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**MAIN CASE**

**Reference No:** 17/00003/OUT

**Proposal:** Outline Application for 4no. two storey dwellings off new private access road & repositioning of 2no. two storey dwellings to frontage (approved under previous application) to allow access road through to rear.

**Site Address:** Land South Of 1 To 7 Old School Lane, Upware ,CB7 5ZR

**Applicant:** Mrs Emma Cross

**Case Officer:** Julie Barrow, Senior Planning Officer

**Parish:** Wicken

**Ward:** Soham South

Ward Councillor/s: Councillor Hamish Ross  
Councillor Ian Bovingdon  
Councillor Dan Schumann

**Date Received:** 3 January 2017      **Expiry Date:** 9 August 2017

[S71]

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1.0 **RECOMMENDATION**

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

1. Upware is described in the East Cambridgeshire Local Plan 2015 as a small village situated in a very rural position. Modest growth in such locations promotes the social element of sustainable development and it is considered that the extant planning permissions for 5 dwellings accord with this principle. The four additional dwellings now proposed will result in further reliance on the private motor vehicle in order for future residents to access goods and services. The proposal does not promote sustainable forms of transport and fails to meet any of the special circumstances as identified in Paragraph 55 of the national Planning Policy Framework. The proposal is contrary to Policies GROWTH5 and COM7 of the East Cambridgeshire Local Plan 2015 and Paragraphs 14 and 55 of the National Planning Policy Framework.
2. The proposal includes the repositioning of two approved dwellings on the frontage of the site with Upware Road and four additional dwellings to the rear with a new access off Upware Road. The development in depth of this site is contrary to the form and pattern of development in Upware, which is frontage development, and would be visually dominant in the landscape to users of the public right of way that runs alongside the River Cam. The proposal fails to

complement the edge of settlement location and would result in the loss of an important open space alongside the River Cam. The proposal is therefore contrary to Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and paragraph 109 of the national Planning Policy Framework.

## 2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks outline planning permission for the construction of six detached, two-storey dwellings on land to the west of Upware Road. Access, layout and scale are to be determined at this stage with appearance and landscaping as reserved matters.
- 2.2 Consent has previously been given for five detached dwellings fronting onto Upware Road under references 15/00482/OUT and 16/01307/OUT. Two of the dwellings that already have consent are to be moved further south in order to provide space for an access road off Upware Road that will lead to four dwellings in the western half of the site. The proposal therefore seeks to increase the total number of dwellings on the wider site from five to nine.
- 2.3 Revised plans have been submitted during the course of the application removing three of the approved dwellings from the proposal and reducing the number of dwellings now being considered under this application from ten to six.
- 2.4 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.**
- 2.5 The application has been called into Planning Committee by Cllr Ian Bovingdon as "it needs full discussion by Committee due to the contentious nature of the planning application locally and Wicken's/Upware's commitments in the emerging Local Plan".

## 3.0 PLANNING HISTORY

- 3.1
- |              |  |           |            |
|--------------|--|-----------|------------|
| 97/00384/OUT | 2 detached houses and double garages   | Refused   | 19.08.1997 |
| 14/01055/OUT | Outline applications for proposed residential development comprising four single storey dwellings with associated garages, parking, access and site works. | Withdrawn | 15.01.2015 |

15/00482/OUT	Outline Application for Proposed Residential Development Comprising Four Two Storey Dwellings, with Associated Garages, Parking, Access and Site Works and public open space.	Approved	04.08.2016
16/01307/OUT	Outline application for two storey dwelling along with associated parking, access & site works.	Approved	28.11.2016

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located outside of the established development framework of Upware, which lies to the north of the site beyond the remainder of the land within the control of the applicant. The site is currently vacant with some boundary vegetation. There are residential dwellings on the eastern side of Upware Road with an Environment Agency building immediately opposite the site. Upware itself is a small village in the Parish of Wicken. The area has the character of a rural hamlet with the settlement surrounded by open countryside. The 'Five Miles from Anywhere' Public House is located to the north-west of 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.

