



Document Reference
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East Cambridgeshire
District Council

Policy LP32 – Infill developments in locations outside of development envelopes

2017

Contents

1. Introduction and Policy Context.....	1
2 East Cambridgeshire Context in Relation to Policy LP32	2
3 Local Plan Policy: Preliminary Draft.....	2
4 Local Plan Policy: Further Draft.....	2
5 Alternative Reasonable Options.....	4
6 Conclusion	4

1. Introduction and Policy Context

Introduction

- 1.1 East Cambridgeshire District Council is reviewing its Local Plan, which was last adopted in April 2015. The new Local Plan, which is hoped to be adopted in 2018, will provide a framework for development in the district until 2036 and beyond.
- 1.2 This Evidence Report (which is one of a collection) provides background information and justification for policy LP32 (of the Proposed Submission Local Plan, November 2017), which relates to infill developments in locations outside of development envelopes.

National policy

- 1.3 The National Planning Policy Framework (NPPF) was published in March 2012 and the National Planning Practice Guidance (NPPG) was introduced in 2014 which offers 'live' government guidance.
- 1.4 Paragraph 17 of the NPPF sets out 12 core national planning principles and it states that planning should:
 - *...take account of the different roles and character of different areas, promoting the vitality of our main urban areas...recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;*
 - *Support the transition to a low carbon future in a changing climate, taking full account of...the reuse of existing resources, including conversion of existing buildings..."*
- 1.5 The NPPF goes on to state in Paragraph 55 that:

'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstance such as:

 - *The essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
 - *Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
 - *Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
 - *The exceptional quality or innovative nature of the design of the dwelling. Such a design should:*
 - *be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
 - *reflect the highest standards in architecture;*
 - *significantly enhance its immediate setting; and*
 - *be sensitive to the defining characteristics of the local area'*

- 1.6 The above NPPF policy and NPPG guidance has been taken into account in preparing the Local Plan as a whole, and policy LP32 in particular.

2 East Cambridgeshire Context in Relation to Policy LP32

- 2.1 Although a rural district, within East Cambridgeshire there are around 50 settlements with identified Development Envelopes in the current Local Plan (2015), an approach being carried forward into this emerging Local Plan. Despite this comprehensive approach, there are a number of very small villages, hamlets or groups of dwellings that do not have identified Development Envelopes.
- 2.2 In addition, Development Envelopes do not always capture every single dwelling or building associated with a particular settlement, meaning some groups of (usually low density) buildings fall outside of a settlement (for planning purposes) and within the category of the open countryside.

3 Local Plan Policy: Preliminary Draft

- 3.1 The Preliminary Draft Local Plan (February 2016) had no proposed policy on infill development. As such, no comments were received.

4 Local Plan Policy: Further Draft

- 4.1 A Policy was, however, introduced to the Further Draft Local Plan because it was considered that there was not a policy that dealt with the matter of infill development, particularly in respect of (a) the smallest villages and hamlets which do not have an identified Development Envelope around them, and (b) groups of dwellings just beyond a Development Envelope, which in both cases are simply classed in the Local Plan as being within 'open countryside'.
- 4.2 The Council does not want to pursue a Local Plan which creates a 'blanket ban' of development beyond Development Envelopes, and as such introduced a proposed policy to deal with those special circumstances where development would still be appropriate.
- 4.3 However, the policy needed to be carefully worded in order to reduce unintended consequences, and ensure that only those sites that provide a genuine 'infilling' opportunity within a cluster of dwellings are approved. The policy as introduced at the Further Draft stage therefore had a clear set of criteria that must be fulfilled.
- 4.4 The policy was not intended to replace the existing policy stance in respect of development such as dwellings for rural workers, community-led development or affordable housing exception sites, which will continue to be addressed within other policies.
- 4.5 Various comments were received during the Further Draft consultation, either supporting the policy or expressing concern over certain aspects of the policy. In summary, the key issues raised for the policy were:
- Various comments that the policy is too vague/unclear, including in relation to the application of distance from the development envelope;
 - Various comments suggesting the policy needs rewording, especially in relation to:

- prioritising brownfield land within villages, rather than infill plots outside development envelopes,
- including small villages,
- the distance from development envelopes and
- the size of an infill plot;

