

F/YR17/1181/F

Applicant: Mr & Mrs King

**Agent : Mr James Burton
Swann Edwards Architecture Limited**

Land South West Of, 32 Eastwood End, Wimblington, Cambridgeshire

Erection of a 3-storey 6-bed dwelling with integral double garage involving demolition of existing outbuildings

Reason for Committee: More than 6 letters of support have been received contrary to the recommendation.

1 Executive Summary

The proposal is for a detached house on the eastern edge of Eastwood End

The focus for the majority of the growth in Fenland is in and around the four market towns that offer the best access to services and facilities. Policy LP3 also identifies 'Growth Villages', 'Limited Growth Villages', 'Small Villages' and 'Other Villages' where housing development may be appropriate. Eastwood End is not included in any of these categories and consequently development here is restricted to that which is essential to the effective operation of specified activities. There is no evidence that the proposal would meet this essential requirement, or that it is one of the types of development.

Currently Fenland does not have a 5 year Land Supply and therefore the application is required to be assessed against both up-to date policies and the presumption in favour of sustainable development in accordance with the NPPF.

The previous similar application was dismissed by a planning inspector for two reasons, he considered the site to be unsustainable and it would harm the character and appearance of the area. This proposal is considered to be an unsustainable location and harms the character of the area.

It is concluded that the proposal results in harm that significantly and demonstrably outweighs the benefits of a single dwelling towards the Council's 5 year Land Supply.

2 Site Description

2.1 The site is rectangular in shape and approximately 0.109 ha in size. The site is grassland which sits down below the right of way with the remains of a derelict Nissen hut in the centre and an outbuilding located in an overgrown section of the site. To the north of the site is an existing 2-storey dwelling; to the west is a development of 3 houses and to the south and east is the open countryside of Fenland. There is a public byway which runs immediately to the west of the site.

3 PROPOSAL

- 3.1 The dwelling proposed is 2 storey in nature but with accommodation in the roofspace with an overall ridge height of 8.6 metres and provides for 6 bedrooms. The dwelling is approximately one metre higher than No.32 Eastwood End which lies immediately to the north of the site. The site levels fall away from the site frontage in an eastern direction and the proposal will include the levelling of the site. The plans indicate a finished floor level near the centre of there northernmost gable at 1.355aOD approx. 0.65metres higher than existing land levels at that point. The 8.gmetre high gable will therefore be raised a further 0.65metres higher. The gable measures 5 metres from the flank wall of No 32 which has a first floor side window that will be close to the gable and first floor front window with oblique views towards the property.
- 3.2 There is a protected Walnut tree in the eastern corner of the site which will need protecting during construction and land levels will have to take into account the presence of this tree.
- 3.3 An integral double garage together with parking and turning is to be provided at the front of the dwelling.
- 3.4 Full Plans and associated documents for this application are available at:

<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=P0T2SIHE01K00>

4 SITE PLANNING HISTORY

Reference	Description	Decision	Date
F/YR13/0755/F	Erection of a 6-bed 3-storey dwelling with integral double garage involving demolition of outbuildings Land South West Of 32 Eastwood End Wimblington Cambridg	Refused	18/11/2013
F/YR13/0422/F	Erection of a 6-bed 3-storey dwelling involving demolition of outbuildings Land South West Of 32 Eastwood End Wimblington Cambridg	Refused	27/08/2013
F/YR01/0140/O	Erection of a house Land South West Of 32 Eastwood End Wimblington March Ca	Refused	04/04/2001

5 CONSULTATIONS

5.1 Local Residents/Interested Parties

5.2 **FDC Environmental Health** Team note and accept the submitted information and have 'No Objections' to the proposed development. The proposal is unlikely to have a detrimental effect on local air quality or the noise climate. However given that the proposal involves the demolition of an existing out building a condition should be imposed regarding unsuspected contamination.

5.3 **CCC Highways** The access is created off of a public right of way and therefore CCC Public right of Way team will need to be consulted as the site is accessed off

of a public right of way rather than a highway. CCC Highways has no objections subject to a condition regarding on-site parking /turning being provided and retained.

5.4 CCC Definitive Map Team has no objection to this proposal, we would request informatives be added regarding the following:

- Public Byway No.10 Wimblington must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it.
- Landowners are reminded that it is their responsibility to maintain boundaries, including trees, hedges and fences adjacent to Public Rights of way, and that any transfer of land should account for any such boundaries.
- The granting of planning permission does not entitle a developer to obstruct a Public Right of Way.

