

MAIN CASE

Reference No: 17/00986/FUL

Proposal: Construction of 7no dwellings, associated outbuildings, parking, boundary fencing, associated infrastructure and new access driveway

Site Address: Land Rear Of Charing Cross Woodditton Road Kirtling Suffolk

Applicant: The Fairhaven Estate

Case Officer: Julie Barrow, Senior Planning Officer

Parish: Kirtling

Ward: Cheveley
 Ward Councillor/s: Councillor Peter Cresswell
 Councillor Mathew Shuter

Date Received: 5 June 2017 **Expiry Date:** 8 November 2017
[S154]

1.0 **RECOMMENDATION**

1.1 Members are recommended to REFUSE the application for the following reason:

The proposal for seven dwellings on an unallocated site in the countryside would be contrary to Policy GROWTH2 of the East Cambridgeshire Local Plan 2015. The proposal does not meet any of the exceptions to development in the countryside as set out in Policy GROWTH2 and therefore gives rise to inappropriate development to no justification to override the normal presumption against development in the countryside. The proposal is also contrary to Policy LP3 of the Proposed Submission Local Plan, which also seeks to protect the countryside from inappropriate development.

2.0 **SUMMARY OF APPLICATION**

2.1 The application seeks consent for the construction of 7 dwellings on land to the rear of Charing Cross together with associated outbuildings, parking, boundary fencing and access driveway.

2.2 A terrace of three dwellings is proposed on the frontage of the site and will face onto Woodditton Road. The terrace has been designed to complement the design of the recently approved dwelling on the opposite side of Woodditton Road. That dwelling has yet to be constructed. The terrace occupies a footprint of 20.5m by 13.5m with

a maximum ridge height of 6.5m. Render is proposed at ground floor level with brick above. The terrace is made up of two 3-bedroom properties and one 2-bedroom dwelling. Detached outbuildings are proposed within the rear gardens that will include a study/office area and wet room.

- 2.3 An access road is proposed to the west of the terrace leading to two detached dwellings and a pair of semi-detached dwellings towards the rear of the site. A parking area is proposed alongside the access to serve the terrace.
- 2.4 The detached and semi-detached dwellings are of a similar architectural style to the terrace, featuring render at ground floor level with either brick or vertical timber cladding above with a dual asymmetric roof. Plots 4 and 7 are two-story, 4-bedroom detached dwellings with single garages attached. The two-storey element occupies a maximum footprint of 9.5m x 14.3m with a maximum ridge height of 6.5m. The garage occupies a footprint of 6.2m x 7.5m and is subservient to the main dwelling.
- 2.5 Plots 5 and 6 are a pair of 3-bedroom semi-detached dwellings in the same architectural style as the detached dwellings either side. They occupy a footprint of 14.8m by 13.5m with a maximum ridge height of 6.5m.
- 2.6 Amended plans have been received during the course of the application reducing the terrace from four dwellings to three and introducing the pair of semi-detached dwellings in place of a detached dwelling, thereby maintaining the principle of seven dwellings on the site. A further complete set of plans were submitted on 29 September 2017. These plans corrected a number of errors in relation to building heights.
- 2.7 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.eastcamb.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.8 Application called in to Planning Committee by Cllr Creswell *'In view of the strong opposition from Kirtling & Upend Parish Council and local residents, I wish to call-in for determination by the Planning Committee, the application to construct 7 dwellings on land at the rear of Charing Cross, Woodditton Road, Kirtling'*.

3.0 PLANNING HISTORY

3.1

16/00821/FUL	Construction of 3 No. four bed dwellings, 2 No. two bed dwellings and 2 No. three bed dwellings and associated works	Withdrawn 05.09.2016
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4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located outside the established development framework for Kirtling, the edge of which is located to the north-east of the site where it encompasses the built form along The Street. The site is currently vacant with the documents submitted with the application referring to it as former garden land. There are a number of mature trees within the site and together with boundary vegetation in places. A pond is located towards the north-west corner of the site with a drainage channel leading from it that runs along the western boundary. Charing Cross, a detached two storey dwelling adjoins the north-east boundary of the site and a further dwelling known as The Boot adjoins the north-west boundary. Thatched Cottage, a Grade II listed building is located on the northern side of Woodditton Road and lies beyond the north-west boundary of the site. Planning permission has recently been given for a detached dwelling opposite the site.

5.0 RESPONSES FROM CONSULTEES

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

Parish Council (on original plans) –

- (a) There are serious concerns over the environmental impact of this proposed large, relative to its situation, development. It would appear that not only has a previously active badger sett been removed, numerous trees have been removed from the site already and no regard has been paid to the evidenced existence of Great Crested Newts on the site.
- (b) There appears to be no evidence that the full ecology report as stipulated in the Planning Authority's guidelines has been undertaken and published.
- (c) The Parish Council consider the proposed development would be detrimental to the visual amenity of the locality. The proposed designs and build materials are not sympathetic to surrounding properties and is not in keeping with the street scene.
- (d) The development would overlook properties adjacent to the site which the Parish Council consider to be unacceptable.
- (e) The density of the proposed development is unacceptable and is considered to be an underdevelopment of this area of the village.
- (f) Access into and out of the proposed site is not suitable.
- (g) The resultant increase in traffic within the village will be unacceptable.
- (h) The lack of infrastructure for young families within the village has not been addressed.
- (i) The Parish Council refer also the decision by the Planning Inspectorate in respect of another application within the village where an application was refused because it was backfill development and the Inspector stated that Kirtling is a linear village and backfill development should not be permitted. This application is not linear, it is backfill and is contrary to the Planning Inspectorate's views.

