F/YR20/1222/F

Applicant: Mr Lee Klimczuk Agent : Mr Chris Walford Peter Humphrey Associates Ltd

30 Feldale Lane, Coates, Peterborough, Cambridgeshire

Change of use of agricultural land to paddock including erection of a store/stable and chicken run, 2.25 metre high (max) fencing, construction of a stone driveway & hard standing and removal of unauthorised brick piers and road/turning head (part-retrospective)

Officer recommendation: Grant

Reason for Committee: Number of representations contrary to Officer

recommendation

1 EXECUTIVE SUMMARY

- 1.1 Change of use of agricultural land to paddock including erection of a store/stable and chicken run, 2.25 metre high (max) fencing, construction of a stone driveway and hard standing.
- 1.2 The proposed stable/store has the appearance of an agricultural type building which would respect the countryside setting; the development is required in connection with the maintenance of the land and the keeping of the applicant's horses. It is acknowledged that the development would have an impact on the open character of the area, however the scheme is reflective of the rural and agricultural nature of its surroundings
- 1.3 The development is located to the rear of the large gardens serving the surrounding properties and in a position within the site furthest away from existing dwellings. The development is for the applicant's personal use, it is not proposed to be used for commercial purposes and is limited by its scale, it is therefore not considered have a significant detrimental impact on the residential amenity of surrounding dwellings or users of the lake.
- 1.4 The principle of the development on this site is acceptable and whilst there are impacts in relation to visual and residential amenity these are not considered to be significantly adverse and a waste management plan can be obtained by way of a condition. There are potential impacts in relation to ecology, however it is considered this could be adequately avoided by way of a lighting condition. There are not considered to be any issues in relation to parking, highways or flood risk. The unauthorised works can be dealt with by way of enforcement action if necessary.

2 SITE DESCRIPTION

2.1 The application site is land to the rear (north east) of the existing dwelling of 30 Feldale Lane and utilises the same access. The majority of the site is laid to grass, however a compacted stone/hardcore access has been created along the western side of the site leading to an area of hardstanding, a number of trees have also been planted. To the north west of the site is a large lake used for fishing and owned by the Council. The unauthorised brick piers referred to have already been removed from site but the turning head, road, hardstanding and 2.4m high close boarded fence remained when the site was visited.

3 PROPOSAL

- 3.1 The application seeks full planning permission for:
 - A change of use of agricultural land to paddock*
 - Erection of a store/stable building and chicken run
 - Erection of 2.25m high fencing to the north western boundary
 - Replacement of the unauthorised 2.4m high close boarded fence on the south eastern boundary with a 1.5m post and rail fence
 - Construction of an access and hardstanding (retrospective)
- 3.2 The proposed building measures 18.2m x 12.2m and 4.1m in height and comprises 3 stables, tack/hay store and central paddock/machine store.
- 3.3 Full plans and associated documents for this application can be found at:

F/YR20/1222/F | Change of use of agricultural land to paddock including erection of a store/stable and chicken run, 2.25 metre high (max) fencing, construction of a stone driveway & hard standing and removal of unauthorised brick piers and road/turning head (part-retrospective) | 30 Feldale Lane Coates Peterborough Cambridgeshire PE7 2ED (fenland.gov.uk)

3.4 * If horses were being left to graze with the purpose of feeding from the land and were not kept for any other purpose (such as exercise or recreation) then a change of use would not occur from agricultural land. In this case it is clear that the area of land incorporated within the application site would not solely be used for grazing.

4 SITE PLANNING HISTORY

4.1 The development as a whole has been the subject of numerous applications since the original permission for the site was obtained; those specifically relating to this plot are as follows:

F/YR20/0218/F

Erect a 3-storey 5/6-bed dwelling with detached carport/triple garage/office with attic storage above, 1.8 metre high stone wall to the front of the site, raised patio area, 2.4 metre high (max) boundary fencing and compact stone drive (retrospective)