5.5 Environment Agency objects to this application as submitted because the proposed development involves a connection to the main foul sewerage system which would pose an unacceptable risk of pollution to surface water quality and we recommend that planning permission should be refused on this basis. Reasons The Doddington Water Recycling Centre currently does not have capacity to accept and treat wastewater flow from growth.

The Agency considers that the proposed development poses an unacceptable risk of causing a detrimental impact to surface water quality because:

The development includes a connection to mains drainage that will increase the discharge loading from the receiving wastewater treatment works and the altered discharge will cause contravention of the discharge consent if an increase in discharge loading is permitted.

Information provided by Anglian Water demonstrates that the effluent discharge from Doddington Water Recycling Centre is in breach of the Dry Weather Flow permit condition, and is by definition currently causing an environmental pollution. Any additional foul flow into the system will exacerbate this problem and will cause further deterioration of the receiving watercourse until a new permit with tighter 'quality' conditions is in place.

5.6 Wimblington Parish Council object to this application as it is in open countryside and is not in keeping with the character of the area.

5.7 Objectors None

5.8 Supporters 7 Letters of support were received from residents of Eastwood End referring to the following issues:

- The proposed house will fit in with the area and not harm the countryside,
- A family will get a new home on land their forefathers own.
- The location is a part of Wimblington,
- This is a brown field site,

6 STATUTORY DUTY

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan

for the purposes of this application comprises the adopted Fenland Local Plan (2014).

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

Paragraph 2: Applications must be determined in accordance with the development plan unless other material considerations indicate otherwise

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 47: Supply of housing

Paragraph 64: Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Paragraphs 100-104: Development and flood risk.

Paragraph 109: Minimising impacts on biodiversity

Paragraphs 203-206: Planning conditions and obligations.

National Planning Practice Guidance (NPPG)

Determining a planning application

Flood Risk and Coastal Change

Fenland Local Plan 2014

LP1 - A Presumption in Favour of Sustainable Development

LP2 - Facilitating Health and Wellbeing of Fenland Residents

LP3 - Spatial Strategy, the Settlement Hierarchy and the Countryside

LP5 - Meeting Housing Need

LP12 - Rural Areas Development

LP14 - Managing the risk of Flooding in Fenland

LP15 - Facilitating a more Sustainable Transport Network in Fenland

LP16 - Delivering and Protecting High Quality Environments across the District

Cambridgeshire Flood and Water SPD

This document gives guidance on the implementation of a Sequential and Exceptions test.

8 KEY ISSUES

- **Principle of Development**
- **Five Year Housing Land Supply**
- **Character and Appearance**
- **Flood risk and the sequential test**
- **Highway Safety**
- **Health and wellbeing and residential amenity**
- **Economic Growth**
- **Sustainability**
- **Planning Balance**

9 BACKGROUND

- 9.1 Applications to develop a house on this site have been refused three times and dismissed on appeal twice. The most recent (application ref F/YR13/0755/F) was appealed and dismissed by the inspector and as the application is identical relevant section is material and reproduced as follows: *I have concluded that the appeal proposal is not in a sustainable location and would harm the character and*

appearance of the area. Therefore, and having regard to all other matters raised, I conclude that the dis-benefits would demonstrably outweigh the benefits and that the appeal should be dismissed.

- 9.2 In reaching his decision he considered the sustainable merits of the site in detail stating the following:

Furthermore, I do not agree that the appeal site is within a 3 minute easy walking distance from Wimblington and its services, facilities and transport links. The site is located at the eastern fringe of Eastwood End and it forms part of an outlying group of houses that is located well beyond the built up area of Wimblington, across the busy A141 road and with areas of agricultural land between. I observed that there are no footpaths that link the site to the A road. It is therefore clear to me that the remoteness of the appeal site from Wimblington would be a strong disincentive to occupiers of the proposed dwelling using non-car means of transport to access services and facilities in Wimblington or the larger settlements beyond. I therefore conclude that most journeys to and from the appeal development would use the private car. This would be an inherently unsustainable situation and would be contrary to the Framework's support for use of sustainable modes of transport (paragraph 30), contrary to the requirement in para 49 that housing applications should be considered in the context of the presumption in favour of sustainable development and contrary to the aim of moving to a low carbon economy, as described in paragraph 7 of the Framework. Consequently, the appeal proposal would not meet the Framework's environmental expectations for sustainability or the settlement hierarchy in Policy LP3.

10 ASSESSMENT

10.1 Principle of Development

The starting point relevant to the consideration of this application is the Fenland Local Plan adopted in 2014. Policy LP3 does not identify Eastwood End within any category and therefore and consequently development is restricted to that which is essential to the effective operation of the countryside. The application does not seek to argue that the proposal accords with this requirement. No evidence of justification is given for development in the open countryside. Therefore the proposal is not considered to comply with Policy LP3 or LP12.