Wicken Parish Council – Large development for a small hamlet like Upware and would effectively double the size of the village. If it is to go ahead strict conditions must be applied in relation to footpaths, improved street lighting, upgrading the sewerage system and a new cabled broadband service. The houses should be a mix and must include some smaller 2 bed units in a variety of styles.

Wicken Parish Council (second response) – Concerns over capacity to manage additional sewerage as current arrangements are insufficient in Upware/Wicken.

Ward Councillor – No comments received.

Local Highway Authority – No objections subject to appropriate conditions.

Lead Local Flood Authority – Following receipt of additional drainage information the LLFA has no objection in principle to the proposed development subject to a planning condition requiring a detailed surface water drainage water to be submitted.

Anglian Water –

- Soham Water Recycling Centre has available capacity.

- Development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures. Request a condition requiring the drainage strategy to be agreed.
- The proposed surface water management does not relate to Anglian Water operated assets.

Swaffham Internal Drainage Board – The application states that surface water will be disposed of by soakaways. Provided that soakaways form an effective means of surface water disposal in this area the Board will not object to the application. If Soakaways are found not to be effective the Board must be re-consulted.

Natural England – No objection.

Historic Environment Team – Records indicate that the site lies in an area of high archaeological potential. No objection to development proceeding subject to a programme of archaeological investigation to be secured by condition.

Cambs Fire & Rescue – Requests provision to be made for fire hydrants.

CCC Growth & Development – No comments received.

Environmental Health – Recommend a condition relating to construction times and deliveries. There is a sufficient buffer to the public house however, an informative recommending that the detailed design of the dwellings takes into account the presence of the public house.

Trees Officer – No objection subject to planning conditions relating to tree protection and landscaping.

5.2 Neighbours – 18 nearby properties were notified and the 18 responses received are summarised below. A full copy of the responses are available on the Council's website.

- Upware Community Group – recognise need for housing but site is outside the development envelope and is a buffer zone between a SSSI and CWS; area historically considered a flood plain and has been subject of planning refusals; concerns regarding increase in traffic; request that any planning permission includes conditions for road and lighting improvements and provision of broadband; should be a variety of style of dwelling compatible with the current built environment; difficult to see how the development can benefit local habitats; concerns regarding sewerage services; loss of privacy and disappointed by lack of interest from the Highways Authority.
- Increased traffic in village and have witnessed 'near-misses' on blind bends.
- No pavements and sporadic displacement of kerb stones and road provides access t for large agricultural machinery, two boat marinas and a busy public house.
- Traffic calming measures required.
- Walkers and cyclists are endangered by current traffic situation.
- Support comments made by Upware Community Group.

- Connecting road from Upware to the A1123 is in poor condition.
- Proposal has the appearance of a housing estate – will dominate the look and feel of the hamlet.
- Site of little agricultural benefit given its size. Developing in this manner does provide a good purpose and settles its future development impact.
- Surface water will add to the already water logged area.
- Permission should include no parking on the Upware Road.
- Endorse comments made by others.
- Significant increase in size of village – will significantly alter character of Upware.
- The community should be consulted on design matters.
- Green space should be secure and usable.
- Provision of all weather play area would be desirable.
- Pedestrian bridge at Five miles across the river was removed from draft Local Plan. Development provides an opportunity for this to be included.
- Will Upware be included in the Swaffham Prior Primary School catchment area?
- River views and meadow will be lost.
- Site is not 'infill'.
- Out of keeping with existing scale and character of the hamlet.
- Object in principle. We need trees and not more houses.
- Reduction in number of houses will not make a significant difference to issues raised.
- Objections still stand.
- Putting a footpath on the development side of the road will force agricultural traffic passing onto verges and does not integrate village.
- How is the gated community land to be accessed and used ? Require clarification on the provision of access from the common land to the pub.

