#### F/YR17/0548/F

Applicant: Mr A Dixon	Agent: Mr Gareth Edwards Swann Edwards Architecture Limited

Land West Of 338 And Land South East Of 344, Main Road, Church End, Parson Drove

Change of use of barn to tea room (A3) and agricultural land to Ti-pee camping site and erection of 2  $\times$  2-storey 5-bed dwellings with integral garage (Plot 1) and detached double garage (Plot 2)

**Reason for Committee:** Six representations received contrary to officer recommendation, and contrary to Parish Council recommendation.

#### 1 EXECUTIVE SUMMARY

The residential element of the scheme would not constitute infill development and would result in the erosion of an important area of open frontage within the settlement. For these reasons the proposal could be considered harmful to the character and appearance of the surrounding area, and the core shape and form of the settlement and would not therefore accord with the provisions of Policy LP3, Policy LP12 and LP16 of the Fenland Local Plan.

Having said this, the scheme has sustainability credentials in terms of contributing to the wealth of the district through the delivery of rural enterprise and diversification, and provision of visitor facilities which accord with the requirements of Policy LP6 of the Fenland Local Plan and paragraph 28 of the NPPF which support tourism.

On balance, it is considered that the economic benefits accruing from the proposed development would finely outweigh the visual harm caused by the residential element to an important area of open frontage and due to the specific justification in this instance the proposal is considered to be acceptable.

#### 2 SITE DESCRIPTION

- 2.1 Parson Drove and Church End are distinct and separate settlements which have developed in a predominantly linear form along Main Road. The open frontages between and within Parson Drove and Church End have formed important visual features.
- 2.2 The application site is located towards the east of Church End, on the southern side of Main Road and can be described as consisting of two parcels of land connected by a joint central access off Main Road between two detached dwellings, Nos 340 and 344 Main Road.

- 2.3 The smaller parcel of land, measuring approximately 40m by 40m is located some 80m to the west of the joint central access and fronts onto Main Road. This part of the site forms the eastern part of a larger open frontage (approximately 90m) on the southern side of Main Road which has remained undeveloped as it has historically been considered to be outside the settlement boundary. The site frontage is screened by mature planting and contributes to an important unbuilt vista along this part of the settlement. Two detached dwellings with an access each off Main Road (B Classified) are proposed for this parcel.
- 2.4 Camping use is proposed on the larger parcel of land measuring approximately 42m by 150m to the east of the joint central access. This parcel of land is set back from Main Road by about 50m and incorporates a further area measuring approximately 50m by 30m to its west and which contains a large hangar style building which is proposed to be used as a Tea Room. The proposed camping site is screened form the eastern approaches into the village by mature planting.
- 2.5 The site is located within Flood Zone 3 of the Environment Agency's flood maps.
- 2.6 The applicant has created a wildlife habitat across the wider site and community activities take place around this.

## 3 PROPOSAL

- 3.1 The application is for full planning permission for the following elements:
  - 1) Erection of two detached dwellings, one with an integral single garage another with a detached double garage, on the smaller parcel of land to the west of the joint central access.
  - 2) Convert a large hangar style building to the west of the larger parcel of land to a tea room for use by campers and the general public. The submitted drawings indicate a layout of 22 tables each seating six diners.
  - 3) An area of car parking (33 car parking spaces) is indicated immediately to the east of the Tea Room.
  - 4) The Ti-Pee site is on the larger parcel of land, a total of 13 Ti-Pees are indicated on the submitted drawings. A Ti-Pee is a coned shaped tent with a diameter of about 5.5m. A rectangular timber structure with a zinc pitched roof measuring about 3.5m by 4m providing shower and kitchen facilities will be attached to each Ti-Pee.
  - 5) The accompanying Design and Access Statement states that the proposed Ti-Pee and Tea Room enterprise is reliant upon funding achieved through residential uplift. To this end a Business Costings Plan (confidential) has been submitted supporting this position and indicating how development can be phased.

## 4 SITE PLANNING HISTORY

F/YR16/0635/F- Change of use of barn to tea room (A3) and agricultural land to Ti-pee camping site- Withdrawn 28.04.2017.

F/YR15/0454/F- Erection of 2 x 2-storey 5-bed dwellings with integral garage (Plot 1) and detached double garage (Plot 2) - Withdrawn 28.04.2017.