- 10.2 Wimblington is identified by Policy LP3 as a Growth Village. However Eastwood End and Wimblington are separated by the A141 and the services and facilities in Wimblington are a substantial distance away from Eastwood End and in particular the application Site. The following table illustrates the walking distances and times to local facilities.

Primary School	1.4km (17mins walking time)
Doctors	1.2km (15mins)
Post Office	1.3 km (16 mins)
Pub	1.2 Km (15 mins)

A commonly recommended walking distance is 400mtres. Some planning appeals have considered a maximum distance of 800metres to be appropriate. However from above it is clear that the distance is well beyond. In accordance with the Planning Inspector on the 2014 decision the application site is considered to be remote from Wimblington.

10.3 Five Year Housing Land Supply

Under the NPPF, Local Planning Authorities are required to have and to be able to demonstrate a five year supply of housing. The Council's five year land supply was recently tested on appeal in relation to a proposal for 6 dwellings on land south west of Syringa House, Upwell Road, Christchurch (reference No.F/YR16/0399/O). The Inspector in upholding this appeal and granting planning permission concluded, on the basis of the evidence presented to him, that the Council is currently unable to robustly demonstrate a five year land supply (the supply available is approximately 4.93 years). The Inspector concluded that applications must be determined in accordance with the National Planning Policy Framework (NPPF). Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of housing. Paragraph 14 states that for the purposes of determining planning applications, this means that applications for housing can only be resisted where the adverse impacts of approving a scheme would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. In considering which policies are 'relevant policies' for the supply of housing, regard needs to be had to the outcome of the decision in *Richborough Estates Partnership LLP v Cheshire East Council and Suffolk Coastal DC v Hopkins Homes Limited* (2017) which was considered in the Supreme Court.

- 10.4 In summary this decision concluded that only those local plan policies relating to housing distribution and numbers are out of date and all other local plan policies remain relevant.
- 10.5 Whilst initially in response to this appeal decision the LPA took the view that Policies LP3, LP4 and LP12 were policies that influenced the supply of housing, and as such were rendered out of date, this view has been revisited given the outcome of an appeal decision which comes after the Syringa House decision. This most recent decision in respect of 2 no dwellings at land north-east of Golden View, North Brink, Wisbech (reference No. F/YR16/1014/F) clearly highlights that whilst LP3 and LP12 may have an effect on the supply of housing, they are primarily concerned with directing most forms of development, including housing, to the most sustainable locations and limited development in the countryside for its protection. On this basis it was concluded neither is a policy for the supply of housing. Based on the above Policies LP3 and LP12 remain up-to date policies.

10.6 Character and appearance

LP12 includes criteria for development in villages and refers to Part A which sets development criteria for rural villages which includes the following:

- (c) It would not have an adverse impact on the character and appearance of the surrounding countryside and farmland,
- (d) The proposal is of a scale and in a location that is in keeping with the core shape and form of the settlement, and it would not harm its character and appearance.
- (e) It would extend existing linear features of the settlement

Policy LP16(d) refers to development making a positive impact to local distinctiveness and the character of the area and amongst other things should not have an adverse impact on landscape character. It is also a core planning principle in the NPPF that recognises the intrinsic value of the countryside therefore consideration needs to be given to any harm caused.

10.7 The proposal seeks to site a large dwelling with three floors of accommodation on what is substantially an undeveloped and visually prominent space alongside the public right of way with open countryside abutting the site. Due to the close proximity to No 32 It will result in a slightly elevated developed footprint infilling the area alongside the public right of way, appearing as a block of development when viewed from the open countryside. The previous inspector considered arguments that this proposal was a brownfield site due to the existing structures, but discounted this and concluded that the proposal would harm the open character of the area.

10.8 It is considered contrary to Policies LP12(c, d and e) and LP16(d) of the adopted Fenland Local Plan in that it results in harm to the open countryside, harms the core shape of the settlement, results in an extension of a linear feature and fails to contribute to local distinctiveness and the character of the area.

10.9 Flood risk and the sequential test

Policy LP14 considers the issue of Flood Risk. The Flood and Water SPD provides guidance on the implementation of the Sequential and Exceptions Test. The proposed house is partly within Flood Zone 2 and the northern section of the garden is in Flood Zone 3. The applicant has failed to supply evidence on sequential or exceptions test. However it is a material consideration that planning permission was not refused on this ground previously, and only a section is within Flood Zone two in this instance it is not considered this by itself forms a reasons to refuse the application, although it is a negative aspect in overall assessment of sustainability.