Granted 4/5/2020

F/YR19/1059/F	Change of use of land for domestic purposes including erection of 2.4 and 1.8 metre high close boarded fencing and 2.0 metre high mesh fence; construction of a hardstanding with 2.4 (max) metre high brick piers and gate and driveway and formation of a raised platform with retaining wall to existing dwelling (retrospective)	Withdrawn
F/YR17/0436/F	Erection of a 3-storey 5/6-bed dwelling with detached carport/triple garage/office with attic storage above and 1.8 metre high stone wall (part retrospective)	Granted 11/7/2017
F/YR15/0407/F	Erection of a 3-storey 5/6-bed dwelling with detached triple garage with attic storage above and 1.5 metre high stone and railing wall	Granted 04/08/2015
F/YR14/3052/COND	Details reserved by conditions 2, 7, 10, 12, 13, 14, 15, 16 and 17 of planning permission F/YR12/0623/F (Erection of 11no dwellings with garages comprising of 5 x 2-storey 3-bed (3no affordable), 4 x 2-storey 4-bed and 2 x 3-storey 5/6-bed involving demolition of existing warehouse)	Approved 05/11/2014
F/YR12/0623/F	Erection of 11no dwellings with garages comprising of 5 x 2-storey 3-bed (3no affordable), 4 x 2-storey 4-bed and 2 x 3-storey 5/6-bed involving demolition of existing warehouse	Granted 20/02/2014

5 CONSULTATIONS

5.1 Arboricultural Officer (FDC)

Looking at photographs I consider that potential impact on the western boundary trees from the proposed paddock store is likely to be low. However, I suggest that we should condition that the west side of the foundation is excavated by hand to a depth of 800mm and any roots are cleanly severed and resulting trench lined with an impermeable membrane to protect the roots (if any). Any roots >25mm diameter will require arboricultural advice before severing.

I note from the photographs that some trees have already been planted and this will contribute to biodiversity.

With regard to the fencing, this will need to be installed by hand digging the fence post locations adjacent to trees, if roots >25mm diameter then the location of the post should be moved and retaining the roots; the design needs to be flexible enough to allow repositioning.

If the applicant considers that the works are outside the root protection areas (RPAs) of the trees, then a brief report to that effect stating trunk diameter will suffice

5.2 Cambridgeshire County Council Highways

The proposal is remote from the public highway and therefore results in no material harm to the operation of the highway.

No highway objections.

5.3 Environmental Health (FDC) (4/1/2021)

This response has considered the Environmental Health issues concerning this proposal.

A site visit hasn't been made and this response is based on a desk-top study. Documents considered are: -

Application Form – Dated 1 December 2020 Location Plan Site Plan Design and Access Statement – Peter Humphrey Architecture

The main concern is the storage, collection and disposal of animal waste, which could impact on nearby residential properties. I would recommend a condition is attached to any consent to address this and a suggested condition is attached below.

No indication is given in this proposal of the intention to install lighting on the site, However, if it is the intention to do so, then I would recommend that details of the proposed lighting is submitted to Fenland District Council for approval.

There are no implications with noise being created by this proposal and there are no known noise sources which are likely to adversely impact on this site.

There are no implications for local air quality with this proposal.

There are no issues with ground contamination and no known former contaminative use of the site.

Consequently, there are no objections to this proposal and would agree to consent, subject to the attachment of the following condition: -

WASTE STORAGE AND DISPOSAL

Any animal waste collected on site, should be stored in such a manner and disposed of in such a manner, that any accumulation doesn't cause an odour nuisance to the occupiers of nearby residential properties, or likely to cause a rodent or insect infestation.

5.4 Environmental Health (FDC) (12/5/2021)

The Environmental Health team note and accept the submitted information and our response sent on 3rd January 2021 still stands.

5.5 Whittlesey Town Council (7/1/2021 and 11/5/2021)

The Town Council have no objection and therefore recommend approval, providing the Environmental health conditions are included in the permission.

5.6 Councillor Wicks

Please find my comments below regarding current planning application for 30 Feldale Lane.

