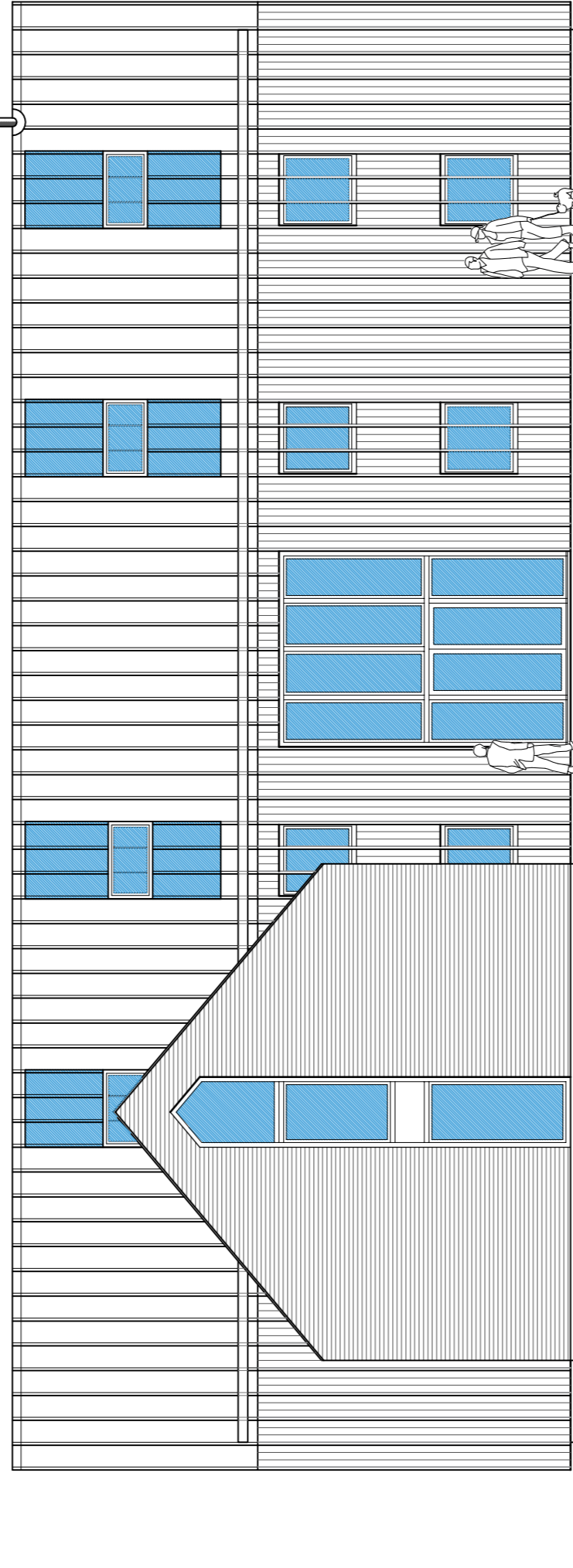


Rear (S) Elevation

Scale: 1:100

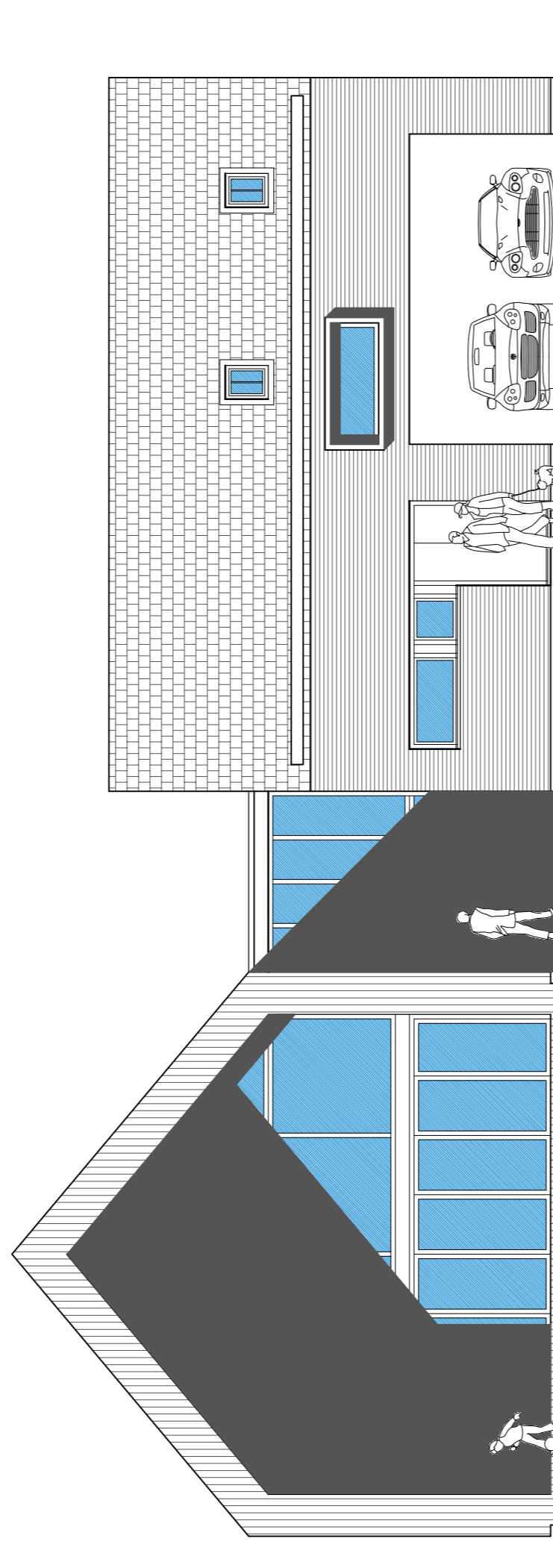
Side (W) Elevation

Scale: 1:100



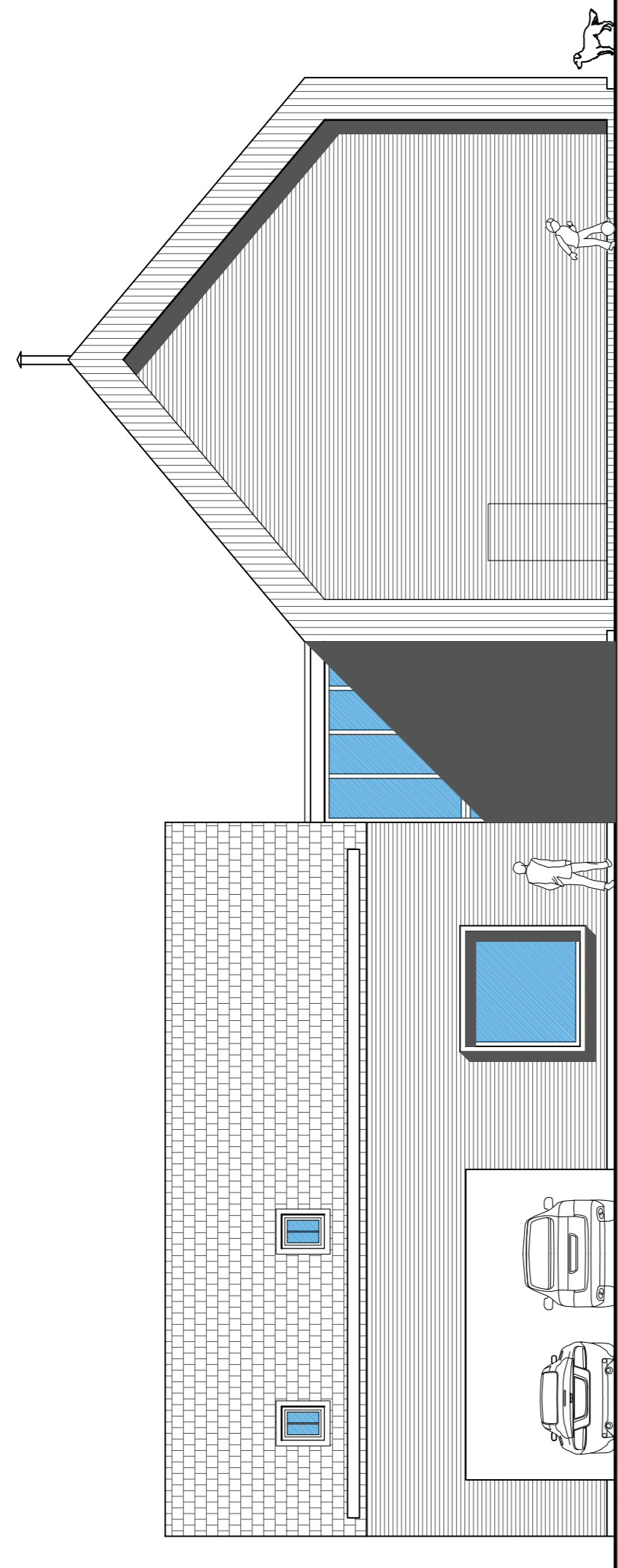
Front (N) Elevation

Scale: 1:100



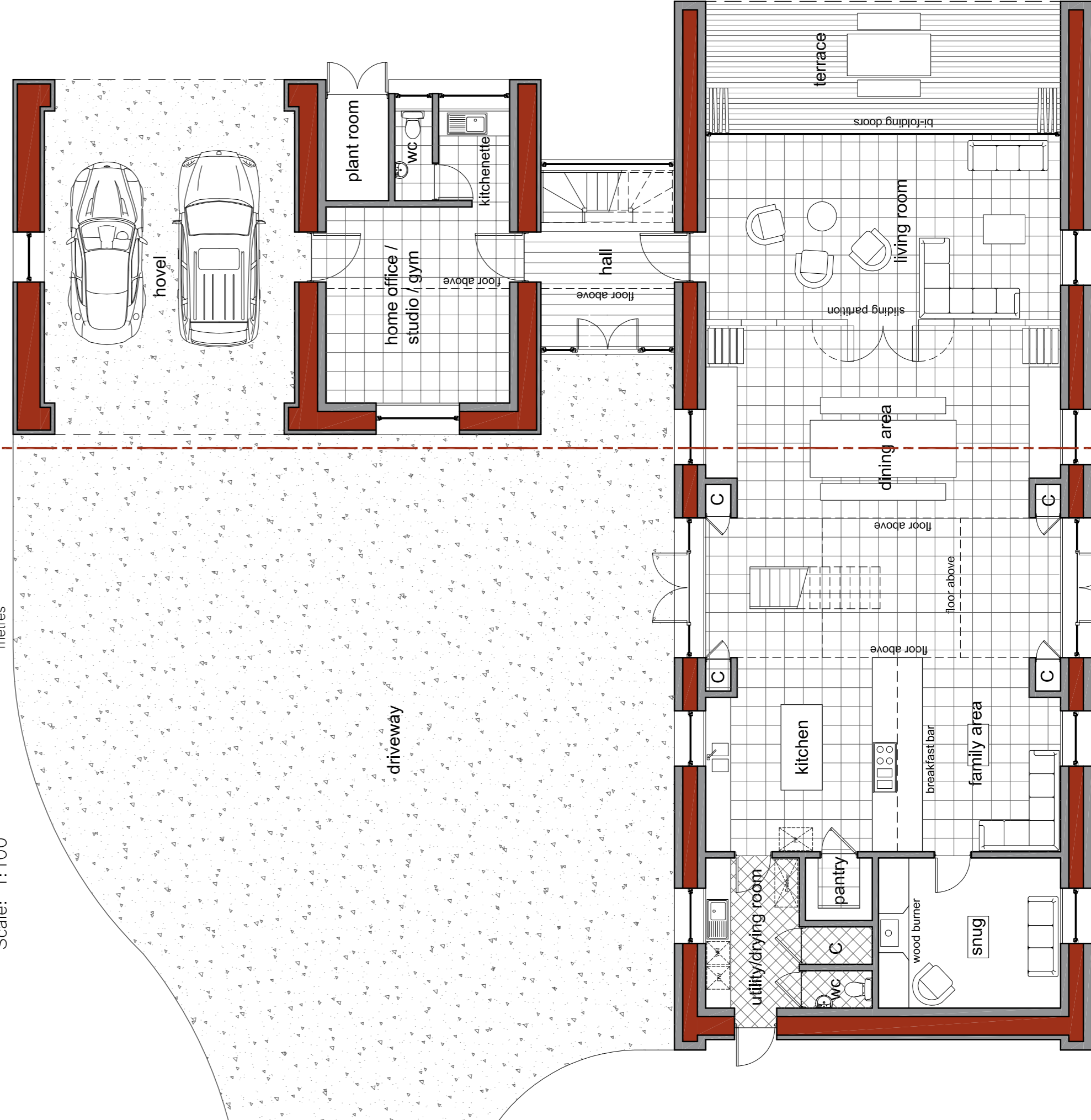
