
MAIN CASE

Reference No: 15/01189/FUL

Proposal: Erection of bungalow and associated landscaping

Site Address: Land Adj 2B Moor Road Fordham Ely Cambridgeshire CB7 5LX

Applicant: Mr & Mrs Ian Bridgeman

Case Officer: Julie Barrow Senior Planning Officer

Parish: Fordham

Ward: Fordham Villages
Ward Councillor/s: Councillor Joshua Schumann
Councillor Julia Huffer

Date Received: 2 October 2015 **Expiry Date:**

[Q132]

1.0 RECOMMENDATION

1.1 Members are requested to APPROVE this application subject to the recommended conditions below. The conditions can be read in full on the attached appendix 1.

1. Approved plans
2. Time limit
3. Materials
4. Contamination
5. Unexpected contamination
6. Visibility splays
7. Access material
8. No gates
9. No tree removal
10. Landscaping scheme
11. Tree protection
12. Surface water drainage
13. Energy and water efficiency measures
14. Permitted development rights restriction

2.0 SUMMARY OF APPLICATION

2.1 The application seeks consent for the construction of a single storey dwelling on land adjacent to 2B Moor Road, Fordham. The proposed dwelling is of a similar style and design to No. 2B and will be located in the north-eastern corner of the site,

with access via a newly created entrance off Moor Road. The proposal incorporates landscaping into the scheme.

2.2 The proposed 'T-shaped' dwelling will occupy a maximum footprint of approximately 21.75 metres by 22 metres, with a maximum ridge height of 5.7 metres and an eaves height of 2.4 metres. The applicants propose to incorporate renewable energy features into the scheme in the form of solar panels and rain water harvesting.

2.3 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.eastcambbs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

2.4 The application has been called to Planning Committee by Cllr Julia Huffer for the reason set out at 5.1 below.

3.0 PLANNING HISTORY

3.1

05/00080/OUT	Erection of 1 ½ storey dwelling.	Refused Dismissed at appeal	– 21.03.2005
10/00086/CLE	Continued use as residential garden for 2b Moor Road.	Approved	04.03.2010
10/00869/FUL	Detached dwelling	Refused Dismissed at appeal	– 10.12.2010
12/00725/OUT	Construction of dwelling and garage	Refused Dismissed at appeal	– 11.10.2012
14/01086/OUT	Erection of single storey 'passive house' and associated equestrian facilities	Withdrawn	25.11.2014
15/01050/FUL	Erection of 'passive house' and associated landscaping	Withdrawn	24.09.2015

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located outside of the established development framework of Fordham, in an area of countryside. The site is currently in use as paddock and grazing land, with the north-west corner of the site subject to a lawful development certificate for use as garden land. There is an existing access off Moor Road. The boundaries of the site are marked by post and rail fencing. The site adjoins the rear boundaries of dwellings on Carter Street and Grove Park with open countryside to the north and

east.

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.

Cllr Julia Huffer – This application has seen a number of guises and on every occasion the Parish Council has raised concerns. There is a great deal of interest in this application locally and concerns have been raised about the impact on residential amenity. The application has proved to be controversial and if aired in an open forum it would allow all parties to feel that they have an opportunity to speak and for all parties to equally hear the debate.

Fordham Parish Council – Fordham Parish Council have been advised that this application has been called in to committee. Following discussion it was agreed that previous applications had been objected to mainly because they were outside the planning envelope. If this has changed then the Parish had no other robust objections.

Local Highways Authority – No objections.

Waste Strategy (ECDC) - East Cambs will not enter private property to collect waste or recycling. It will 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 change for the provision of waste collection receptacles. This contribution is currently set at £43 per property.

5.2 Neighbours – 13 neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council's website.

3 responses received from occupiers of 15, 27 & 28 Grove Park raising the following points:

- Personal opinion is that whilst ECDC cannot apparently demonstrate it has a 5 year housing policy, development envelopes still exist.
- Reference to refusals and appeals dismissed in 2005, 2010 and 2012.
- Putting up bat and owl boxes does not justify building.
- Village vision - Development of affordable housing and not general speculative buildings supported.
- One dwelling will not help 5 year supply of land problem.
- Council should not support any application outside the development envelope and should protect countryside.
- Applicant appeared at hearing for Local Plan and Inspector dismissed comments.
- If boundary moved for one house where will building/developments end in the countryside?
- Nothing in the detail and substance of the current application to justify deviating from past decisions.

