
MAIN CASE

Reference No: 15/00032/OUT

Proposal: Erection of four dwellings and associated works

Site Address: Land East Of The Barn Randalls Farm Barway
Cambridgeshire

Applicant: Mr P Randall

Case Officer: Jon Pavey-Smith, Planning Officer

Parish: Soham

Ward: Soham North

Ward Councillor: Councillor Tony Cornell
Councillor James Palmer

Date Received: 14 January 2015 **Expiry Date:**

[P227]

1.0 **RECOMMENDATION**

1.1 Members are requested to **approve** the application subject to conditions as set out below and included in full in Appendix 1 and also subject to advertisement as a departure from the development plan.

Approved plans
Reserved matters details
Time period for commencement
Contamination
Unexpected contamination
Traffic management plan
Pedestrian visibility splays
No drainage to public highway
Driveway construction in proximity to highway
Construction hours
Archaeological assessment
Dwelling mix

2.0 **SUMMARY OF APPLICATION**

2.1 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.

Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.

3.0 **PLANNING HISTORY**

3.1

87/00001/OUT ERECTION OF 2 HOUSES Refused 19.02.1987

87/00944/OUT ERECTION OF 2 HOUSES Approved 17.09.1987

4.0 **THE SITE AND ITS ENVIRONMENT**

4.1 The site is located to the north of Barway Road, inside the limits of the designated development envelope for Barway as drawn in the East Cambridgeshire proposals Map Development Plan Document. All of the of the site falls within BAR1, a housing allocation within the East Cambridgeshire Draft Local Plan and proposed amended development envelope for Barway, which reflects this allocation. The site is located within 2 km of the Cam Washes Site of Special Scientific Interest. There are mature trees on the site and an access road to the side of the site.

5.0 **RESPONSES FROM CONSULTEES**

5.1 Responses received from consultees are summarised below. The full responses are available on the Council's web site.

5.2 **Neighbours** – Site notice posted and two neighbouring properties were notified. No responses received at the time of writing the report

5.3 **Soham Town Council:** No objections

5.4 **Natural England:** No reply received to date.

5.5 **Local Highways Authority:** No objections, subject to four conditions.

5.6 **County Archaeology:** No objection subject to a condition requiring an implementation programme of archaeological work attached to any approval.

5.7 **The Ely Group of Internal Drainage Boards:** No objection provided that soakaways form an effective means of surface water disposal in this area.

5.8 **Environmental Health:** No objection, subject to imposition of contamination conditions and control of hours of construction.

5.9 **Waste Strategy (ECDC):** No objection. It will be the responsibility of owners/residents to provide two bins and to take any bins/sacks to the public highway boundary on relevant collection days.

5.10 **Arboricultural Officer:** Supports approval of the application but makes the following comments:

- It would have been helpful if the tree survey plan had identified which hedge/group was G1, G2, G3 and G4
- A condition is required to ensure compliance with the arboricultural report.
- New planting should be provided to compensate for the loss of existing

6.0 The Planning Police Context

6.1 East Cambridgeshire Core Strategy 2009

CS1	Spatial Strategy
CS2	Housing
CS6	Environment
CS7	Infrastructure
CS8	Access
H1	Housing Mix and Type
H3	Affordable housing
S6	Transport impact
S7	Parking provision
EN1	Landscape and settlement character
EN3	Sustainable construction and energy efficiency
EN6	Biodiversity and geology

6.2 East Cambridgeshire Draft Local Plan Pre-submission version as modified

BAR 1	Housing allocation, land east of The Barn, Randalls Farm
GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 1	Housing mix
HOU 3	Affordable housing provision
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and geology
COM 7	Transport impact
COM 8	Parking provision
ENV 6	Renewable energy development

6.3 Supplementary Planning Documents

Developer Contributions and Planning Obligations

6.4 National Planning Policy Framework 2012

- 6 Delivering a wide choice of high quality homes
- 11 Conserving and enhancing the natural environment

6.5 Planning Practice Guidance

7.0 PLANNING COMMENTS

7.1 Principle of Development

7.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the district currently includes the East Cambridgeshire Core Strategy 2009.

7.3 Policies CS1 and CS2 within the Core Strategy place a strict control over new development outside the limits of development envelopes around the settlements, limiting it to specific exceptions set out in the plan. The proposal is outside the designated development limits for Barway, on land designated as Countryside, and the development does not fall within any of the identified exceptions, and as such the proposal is in direct conflict with policies CS1 and CS2 of the Core Strategy.

7.4 In circumstances where there is a conflict with the provisions of a development plan, it is necessary to determine whether there are any material considerations which would outweigh the conflict. Given the advanced stage of its preparation, the policies of the Draft Local Plan are considered to be a particularly significant material consideration.

7.5 The policy approach of strictly controlling new residential development in the Countryside is carried forward into policy Growth 2 of the draft Local Plan. However, this plan amends the development envelope for Barway and includes housing allocations. Policy BAR1 is of particular relevance to the proposal, as it sets out a housing allocation for approximately five dwellings on the site.

7.6 This Policy indicates that development proposals will be expected to:

- Provide an element of affordable housing (30%) with priority being given to people in local housing need
- Provide a mix of dwelling types and sizes to reflect the need in Barway
- Have particular regard to the layout and scale, weight, design and massing of buildings, and landscaping, in order to minimise amenity impacts upon adjoining development and provide attractive development
- Ensure new dwellings are connected to the foul sewerage and drainage network
- Comply with other policies of the Local Plan

Affordable Housing

7.7 In November 2014 the Government introduced a threshold for the provision of affordable housing and tariff style planning obligations. This was included in both a Ministerial Statement and an amendment to the online Planning Practice Guidance. It should be regarded as planning policy as it was included in a Ministerial Statement. The guidance states:

‘There are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development.