## 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
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision
HOU 2	Housing density

### 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

7.0 PLANNING COMMENTS

7.1 The main issues to consider are the principle of development, visual amenity, highway safety, residential amenity, drainage and flood risk and ecology.

7.2 Principle of development

7.2.1 The Local Planning Authority is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore any policies controlling the supply of housing must be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development set out in the National Planning Policy Framework. This means that development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweigh the benefits.

7.2.2 This application is for 4 dwellings in addition to the 5 dwellings that already have consent. These would be added to the District's Housing Stock and make a contribution towards the shortfall in housing land supply. The provision of any additional dwellings attracts significant weight in the planning balance. The benefits of this development are therefore the contribution it would make in terms of housing supply within the District as a whole as well as the economic benefits of construction and additional population to support local businesses.

7.2.3 The site is located outside the established development framework of Upware, however, the site is close to the settlement boundary in places. The site is therefore considered to be well connected to the settlement, alongside a number of residential dwellings. While it is acknowledged that there are limited facilities and services in the village it is considered that some growth of hamlets such as Upware is needed in order to boost the population and encourage the provision of goods and services.

7.2.4 The Parish Council is broadly in support of this proposal for this reason but only on the basis that significant infrastructure improvements are secured as part of the application. Planning obligations can assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. The issues must be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind. Reference has been made by the Parish Council to road improvements, street lighting, upgrading of the sewerage system and the provision of a new cabled broadband service. Local residents have also suggested that a new play area should be created as well as links to the public house and a bridge across the river.

7.2.5 Although the addition of 9 dwellings in total will significantly increase the size of Upware the provision of the infrastructure improvements requested by residents could not be seen to be directly related to the development and it would not be reasonable for extensive road improvements, including lighting, and the provision of a cable broadband service to be connected to this development alone. Anglian Water has also stated that there is sufficient capacity in the sewerage system for this development. The applicant has committed to providing an area of open space immediately to the north of the proposed dwellings that will be available to the whole community. It is hoped that a direct connection to the public house can be secured at some point in the future but this is beyond the applicant's control at this time.

7.2.6 As stated above, it is considered that the addition of a limited number of new dwellings to small hamlets such as Upware is needed in the interests of the social element of sustainable development and to support the local community. The fact that planning permission has been granted for 5 new dwellings demonstrates the approach taken by the Local Planning Authority to date. However, it is clear that future residents will be reliant on the private motor car to access local goods and services, including childcare and education. At some point it therefore becomes inappropriate to allow further dwellings to be constructed, especially in view of the fact that the infrastructure improvements requested by local residents cannot be secured. On this basis it is considered that the development of the entire parcel of land in the applicant's control does not represent a sustainable form of development.

### 7.3 Visual amenity

7.3.1 This application seeks to determine the layout and scale of the proposed dwellings. The two frontage plots will remain as two storey dwellings and the four rear dwellings will be of a similar scale and arranged around a central turning head. The previous applications for five frontage dwellings were considered to follow the linear pattern of development on this section of Upware Road. Upware is characterised by individual dwellings in large plots with space between them. Development in depth is not a defining feature in Upware and this proposal would run contrary to the existing built form, including the frontage dwellings that have consent. The development of all the land in the applicant's control will have a significant effect on the character and appearance of the area, urbanising what is currently an open area adjacent to the river.

7.3.2 The four rear plots will be highly visible to users of the public right of way that runs adjacent to the western boundary of the site, parallel to the river. The proposal fails to respect the edge of settlement location and will dominate the landscape in the immediate area. It is considered that the scale and layout of the proposal will cause significant and demonstrable harm to the visual amenity of the area and on this basis is contrary to Policies ENV1 and ENV2 of the Local Plan, which seek to protect the settlement edge and the wider landscaping setting of a site.