10.10 Highway Safety

The Local Highway Authority raised no objection to the previous scheme which was not refused on Highway Safety grounds. The proposed parking complies with Appendix 1 Parking Standards and there are no highway safety concerns. The development of the site is considered to accord with Policy LP15.

10.11 Health and wellbeing and residential amenity

Policy LP2 and LP16(e) considers the impact of development on residential amenity. Whilst some concern exists regarding the close proximity of the gable to the side of No 32, this in itself is not considered significantly harmful to neighbouring residential amenity to merit a reason on which to refuse the application. The previous application was not refused on issues of residential amenity. The application is therefore considered to accord with Policy LP16(e).

10.12 Sustainability

For the sake of completeness the scheme has also been assessed against Paragraph 7 of the NPPF. Paragraph 7 states:

There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by

providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
an environmental role – *contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

10.13 In respect of this proposal the development of this site will further the sustainability objectives as follows:

Economic: It will add limited economic benefit during construction. The location is close to the Eastwood end Industrial estate therefore having reasonable access to employment opportunities.

Social Role: The proposal has only a minor benefit of 3 houses towards the 5 year supply. However the location is isolated from services and facilities being beyond recommended walking distances and needs to cross the A141, and is likely to rely upon the private motor vehicles. There will be limited opportunities for community cohesion in the wider locality of the settlement given the relationship of the site to the main village. The development is unsustainable in social terms.

Environmental: The proposal is unlikely to lead to significant harm to neighbouring residential amenity. However The house is in an area at medium risk of flooding. The large elevated dwelling lies in a prominent position in open countryside and the development results in harm to the character of the area as previously considered for the identical scheme. The proposal is a large suburban dwelling which contributes little to an open or edge of countryside location. Overall the proposal will result in a negative impact in environmental terms.

10.14 It is concluded that the negatives significantly outweighs the limited benefits and as such represents unsustainable development when assessed against Paragraph 7 of the NPPF.

10.15 Planning Balance

It is considered that the proposal results in significant and demonstrable harm that outweighs the limited benefit to the Council's 5 Year Land Supply. The location of the dwelling is poorly related to existing services and would not support vibrant and healthy communities and is likely to result in development reliant on private motor vehicles. It will also harm the character of the area. The proposal does not therefore represent sustainable development.