- Will create a precedent and make it increasingly difficult to resist further attempts to breach current policy.
- Moor Road is open land and Crosses the River Snail. Described as an 'attractive river valley' in the village vision. Detrimental to village to encroach on that area.
- No exceptional purpose.
- Development envelopes fulfill avoidance of uncoordinated piecemeal development.

6.0 THE PLANNING POLICY CONTEXT

6.1 East Cambridgeshire Local Plan 2015

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
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
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations
Design Guide

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

7.0 PLANNING COMMENTS

The main issues to consider in the determination of this application are the principle of development; impacts of the proposal on visual amenity; biodiversity and ecology; and highway safety.

7.1 Principle of Development

- 7.1.1 The local planning authority is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore, all Local Planning policies relating to 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.

- 7.1.2 The benefits of this application are considered to be: the provision of an additional residential dwelling built to modern, sustainable building standards and the positive contribution to the local and wider economy in the short term through construction work.
- 7.1.3 The site is located outside the established development framework of Fordham, however, the site adjoins the settlement boundary in a number of places. The site is therefore considered to be well connected to the settlement, alongside a number of residential dwellings and within close proximity to the facilities and services on offer in the village.
- 7.1.4 The fact that the Council cannot currently demonstrate that it has an adequate five year supply of housing does not remove development envelopes. It does however restrict the application of policy GROWTH 2 within the Local Plan, which states that outside defined development envelopes, development will be strictly controlled and restricted to the main categories set out within the policy.
- 7.1.5 For the purposes of assessing the proposal in relation to the presumption in favour of sustainable development, the proximity of the site to the settlement boundary is considered to be sufficient to consider the site as being in a sustainable location.
- 7.1.6 It should be noted that all other local plan policies and relevant material considerations remain relevant and form part of the planning balance for this application.
- 7.2 Planning history
 - 7.2.1 There have been a number of applications in connection with this site, or smaller parcels of land forming part of this site, in recent years. Applications for the construction of a dwelling were refused in 2005, 2010 and 2012 and all subsequently dismissed on appeal. On each occasion the proposal was found to be contrary to the policies in place at the relevant time to prevent development in the countryside.
 - 7.2.2 As set out above, the Council is currently unable to use any policy within the adopted Local Plan that directly relates to the supply of housing. It would not therefore be appropriate to refuse this application on the basis that it is outside the development envelope. As discussed above, the site is considered to be located in a sustainable location and it is therefore necessary to consider all other material planning considerations to assess whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the development.
- 7.3 Visual amenity
 - 7.3.1 The site is located on the edge of the settlement of Fordham, with residential dwellings to the south and west of the site. The northern and eastern boundaries

are open to the countryside and any development on the site will be visible when travelling along Moor Road towards Carter Street.