F/YR05/1140/F- Erection of a 5-bed detached house including 1-bed annexe-Granted - 09.11.2005.

F/91/0539/O- Erection of a 2-storey dwelling- Granted 18.11.1991.

## **5 CONSULTATIONS**

- 5.1 **County Archaeologist:** States that the site lies in an area of high archaeological potential and recommends a condition which requires a written scheme of investigation to be submitted and approved.
- 5.2 **Environment Agency:** Has withdrawn its earlier objection, and recommends conditions requiring the mitigation identified in the FRA and restrictions on when the camping can take place and an informative requiring Flood-line warnings to be received.

The Environment Agency has also expressed concerns about the use of nonmains foul drainage.

- 5.3 **Environmental Health Officer:** Has no objections but recommends an informative drawing attention to the Tea Room to be registered as a food premises.
- 5.4 **Highway Authority:** No objections, recommends conditions.
- 5.5 **Internal Drainage Board:** Has no comment to make.
- 5.6 **Parish Council:** Objects on the following grounds:
  - that 2 dwellings constitute overdevelopment
  - the access to the camping site should be at the other end of the field
  - insufficient noise abatement measures
  - and responses to the public consultation exercise are anonymous.

## 5.7 Representations:

Six objections received from local residents, which may be summarised as follows:

- The proposed houses are outside the built up area.
- The permitted limit for residential development has been exceeded.
- Two houses on a small piece of land constitutes overdevelopment.
- The need for houses to subsidise a project should not be considered.
- Housing development will lead to the loss of open frontage.
   Highway safety problems arising from the access to the Ti-pee site.
- Noise and disturbance arising from the Ti-pee operations.
- Future expansion of the Ti-pee operations to the detriment of the area.
- Ti-pee operations will have a detrimental effect on the safety of crops and machinery on adjacent land making it difficult to rent the land to a tenant,

# **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 28- Promoting business and enterprise in rural areas and promoting rural diversification and provision of visitor facilities.

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)**

Design;

Flood Risk and Coastal Change;

Health and Wellbeing;

Rural Housing.

## 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

LP6 – Employment, Tourism, Community facilities and retail.

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

LP19 – The Natural Environment

# SPD: Delivering and Protecting High Quality Environments in Fenland (July 2014)

Cambridgeshire Flood and Water Supplementary Planning Document (December 2016).

Fenland District Council Sequential Test Informal Guidance (Adopted Full Council 17 May 2018).

#### 8 KEY ISSUES

- Principle of Development (Residential, Camping and Tea Room)
- Village Thresholds
- Character and Appearance
- Residential Amenity
- Risk of flooding and drainage
- Highway Safety
- Other Matters

## 9 BACKGROUND

9.1 Two separate applications for the conversion of a barn to a Tea Room and a Ti-pee camping site, and the erection of two dwellings (F/YR16/0635 & F/YR15/0454) were withdrawn last year. The proposal currently under consideration is essentially for the same proposal but all three elements have now been grouped under a single application. A Business Costings Plan has been submitted, this seeks to demonstrate a requirement for financial uplift from the proposed dwellings to support the tea room/camping enterprise.

#### 10 ASSESSMENT

# **Principle of Development**

Residential

- 10.1 The main policy documents which are relevant to the consideration of this application are Fenland Local Plan 2014(FLP), and the National Planning Policy Framework (NPPF). Policies LP3, LP12 and LP16 would be applicable in this instance.
- 10.2 The weight that should be attributed to these policies and documents are considered below. In terms of the FLP the scheme would not accord with Policy LP3 given that Church End is an 'other village' where development would be considered on its merits but would normally be limited in scale to single dwelling infill sites situated within an otherwise built up frontage; whilst this scheme will provide two dwellings on an undeveloped site which forms part of a break between development.
- 10.3 Policy LP12 only permits the development of infill sites where the character and appearance of the countryside is not affected and the core shape and form of the settlement is not harmed. The proposed residential element is not considered to accord with LP12 as it is not an infill site, and development would lead to the erosion of an important open frontage which could set an unwelcome precedent for future development. Policy LP16 would be contravened as the dwellings would not make a positive contribution to the local distinctiveness of the area.
- 10.4 The NPPF position would be that the locational disadvantages of the site in terms of the lack of facilities within Church End are such that the site could not be deemed a sustainable location.