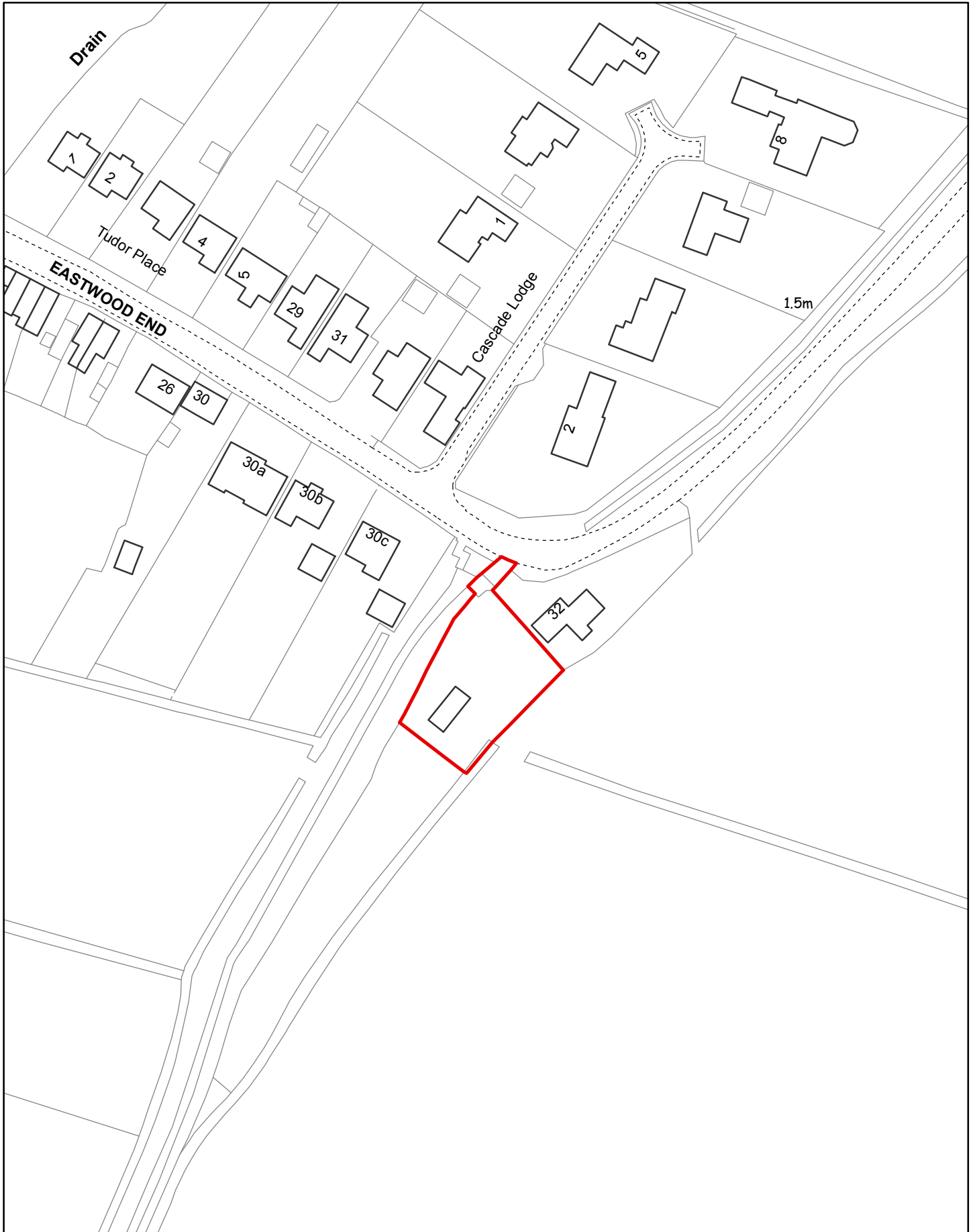
11 CONCLUSIONS

The proposal is considered to be poorly related to the local services and facilities within Wimblington and represents unsustainable development. The proposal is also harmful to the character of the area which significantly and demonstrably outweighs any resulting benefit.

12 RECOMMENDATION

Refuse

1. The proposed development, which is located outside the settlement of Wimblington is considered to be situated within the open countryside. Therefore under policy LP3 of the Fenland District Local Plan the proposal is considered to be an 'Elsewhere Location'. The application is not supported by sufficient justification for a dwelling in this location. Furthermore the dwelling is poorly located for pedestrian or public transport access to services and facilities. It is considered likely to rely upon the use of private motor vehicles and is contrary to the aims of the NPPF in that it is not a sustainable location and therefore constitutes unsustainable development.
2. The proposal will result in a prominent large and partly elevated dwelling in the open countryside resulting in an urbanising impact detrimental to the character of the area and the open countryside. The proposal is therefore considered contrary to Policies LP12(c,d and e) and Policy LP16(d) of the Fenland Local Plan (adopted 2014) and the aims of the NPPF which recognises the intrinsic character and beauty of the countryside.



