

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

4th October 2006

AUTHOR/S: Executive Director / Head of Planning Services

**S/1158/06/F - Shepreth
Construction of Walkway and Nocturnal House (Part Retrospective)
Shepreth Wildlife Park, Station Road for T Willers**

Recommendation: Approval

Date for Determination: 8th August 2006

Site and Proposal

1. Shepreth Wildlife Park is a private business and local tourist attraction on the edge of the village of Shepreth. Due to the nature of the animals housed at the park the site is enclosed by tall post and wire fencing, the northernmost section of which abuts the Kings Cross to Cambridge railway. To the south of the said section of fence there is an earth bund that visually screens the majority of the site from the open countryside to the north. Within the site itself there is a range of artificial habitats with associated built development that have been created to house the park's animals. There is also a dwelling within the site that is occupied by the applicant and his family.
2. The access to the Wildlife Park runs adjacent to a linear commercial/industrial estate that abuts the rail tracks to the north. To the southwest of the site the Park's parking area abuts village playing fields. The closest residential properties to the site of the proposed development are two pairs of semi-detached properties in Angle Lane (Edieham Cottages). A public footpath runs to the north past the eastern boundary of the site and the front elevations of Edieham Cottages and out into the open countryside.
3. The full planning application received on the 13th June 2006 proposes engineering works to create a walkway on top of the aforementioned earth bund and seeks to regularise the part construction of a nocturnal house that is located on the northern side of the bund. The application was amended on the 3rd August 2006 to shorten the route of the proposed walkway so that it would not come as near to the residential properties in Angle Lane as first proposed. The Nocturnal House, which has not been amended since the original submission, has a mono-pitch roof and measures 39.4 metres in length, 6 metres in width and is 3.7 metres above ground level at its highest point, which is 1.2 metres above the top of the bund. Externally the nocturnal house is proposed to be finished in black stained weatherboarding.

Planning History

4. The planning history of Shepreth Wildlife Park is a long and complicated one that consists of planning approvals and refusals, a considerable number of which were determined at appeal. Planning permission for a wild animal sanctuary on the site was approved in 1986 (**S/0113/86/F**). There are no applications that specifically relate to the proposed development or the area of the site that is the subject of this application.

Planning Policy

Cambridgeshire and Peterborough Structure Plan 2003

5. **Policy P1/2** 'Environmental Restrictions on Development' of the Cambridgeshire and Peterborough Structure Plan 2003 states that developments in the countryside will be restricted unless demonstrated to be essential in a particular rural location.
6. **Policy P4/1** 'Tourism, Recreation and Leisure Strategy' requires that new or improved tourism, recreation and leisure developments protect or improve the local environment, landscape and residential amenity.

South Cambridgeshire Local Plan 2004

7. **Policy RT1** 'Recreation and Tourism Development' has regard to the scale, form, design and materials for recreation and tourist related developments. The policy also considers issues of screening and traffic generated by such developments.

Consultation

8. **Shepreth Parish Council** – Recommends that the application be refused as the raised walkway overlooks Edieham Cottages. The amendment is not considered to meet the original objections of overlooking and development without permission.
9. **Chief Environmental Health Officer** – Has considered the application and the implications of the proposals in terms of noise and environmental pollution and has no objection.
10. **Network Rail** – Has not responded to the consultation.

Representations

11. Councillor Van de Ven objects to the application on the grounds that the development is retrospective and a business such as the Wildlife Park should not start building without first securing the relevant planning permission.
12. The owner/occupier of 2 Edieham Cottages objects to the application on the grounds that the nocturnal house is too close to the railway lines and the animals may be disturbed by passing trains. The walkway is not in keeping with the landscape area and it enables visitors to look in windows of this house. It is also felt that South Cambs should stop Mr Willers from putting up buildings and then applying for planning permission.
13. The owner/occupier of 12 Station Road, a nearby resident who enjoys walking down Angle Lane into the open countryside, has also objected to the application. The reason for the objection is that the site is outside the village framework and in the open countryside (as identified in at least two appeal cases). The bund forms a landscape screen ensuring that the view of the site from the open fields to Barrington is not obscured. Therefore it is felt that the nocturnal house should be located on the other side of the bund where there is space, and that the development does not constitute a necessary development within the countryside. Painting the structure black is strongly objected to and it is felt that a green roof design would be more appropriate, not simply painting the structure green. Similar concerns are expressed about the visual impact of the bund and its use as a walkway as it is felt that it is important that the rural character of the villages is not eroded. It is considered that the

proposal is contrary to policy P7/4 – landscape, SE9 – village edges and EN1 – landscape of the South Cambs Local Plan.

14. A collectively signed letter has been received from the owner/occupiers of 2 and 3 Edieham Cottages who object to the application as the walkway will dramatically alter the view of the site from Barrington and visitors, especially children, will be close to the railway lines. The use of the walkway will increase noise levels and result in an overlooking of Edieham Cottages. Moreover the objectors are disturbed by the trend of building without gaining planning consent at the Park. There is also a fear that work on the walkway and nocturnal house will continue into the evening and cause a disturbance.

Planning Comments – Key Issues

15. The long and varied history of planning applications and developments at Shepreth Wildlife Park has evidently caused concern amongst members of the local community. Moreover the fact that these latest developments are part retrospective has done little to allay those concerns expressed by nearby residents. Although the developments are retrospective Members should consider their acceptability on planning merits based on the two key issues that have come to light during the consultation process. These issues are the impact of the walkway on neighbour amenity and visually the impact of both the use of the walkway and the presence of the nocturnal house on the character of the surrounding countryside.