Parish Council (on amended plans) - It is noted that there have been revisions to the original plan, which appear to address some of the issues concerning impact and biodiversity. However, despite the alterations proposed in the revised application, the Parish Council retains the view, originally expressed in their response to the original application, that the proposed development will have an adverse impact on Kirtling Village both visually and environmentally. The Parish

Council however, retain their original view that this proposed development will still have a significant negative impact on Kirtling Village both visually and environmentally.

In terms of visual impact, the proposal does not take into account the random and essentially linear nature of the existing settlement. Such a development:

- Is not a feature of this community,
- Is contrary to the Planning Inspectorate's views on similar applications,
- Could provide an unwelcome precedent for any future development within the village.
- Lacks a recognition that this plan will change the street scene significantly, and thus the character of the village whose inhabitants have chosen to live here because they appreciate the special character it confers of the village.

Because of the recent surge in planning permissions, Kirtling can expect an increase in housing stock of around 15%, resulting over time and in a population increase of up to 30%, which the existing road and transport infrastructure would be unable to support. It would create a significant increase in vehicle movements with the possible consequence of more accidents black spots.

The environmental impact of this proposed development has been well articulated by local people who firmly believe that there is no alternative plan which can satisfactorily compensate for the damaging effect on the ecology of this site. We think this is demonstrated by the creation of so called "biodiversity features", which have been arranged to "fit in" with the proposed properties and access roads. Villagers living adjacent to the proposed site have pointed out that some of the conclusions drawn in the Ecology Report produced earlier this year might have been different had the survey been carried out some 12 months earlier, prior to subsequent disturbance of the site.

The Parish Council understand the needs of the Local Plan and wish to see the village evolve in a manageable way, and therefore reject this and similar future developments.

Local Highway Authority (on original plans) – No objections. The internal roads are not laid out to an adoptable standard and the numbers of dwellings proposed is below the minimum threshold to be considered for highways adoption.

Local Highway Authority (on amended plans) - As far as can be determined from the proposed amendments no further comment from a highways perspective is required.

Historic Environment Team – Do not object to development proceeding but consider that the site should be subject to a programme of archaeological investigation secured by condition.

The Wildlife Trust – While the Trust welcomes the fact that the application has been submitted with the relevant ecological surveys having been completed, it is disappointing that there is so little detail regarding potential biodiversity mitigation measures.

There are concerns that the submitted application does not clearly show what biodiversity mitigation measures will be undertaken and where. Expected a proper and detailed landscape and biodiversity plan to be submitted with the application. This should show at a more detailed scale all landscape and biodiversity measures including species mixes for grasslands, hedges and trees. It is suggested that the current proposed measures represent a bare minimum approach and certainly do not represent a biodiversity enhancement when compared to the sites condition a couple of years ago prior to the recent clearance and intensive management work. There should be scope to include significantly more by way of biodiversity measures as set out in the Practical Ecology report that was eventually submitted with the previous (withdrawn) application on the site.

The Wildlife Trust (on receipt of additional information) – The provision of the additional detail and the suggested enhancements in the Green Environmental Consultants report is welcomed. It is a shame that not all of these recommendations appear on the layout plan A1613 Rev P2, though many do appear to have been included. The proposals should not now have an adverse impact on the local Great Crested Newt population. The Defra Biodiversity Metric has been used to calculate whether the development could be considered to represent a net gain in biodiversity and it does not achieve this, simply because the space for biodiversity measures is so limited with 7 new dwellings. However, it could be argued that with the enhancement measures proposed in the latest Ecological Assessment report that the development no longer represents a net loss in biodiversity and therefore would be considered compliant with planning policies.

On this basis the Wildlife Trust has no further comments or objections to the proposals, subject to suitably worded planning conditions to require the delivery and future management of the proposed biodiversity enhancement measures.

Cambs Fire & Rescue – Adequate provision should be made for fire hydrants.

Environment Agency – No comments to make.

Conservation Officer – This is a resubmission of the previously withdrawn application 16/00821/FUL and the application site is located within relatively close proximity to a Grade II listed building.

The heritage statement element of the Design & Access Statement is wholly inadequate. Three bullet points gives absolutely no assessment of any potential impact. Simply stating that the proposals are positioned 70m from the listed building is not good enough. National guidance produced by Historic England and the NPPF makes it clear that the setting of heritage assets can be extensive and the applicant has made no attempt to illustrate the statements or make any assessment on the significance of the setting of Thatched Cottage. The fact that the land to the east of Thatched Cottage has planning permission is not relevant at this time as work has not commenced on site therefore any assessment of setting and significance must be undertaken considering the situation at this given point in time. That is not to say that the fact that planning permission has been granted and how this may impact the context is not appropriate and I would fully expect this to form part of the heritage statement.

Similarly to the previous application, whilst terraced properties are not a dominant feature in the village, historically this type of built form was not uncommon in rural villages and there is an example of almshouses in the village centre. Concerns are raised again regarding the size of the proposed dwellings in the terrace and that currently 4 dwellings is just too much based on the current size. It may be more appropriate to have a terrace of 3 dwellings which would give a better relationship to the street and with the adjacent property known as Charing Cross.