- Various comments broadly supporting elements of the policy;
- Some concern with the policy - development should be only within development envelopes
- Concern with backland and garden development
- Detailed suggestions for rewording of the policy

- 4.6 The principle of the policy was generally (but not exclusively) supported. However, the distance threshold raised a number of comments and suggestions for alternative wording. For example, some suggested the 200m as arbitrary, and another said 'easy walking distance' would be better than a specific figure (albeit the same respondent said the policy overall was too vague, but it is not clear how removing a specific figure and replacing it with the term 'easy walking distance' will assist in removing any vagueness the representor stated exists).
- 4.7 Whilst it is accepted that no extensive study has taken place to determine why 200m is the appropriate distance, on balance the Council considers that to be an appropriate figure. Undertaking an extensive study would be disproportionate, and would ultimately still lead to a subjective decision because of the wide range of examples which would have to be studied. Extending the policy beyond 200m (one suggested 250m, others were not specific) would risk greater encroachment into the countryside, and further distance away from settlements and their services (with such services, of course, not normally located at the development envelope, but some further distance within the settlement itself).
- 4.8 It is also noted that this is the first time such a policy has been introduced into the Local Plan, and it is important to see what impact (positive and negative) it has. Any Local Plan review could amend the distance (or remove the policy completely) depending on its effectiveness. As such, a more precautionary 200m is considered sensible and clear to the decision maker.
- 4.9 No changes to the policy have been made in response to the comment suggesting the size of infill plot be increase from 2 dwellings to 10 dwellings. Given the size and rural nature of the locations that this policy applies to, an infill plot size of 10 dwellings would be inappropriate, and by definition would not be 'infill development'.
- 4.10 No amendments have been made in light of the comment that public open space could be built on in exceptional circumstances. Policy LP21 specifically addresses the provision of new, and loss of existing, open space, sport and recreational facilities. Policy LP32 does not need to repeat (or, at worst, potentially confuse or conflict with) such a policy.
- 4.11 A number of comments raised the issue of prioritising the use of previously developed land within the development envelope, before infill permitted. Whilst, in principle, the Council supports this view, it is mindful of the need to also enable some appropriate development just outside some development envelopes.
- 4.12 Small villages are specifically not included within the first criteria of this policy, because such villages have, by definition, low levels of facilities and services. It would amount to unsustainable development to encourage growth outside of the development envelopes of such villages.

4.13 In response to concern regarding backland development and loss of garden land, this is accepted and consequently an additional criteria has been introduced which confirms that such development would not be permitted (in line with NPPF para 53), as follows:

vi. the development will not result in either backland development or inappropriate development of residential gardens.

4.14 A further change to the policy has been made for the Proposed Submission version by deleting the two 'exception' areas from criterion (i). These two exception areas had some merit in being included in the policy for the purpose of infill. However, following a thorough review of the evidence, the entire land areas which would be covered by the two exception areas listed are areas of flood risk (zone 3a). It is inappropriate for a policy to promote development in flood zone 3a. Indeed, in addition, the policy is also bolstered by a new criterion to make it explicit that an infill plot should not be in flood zone 2 or 3.

4.15 The only other change to the policy relates to the first paragraph, where 'wider policies of this Local Plan' has been removed, and additional text added referring to 'in principle' support.

4.16 Other detailed suggested changes were carefully considered, but have been rejected.

5 Alternative Reasonable Options

5.1 The following alternative options have been considered for this policy. (Option 1 is the preferred policy approach which has been included in the Proposed Submission.)

5.2 **Option 2:** No policy, and rely on national policy for this subject area. This is effectively the option that was progressed at the Preliminary Draft stage, and has been rejected in favour of the criteria based policy that was included in the Further Draft and the Proposed Submission Local Plan.

5.3 **Other Options:** Whilst obviously a wide variety of alternative detailed wording could be prepared for the policy, for the purpose of 'reasonable' alternatives they would not have a material affect from a sustainability appraisal perspective and have not, therefore, been appraised.

6 Conclusion

6.1 This Evidence Report demonstrates the rationale for the policy as contained in the Proposed Submission Draft Local Plan (November 2017). It is hoped this helps demonstrate how we have responded to comments received during the consultation stages, as well as how the latest evidence and national guidance has been taken into account.