- 7.3.2 The applicants are proposing to construct a single storey dwelling, which, although significant in terms of the size of its footprint, will be limited in height to 5.7 metres. The dwelling has been designed to complement existing built form on the section of Moor Road between Carter Street and the site. The applicant proposes to implement a landscaping scheme, which is shown in part on the submitted plans to comprise hedgerow and tree planting on part of the eastern boundary and to the rear of the dwelling. The remainder of the eastern boundary is to remain open, providing unrestricted views over the rear of the site towards the tree belt on the southern boundary.
- 7.3.3 It is considered that this proposal reaches a satisfactory compromise between the construction of a sensitively designed dwelling in an edge of settlement location with the incorporation of planting and landscaping to assimilate the development into its surroundings, whilst retaining some feeling of openness and not enclosing the site entirely.
- 7.3.4 The applicants will be expected to use high quality materials and a planning condition can be used to ensure that samples of materials are approved by officers prior to any above ground work commencing. In addition, it is considered reasonable to restrict permitted development rights for any extensions or alterations to the dwelling or the conversion of the roofspace and to any additional structures within the garden area. This ensures that the local planning authority retains control over the built form on the site and that the area does not become cluttered with numerous outbuildings or ancillary structures.
- 7.3.5 On balance, it is considered that the layout, scale and form of the proposal relates sympathetically to the surrounding area. The proposal does not constitute uncoordinated piecemeal development and does not set a precedent for further development on Moor Road. Any such development would be considered on its own merits and in accordance with the development plan policies in place at the time. Subject to the implementation of a detailed landscaping scheme, which can be secured by condition, the proposal is considered to protect the settlement edge and the existing landscape features on or close to the site. The proposal is therefore considered to comply with policies ENV1 and ENV2 of the Local Plan.
- 7.4 Residential amenity
- 7.4.1 The proposed dwelling will be located approximately 55 metres from the applicants' existing dwelling, 2B Moor Road and approximately 105 metres from the dwellings in Grove Park. Part of the western boundary adjoins land to the rear of dwellings on Carter Street. At these distances, the proposed dwelling itself would not cause any adverse impact on the residential amenity of nearby occupiers. There would be no overlooking from the single storey dwelling and no subsequent loss of privacy.
- 7.4.2 The site is currently in use as paddock/grazing land and there are stable like structures on the land at present. Previous applications have included an element of equestrian activity, however, this application does not and it is expected that the land will continue to be used for the grazing of horses or as residential garden land.

As stated above, the erection of structures on this land can be controlled by condition to protect the countryside and the residential amenity of any adjoining occupiers.

7.4.3 The proposal will not have a significantly detrimental impact on the residential amenity of nearby occupiers and it therefore complies with policy ENV2 of the Local Plan in this regard.

7.5 Highway Safety

7.5.1 The applicant proposes to create a new access onto Moor Road and the Local Highway Authority has confirmed that it has no objection to this. There is sufficient room to manoeuvre within the site so that vehicles are leaving in forward gear. On this basis it is considered that the applicants can achieve safe and convenient access to the public highway in accordance with policy COM7 of the Local Plan.

7.5.2 There is sufficient space to the front of the dwelling to park several vehicles and the proposal is considered to comply with policy COM8, which requires at least two parking spaces per dwelling to be provided.

7.6 Biodiversity and ecology

7.6.1 The majority of the site is open grazing land with some tree lines and hedges on the boundaries. There is some planting on the site of the new access that will need to be removed, however, it does not have the appearance of established hedgerow. The applicant does not intend to remove any significant trees and the proposed dwelling is sited some distance from an Ash tree that has been marked on the submitted plans. The implementation of tree protection measures in respect of this tree can be secured by condition.

7.6.2 The applicants intend to plant additional trees and hedgerow to the east and south of the dwelling and the submission of a detailed planting and maintenance scheme can also be secured by condition.

7.6.3 The Council's mapping system indicates that there is a pond located in the south-west corner of the site. The applicant has however confirmed that this pond is no longer present and has provided photographic evidence of this. There is therefore no requirement for a newt survey to be carried out.

7.6.4 The applicants have indicated that bat and owl boxes will be fitted to an existing barn located on the western boundary. Together with the additional planting, the proposal is therefore viewed as an opportunity to enhance biodiversity on the site and the proposal is considered to comply with policy ENV7 of the Local Plan in this regard.

7.7 Other material matters

7.7.1 Policy ENV4 states that all proposals for new development should aim for reduced or zero carbon development. The applicants have incorporated a number of energy and water efficiency elements into the scheme including solar panels and rain water harvesting. The internal layout of the dwelling has also been designed to maximise

the benefits of a south facing elevation. The proposal is therefore considered to be in compliance with policy ENV4.