The proposed terraced properties to the front of the site are of contemporary design using traditional materials; the reduction in the amount of zinc cladding is welcomed. The terrace features a mix of flat and asymmetrical pitched roofs, which breaks it up into distinct elements and the use of gables fronting the street is not uncommon in the vicinity of the site. The properties have a maximum ridge height, which from the information provided appears to be no higher than the property to the east.

The addition of properties to the front of the site would not look out of character with the built form of the area but again, reduction in the number and scale of the proposed properties to the front of the site is recommended.

There are concerns regarding the provision of so much parking to the northwest of the site. The loss of one terrace would allow the provision of less parking, which could help overcome this concern. It is assumed that it is still proposed to use reinforced grass rather than hard standing, which will help to limit the visual impact and it is accepted that the parking spaces are positioned some 16m back from the highway edge.

In regards to the dwellings to the rear, these are not entirely in keeping with the built form of the area; however there is a 'cul-de-sac' style development to the northeast on The Street, opposite The Red Lion. These proposed dwellings will not greatly impact the character, appearance or setting of the listed buildings to the northwest as they are simply situated too far away; the closest being over 100m to the southeast.

Whilst the materials have been changed, it is suggested that rather than all of the properties being half brick/render and half boarded it may be more appropriate to introduce some full brick or full render would be preferable. Should the properties to the rear be acceptable in planning terms then the garages should ideally be detached.

Conservation Officer (on receipt of plans reducing the terrace to 3 dwellings) – The removal of the fourth property in the terrace is welcomed and addresses the concerns raised regarding the relationship with the street and the adjacent property. The reduction in the number of properties to the front of the site has allowed the parking levels to be reduced, which will help to overcome this concern.

The comments provided previously regarding the properties to the rear, materials and garages would not change as a result of the change of one to a pair of semi-detached dwellings.

Conservation Officer (on receipt of additional heritage information) - The amended section of the Heritage Statement continues to lack the fundamental elements required:

- Assessment of Significance of any Heritage Assets
- Assessment of Impact

The historical analysis of the town appears to have been done as part of the Design and Access Section of the statement.

This is the 3rd attempt at the heritage section and between the Design and Access Statement and the table of responses they have addressed the concerns raised in terms of the development as a whole. In this instance the information provided, whilst not addressing the requirements of a heritage statement does provide sufficient information to allow me to consider the proposal in its context.

Trees Officer – This application is for 7 dwellings on an existing piece of open ground. There are some mature trees at the site. The plans include tree retention. An Arboricultural report has been submitted to support the application.

There are no objections to this application.

If the application is to be approved, the Tree Protection Plan within TIP 17 184 B will be required to be implemented under condition of planning approval to ensure the successful retention of trees at the site.

Environmental Health – Due to the proximity of current residents a construction times and deliveries condition is recommended together with the submission of a Construction Environmental Management Plan. Due to the sensitive end use (residential) standard contaminated land conditions are also recommended.

ECDC Waste Strategy (on original plans) – ECDC will not enter private property to collect waste or recycling, therefore it would be the responsibility of the owners/residents to take any sacks/bins to the public highway boundary on the relevant collection day. ECDC as a waste Collection Authority is permitted to make a charge for the provision of waste collection receptacles. This contribution is currently set at £43 per property.

CCC Growth & Development – No comments received.

Anglian Water Services Ltd - No comments received.

5.2 Site notice posted, advertisement placed in the Cambridge Evening News and 7 nearby addresses notified.

A petition was received on 12 July 2017, signed by 54 residents of Kirtling in objection to the application on the grounds that the application “*is not a sustainable form of development, has back-land development, is out of keeping with the village and represents a clear overdevelopment of the site*”.

The responses received on the original plans are summarised below. A full copy of the responses are available on the Council’s website.

- There has been no leak from the oil tank as suggested in the Ecology Report.
- The site is outside the development envelope
- The site has been cleared of trees, hedgerows and ecology for local wildlife. The ecology report appears to have surveyed the site after it was cleared.
- Design of the housing is not in keeping with the immediate locality or anywhere in the village. Listed buildings close by. The street scene will be adversely affected.
- Kirtling has linear development only. This suggests use of greenfield backland.
- Kirtling already has approx. 16 plots, yet few have been sold or built on. A further 7 plots are not sustainable given the lack of infrastructure and local services.
- Proposed study/wetrooms in rear gardens of terrace changes them from 2/3 beds into 3/4 beds.
- Overspill parking onto Woodditton Road would be dangerous.
- Development is contrary to Policy ENV1. Terrace is cramped onto frontage and is overbearing in size and scale. Recent appeal decision supports this position.
- Design does not reflect rural character of the area.
- Unacceptable visual impact on Charing Cross, which would suffer considerable loss of outlook and natural light.
- Loss of privacy for Charing Cross and The Boot from proposed balconies. Fact that privacy screens and frosted glass proposed confirms this.
- Noise disturbance from increased traffic, construction traffic and general disturbed tranquillity.
- Responsibility of the Council under the Human Rights Act to allow a person the right to peaceful enjoyment of their possessions and respect for private family life.
- The site has been a natural wildlife corridor between Ten Wood Site (SSSI) in the west and Lucy Wood (CWS) in the north.
- Development would have detrimental effect on protected species that use this habitat.
- Would set a precedent for similar back-land development in this linear village.
- Rural, undeveloped appearance contributes to value and character of the open landscape.
- Further example of landowner developing as much of Kirtling as possible to create 'infill' plots.
- No demonstrable benefit to local community.
- No local need for housing/accommodation.
- Disabled access is laudable but Kirtling is an impractical location for persons of limited mobility.
- Biodiversity mitigation measures are minimal given the area of land affected.
- Plan only shows one mature willow tree but there are two. One has been cut back and pollarded but is healthy. Both trees should have a TPO put on them.
- Development will increase traffic on narrow roads, most of which have no pavement.
- Development in close proximity to a dangerous corner. Development increases possibility of a serious accident.
- Overly large in scale and creates overly tall buildings that do little to enhance the street scene. Does not comply with Policy ENV2.
- Loss of landscape setting to Charing Cross.