- 1. There is no mention in the applications regarding the removal of the ISO container. Tools of Trade and building materials.
- 2. I question the statement made in Section 5 of the application commenced. The answer surely should be no as the previous application was to change use to domestic was withdrawn in Jan 20.
- 3. Section 12 of the application has been answered totally incorrectly.
- 4. Section 13 states other but does not define it. Instead, is answered N/A. Either it sewerage exists or does not. Excrement from the horses does require a viable disposal plan and will have an effect on adjoining properties.
- 5. The Environmental report has clearly been complied without any on site visit. Pictures already exist within the Planning Department of a large Bonfire on the site both before its ignition and after. What exactly was burnt cannot be verified but there exists a possibility that tyres were part of the fuel source, in which case there exists a possibility of contaminants existing in the soil. There also is the possibility that an unbunded fuel tank exists on the property. From Pictures that were forwarded to the planning department in 2019-2020 fuel deliveries take place at this property.
- 6. More detail is required regarding the perimeter tree planting and hedge rows required for the complete boundary with the FDC property.
- 7. It is clear that the Biodiversity report has been compiled by someone with no knowledge of the area. The adjoining property to the North is owned by FDC and is Environmentally sensitive and has Water Voles in residence. In fact, there are a number of facts that are incorrect in it.
- 8. A statement regarding exactly what will be stored in the Agricultural building is required, given the history of this applicant.

Given the number of errors and incorrect statements does this application have any legs.

5.7 Estate Manager (FDC)

The Council is an adjoining landowner as it owns Feldale Lake which is a public open space and amenity area that is also managed and used by an Angling Club. From my past visits to the site this is a quiet haven and a pleasant place to relax. The lake may also contain protected species.

As landowner I would be concerned to see amenity protected by appropriate hedging or fencing if any lighting is proposed as this could have an adverse effect on the lake. Details of any lighting would need to be carefully considered before being approved.

I note that the environmental health officer recommends that there are measures in place to mitigate against the smell of animal waste. In addition if there is likely to be any run-off from animal wastes then suitable protective measures would need to be put in place so as not to contaminate the lake itself.

Had the work not already started I'd certainly have wanted more information on the shrub belt and trees along the water. As it's done now though I don't think there's any point in requesting information at this stage.

I think the big issues here are arboricultural so I'll leave those to your tree officer. However you're right, bats will certainly be in the area and there are records of them nearby. If the applicant wants lighting it will need to be consistent with Bats and artificial lighting in the UK 2018 by the Bat Conservation Trust and Institution of Lighting Professionals. They will need to assume that bats are foraging and commuting in the area, and I think they should also design the lighting assuming the trees themselves are being used for roosting (otherwise they'll have to get a preliminary roost assessment done of the trees which would be expensive and the impacts can likely be avoided with a well-designed lighting scheme). I would recommend the lighting plan be conditioned. BS42020 offers the following wording:

Prior to occupation, a "lighting design strategy for biodiversity" for [... specify buildings, features or areas to be lit ...] shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

5.9 Local Residents/Interested Parties

Six objections (all from Feldale Lane, Coates) have been made in relation to the following:

- The application should have been submitted sooner
- No mention of containers and building materials on site
- Red diesel tank on site/contamination of land (from tank, bonfires and waste)
- Should not be granted as application at No.24 was refused
- Concerns regarding use of site as a business
- Biodiversity affected
- Concerns regarding the extent of hardstanding
- scheme required to deal with waste
- Some of the work has already been undertaken
- Visual impact
- Post and rail fence more appropriate
- The site is already heavily developed/over developed
- Unclear whether land to the rear is incorporated
- Definition of paddock unclear
- Would set a precedent/encroach into green open space

- Who is responsible/pay for if road damaged
- View of lake obstructed by fence
- Object to lighting due to impact on ecology
- No indication of the overall height of the building
- Applications in the area treated differently bias
- 5.10 Comments where they relate to planning considerations will be addressed in the sections below.
- 5.11 When the site was visited there were no containers or tanks within the site.
- 5.12 It should be noted that loss of view is not a planning consideration and as the access road is private, the responsibility and cost of any maintenance would be a civil matter. The drawings submitted are to scale enabling the measurements of the scheme to be ascertained; all applications are dealt with on their own merits.

