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**MAIN CASE**

**Reference No:** 18/01649/FUL

**Proposal:** Proposed erection of 1 private detached bungalow

**Site Address:** Ashbridge Farm Factory Road Burwell Cambridge CB25 0BN

**Applicant:** Mr McAlonan

**Case Officer:** Richard Fitzjohn, Senior Planning Officer

**Parish:** Burwell

**Ward:** Burwell  
Ward Councillor/s: Councillor David Brown  
Councillor Lavinia Edwards  
Councillor Michael Allan

**Date Received:** 22 November 2018      **Expiry Date:** 28<sup>th</sup> February 2019  
[T241]

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1.0      **RECOMMENDATION**

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

1. The application site is located further west along Ashbridge Farm than the existing dwelling, known as Ashbridge Farm. To the west of this existing dwelling, there is an immediate change in character to a large group of mature trees and open countryside which contributes positively to the rural character and appearance of the area. The proposed development would be located within a sensitive edge of settlement location and would extend residential built form further west, beyond the existing built form and towards the open countryside in a manner that would cause significant and demonstrable harm to the local rural landscape character and visual amenity of the area. By virtue of its location, the resultant encroachment would increase the sense of suburbanisation of the countryside to the detriment of local visual amenity, whilst it would also appear cramped and contrived due to the narrow plot size which is out of keeping with the character of nearby dwellings. Accordingly, the proposal is contrary to Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015. Furthermore, the proposal is not considered to constitute sustainable development in principle as the harm to the local rural landscape character and visual amenity of the area would significantly and demonstrably outweigh the benefits of the proposed development, contrary to the National Planning Policy Framework.

## 2.0 SUMMARY OF APPLICATION

2.1 Full planning permission is sought for the erection of a detached single-storey bungalow within the curtilage of the host dwelling, known as Ashbridge Farm.

2.2 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.**

2.3 This planning application has been called-in to Planning Committee by Councillor David Brown.

## 3.0 PLANNING HISTORY

3.1 Off-site planning permissions:

18/00970/OUT	Proposed one detached dwelling and associated works.	Approved	28.09.2018
17/01621/FUL	Construction of 3No. dwellings and associated works.	Approved	31.10.2017
16/00504/FUL	Construction of 2no. five bedroom, two storey detached dwellings and 1no. four bedroom bungalow	Approved	11.01.2017

## 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located outside the development envelope for Burwell and comprises part of the residential curtilage of the host dwelling, known as Ashbridge Farm. A number of trees have recently been felled within, and adjacent to, the application site. There is also a large group of large, mature trees adjacent to the west of the site, beyond which are open agricultural fields to the west with no other built form sited in this direction for a very considerable distance. Full planning consent for 3no. dwellings (17/01621/FUL) has recently been approved adjacent to the east of the site, closer to the main settlement. A cluster of stable blocks with permission for residential conversion (17/01269/FUL) are located to the north-east of the site. Factory Road leads into Burwell via Dysons Drove to the south-east.

## 5.0 RESPONSES FROM CONSULTEES

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

**5.2 Ward Councillor David Brown**

Requested that the application is called-in to Planning Committee.

**5.3 Burwell Parish Council**

Objects due to the site being located outside of the development framework.

**5.4 The Ely Group Of Internal Drainage Board**

Provided soakaways from an effective means of surface water disposal in this area, no objections.

**5.5 ECDC Trees Team [original comments received on 4/12/2018]**

An Arboricultural Impact Assessment is required to accompany this application.

**5.6 ECDC Trees Team [subsequent comments received on 4/12/2018 following receipt of Tree and Impact Survey]**

“The location of the car parking space will lead to conflict with the adjacent Ash tree, due to this species tendencies to drop branches and dead wood. It is also a species known to be home for sap sucking insects that drop honey dew on cars leaving a sticky residue, also this tree being a native species is often used by roosting birds leading to issues relating to their waste on cars.

It should be considered that the installing a roofed structure such as a car port to this application is beneficial, as this will remove the likely conflict with the tree in the future.

The rest of the proposal is acceptable. But please condition tree protection TR9A 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.

Please note that ground protection will be required for access to the site as this will be over the root protection area of several trees.”

**5.7 Local Highways Authority**

No Comments Received.

**5.8 CCC Growth & Development**

No Comments Received.

**5.9 Waste Strategy (ECDC)**

- East Cambs District Council 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 and this should be made clear to any prospective purchasers in advance, this is especially the case where bins would need to be moved over long distances and/or loose gravel/shingle driveways; the RECAP Waste Management Design Guide defines the maximum distance a resident should have to take a wheeled bin to the collection point as 30 metres (assuming a level smooth surface).
- Under Section 46 of The Environmental Protection Act 1990, East Cambridgeshire District Council as a Waste Collection Authority is permitted to make a charge for the provision of waste collection receptacles, this power

being re-enforced in the Local Government Acts of 1972, 2000, and 2003, as well as the Localism Act of 2011.