Side (E) Elevation

Scale: 1:100



Side (W) Elevation

Scale: 1:100



Ground Floor Plan

Scale: 1:100



First Floor Plan

Scale: 1:100

General Notes

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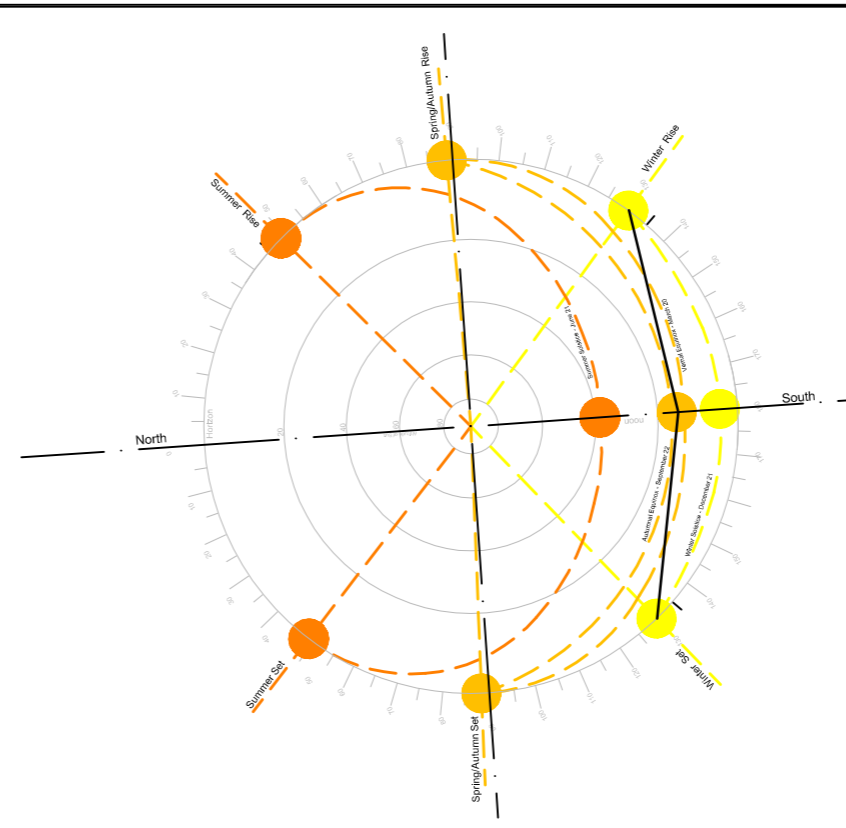
ELEVATION KEY

- Aluminum standing seam roof with laminated photovoltaics to the South Elevation
- Natural Slate Roof - Reclaimed slates to be used if locally available
- Vertical cedar cladding - Reclaimed cedar cladding - vertical section at right angles every third board
- red facing brick work to match red brick to be reclaimed bricks to be used if locally available
- Indicates glazing and triple skin rooflights
- Indicates solar water heating panels
- Rainwater goods - secret gutter and hidden rvp
- Windows and Doors - aluminium faced triple glazed units.