### 7.4 Highway Safety

7.4.1 The Local Highway Authority has no objection to the scheme and is satisfied that the necessary visibility splays can be provided. The additional traffic movements from the four rear plots can be accommodated on the local highway network and

while it is noted that local residents feel that improvements should be made to Upware Road, these cannot be required as part of this application. The submitted plans show that a footpath can be provided along Upware Road and this is supported by the Local Highway Authority. The proposal includes sufficient space to accommodate two parking spaces per dwelling. The proposal is therefore considered to comply with Policies COM7 and COM8 in relation to highway safety and parking provision.

## 7.5 Residential amenity

7.5.1 The detailed design of the dwellings is a reserved matter and the relationship between dwellings will need to be considered at that stage. The proposed layout indicates that sufficient plots sizes can be achieved and that future occupiers will enjoy a satisfactory level of amenity. An Environment Agency building and grounds is located immediately opposite the frontage dwellings and the proposal will not result in any impact on existing occupiers on Upware Road in terms of overlooking or loss of light. It is therefore considered that the proposal complies with Policy ENV2 in relation to residential amenity.

## 7.6 Drainage and flood risk

7.6.1 The site is located in Flood Zone 1 and as the application was originally for ten dwellings the Lead Local Flood Authority was consulted on the application. Even though the scheme currently under consideration was reduced to six dwellings, and no longer a major application, it was considered prudent to continue to seek advice from the Lead Local Flood Authority given the site's location close to the River Cam.

7.6.2 In response to a request for further information a Flood Risk Assessment and Sustainable Drainage Strategy was submitted to the LPA. This demonstrates that the underlying geology of the site is considered suitable for infiltration and if this were not possible for any reason an existing drain running along the site's southern and western boundary could be utilised. The LLFA is satisfied that these would be acceptable methods of dealing with surface water drainage and has no objection to the proposal subject to a planning condition requiring a detailed scheme to be submitted. The proposal therefore complies with Policy ENV8 in relation to drainage and flood risk.

## 7.7 Other matters

7.7.1 An Ecology Appraisal has been submitted with the application together with an updated reassessment of the site. It is recommended that a reptile survey is undertaken prior to the clearance of the site and that the potential for nesting birds and badgers to be using the site should also be considered during the construction phase. There is negligible roosting habitat on sites for bats and there are no suitable breeding ponds for great crested newts within close proximity of the development. It is therefore considered that subject to a condition requiring the development to be carried out in accordance with the Ecology Appraisal that the proposal complies with Policy ENV7 in relation to ecology and biodiversity.



7.7.2 The boundary vegetation, where present, is to be retained and the provision of tree protection measures can be secured by condition. Landscaping would be dealt with as a reserved matter.

7.7.3 Archaeology and contaminated land can be also dealt with by condition

## 7.8 Planning Balance

7.8.1 The proposal would result in an additional four dwellings to add to the Council's housing stock. This attracts significant weight in favour of the proposal. The short and long term economic benefits also add weight in favour, albeit limited.

7.8.2 The applicant has demonstrated that matters in relation to residential amenity, highway safety, drainage and ecology are acceptable, subject to suitably worded planning conditions. The development of this site is however contrary to the form and pattern of development in Upware and would be visually dominant to users of the adjacent public right of way. It is considered that development in depth in this location would lead to significant and demonstrable harm to the character and appearance of this edge of settlement location. In addition the proposal does not represent a sustainable form of development and exceeds a level of growth that could be considered sustainable for the settlement. These matters weigh heavily against the proposal and are not outweighed by the benefits of the scheme. The application is therefore recommended for refusal.

## 8.0 COSTS

8.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.

8.2 Unreasonable behaviour can be either procedural i.e. relating to the way a matter has been dealt with or substantive i.e. relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.

8.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.

8.4 In this case Members' attention is particularly drawn to the following points:

- No objections from the Local Highway Authority and Lead Local Flood Authority.

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<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
17/00003/OUT	Julie Barrow	Julie Barrow

97/00384/OUT  
14/01055/OUT  
15/00482/OUT  
16/01307/OUT

Room No. 011  
The Grange  
Ely

Senior Planning  
Officer  
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](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

East Cambridgeshire Local Plan 2015 -

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