Tea Room & Camping

10.5 Criteria based policies LP6, LP12 and LP16 are all applicable to these elements of the application. It is considered that the conversion of an existing building and a

low-key camping use would accord with the broad objective to support tourism, which would not adversely affect the setting and character of the settlement or the surrounding countryside.

- 10.6 In this instance, the criteria based requirements of Policy LP6 is predicated on an employment proposal complying with the Council's spatial strategy, sustainability and impact on the character and setting of the settlement and area.
- 10.7 The proposal would also meet the requirements of paragraph 28 of the NPPF in that it would support rural enterprise through the conversion of existing buildings, and promote rural development and diversification.
- 10.8 In planning principle terms there is a dichotomy between the residential and tourism related activities proposed on the site. Policy LP 6 welcomes new tourist related attractions subject to compliance with a number of criteria which in the main is complied with in this instance. Policy LP3 on the other hand restricts development in the open countryside and the proposal cannot be argued to comply with the requirements of Policy LP12 and LP16 or with broad locations in terms of growth or accessibility to public transport.
- 10.9 However, the economic benefits of tourism related activities must be balanced accordingly. The applicant has actively created and manages a natural wildlife habitat, and promotes walks through the land. The development of a camping site has a synergism with these operations. The Business Costings Plan is accompanied by an email of general support from Fenland Tourism which refers to the importance of tourism as an important economic driver for regenerating and improving communities.
- 10.10 It is accepted from the information submitted that the development of the dwellings would be necessary to bring forward the tourism development.
- 10.11 The erection of the dwellings will be contrary to policy. Some harm to the undeveloped frontage to the west could be said to be limited to some extent as no further development should be permitted to preserve the open frontage and is considered to be outweighed by the economic advantages of the tourism related activities.

#### **Village Thresholds**

- 10.12 Policy LP3 provides that the majority of housing growth will be in and around the market towns. Paragraph 3.3.10 of the Local Plan states this is to steer most new development to those larger places that offer the best access to services and facilities. This can help reduce the need to travel, as well as making best use of existing infrastructure.
- 10.13 Policy LP12 Part A also provides that if proposals within or on the edge of a village, in combination with other development built since April 2011 and committed to be built, increase the number of dwellings in a small village by 10% then the proposal should have demonstrable evidence of clear local community support for the scheme and if, despite a thorough pre-application consultation exercise, demonstrable evidence of support or objection cannot be determined, then there will be a requirement for support from the relevant Parish Council.
- 10.14 The threshold for Church End has been breached with the current figures, as of 15 June 2018, allowing for 23 new dwellings and the number of dwellings built

- or committed being at 24, as such any application requires demonstrable community support in accordance with the Policy.
- 10.15 This application has been the subject of pre-application community consultation and therefore accords with Policy LP12. The community consultation exercise demonstrates support for the proposal (69%) with 11 letters out of 16 in favour of the application.

## **Character and Appearance**

- 10.16 Policy LP3 restricts development in Church End to single dwelling infill sites within an otherwise built up frontage. Policy LP12 seeks to protect the character and appearance of the surrounding countryside and farmland, and prevent harm to the core shape and form of the settlement. The policy seeks to prevent the extension of existing linear features or development which would result in ribbon development.
- 10.17 Church End is an attractive village, where undeveloped gaps are one of its important and defining features. The residential element of the proposal relates to an area of land which forms the eastern part (approximately between a quarter and a third) of the largest and arguably most important undeveloped frontage in the village. It is considered that development of the land would lead to the erosion of this frontage to the detriment of the character and appearance of the area, and could set an unwelcome precedent for future development. The residential element would therefore not accord with the requirements of Policy LP3 and LP12.
- 10.18 Policy LP16 seeks to ensure that new development makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting, responds to and improves the character of the local built environment, provides resilience to climate change, reinforces local identity and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the area (part (d)). Furthermore, parts (e) and (h) of Policy LP16 require new development to not adversely impact on the amenity of neighbouring users, through noise, light pollution, loss of privacy and loss or light, and provide sufficient private amenity space.
- 10.19 In design terms, this part of Main Road is characterised by a variety of dwelling designs and scales with little uniformity and juxtaposition of the traditional with modern. The submitted details show a standard modern design, it is unlikely that the design and layout will have any adverse impacts in visual or residential amenity terms

# **Residential Amenity**

- 10.20 The proposed dwellings have sufficient spacing between them, and with existing neighbouring dwellings for residential amenity not to be adversely affected.
- 10.21 Adverse impact on residential amenity arising through noise and disturbance from the Ti-Pee proposal has been raised as an issue through the neighbour consultation process. Camping in itself is not a noisy activity, additionally it should be noted that the Ti-Pee use is well distanced from existing

neighbouring dwellings. The Environmental Health Officer has no concerns regarding noise.