- 7.7.2 The site is not located within a known flood risk area. The applicants will however be required to demonstrate that adequate surface drainage measures will be installed and a planning condition requiring a detailed drainage scheme to be submitted can be imposed.
- 7.7.3 Standing advice supplied by the Council's Environmental Health department for developments such as this states that the construction of residential dwellings are classed as vulnerable to the presence of contamination. It is recommended that a condition is imposed requiring a contaminated land assessment to be submitted and that any unexpected contamination discovered during the course of construction is reported to the Council. This is considered to be reasonable and it is recommended that these conditions are imposed.
- 7.8 Planning balance
- 7.8.1 The benefits of the proposal have been clearly set out in this report and comprise an additional dwelling to be added to the District's housing stock, together with the associated economic benefits from the construction process and continuing contribution to the local economy by further occupiers. These benefits attract significant weight in favour of the proposal in the planning balance. In addition, the proposal incorporates a number of energy and water efficiency measures which attracts weight in favour of the proposal. The proposal also provides an opportunity to enhance biodiversity on the site, which attracts some, albeit limited, weight in favour of the proposal.
- 7.8.2 The Council's cannot currently demonstrate that it has a 5 year housing land supply and the housing policies contained within the Local Plan 2015 cannot be considered to be up-to date. All other relevant Local Plan policies and material considerations remain relevant. On this basis the NPPF states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 7.8.3 The proposal will extend the built form out into the countryside, however, the proposed dwelling has been sensitively designed and is sympathetic to the style and character of dwelling that can be found on this stretch of Moor Road. the applicants propose to carry out additional planting on the eastern boundary, whilst still preserving views across the rear of the site. Subject to the imposition of suitable conditions relating to landscaping and the restriction of permitted development rights it is considered that the proposal would not have a significant adverse effect on the character and appearance of the area. The proposal does not raise any issues in relation to residential amenity, highway safety and ecology.
- 7.8.4 On balance it is considered that the benefits of the proposal outweigh any minor adverse effects on the character and appearance of the area and that, in accordance with the presumption in favour of sustainable development, the application is therefore recommended for approval.

8 APPENDICES

1. Conditions
2. Appeal decisions 2005, 2011 and 2012

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
Application files 15/01189/FUL 05/00080/OUT 10/00086/CLE 10/00869/FUL 12/00725/OUT 14/01086/OUT 15/01050/FUL	Julie Barrow Room No. 011 The Grange Ely	Julie Barrow Senior Planning Officer 01353 616307 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.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

APPENDIX 1 - 15/01189/FUL Conditions

- 1 Development shall be carried out in accordance with the drawings and documents listed below

Plan Reference	Version No	Date Received
LOCATION PLAN		2nd October 2015
BLOCK PLAN		2nd October 2015
ELEVATIONS - 01 SEPTEMBER 2015		2nd October 2015

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 No above ground construction shall take place on site until details of the materials to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 3 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 4 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
- (i) A survey of the extent, scale and nature of contamination;
 - (ii) An assessment of the potential risks to: human health
property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
adjoining land;
groundwaters and surface waters; ecological systems;
archaeological sites and ancient monuments;
 - (iii) An appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details before any development takes place.
- 4 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015. The

condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 5 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing to the Local Planning Authority within 24 hours. An investigation and risk assessment must be undertaken and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 5 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.
- 6 Prior to the occupation of the dwelling hereby permitted pedestrian visibility splays of 2.0 x 2.0m shall be provided each side of the vehicular access. Such splays shall thereafter be maintained free from obstruction exceeding 0.6m above the level of the adjacent highway carriageway.
- 6 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 7 The first 5 metres of the access shall be constructed from a bound material to prevent debris spreading onto the adopted public highway.
- 7 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 8 Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any order revoking, amending or re-enacting that order) no gates shall be erected across the approved access.
- 8 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 9 Except as detailed on the approved plans, no trees shall be /pruned or removed/felled and no shrubs or hedges shall be removed without the prior written approval of the Local Planning Authority.
- 9 To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 10 Prior to first occupation or commencement of use a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority.

The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development.

- 10 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 11 No development shall take place until a scheme for the protection during construction of the trees on the site, in accordance with BS 5837:2012 - Trees in relation to construction - Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained with the scheme shall be implemented prior to the commencement of any development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.
- 11 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 12 No development shall take place until a scheme to dispose of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation.
- 12 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.
- 13 Prior to first occupation of the dwelling hereby permitted the energy and water efficiency measures shown on the approved plans shall be installed and fully operational.
- 13 Reason: The application has been assessed as acceptable and complying with policy ENV4 of the East Cambridgeshire Local Plan 2015 on this basis.
- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting that Order), the dwelling shall not be extended in any way, and no structures shall be erected within the curtilage of the dwelling.
- 14 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.