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Scale = 1:1,250

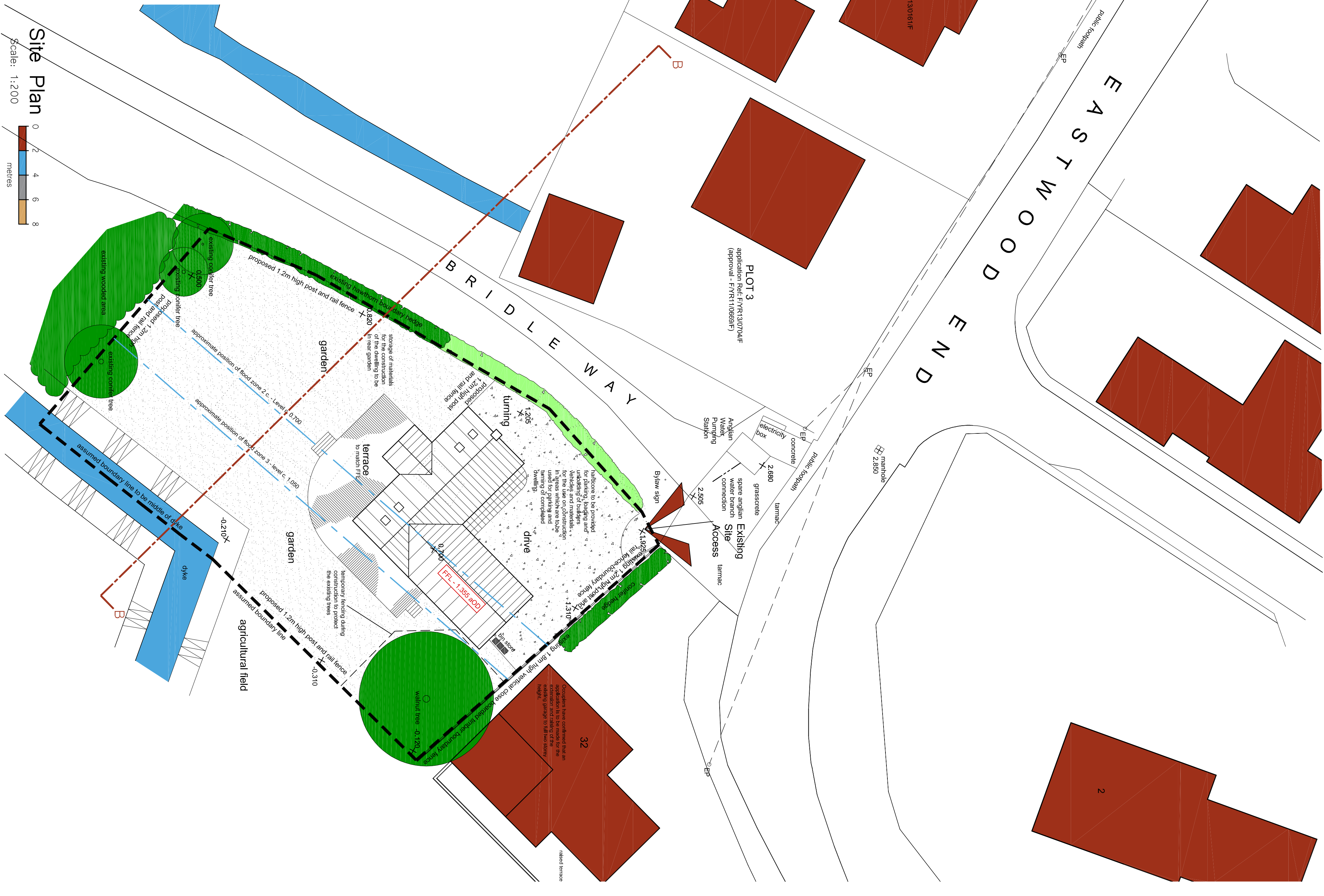
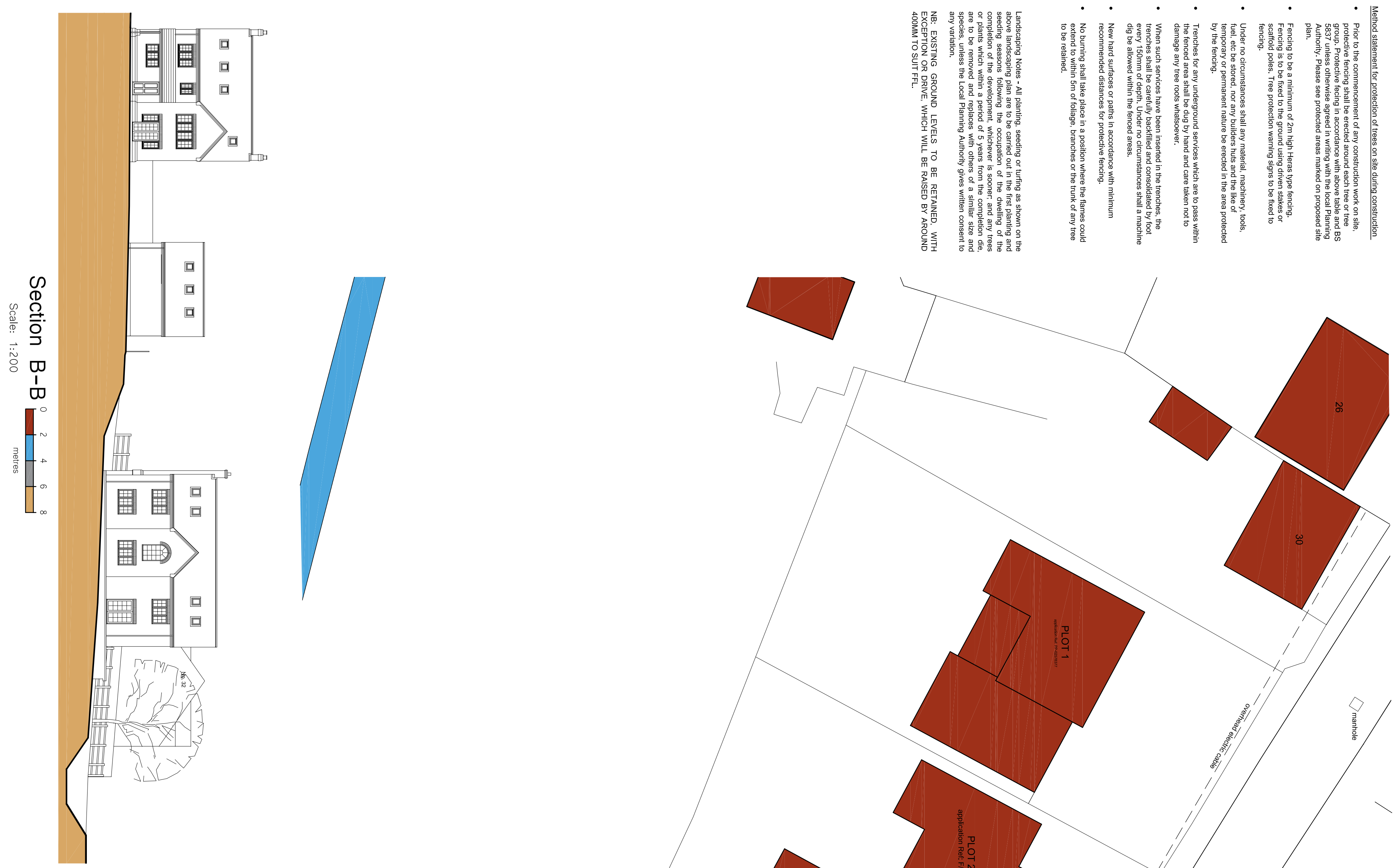