- *contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm*
- *in designated rural areas, local planning authorities may choose to apply a lower threshold of 5-units or less. No affordable housing or tariff-style contributions should then be sought from these developments. In addition, in a rural area where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units in the form of cash payments which are commuted until after completion of units within the development. This applies to rural areas described under section 157(1) of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty*
- *affordable housing and tariff-style contributions should not be sought from any development consisting only of the construction of a residential annex or extension to an existing home’*

(Paragraph: 012, National Planning Practice Guidance (NPPG), Revision date: 28.11.2014.)

7.8 None of East Cambridgeshire falls within the definition of a “rural area” and due to the introduction of the Community Infrastructure levy (CIL), tariff style contributions are not sought on development of 10 units or less.

7.9 Policy H3, in the Core Strategy, specifies a threshold of 3 dwellings at which affordable housing would be required. However, this threshold has not been applied since the submission of the draft Local Plan, with its higher threshold of 5 dwellings contained within Policy HOU3. In effect by doing this, the Council has been treating policy H3 as being out of date. Therefore regard has to be had to the other material planning considerations.

7.10 Being policy, the revised threshold in the Ministerial Guidance is a material planning consideration. In addition, the draft Local Plan, which is at an advanced stage of preparation, is also a material consideration. At the previous Planning Committee, based upon officer advice, it was accepted that the Ministerial Statement should be given more weight than the draft Local Plan. The Inspector’s report, in relation to the Local Plan Examination, has now been received and he has recommended that the threshold be changed from 5 to 10 to accord with the

Ministerial Statement. It is anticipated that the draft Local Plan will be referred to Full Council in April for adoption.

Housing Mix

- 7.11 Policy BAR 1 requires the provision of a mix of dwellings however the illustrative layout shows uniform sized detached dwellings. However, the Design and Access Statement indicates that the exact size of the dwellings will reflect the need at the time of the reserved matters submission. A condition can be imposed requiring details of the mix to be agreed at reserved matters stage.

Residential Amenity

- 7.12 The site is located to the west of Fennfields a detached dwelling. Given the separation between this neighbouring dwelling and the proposed development, it is considered in principle subject to reserved matters detailing relating to layout, landscaping, scale, access and appearance that an acceptable relationship could be achieved.

- 7.13 It is also considered that there would be sufficient space within the site to allow for appropriate levels of outdoor amenity space and suitable relationships between the new dwellings to ensure acceptable levels of overlooking and prevent any overbearing impacts on dwellings. The proposal is therefore in accordance with policy of EN2 of the Core Strategy and policy ENV2 of the Draft Local Plan in respect of residential amenity.

- 7.14 Visual Amenity

- 7.15 The general character of Barway is linear development fronting the highway. The application is outline, but given the shape of the site and the indicative layout, a similar form of development could be established to existing to ensure that there would be no adverse impacts on visual amenity. In addition, it would be possible, through appropriate landscaping at the reserved matters stage, to ensure that the development was sympathetic to the rural location and could be assimilated into its surroundings. The proposal would therefore be in accordance with policy EN1 of the Core Strategy and policy ENV1 of the Draft Local Plan.

- 7.16 Historic Environment

- 7.17 The site is located within an area of archaeological potential, to the east of the 14th Century Nicholas Church. There is also a strong presence of Prehistoric occupation in the area and Roman settlements to the south-west and north-east of the site. The County Archaeologist has therefore requested the use of a standard condition requiring a programme of archaeological investigation be attached to any approval. Provided that such a condition is imposed, the proposal would be in accordance with policy EN5 of the Core Strategy and policy ENV14 of the Draft Local Plan.

7.18 Highways

7.19 The County Highway Engineer has raised no objections to the application subject to four conditions. It is considered that given the length of the highway frontage of the site, highway safety could be satisfied and the application therefore made acceptable in terms of policy S6 of the Core Strategy and policy COM7 of the draft Local Plan.

7.20 Ecology

7.21 The site is located within a 200m of the Cam Washes Site of Special Scientific Interest (SSSI). However, Natural England have not responded to date

7.22 Flood Risk and Drainage

7.23 The site is not located within a flood risk area and The Middle Fen and Mere Internal Drainage Board raises no objection to the scheme on the basis that surface water will be disposed of via soakaways. The proposal therefore complies with policies EN7 of the Core Strategy and policy ENV8 of the Draft Local Plan.

Trees

7.24 The Council's Tree Officer raises no objection to the grant of permission but recommends a condition requiring that development takes place in accordance with the arboricultural report.

Conclusion

7.25 The application site is located outside the limits of the development envelope for Barway, where policies CS1 and CS2 place a strict control on new residential development. However the site has been identified for development in the draft Local Plan through Policy BAR1. Due to the advanced stage of preparation this can be given significant weight. It is considered that there are no other material planning reasons that would suggest refusal of the application.

7.26 Therefore, subject to advertisement of the application as a departure from the development plan, application is therefore recommended for approval subject to the conditions included within Appendix 1.

8.0 APPENDICES

8.1 Appendix 1 – Recommended conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
87/00001/OUT Application File	- Jon Pavey-Smith Room No. 011 The Grange Ely	Jon Pavey-Smith Planning Officer 01353 665555 jon.pavey-

87/00944/OUT
Application File

smith@eastcambs.gov.uk