- Loss of natural light to Charing Cross.
- No justification for the felling of the Sycamore tree.
- Houses 4 and 5 will be overbearing to Charing Cross and there will be a loss of privacy from the balconies. Overlooking from terrace outbuildings.
- Drawings are sub-standard and errors on plans for House 5.
- No other terraced houses along Woodditton Road.
- Reduced scale of garage recently applied for by Charing Cross. Scale of development proposed is greater and much closer to a listed building.
- Does not reflect Parish Council's wish that future housing is small scale and limited to infill only.
- Currently traffic cuts through Upend to access Cheveley. This route cannot support an increase in traffic.
- No community consultation has taken place.
- Green belt is being eroded at a fast pace and this will never be recovered.
- Extension to Thatched Cottage granted on the condition the new roof line did not come above the thatch line. The development would stand much higher than this.
- Planning policy in the past was that Kirtling should remain a "scattered community".
- Properties will be rented, which can lead to a transient population that does not benefit the community.
- Site is described as a residential garden, which is a surprise. To which residence is this associated with?
- All the schools are full and over-subscribed.
- On what grounds would this development benefit the village?
- Required distance from listed buildings is being ignored.
- Applicant has sought to reduce the paddock hedging, trees and wild grassland over previous 12 months in preparation for this application.
- Contrary to plan put forward by the Parish Council for the new Local Plan.

The Kirtling and Upend Residents Group (on original plans) –

- Site is located outside development envelope and is therefore not a suitable location for residential development of any kind. The Draft Local Plan continues to support this approach.
- NPPF is clear that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Do not consider this rural site to be a sustainable location given that public transport and local services are minimal.
- Scale and form of development is not in keeping with Kirtling's dispersed linear village with a distinct rural character.
- Detached properties have no street frontage.
- To accommodate parking terrace is compressed and cramped.
- Design and layout has been compromised to accommodate 7 dwellings.
- Layout is poor and would have a significantly detrimental impact on occupants of The Boot and Charing Cross.
- Disturbance to The Boot from access and parking area.
- Overbearing impact and loss of privacy on Charing Cross.
- Design of dwellings is not innovative and has no regard for its rural setting. Design is generic and replicated in urban areas nationally.

- Will set a precedent for similar or larger windfall schemes in Kirtling.
- If allowed Kirtling will have exceeded 10% growth in size and in time will erode the rural character and appearance of this historic village.
- Recent planning appeals on land north-west of 162 The Street were dismissed and there are similarities between the dismissed application and current proposal.

The Kirtling and Upend Residents Group (on amended plans) –

- Still feel the application should be refused as the resubmitted plans have not addressed the issues set out in previous letter.

The Kirtling and Upend Residents Group (on amended plans submitted in September 2017) –

- Concerns already raise remain pertinent.
- Special character of village is gradually being destroyed by opportunistic planning applications submitted during the five year housing land supply crisis.
- In the past two years approval has been granted for 21 new houses. These houses have not yet been built and true impacts not yet felt.
- Current application is unsympathetic and unsustainable and will further erode the character of the village.
- Council is now able to demonstrate a five year supply of deliverable housing sites and housing polices should be considered up to date.
- Proposal not supported by existing or emerging Local Plan.
- Similarities with recent appeal decisions (dismissed).
- Impact on residential amenity, poor design and impact on ecology (as per original comments).

The responses received in support of the application are summarised below:

- Believe that Kirtling has the required infrastructure.
- The design is uncontroversial and simple and will fit into the environment.
- Every village in Suffolk is being encouraged to build a few extra houses, particularly family houses.
- Disruption will be kept to a minimum.
- Kirtling is a village well suited to sympathetic and well planned expansion.
- Considerable demand for housing.
- Site has been well chosen, within the boundaries of the village, close to local amenities and bus links to Newmarket.
- Kirtling is a mix of properties. Would like to see modern housing.

The responses received on the amended plans are summarised below:

- Concerns raised by occupiers of The Boot and Charing Cross have not been addressed.
- Development is still overbearing and unsustainable and is overdevelopment of the site. Design and loss of privacy not addressed.
- Small corridor of Swale between The Boot and the development is insufficient to maintain the wildlife that uses the site. Disruption to ecology and biodiversity would be unacceptable.
- Dwellings to rear are still backland.