AREA SCHEDULE

PROPOSED DWELLING FLOOR AREA

Ground Floor	= 200m ²
First Floor	= 430m ²
Total	= 630m²



Stereographic Chart

Revisions

A	Mar 2013	Updated to Checking Officer Comments
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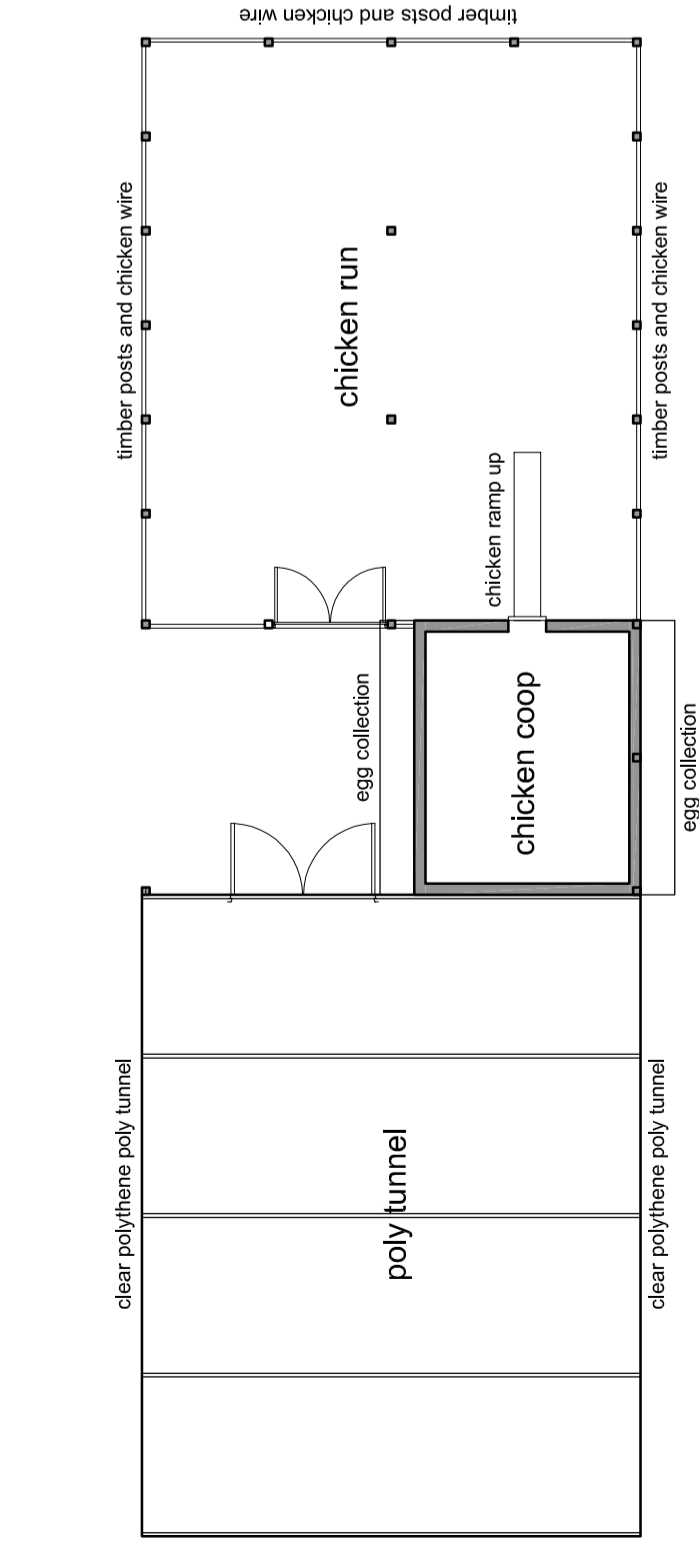
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Drawn By: JB
Revision: SE-129