- Each new property requires two bins; this contribution is currently set at £43 per property.
- Payment must be made in advance of bins being delivered; East Cambs District Council Account Number **43135897**, Sort Code **52-41-19**, reference should be the planning application number followed by (bins) i.e. 15/012345/FUL (bins) a separate e-mail should also be sent to [waste@eastcambs.gov.uk](mailto:waste@eastcambs.gov.uk) detailing the payment amount and the planning reference number.

### 5.10 CCC Archaeology

“Our records indicate that the site lies in an area of high archaeological potential, situated roughly 75m to the west of Burwell Catch Water Drain and approximately 250m to the north of Burwell Lode (Historic Environment Record reference 06815), with the remains of Black Lake (formally known as Burwell Lode until the mid-17th century when the present Burwell Lode was cut) to the north east of the proposed development area (06814). To the north of the application area are burials (08239) on the western bank of the Catch Water Drain, the extent and volume of these are currently not known. In addition, surrounding the application area is cropmark evidence, for example ring ditch (MCB18178) and artefact evidence from Prehistory onwards (for example, MCB15966, 11997, 06498).”

Do not object but recommend a pre-commencement condition is appended to any planning permission requiring an archaeological investigation to take place.

### 5.11 Neighbours

A site notice was displayed near the site on 7<sup>th</sup> December 2018. 1 response was received, which is summarised below. A full copy of the response is available on the Council’s website.

125 North Street, Burwell – Appears to be a very modest two bedroom retirement bungalow for the applicant to downsize and live in. Ashbridge Farm is far too big for this elderly couple to maintain and live in comfortably. The affect on the village edge would be minimal as the majority of the tree belt will be retained against the village edge. Therefore the landscape and character of the area would not be compromised by the bungalow.

## 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
- COM 7 Transport impact
- COM 8 Parking provision
- ENV 14 Sites of archaeological interest

## 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 2019

- 2 Achieving sustainable development
- 4 Decision-making
- 5 Delivering a sufficient supply of homes
- 11 Making effective use of land
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment

## 7.0 **PLANNING COMMENTS**

7.1 The main issues to consider when determining this application relate to the principle of development and the impacts on the character and appearance of the area, residential amenity, trees, highway safety and archaeology.

### 7.2 **Principle of Development**

7.2.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990. Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan consists of the adopted East Cambridgeshire Local Plan 2015 and related Supplementary Planning Documents.

7.2.2 The National Planning Policy Framework promotes sustainable development and states in Paragraph 11 that decisions should apply a presumption in favour of sustainable development. The Framework supports the delivery of a wide range of high quality homes. Paragraph 11 makes it clear that where the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:

- i. The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

7.2.3 The Council 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.

7.2.4 The benefits of this application are considered to be:- the positive contribution of the provision of 1No. additional dwelling to the district's housing stock and the positive contribution to the local and wider economy in the short term through the construction of the new dwelling.

7.2.5 The site is located within close proximity to the established development framework for Burwell and is sufficiently connected to other housing and the rest of the village.

7.2.6 However, the NPPF states that sustainable development has three dimensions, namely: an economic role; a social role, and an environmental role. All three are mutually dependent and should not be undertaken in isolation. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. Therefore, where a development does not achieve one or more of these roles that development will not be considered to be sustainable.

7.2.7 It is necessary, therefore, to consider the benefits of the proposed development and weigh those against any adverse impacts in order to determine whether or not the development comprises sustainable development.

### **7.3 Character and appearance of the area**

7.3.1 The application site is located further west along Ashbridge Farm than the existing dwelling, known as Ashbridge Farm. To the west of this existing dwelling, there is an immediate change in character to a large group of mature trees and open countryside which contributes positively to the rural character and appearance of the area.

7.3.2 The proposed development would be located within a sensitive edge of settlement location and would extend residential built form further west, beyond the existing built form and towards the open countryside in a manner that would cause significant and demonstrable harm to the local rural landscape character and visual amenity of the area. By virtue of its location, the resultant encroachment would increase the sense of suburbanisation of the countryside to the detriment of local visual amenity, whilst it would also appear cramped and contrived due to the narrow plot size which is out of keeping with the character of nearby dwellings. Accordingly, the proposal is contrary to Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.

7.3.3 Furthermore, the proposal is not considered to constitute sustainable development in principle as the harm to the local rural landscape character and visual amenity of the area would significantly and demonstrably outweigh the benefits of the proposed development, contrary to the National Planning Policy Framework.

#### **7.4 Residential amenity**

7.4.1 Due to its single-storey height and modest scale, the proposed dwelling would not cause any significant residential amenity impacts to the host dwelling, Ashbridge Farm. There is a window proposed within the elevation of the proposed dwelling which faces towards Ashbridge Farm, however this would serve a bathroom and could reasonably be conditioned to be obscure-glazed and non-opening if planning permission was to be approved.