- There are now 20 approved planning applications in Kirtling & Upend. Represents approx. 13% growth.
- Applicant has done little to reduce the size of the development and has only removed one terrace.
- Still perplexed as to why ECDC have not asked the applicant to remove all the balconies. The screens will not offer any privacy at all and Charing Cross will be overlooked from the south-east and north-west.
- Application is outside development envelope.
- Approved applications for 21 dwellings in Kirtling & Upend. 18 yet to be built – indication that there is no call for further housing at present.
- Application is contrary to Infill Policy LP32.
- Excessive loss of wildlife habitat. Consider the proposal to be contrary to Policy LP30.
- Still have concerns over the overbearing and intrusive impact on Charing Cross.
- Existing entrance to Plot 1 retained. This is close to junction with The Street.
- Largest development within Kirtling would create considerable vehicle movements and any overflow parking onto Woodditton Road would be hazardous.
- Proposed Submission Local Plan can now set out sufficient amount of housing to meet five year housing needs. Decision makers should be in a position to more easily and robustly refuse inappropriate development outside development envelopes.
- The adjacent green field with a public footpath across it should be protected from development to prevent the open aspect this part of the village being obliterated.
- Previous objections from occupiers of Charing Cross still remain.
- Backland development has increased with change from detached dwelling to two semi-detached dwellings.
- Proposal is not sympathetic or respectful of the village.
- Rural location between SSS1 and CWS should act as a stepping stone for wildlife.
- Entrance to House 3 looks directly at the rear of Charing Cross. There will be noise and fumes from vehicles.
- If the approved garage is constructed at Charing Cross this will obstruct visibility from the access to House 3.
- Layout continues to be poor and will have a significant detrimental and overbearing impact on The Boot and Charing Cross.
- Comments regarding balconies remain. Screens are to protect privacy of future occupant and would not prevent intrusion on privacy of Charing Cross.
- Location of development would not be suitable for people with mobility problems.
- Site has not been a residential vegetable plot. It has been grassland/meadow since at least 1999.
- Applicant indicates plots would be rented. This goes against applicant's comments of allowing the occupants to "age in place".

In total 85 letters/names on petition objecting to the application have been received and 4 letters in support.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 2	Housing density
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 12	Listed Buildings
ENV 14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations
Design Guide
Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated
Flood and Water

6.3 National Planning Policy Framework 2012

- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design
- 11 Conserving and enhancing the natural environment
- 12 Conserving and enhancing the historic environment

6.4 Proposed Submission Local Plan

LP3	The settlement hierarchy and the countryside
LP17	Creating a sustainable, efficient and resilient transport network
LP20	Delivering green infrastructure, trees and woodland
LP22	Achieving design excellence
LP24	Renewable and low carbon energy development
LP25	Managing water resources and flood risk
LP26	Pollution and land contamination
LP27	Conserving and enhancing heritage assets
LP28	Landscape, treescape and built environment character
LP30	Conserving and enhancing biodiversity and geodiversity

7.0 PLANNING COMMENTS

7.1 The main issues to consider in the determination of this application are the principle of development, visual amenity and cultural heritage, residential amenity, highway safety, drainage and flood risk and biodiversity and ecology.

7.2 Principle of development

- 7.2.1 The National Planning Policy Framework promotes sustainable development and states at Paragraph 49 that new housing applications should be considered in the context of the presumption in favour of sustainable development. The Framework supports the delivery of a wide range of high quality homes. It specifically states at paragraph 14 that local planning authorities should normally approve planning applications for new development in sustainable locations that accord with the development plan or, where the development plan is absent, silent or relevant policies are out of date, with the policies contained in the Framework; unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or where specific policies in the Framework indicate development should be restricted.
- 7.2.2 The adopted Local Plan aspires to deliver managed and sustainable growth over the plan period to 2031. For the rural areas the Local Plan seeks to deliver new housing in appropriate locations to meet local needs. In doing so, the Plan identifies those rural settlements where some new development within defined settlements will in principle be appropriate; both in the form of allocations and windfalls. These settlements are the subject of Vision Statements which set out the growth aspirations for each one. The Local Plan seeks to prevent new development taking place outside the defined settlements unless certain specific exemptions are met. Kirtling is one such settlement and the application site lies outside but close to the defined development boundary for the village.
- 7.2.3 The Council is currently preparing a replacement Local Plan covering the period from 2014 to 2036. At a meeting of Full Council held on 5th October 2017, Members considered an updated report on the latest draft of the emerging replacement Local Plan (the 'Proposed Submission Local Plan') accompanied by a Five Year Housing Land Supply Report. This report was agreed by Council, which has established that East Cambridgeshire District now has a five year housing land supply; currently calculated to be 6.94 years. Consequently, Paragraphs 14 and 49 of the Framework are not engaged and the housing supply policies contained in the Local Plan are no longer considered to be out of date. Paragraph 11 of the Framework makes it clear that the Framework does not change the statutory status of the development plan as the starting point for decision making. This states that "proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise". The Framework is one such material consideration and should be taken into account.
- 7.2.4 Adopted policy GROWTH 2 and emerging policies LP1 and LP3 all seek to manage new development so that it takes place in sustainable locations. In respect of open market housing, these are considered to be within defined settlements where there is ready access to shops, services and facilities that meet the day to day needs of those communities. Policy GROWTH 2 states that the majority of development will be focused on the market towns of Ely, Soham and Littleport with more limited development taking place in villages which have a defined development envelope, thereby helping to support local services, shops and community needs. It then states that outside of these settlements new development will be strictly controlled,

having regard to the need to protect the countryside and the setting of towns and villages. Development outside these settlements will not be permitted except where it complies with a limited range of specified categories detailed in that policy; none of which pertain to the current proposals.

7.2.5 The emerging policy LP3 lists Kirtling as a “small village” and is referred to in the Local Plan 2015 as having a reasonable range of services for its size. The settlement is defined by a number of development envelopes. This sets the limit of the physical framework of the built-up area of the settlement and its primary purpose, and the policies which apply within and outside them, is to prevent the spread of development into the countryside, to maintain the essential character of the settlement and control the growth within and outside it in accordance with the settlement hierarchy in policy LP3. Policy LP31 relates to new development in the countryside and it sets out the type of development that might be appropriate, including new residential development. These policies reflect the Government’s guidance on rural development contained in the Framework and they establish a range of development types that require a countryside location as an exception to the strategy of focussing most new development within sustainable settlements. The proposed development does not fulfil any of the listed exceptions in either policy.