6 STATUTORY DUTY

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)

National Planning Practice Guidance (NPPG)

National Design Guide 2019

Context – C1

Identity – I1, I2

Built Form – B2

Movement – M3

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

LP12 - Rural Areas Development Policy

LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland

LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland

LP16 - Delivering and Protecting High Quality Environments across the District

LP19 – The Natural Environment

8 KEY ISSUES

- Principle of Development
- Design considerations and visual amenity of area
- Amenity/Health and wellbeing
- Parking/Highways
- Flood Risk
- Ecology
- Unauthorised works

9 BACKGROUND

- 9.1 Planning application F/YR19/1059/F was withdrawn due to elements of the scheme being unacceptable. The elements that were considered to be acceptable (subject to full consideration) were resubmitted under F/YR20/0218/F which was granted in May 2020. The current application is a revised scheme for development to the north east of No. 30. The proposal has been amended during the course of the application to reduce the number of structures and amount of hardstanding to lessen the impact on the character of the area.
- 9.2 Reference has been made to application F/YR20/0107/F for the change of use of land for domestic purposes and erection of a shed and greenhouse including wildlife pond and wild flower meadow (part retrospective) at 24 Feldale Lane. This application was refused and dismissed on appeal; the appeal decision stating that the 'use of the appeal site as domestic garden land, including the erection of the two buildings (whether or not they are temporary as asserted in the appeal statement) combined with the vegetable garden etc has altered the character and appearance of this part of the paddock, emphasising the encroachment of a residential use into the countryside with a consequential negative effect on the rural character of the area.' As such the development was considered contrary to the relevant policies. It is clear that these schemes are not comparable in nature.

10 ASSESSMENT

Principle of Development, design considerations and visual amenity of area

- 10.1 The application site is considered to be outside the settlement of Coates and as such is in an 'elsewhere' open countryside location for the purposes of Policy LP3. Development elsewhere is restricted to that which is demonstrably essential for the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services.
- 10.2 The recently developed 'executive' style housing has a strong established curtilage line, with high level fencing only extending as far back as this to all plots, beyond this is agricultural in character and there is a clear distinction between the urban environment and the open countryside. There is a hay store and ménage associated with 16 Feldale Lane, the hay store is a former agricultural building which was relocated and the type of structure seen in the countryside especially on the edge of rural settlements.
- 10.3 The proposed stable/store has the appearance of an agricultural type building which would respect the countryside setting and is proposed to be finished in brown profiled sheet cladding; full details of which have not been provided but could be dealt with by way of a condition. It is required in connection with the maintenance of the land and the keeping of the applicant's horses. With reference to the development refused at 24 Feldale Lane; the shed and

greenhouse were of domestic scale and appearance, typical of buildings located in residential gardens and consequently resulted in a residential encroachment into the countryside. The scale and appearance of the current proposal is, conversely, considered to respect its rural location.

- 10.4 The hardstanding has been reduced to an area to allow for turning and loading/unloading of machinery and a horsebox. The fencing to the south eastern boundary is proposed to be 1.5m high post and rail fencing which is keeping with the character of the area and the boundary treatments of surrounding land. On the north western boundary, it is proposed to continue the 2.25m high close boarded fence as this boundary is currently open to the fishing lake. It is acknowledged that the development would have an impact on the open character of the area, however the scheme is reflective of the rural and agricultural nature of its surroundings. Whilst the continuation of the high close boarded fence is not ideal, it is required to secure the site and is located on the edge of the field and as such would not affect its open nature and would be obscured by trees when viewed from the lake, mitigating its impact.
- 10.5 Due to the close proximity of the proposal to trees on third party land there is potential for the scheme to adversely affect them, the Council's Arboricultural Officer has recommended a condition is imposed in relation to construction methods to avoid any significant impacts to these trees.

Amenity/Health and wellbeing

- 10.6 The development is located to the rear of the large gardens serving the surrounding properties and in a position within the site furthest away from existing dwellings, hence whilst visible is not considered to have a significant detrimental impact on residential amenity in terms of overlooking, overshadowing and loss of light or outlook.
- 10.7 The development is for the applicant's personal use, it is not proposed to be used for commercial purposes and is limited by its scale, it is therefore not considered have a significant detrimental impact on the residential amenity of surrounding dwellings or the users of the adjoining lake. Given the location of the development it is considered necessary to impose a condition to ensure it is linked to No.30 and is not used for any commercial purposes.
- 10.8 Concerns have been raised in relation to the management of waste and potential contamination of the site. As such it is considered necessary to condition a waste management scheme to ensure a suitable arrangement can be achieved. Whilst contamination has not been raised as an issue by Environmental Health it is considered reasonable to impose an unsuspected contamination condition in case any is encountered.