Method statement for protection of trees on site during construction

- Prior to the commencement of any construction work on site, protective fencing shall be erected around each tree or tree group. Protective fencing shall be erected around each tree or tree group in accordance with above table and BS 5838:2012. The contractor shall be responsible for the design and construction of the fencing. The contractor shall be responsible for the design and construction of the fencing. The contractor shall be responsible for the design and construction of the fencing. Please see protected areas marked on proposed site plan.
- Fencing to be a minimum of 2m high three types fencing. Fencing shall be erected around each tree or tree group in accordance with above table and BS 5838:2012. The contractor shall be responsible for the design and construction of the fencing. The contractor shall be responsible for the design and construction of the fencing. The contractor shall be responsible for the design and construction of the fencing.
- Under no circumstances shall any material, machinery, tools, fuel etc be stored, nor any building works and the like be permitted within the fenced area.
- Trenches for any underground services which are to pass within the fenced area shall be dug by hand and care taken not to damage any tree roots whatsoever.
- When such services have been inserted in the trenches, the trenches shall be carefully backfilled and consolidated by foot every 150mm of depth. Under no circumstances shall a machine dig be allowed within the fenced areas.
- New hard surfaces or paths in accordance with minimum recommended distances for protective fencing.
- No burning shall take place in a position where the flames could extend to within 5m of foliage, branches or the trunk of any tree to be retained.