7.2.6 The principle of open market residential development on this site is contrary to the adopted and emerging development plans. It will be necessary, therefore, for the applicant to demonstrate other material planning considerations in line with the Framework and emerging Policy LP1 that justify a countryside location for the proposal. If there are other material planning considerations that weigh in the development’s favour then those should be considered carefully in the planning balance to assess whether or not they should prevail. The remainder of this report considers those material factors before reaching a conclusion on the proposals.

7.3 Visual amenity and cultural heritage

7.3.1 As stated above, the settlement of Kirtling is split into a number of distinct development envelopes that encompass the existing built form. A number of planning applications have been made in recent months on sites in Kirtling that lie outside the development envelopes. While the Council has been unable to demonstrate that it has a five year supply of land for housing a number of these have been permitted. In particular, a number of sites have come forward on Woodditton Road, close to this application site. All of these proposals were not considered to cause significant and demonstrable harm to the visual amenity of the area and many of the approved dwellings are positioned alongside or in between existing dwellings.

7.3.2 The introduction of a terrace of three dwellings on the frontage of the current application site would therefore repeat this pattern of development and effectively ‘infill’ the area between the dwellings known as Charing Cross and The Boot. Concerns were raised by the case officer at the outset of the application in relation to the scale of the terrace. The applicant has responded to these concerns by removing one dwelling from the terrace. The resultant reduction in bulk and mass is

considered to be more appropriate for the street scene and it also increases the separation distance with Charing Cross.

- 7.3.3 The terrace has been designed to complement the design of the recently approved dwelling opposite the site, although it is acknowledged that this dwelling may not be built in its current approved form, if at all. Notwithstanding this the design of the scheme has been carefully considered by officers. The predominant building form in this part of Kirtling is detached dwellings on spacious plots but there is no predominant architectural style on display. The roofline on the terrace incorporates a series of asymmetric roofs with flat roof sections in between to break up the bulk of the built form and provide clear legibility between properties. The use of brick and render again breaks up the front and side elevations and subject to the use of high quality materials it is considered that the terrace would not harm the visual amenity of the area. The Conservation Officer has noted that historically terraced dwellings were not uncommon in rural villages and there is an example of almshouses in the village centre. This proposal could be viewed as a modern interpretation of almshouses and the fact that it does not replicate the architectural style of surrounding properties does not mean that it is not sympathetic to its surroundings. The maximum ridge height of the terrace is 6.5m (not 11.48m as stated by the Conservation Officer), similar to the adjacent Charing Cross.
- 7.3.4 Thatched Cottage, a Grade II listed building is situated on the northern side of Woodditton Road, approximately 20m from the north-west corner of the site. There is extant consent for detached dwellings either side of Thatched Cottage. The application site does not make a significant contribution to the setting of Thatched Cottage and it is considered that the development of the frontage of the site, including the access and parking area, would not cause substantial harm to the setting of the listed building.
- 7.3.5 The Conservation Officer has stated that the dwellings to the rear of the terrace are not entirely in keeping with the built form of the area. In a recent appeal decision (APP/V0510/W/16/3161285 & APP/V0510/W/16/3161295) in respect of a site on Chapel Lane in Kirtling the Planning Inspector referred to the fact that the settlements of Kirtling and Kirtling Green are linear developments with road frontages. The schemes that were subject of the appeal were considered to be contrary to the built form of the sites' surroundings and would have created a hard built edge to the village.
- 7.3.6 The Conservation Officer does however go on to acknowledge that there are examples of 'cul-de-sac' style developments on The Street. One such development is located within 100m of the site. The proposal to site four dwellings along the south-eastern boundary of the site will introduce development in depth in this part of the village, however, this is a comprehensive scheme, utilising a single access point off Woodditton Road and is not contrived in the same way as applications that seek approval for one dwelling behind another with the new dwelling being constructed on the residential amenity space of the host dwelling.
- 7.3.7 The scheme will have an impact on the landscape character of the area through the introduction of dwellings on an area of undeveloped land and the dwellings to the rear of the site will feature in views of the site from Malting End. The built form does not however appear to extend beyond the limits of the curtilage of the dwellings to

the north-west of the site. The proposed dwellings will be located beyond existing boundary vegetation and it is considered that the ridge heights are modest for two-storey dwellings. A mixture of brick, render and vertical timber cladding is proposed across these dwellings to provide both consistency with the terrace and to introduce a natural material in the form of the timber cladding. The retention of the boundary vegetation can be secured by condition and the scheme can be subject to a comprehensive landscaping scheme to assist in its assimilation into its surroundings. The Conservation Officer is satisfied that these dwellings will not affect the setting of Thatched Cottage due to their distance from the listed building.

7.3.8 The frontage of the site does currently form a break in the built form between Charing Cross and The Boot. However, the terrace occupies less than half the frontage of the plot and although hard landscaping will be introduced in the form of the access road, views through the site along the eastern boundary will still be possible. As stated above the proposal will have a visual impact, however it has been designed within the existing landscape features of the site and is a low density scheme located close to the established built form of the village. The proposal is considered to have satisfied the requirements of Policies ENV2 and LP22 in relation to design and ENV12 and LP27 in relation to listed buildings. The impact on the existing landscape features on the site does conflict with Policies ENV1 and LP28 but not to the extent that refusal could be justified.