Impact upon neighbour amenity

16. Shepreth Wildlife Park is both a tourist attraction and animal sanctuary that is in the business of actively attracting visitors. It has been questioned whether the use of the bund constituted a change of use, which is not the case as the northern part of the site is included in the site area of the 1986 application for the wildlife sanctuary. A use of the northern part of the site by visitors is not a matter that would require express permission though the engineering works to construct the walkway would.
17. Originally the route of the walkway started at the nocturnal house and directed visitors, by way of the bund, towards the eastern boundary of the site where it dropped in height to join the part of the existing pathway network that runs alongside the eastern boundary fence. On the other side of the well-screened boundary fence there is a ditch and public footpath before one reaches the curtilages and front elevations of the Edieham Cottages in Angle Lane.
18. The distance between the closest point of the site boundary and the front elevation of the nearest Edieham Cottage is approximately 13.5 metres and the point where the original route of the walkway descended from the bank to the nearest Edieham Cottage was in excess of 20 metres. As a result of the Parish Council's comments an amendment to the route of the walkway was requested and received.
19. The amended end point of the walkway is now well in excess of 30 metres from the nearest Edieham Cottage, a distance which, given the well screened nature of the site boundary, is not considered to result in an unacceptable impact upon neighbour amenity by way of overlooking. Moreover the impact of noise from the walkway has been considered by the Chief Environmental Health Officer and is considered to be acceptable.
20. The enclosed nature of the nocturnal house and its distance from the nearest residential properties (approximately 55 metres) means that its impact upon

neighbour amenity is not considered to be an issue, though there have been local objections to its visual impact upon the countryside.

Visual impact upon the surrounding rural landscape

21. In terms of the use of the walkway it is inevitable that visitors will be visible from outside the site due to their elevated position. Though this visual impact should be considered no more unacceptable than seeing people using the nearby footpath from which views of the site has caused concern. If Members were minded to approve the application a condition requiring a scheme of landscaping would help to partially screen users of the walkway and any form of enclosure/fencing that might need to be erected. Given the concerns about the visual impact of development on the northern boundary of the site it is considered appropriate to attach a condition to any consent granted agreeing the details of any fencing or means of enclosure of the walkway.
22. Screening of the nocturnal house becomes more difficult to achieve given the fact that there is a functional need to maintain an area of land between the development and the boundary fence adjacent the railway tracks. Therefore in order to lessen the visual impact of the nocturnal house on the adjacent countryside an appropriate colour scheme would need to be considered. The proposed black weatherboarding would help give it the appearance of a rural outbuilding, though a condition would be used to agree the final finish and colour.
23. In one of the letters of objection a reference is made to the fact that the site is in the countryside and several Structure Plan and Local Plan policies are quoted. Policy SE9 in this case is not relevant as although the site is on the edge of the village it is not on the edge of the village framework, but it is accepted that the criteria do apply, as do those of the policies relating to landscape character areas (Structure Plan Policy P7/4 and Local Plan policy EN1).
24. It is recognised that no justification for either development has ever been given, except that the nocturnal house could be used to house the Park's wildfowl in case of an outbreak of bird flu. Although no justification has been put forward the developments are clearly proposed to diversify the experience of visitors to the site, and therefore securing its position in the local community as an employer and generator of visitors to the area, both of which will ultimately benefit the local economy.
25. When considering the character of the area it is necessary to look at how the rest of the northern boundary of Shepreth is presently defined and to understand that the wildlife park, although located in the countryside, is a brownfield site. The presence of the existing two-storey commercial/industrial units to the west of the site and the railway lines and associated development makes it difficult to argue that this part of the village has a rural appearance. Moreover the modest height of the nocturnal house means that, subject to an appropriate finish, the development should not appear as an incongruous feature along this already built up boundary of the village.
26. At this stage it has not been questioned as to whether there is a more appropriate site for the nocturnal house the other side of the bund, though after visiting the site it is clear that space within the confines of the Park is limited. It was first considered appropriate to ascertain whether the current location of the nocturnal house is acceptable or not before discussing other possible sites. It is my opinion that when seen in conjunction with the rest of the built development along the boundary with the railway tracks the nocturnal house and walkway are not unacceptable forms of development.

Recommendation

27. Approval as amended by letter dated 3rd August 2006 and amended drawing franked 15th August 2006.
1. Sc5a – Details of materials for external walls and roofs of the nocturnal house (Rc - To ensure that the development is not an incongruous feature in the rural landscape);
 2. The walkway hereby permitted, shall be removed within 6 months of the date of this Decision Notice unless a means of enclosure for the walkway has been implemented in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. (Rc - To ensure that the development is not an incongruous feature in the rural landscape);-
 3. Sc51 – Landscaping (Rc51);
 4. Sc52 – Implementation of landscaping (Rc52).

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
 - **Cambridgeshire and Peterborough Structure Plan 2003:**
P1/2 (Environmental Restrictions on Development)
P4/1 (Tourism, Recreation and Leisure Strategy)
 - **South Cambridgeshire Local Plan 2004:**
RT1 (Recreation and Tourism Development)
2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 - Residential amenity including noise disturbance and overlooking issues
 - Visual impact on the locality

Background Papers: the following background papers were used in the preparation of this report:

- South Cambridgeshire local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning Files Ref: S/0113/86/F and S/1158/06/F

Contact Officer: Edward Durrant – Planning Assistant
Telephone: (01954) 713082