Parking/Highways

10.9 The existing access is proposed to be utilised and extended to the hardstanding area, the LHA do not consider that the proposal results in material harm to the operation of the highway and as such have no objections; the personal nature of the development would limit additional vehicular movements. The hardstanding is designed to serve a horsebox and as such is fit for purpose. There are no issues to address regarding Policy LP15 of the Fenland Local Plan

10.10 The application site lies within flood zone 1; accordingly there are no issues to address in respect of Policy LP14.

Ecology

10.11 The site is in close proximity to a lake and a large number of trees, as such it is considered that there is scope for it to provide habitat for protected species. Given that some of the works had already been undertaken the advice of the Wildlife Officer was obtained in relation to the necessity of an ecology survey, it was considered in this case that this was not required. However, it is considered that the area is likely a foraging and commuting area for bats and the trees potential for roosting and as such any external lighting would need to be designed accordingly. Full details of lighting have not been provided and as such it would be necessary to impose a condition in this regard

Unauthorised works

10.12 There are unauthorised works currently on site and whilst the application indicates that these are to be removed conditions cannot be imposed in order to remedy a pre-existing problem or issue not created by the proposed development, as such it is not possible to condition their removal. The unauthorised works need to be removed and should the Committee be minded to grant this application it is intended to agree a timescale with the applicant for the removal of these works. Should the timescale not be complied with formal enforcement action can be taken.

11 CONCLUSIONS

11.1 The principle of the development on this site is acceptable and whilst there are impacts in relation to visual and residential amenity these are not considered to be significantly adverse and a waste management plan can be obtained by way of a condition. There are potential impacts in relation to ecology, however it is considered this could be adequately avoided by way of a lighting condition. There are not considered to be any issues in relation to parking, highways or flood risk. The unauthorised works can be dealt with by way of separate enforcement action if necessary.

12 RECOMMENDATION

Grant, subject to the following conditions

Conditions

1. No development other than groundworks and foundations shall take place until full details of the materials to be used in the development hereby permitted for the walls and roof are submitted to and approved in writing by the Local Planning Authority. The details submitted for approval shall include the name of the manufacturer, the product type, colour and reference number. The development shall then be carried out in accordance with the approved details 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.

2. Prior to the commencement of the store/stable building and 2.25m high fence on the north western boundary, a scheme for their construction method in relation to the root protection areas of adjoining trees shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in full accordance with the approved scheme.

Reason - to ensure the trees are adequately protected in the interest of visual amenity and in accordance with Policies LP16 and LP19 of the Fenland Local Plan 2014.

- 3. Notwithstanding the details no external lighting shall be erected or installed until a lighting design strategy for biodiversity has been submitted to and approved in writing by the local planning authority. The strategy shall:
 - a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason - To protect the habitats of protected species and the amenity of surrounding users in accordance with Policy LP19 of the Local Plan.

4. Prior to the first use of the development hereby permitted the applicant shall submit for approval to the local planning authority a scheme for the method of storage and disposal, and the frequency of disposal of the horse waste. The stored waste shall not be burnt on site at any time. The storage and disposal of the horse waste shall be undertaken in accordance with the approved scheme.

Reason - To ensure there is no detrimental effect upon the amenities of the area in accordance with Policies LP2 and LP16 of the Fenland Local Plan 2014.

5. The development hereby permitted shall be used only in association with and for the use of the occupants of 30 Feldale Lane, Coates and no business use or commercial activity (including storage) shall take place within the site.

Reason - The determination of this application is on the basis of the details submitted; any commercial element or separation of use would require further consideration of the amenity of the host and surrounding dwellings and the users of the adjoining lake, highway safety, parking provision and ecology in accordance with LP2, LP15, LP16 and LP19 of the Fenland Local Plan 2014.