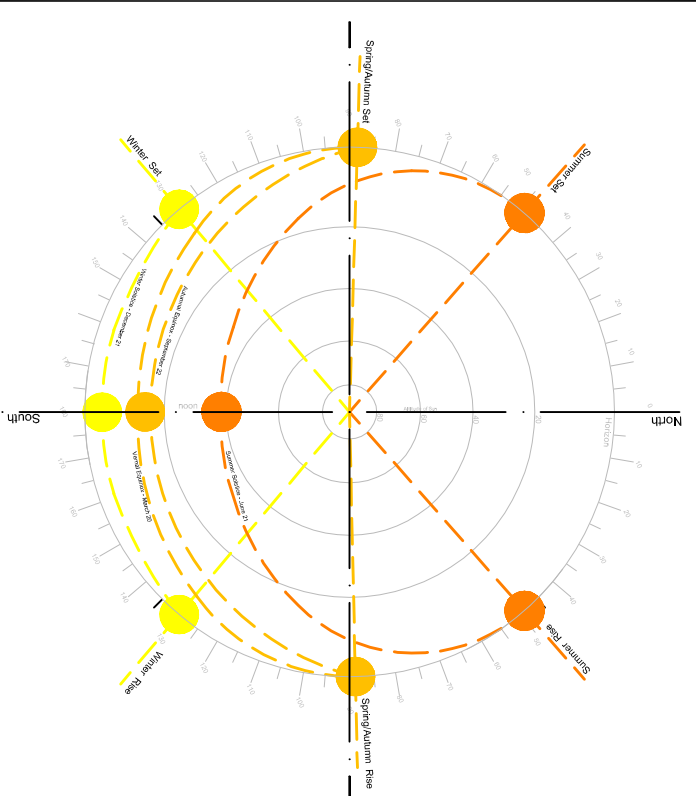
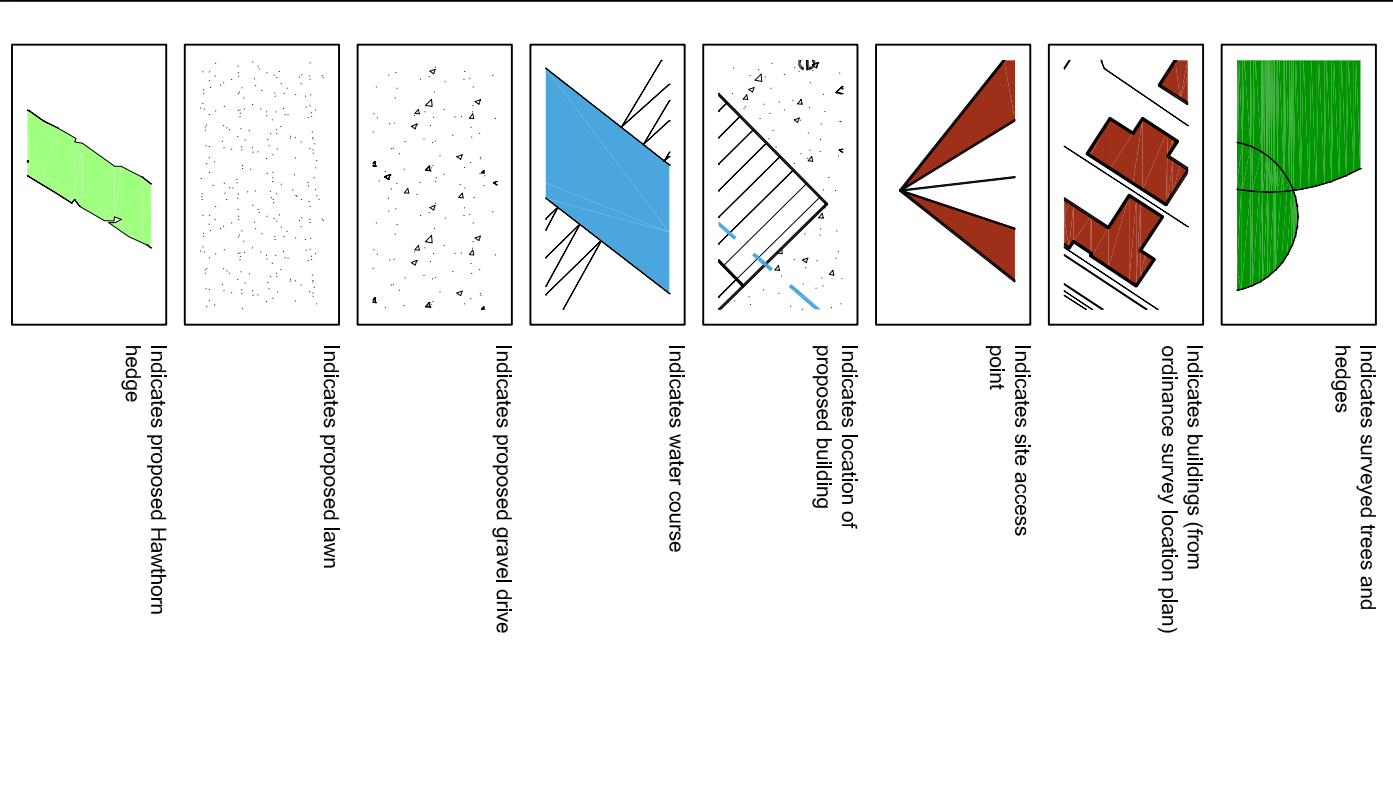
Landscaping Notes - All planting, seeding or turfing as shown on the above landscaping plan are to be carried out in the first planting and seeding seasons following the occupation of the dwelling or the completion of the construction of the dwelling. All trees or plants which within a period of 5 years from the completion date are to be removed and replaced with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

NB: EXISTING GROUND LEVELS TO BE RETAINED, WITH EXCEPTION ON DRIVE, WHICH WILL BE RAISED BY AROUND 400MM TO SUIT FFL.



- General Notes**
1. The drawing shall not be scaled, figured dimensions only to be used.
 2. All dimensions are shown in 'mm' unless otherwise stated.
 3. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
 4. All dimensions are given in accordance with the above table and specifications, and specialist sub-contractors drawings and specifications.
 5. Any discrepancies are to be brought to the designers attention.

SITE PLAN KEY



FOR APPROVAL

SWANN EDWARDS ARCHITECTURE

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Job Title: Proposed Dwelling Adjacent to 32 Eastwood End, Widdington, Match, Cants, FE13 0DU for Mr and Mrs King

Drawn by: JB

Checked by: LKW

Scale: AS SHOWN

Sheet Size: A1

Date: November 2017

Job No: SE-890

Revision: 04