Job No.: SE-129
Sheet Size: A1
Drawn By: JB
Revision: 03

Project Title: Planning Drawings
Floor Plans & Elevations

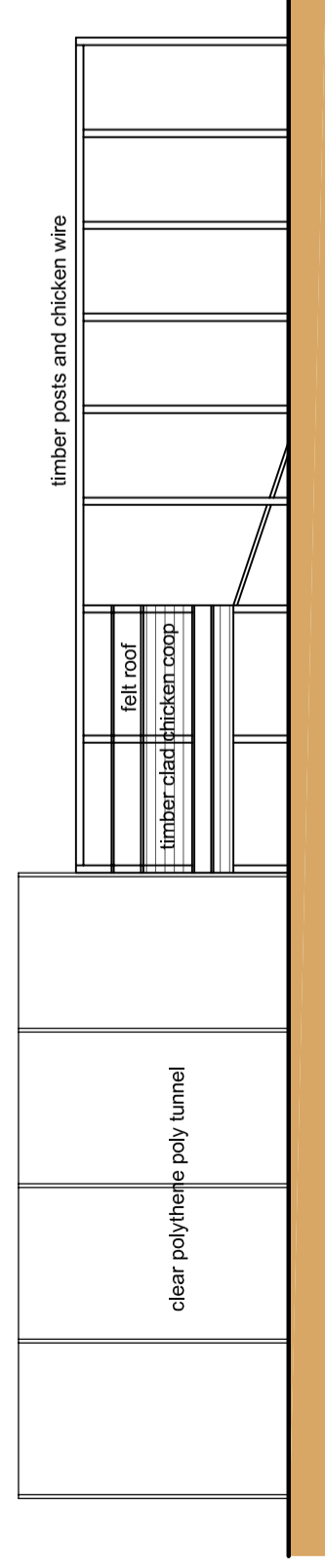
General Notes

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Floor Plan

Scale: 1:100



Rear (S) Elevation

Scale: 1:100

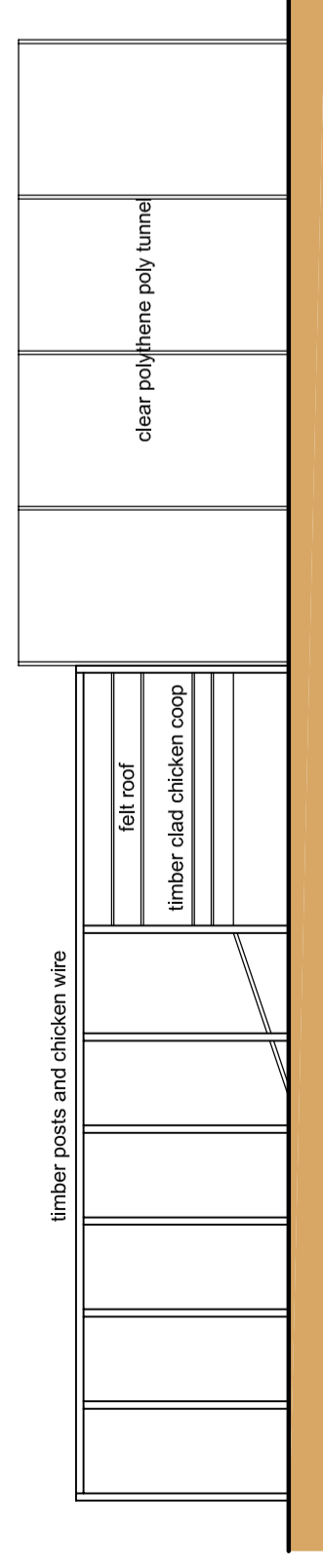


Side (W) Elevation

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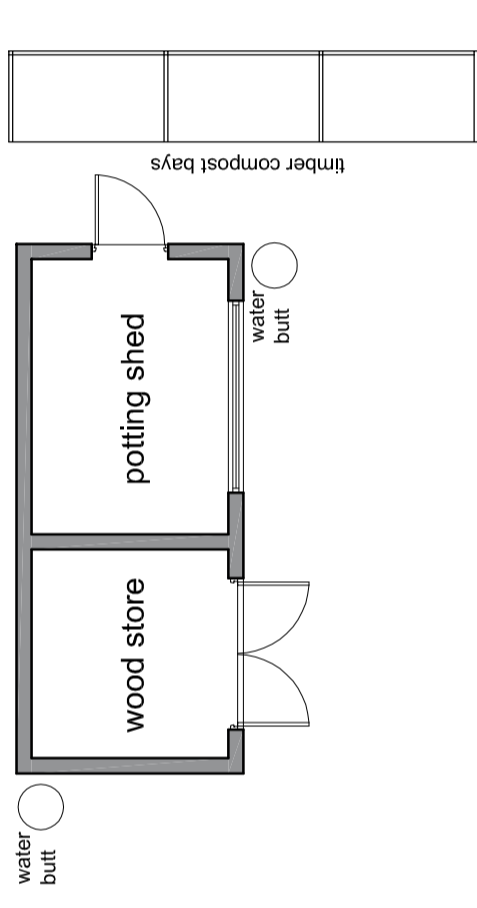
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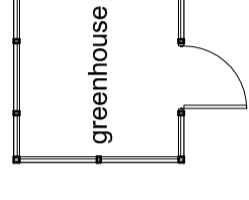
Front (N) Elevation

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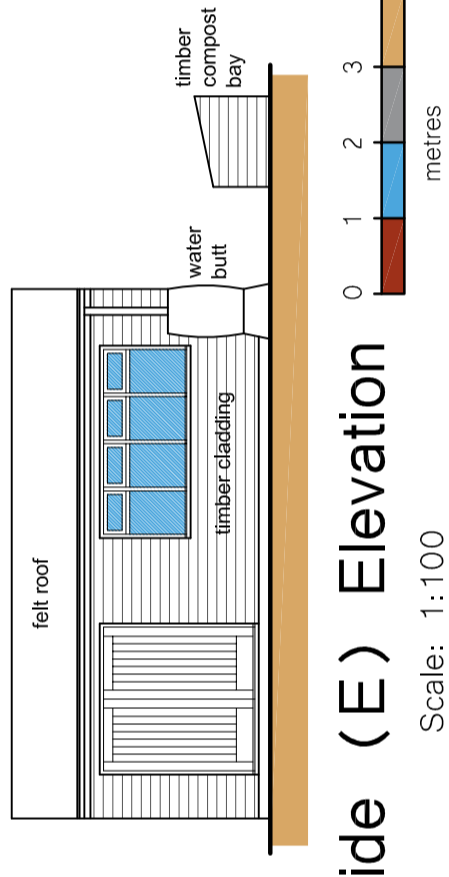
Floor Plan