7.3.9 It should also be noted that the Conservation Officer has provided further comments on the quality of heritage statement provided by the applicant. It is still considered to fail to meet the basic requirements. However, the information submitted and the information on the scheme is considered to provide sufficient information for the proposal to be considered in its context and the Conservation Officer does not object to the scheme.

7.4 Residential development

7.4.1 The occupiers of Charing Cross and The Boot have both expressed concerns regarding the impact of the proposal on their residential amenity.

7.4.2 Charing Cross is a detached two storey dwelling with its front elevation facing towards Malting End. Planning Permission has recently been given for the construction of a two-storey side extension to the dwelling and a detached cartlodge in the north-west corner of its curtilage. Plot 4 is located directly to the south, with its side elevation approximately 20m from the side elevation of Charing Cross. Charing Cross would be brought 4m closer to House Plot 4 if the side extension is constructed. At this separation distance House 4 would not be considered to be overbearing on Charing Cross and vice versa. A window is proposed in the side elevation of the extension, to serve a dressing room. This would not be considered to be a habitable room in the same way as a bedroom or living room. Two high level windows are proposed in the north facing elevation of House 4 to serve bathrooms with two roof lights above serving bedrooms. These rooflights will however be set 2.5m above finished floor level. Given the position of the window openings and rooms that they serve it is considered that there will be no loss of privacy for the occupiers of either dwelling.

- 7.4.3 A balcony is proposed on the east facing elevation of House 4 that will be accessed via two first floor bedrooms. The balcony is set in 0.8m from the side elevation of the dwelling and the applicant proposes to construct privacy screens to either end. The balcony will afford views over the land to the east of the site and any views towards Charing Cross will be prevented by the privacy screen and the fact that it is set in from the side elevation.
- 7.4.4 As stated above the scale and positioning of the terrace of three dwellings has been amended during the course of the application. The terrace is now located 15m from the rear elevation of Charing Cross and at this distance it would not appear overbearing. It is also located to the north-west of Charing Cross, minimising any loss of light. One window opening is proposed in the side elevation of the terrace facing Charing Cross. This serves a stair well and will be fitted with obscure glazing to protect privacy. Balconies on the rear elevation of the terrace will also be fitted with privacy screens, again restricting views towards Charing Cross.
- 7.4.5 The access and parking spaces for House 1 are adjacent to the rear boundary of Charing Cross. This is however an existing access into the site and it is considered that the vehicle movements associated with one dwelling would not have a significantly adverse effect on the amenity of the occupiers of Charing Cross.
- 7.4.6 The outlook from Charing Cross will change as a result of the proposal, however, there is no right to a view in planning terms and it is considered that the changes made to the proposal during the course of the application ensure that there will not be a significantly detrimental effect on the residential amenity of the occupiers of Charing Cross.
- 7.4.7 The proposed access and parking area for the terrace is located between the terrace and The Boot. The proposed built form is not therefore considered to be overbearing or result in a significant loss of light or privacy. The dwelling itself is located approximately 20m from the parking area, with the access road beyond. It is considered that this separation distance is adequate to ensure that any noise or disturbance from vehicles entering and leaving the site would not have a significantly detrimental effect on the residential amenity of occupiers of The Boot.
- 7.4.8 The applicant has considered the relationship between the dwellings on the site and various changes to the position of dwellings and window openings have been made to ensure that future occupiers enjoy a satisfactory level of amenity. On balance therefore it is considered that subject to appropriate conditions, the proposal complies with Policies ENV2 and LP22 in relation to residential amenity.
- 7.5 Highway safety
- 7.5.1 As stated above, an existing access off Woodditton Road will be utilised for House 1, with two parking spaces provided alongside the dwelling. A further access is proposed to serve the remaining six dwellings. This has been designed to a shared surface standard (5.5m wide with 0.5m maintenance strips either side). The local highway authority has stated that it would not adopt the access due to the fact that the terrace fronts onto Woodditton Road and the number of dwellings it serves. The Local Highway Authority has also stated that it would be preferable for the road to be 6.0m wide, however, given that the road will not be adopted in any event it is not

considered necessary to insist on this amendment. The applicant has confirmed that the appropriate indemnity will be given to the Council to allow refuse vehicles to enter the site. Subject to conditions relating to the provision of visibility splays and prohibiting the construction of gates within 6.0m of the back edge of Woodditton Road the Local Highway Authority has no objection to the proposal. It is therefore considered to comply with Policies COM7 and LP17 in this regard.

7.5.2 A total of six parking spaces are proposed adjacent to the access road to serve Plots 2 and 3 and provide two visitor spaces. Plots 4 and 7 have the use of a double garage with space to park two vehicles in front of it. Plots 5 and 6 both have two parking spaces either to the front or side of the dwelling. The proposal therefore complies with Policies COM8 and LP22 in relation to parking provision.

7.6 Drainage and flood risk

7.6.1 The site is located in Flood Zone 1, where the majority of development should be directed. The applicant proposes to incorporate surface water drainage into the scheme through the use of SuDS and the existing drainage channel on the site. A connection to the existing foul drainage system on Woodditton Road is also proposed. It is considered that the submission of a detailed surface water drainage scheme can be secured by condition.