- 10.22 Additional traffic movements will ensue as a result of the Tea Room, and Ti-Pee site. Consideration has been given to relocating the access further east through open agricultural land under the applicants ownership. Although feasible in construction terms this may not be economic, or visually or environmentally acceptable. To minimise impact on the occupiers of the dwelling to the west of the access (No 340 Main House(The Forge)) the access has been moved further eastwards and away from The Forge and towards the applicant's dwelling at No 344 Main Road. A 4m buffer strip is now provided along the boundary with The Forge, substantial mitigation can be provided along this strip of land in the form of planting/fencing to minimise the impact of noise and disturbance. In any case, given the scale of the proposed development vast number of traffic movements are not anticipated.
- 10.23 Concern has also been expressed about future expansion. Any application will have to be assessed on its merits and due impacts taken into consideration.

# Risk of Flooding and Drainage

- 10.24 The site is within Flood Zone 3. A revised Flood Risk Assessment (FRA) (June 2017) has been submitted. The FRA recommends mitigation by raising Finished Floor Levels (FFLs) of the proposed dwellings 300mm above Main Road carriageway level, FFLs of the Tea Room to be set no lower than 300mm below existing ground level and flood resilient measures to be incorporated into the proposed development.
- 10.25 The Environment Agency (EA) has stressed that it is for the local planning authority to apply the sequential Test. The EA has no objections but recommends that the mitigation measures detailed in the revised FRA are implemented and Ti-Pees are not occupied between 1 November and 14 March.

In assessing the Sequential Test the Flood and Water SPD advises the following:

"the area of search is usually over the entire LPA area and may only be reduced in discussion with the LPA because of functional requirements and objectives of the proposed development and because there is an identified need for that type of development. The relevant Local Plan should be the starting point".

10.26 Fenland District Council's informal guidance on sequential tests for housing (adopted by Council in May 2018) states the following:

#### "Area of Search

This is determined by considering the proposal's objectives, linked to the spatial policies of the Local Plan. For proposals that demonstrate a clear objective to sustain particular settlements or the countryside, the area of search will be:

- A) Developments in the countryside The whole of the rural area
- B) Developments in towns & villages The town/villages that the proposal would sustain."
- 10.27 For the purposes of flood risk the site is considered to be within the settlement of Church End and therefore the area of search would be limited to Church End

as opposed to the district as a whole.

- 10.28 As set out in paragraph 101 of the Framework, development in areas known to be at risk of flooding should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. Given the relatively small scale of the site it would be reasonable to conclude that there will be other reasonably available sites within the settlement in Flood Zones 1 and 2 to accommodate two dwellings.
- 10.29 However, in the event the justification for the dwellings as financial support necessary for the implementation of the tourism activities is accepted, the site is the only suitable land available for residential use in the applicant's control, and the Exception Test is considered to be passed given the sustainability benefits of the proposed development in economic terms, and the flood mitigation and resilience measures incorporated into the development. Similarly, the proposed tourism element has sustainability credentials in economic terms, the land is in the applicant's control and permission can be conditioned to ensure that the Tipees will not be occupied during the wettest period of any given year. For these reasons the proposal is considered to be acceptable in flood risk terms.
- 10.30 To address the Environment Agency's concerns regarding foul drainage a condition requiring a detailed scheme in relation to this would be recommended.

## **Highway Safety**

10.31 The comments of local residents regarding highway safety are noted however the LHA have clearly indicated that the scheme is acceptable in highway safety terms subject to conditions. As such the development is considered capable of implementation in accordance with adopted Policy LP15 of the Fenland Local Plan.