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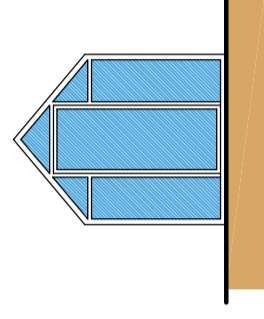
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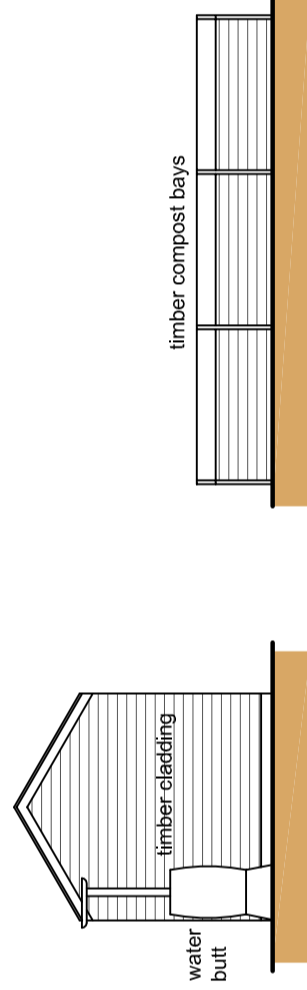
Side (E) Elevation

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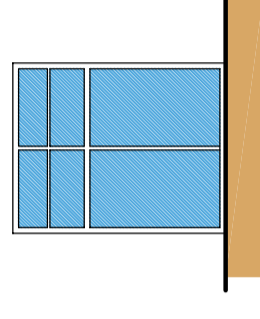
Side (W) Elevation

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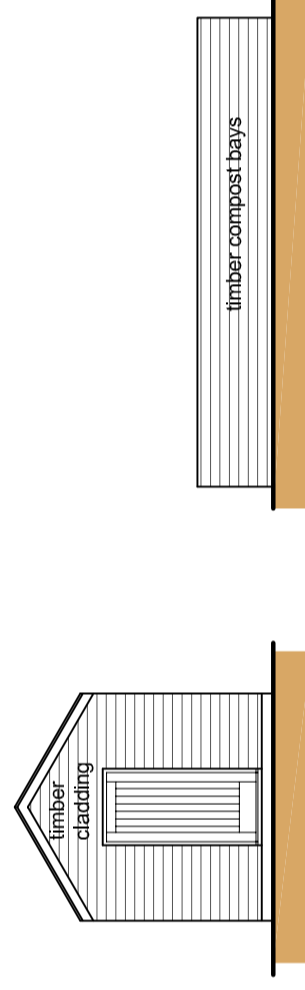
Rear (S) Elevation

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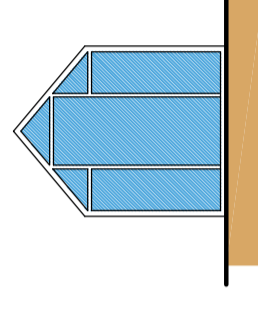
Rear (S) Elevation

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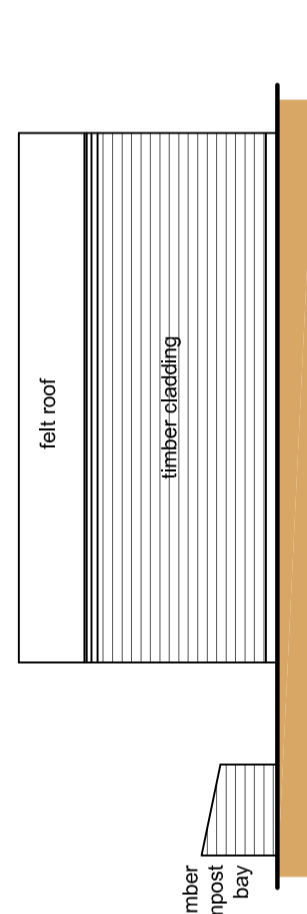
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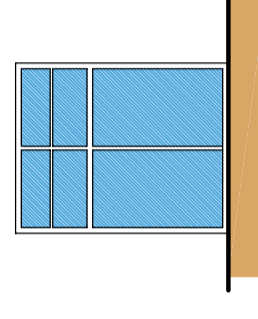
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Side (W) Elevation

Scale: 1:100



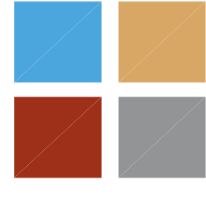
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Revisions

A	Mar 2013
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Updated to Checking Officer Comments