- 6. Prior to the first use of the development hereby permitted the permanent space shown on the drawing 5296/ENF1B to be reserved on the site to enable vehicles to:
 - 1. enter, turn and leave the site in forward gear;
 - 2. park;
 - 3. load and unload;

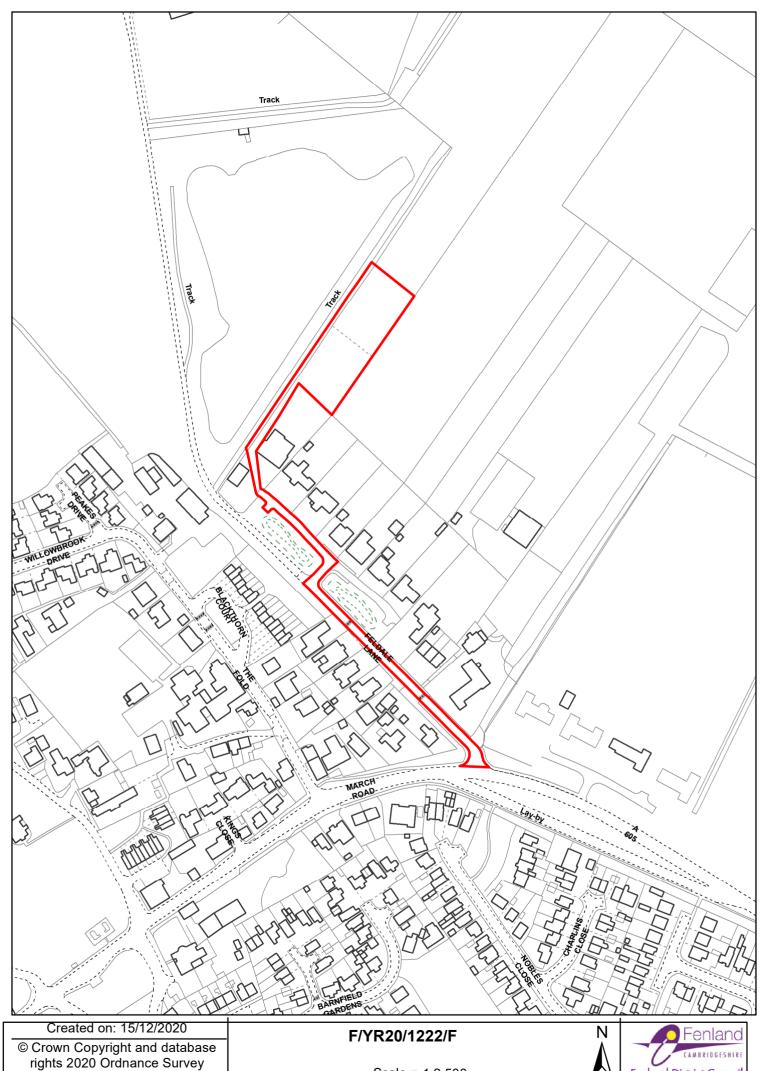
shall be levelled, surfaced and drained and thereafter retained for no other purpose in perpetuity.

Reason - To ensure there is adequate on site parking and turning and in the interests of the amenity of surrounding dwellings in accordance policies LP15 and LP16 of the Fenland Local Plan 2014.

7. 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 detailing how this unsuspected contamination shall be dealt with. The development shall then be carried out in full accordance with the approved remediation strategy.

Reason: To control pollution of land and controlled waters in the interests of the environment and public safety in accordance with the National Planning Policy Framework, in particular paragraphs 178 and 179, and Policy LP16 of the Fenland Local Plan 2014.