7.6.2 Advice has been sought from the Lead Local Flood Authority (LLFA) regarding this application and the details submitted. Based on the information originally submitted they requested additional information on the allowable discharge rate, where the cellular storage would discharge to. They also stated that the climate change allowance was incorrect and that a drainage layout should be submitted. Following the submission of additional information it was considered that an acceptable scheme could be achieved on site.

7.6.3 As a result of the above the application is considered to comply with Policies ENV8 and LP25 and the Flood and Water SPD.

7.7 Biodiversity and ecology

7.7.1 An Ecological Assessment has been submitted with the application and has been subject to amendments and additions. Reference to a leak from an oil tank on adjacent land has been removed from the report.

7.7.2 The report concludes that the site is considered to be of low ecological value as it currently has poor quality habitats. The site is however considered to have potential for Great Crested Newts, even though none were found on the site, due to the presence of Newts in a pond within 100m of the site. It has therefore been assumed that Great Crested Newts could be using the site and the scheme has been designed on this basis.

7.7.3 A newt corridor is proposed along the western boundary of the site, comprising a linking green corridor of low intensity managed grassland to provide terrestrial newt habitat. The corridor links to a larger area of grassland to the south, which joins another pond where grassland will continue around it. The existing pond in the

northern half of the site will be improved, as will an off-site pond. The provision of the corridor will be subject to a Natural England Licence.

- 7.7.4 The proposal will also include the enhancement of existing hedgerows and provision of new hedgerow and further detail of the wildflower grassland that is proposed in the centre of the site has been submitted. The applicant also proposes to incorporate bat and bird boxes into the scheme although the Ecological Assessment states that no trees on the site had any features suitable for bats.
- 7.7.5 The Ecological Appraisal makes specific reference to Badgers and an earlier appraisal carried out. The current report states that it disagrees with the description of three setts and a number of holes, described as two setts on a ditch bank on the site boundary and a third about 45m away on the same ditch system. Many of the holes described were far too small to be able to be used by Badgers although some were potentially large enough. The report concludes that there were two smaller outlier setts, not three and the number of holes considerably reduced. Some holes may have been used in the past by Badgers although there was no evidence of that in 2016 or 2017.
- 7.7.6 There was no evidence of paths leading from the two old setts into the site but there were paths crossing the site from other directions.
- 7.7.7 In 2017 there was no evidence of Badger residence on the site or immediately adjacent and as such no impacts on setts are anticipated. It is advised that any trenches be back-filled overnight to prevent animals falling in, or ramps provided so that they can easily climb out.
- 7.7.8 At the request of the case officer an Ecological Assessment Addendum has been submitted addressing the issue of Water Voles as reference has been made to the species in the earlier ecological appraisal referred to above. The Addendum confirms that a Water Vole survey has been carried out. A number of large holes were found along the left bank of the ditch within and outside the site boundaries but none were attributed to Water Voles. No latrines, feeding lawns or other features were observed. No evidence of the presence of Water Voles was found and the ditch system is considered to be poor for this species.
- 7.7.9 The Trees Officer has reviewed the Arboricultural report submitted with the application and subject to a planning condition in relation to tree protection measures has no objection to the application.
- 7.7.10 Subject to appropriate conditions the proposal is considered to comply with Policies ENV7 and LP30.
- 7.8 Other matters
- 7.8.1 A neighbour comment has advised that community consultation has not taken place. A site notice has been placed at the site, advert placed in the Cambridge Evening News, direct neighbours notified and the Parish Council consulted. As a result the correct consultation process has been followed.

- 7.8.2 Concerns raised that the dwellings would be rented as opposed to being sold on the open market are not a material planning consideration.
- 7.8.3 A number of other planning applications have been referenced in response to this application. Each planning application and site is considered on its own merits.
- 7.8.4 Local Plan Policy ENV4 and Policy LP24 require applications of this scale to demonstrate how they can meet high levels of sustainability. A detailed strategy can be secured through an appropriately worded condition.
- 7.8.5 Reference has been made by objectors to the erosion of the Greenbelt. The site is not located in the Greenbelt and does not have the statutory protection of Greenbelt land. The site can be referred to as greenfield land, i.e. previously undeveloped land.
- 7.9 Planning Balance
- 7.9.1 The proposal would provide the following benefits:- the provision of an additional 7 residential dwellings to the district's housing stock in a sustainable location which would be built to modern, sustainable building standards and the positive contribution to the local and wider economy in the short term through construction work.
- 7.9.2 The proposed is not considered to cause significant or demonstrable harm to the visual amenity of the area or on cultural heritage. Subject to appropriate conditions it is also considered that the proposal will not have a significant detrimental effect on residential amenity. The applicant provides sufficient parking and does not negatively impact on the highways network. They have also provided acceptable information in regards to trees, ecology and drainage, all of which can be secured by way of condition.
- 7.9.3 The Council is however now able to demonstrate that it has a five year supply of land for housing. The site is located outside the defined development envelope for Kirtling and the proposal does not meet any of the rural exceptions for development in the countryside as set out in Policy GROWTH2 of the Local Plan 2015 and Policy LP3 of the Draft Submission Local Plan. The proposal is therefore considered to be unacceptable in principle and gives rise to inappropriate development in this location with no justification to override the normal presumption against development in the countryside. On this basis the application is recommended for refusal for the reason set out in this report.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
17/00986/FUL	Julie Barrow Room No. 011 The Grange	Julie Barrow Senior Planning Officer
16/00821/FUL	Ely	01353 665555 julie.barrow@eastca mbs.gov.uk

National Planning Policy Framework –

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 –

<http://www.eastcamb.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>