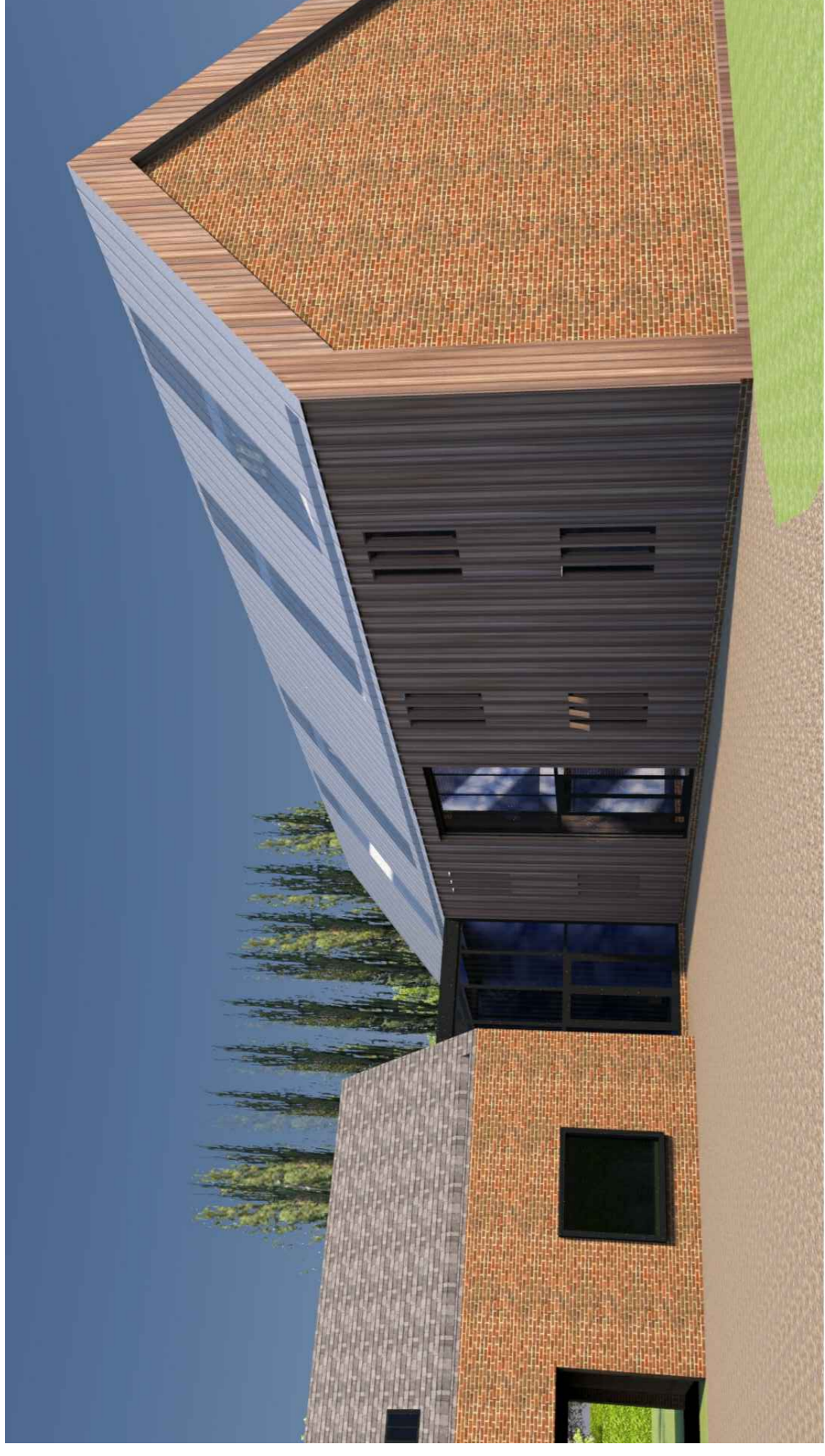
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Job Title Proposed Low Carbon Dwelling Land Adjacent Pear Tree House Highside, Gorefield for Ms S Caldwell	Date March 2013	Scale 1:100 Sheet Size A2
Drawing Title Planning Drawings Outbuildings	Job No. SE-129 Dwg No. 06	Drawn by JB Revision A

General Notes

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Job Title	Proposed Low Carbon Dwelling
Date	February 2013
Scale	NTS
Sheet Size	A1

Job No.	SE-129
Drawn By	JB
Drawn No.	05
Revision	

Job Title
Date
Scale
Sheet Size

Proposed Low Carbon Dwelling
February 2013
NTS
A1

Job No.
Drawn By
Drawn No.
Revision

SE-129
JB
05

Drawing Title
3D Visuals