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

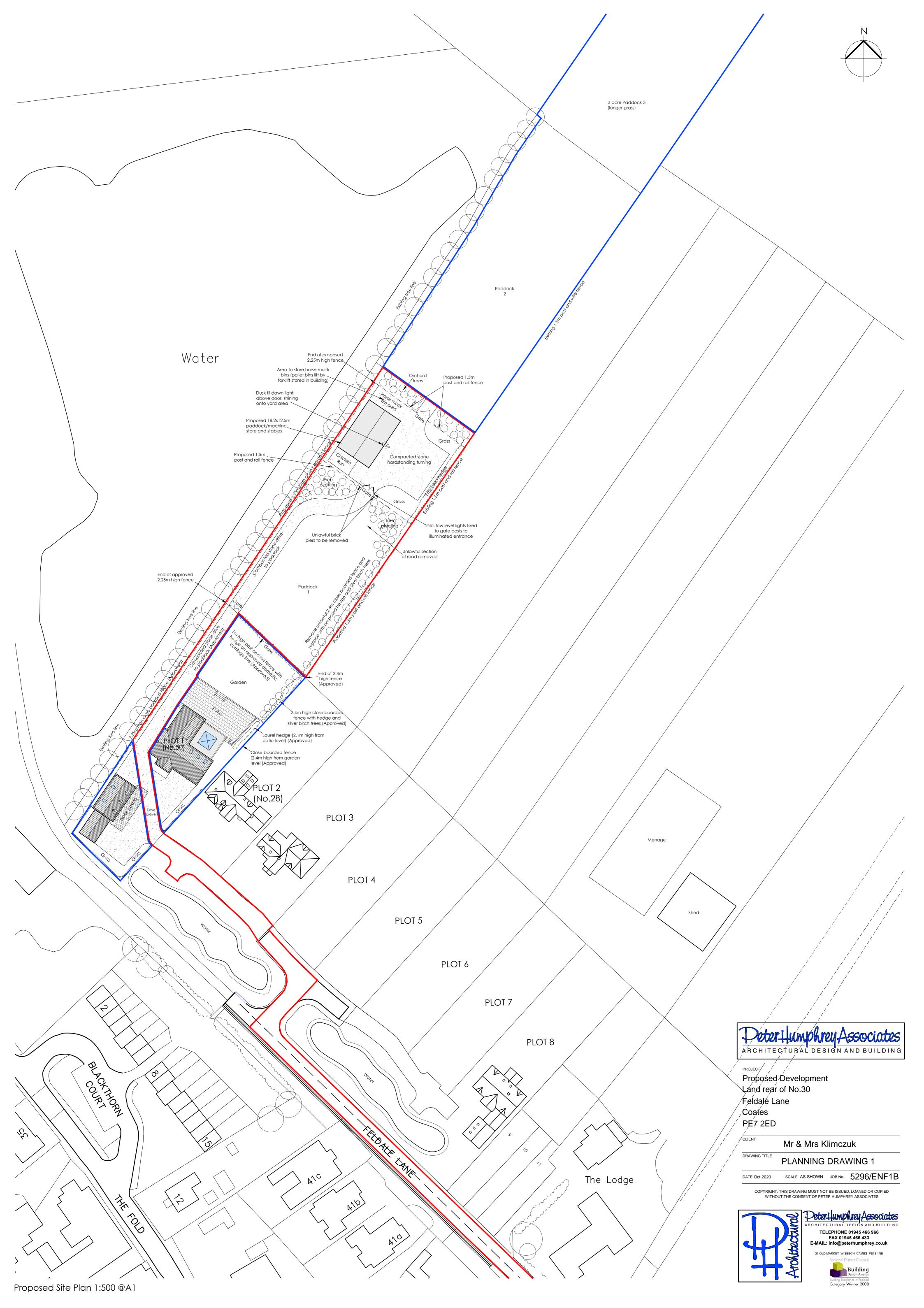


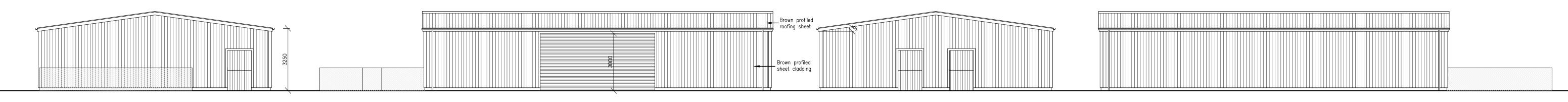
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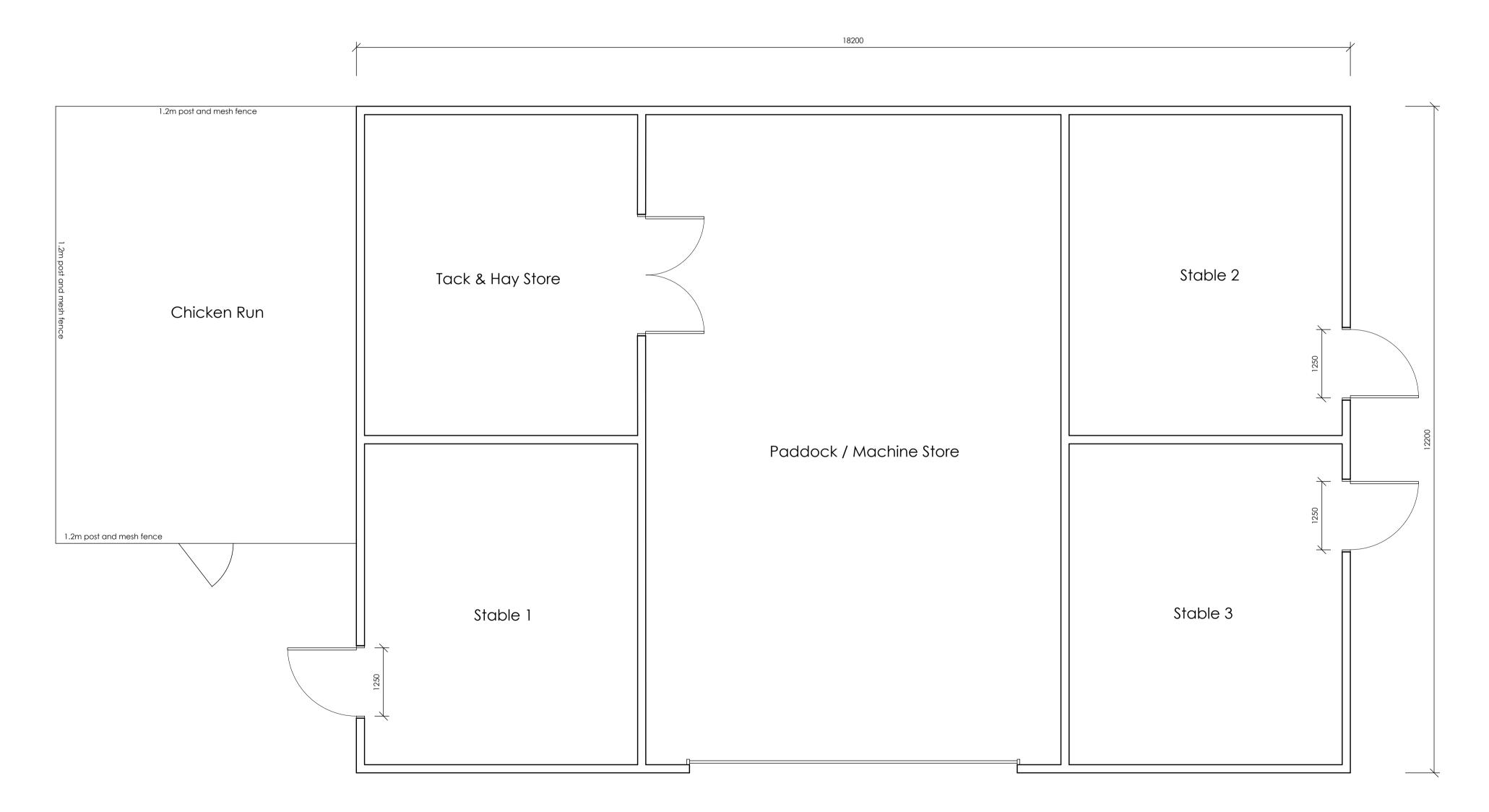








Proposed Front Elevation 1:100 Proposed Side Elevation 1:100 Proposed Side Elevation 1:100 Proposed Side Elevation 1:100



Proposed Stable and Machine Store Floor Plan 1:50



PROJECT

Proposed Development Land rear of No.30 Feldale Lane Coates

PE7 2ED

Mr & Mrs Klimczuk

PLANNING DRAWING 2

DATE Oct 2020 SCALE AS SHOWN JOB No. 5296/ENF2F

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