#### **Other Matters**

10.32 The accompanying Design and Access Statement refers to the conversion and use of a former railway carriageway located some 35m to the North West of the proposed Tea Room as holiday accommodation. This element of the proposal has not been included in this assessment as the proposal does not form part of the planning application form, nor have details of the conversion been supplied.

## 11 CONCLUSIONS:

- 11.1 The proposed development of two dwellings would have an adverse impact on the character and appearance of the area through the erosion of a substantial undeveloped frontage. This would be contrary to national and local plan policy. However, the proposed tourism related activities are policy compliant. The impacts in terms of flood risk, residential amenity and highways safety have been assessed and are considered to be acceptable.
- 11.2 On balance it is considered that the economic benefits to the district arising from the tourism related activities would outweigh the harm associated with the erosion of the frontage as a result of the residential development. Allowing the development will not set an unwelcome precedent for further erosion of open frontages, future proposals will have to be assessed on merit.

11.3 Given the justification for allowing the dwellings would be the facilitation of the tourism development, It is recommended that should planning permission be granted this should be subject to a condition to ensure that development of the dwellings is not commenced before the establishment of the tourism related activities.

# **RECOMMENDATION:** Grant subject to the following 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. No development in relation to either of the dwellings hereby permitted shall be commenced until such time as the Ti-pee units and the tea room have been established to the satisfaction of the Local Planning Authority and the Local Planning Authority have advised of this in writing.

Reason: To ensure the development takes the form envisaged by the Local Planning Authority in the interests of proper planning.

3. Prior to the commencement of the development above finished floor level, 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 in accordance with Policy LP16 of the Fenland Local Plan, 2014.

- 4. Prior to commencement of development above finished floor level full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:
  - a) means of enclosure
  - b) car parking layout
  - c) vehicle and pedestrian access and circulation areas
  - d) hard surfacing, other hard landscape features and materials
  - e) existing trees, hedges or other soft features to be retained
  - f) planting plans, including specifications of species, sizes, planting centres number and percentage mix and planting pits.

Reason: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policy LP16 of the Fenland Local Plan, 2014.

5. 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 in accordance with Policy LP16 of the Fenland Local Plan, 2014.

6.Prior to the commencement of any works or storage of materials on the site all trees (those on or near the northern boundary with main Road and the eastern boundary adjacent to the Ti-PEE site that are to be retained,, shall be protected in accordance with British Standard 5837:2012. Moreover measures for protection in accordance with that standard shall be implemented and shall be maintained to the Local Planning Authority's reasonable satisfaction until the completion of the development for Building Regulations purposes.

Reason: To ensure that retained trees are adequately protected in accordance with Policy LP16(c) of the Fenland Local Plan 2014.

7. Prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage 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 to accord with Policy LP14 of the Fenland Local Plan (2014).

8. The development shall not be occupied until the means of vehicular access serving that part of the development has been constructed in accordance with the approved plans.

Reason: In the interests of highway safety and to ensure satisfactory access into the site to accord with Policy LP15 of the Fenland Local Plan (2014).

9. The vehicle turning and parking spaces shown on the approved plans shall be provided before the part of the development to which they relate is first brought into use and shall be retained thereafter.

Reason: In the interests of highway safety to accord with Policy LP15 of the Fenland Local Plan (2014).

10. The accesses shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with

a scheme submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.

Reason: In the interests of highway safety to accord with Policy LP15 of the Fenland Local Plan (2014).

11. No development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme and timetable of archaeological work and recording in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The approved programme shall then be implemented in accordance with the approved timetable prior to any other works taking place on site.

Reason: To secure the provision of the investigation and recording of archaeological remains threatened by the development and the reporting and dissemination of the results in accordance with Policy LP18 of the Fenland Local Plan (2014).

12. The conditions set out in paragraph 1.4 of the Revised Flood Risk Assessment (Revised Final Report) dated June 2017 by Geoff Beel Consultancy will be implemented in full before the development is first brought into use.

Reason: To mitigate against flood risk and to accord with Policy LP 14 of the Fenland Local Plan (2014).

13. The ti-pees hereby approved will not be occupied in the period between 1 November of any year and 14 March of the following year.

Reason: In the interests of flood risk and to accord with Policy LP14 of the Fenland Local Plan (2014).

14. The development hereby permitted shall be carried out in accordance with the following approved plans and documents.