7.4.2 The proposed dwelling would be located adjacent to the side west side of the host dwelling, Ashbridge Farm. The rear garden of the proposed dwelling would be south-facing and the plot size and amenity space size of the proposed dwelling would comply with the Council's Design Guide SPD. Future occupiers of the proposed dwelling would enjoy a high standard of amenity.

7.4.3 It is therefore considered that the proposed development would not create any significant detrimental impacts on neighbouring properties, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

#### **7.5 Trees**

7.5.1 A number of trees within and adjacent to the application site have recently been felled. The submitted plans and the Tree and Impact Survey identify which trees within and adjacent to the site are to be felled and retained.

7.5.2 The Council's Trees Officer has advised that the location of the car parking spaces would lead to conflict with the adjacent Ash tree, due to this species tendencies to drop branches and dead wood. It is also a species known to be home for sap sucking insects that drop honey dew on cars leaving a sticky residue, and is a native species often used by roosting birds leading to issues relating to their waste on cars. The Council's Tree Officer has advised that installing a roofed structure, such as a car port, would be beneficial to mitigate these issues. The rest of the proposal is acceptable to the Trees Officer, subject to a condition relating to tree protection.

7.5.3 Due to the case officer's concerns with the visual impact of the proposed development on the character and appearance of the area, an additional roof structure such as a car port would not be considered acceptable to address the amenity issue caused by the adjacent Ash tree. However, this tree has no formal protection and could be removed without requiring permission. Therefore, although this amenity issue weighs minimally against the application, it is not considered a sufficient reason which would warrant refusal of planning permission on the grounds that the proposed development could result in future pressures to fell this tree.

7.5.4 It is therefore considered that the proposed development would not create any significant detrimental impacts on trees, in accordance with policies ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.

## **7.6 Highway safety**

7.6.1 The proposal includes the creation of a new vehicular access to serve the proposed dwelling. The proposed vehicular access would have good visibility and would be constructed of a bound materials for the first 10m into the site to mitigate loose material being carried onto the public highway. The Local Highway Authority has been consulted on the application, however no comments have been received. With the absence of any objection and from the case officer's assessment following a site visit, it is considered that the proposal would provide a safe and convenient access with the public highway. The proposal includes 2 car parking spaces, in accordance with the Council's adopted parking standards.

7.6.2 It is therefore considered that the proposed development would not create any significant highway safety impacts, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

## **7.7 Archaeology**

7.7.1 Cambridgeshire County Council have advised that the application site is located in an area of high archaeological potential and have therefore recommended that a condition is appended to any planning permission requiring an archaeological investigation. Due to the high potential for archaeological finds, it is considered reasonable to append a condition requiring an archaeological investigation to be carried out should planning permission be approved.

## **7.8 Other Material Matters**

7.8.1 The proposed development would not result in any significant impacts in respect of contamination, ecology or drainage. These matters could be acceptably dealt with by planning conditions if planning permission was to be approved.

## **7.9 Planning Balance**

7.9.1 The proposed development would provide a very limited benefit to the district's housing supply through the provision of 1 dwelling and limited economic benefits to the construction trade and local economy. Furthermore, the proposed development would have no significant impacts on residential amenity, trees highway safety or archaeology.

7.9.2 However, in order for a development proposal to be genuinely sustainable, it must satisfy the three strands of "sustainable development" defined in the NPPF. The proposed development will deliver a very limited number of economic and social benefits. The NPPF makes it clear that sustainable development will only be attained where all three elements are secured jointly and simultaneously. All have equal status and where one or more is achieved at the expense of the others then the development should not be considered sustainable.

- 7.9.3 The proposed development would be located within a sensitive edge of settlement location and would extend residential built form further west, beyond the existing built form and towards the open countryside in a manner that would cause significant and demonstrable harm to the local rural landscape character and visual amenity of the area. By virtue of its location, the resultant encroachment would increase the sense of suburbanisation of the countryside to the detriment of local visual amenity, whilst it would also appear cramped and contrived due to the narrow plot size which is out of keeping with the character of nearby dwellings.
- 7.9.4 In this case, the environmental role of sustainable development would not be realised. The degree of harm caused to the character and appearance of the area could not be resolved through mitigation and the development therefore would cause significant and demonstrable environmental harm, contrary to Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and the East Cambridgeshire Design Guide Supplementary Planning Document.
- 7.9.5 As a consequence, the adverse impacts of the proposed development would significantly and demonstrably outweigh the limited economic and social benefits of the scheme, contrary to paragraph 11 of the NPPF. For these reasons, the proposed development does not constitute sustainable development and the application is recommended for refusal, as detailed in paragraph 1.1 of this report.

<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
18/01649/FUL	Richard Fitzjohn Room No. 011 The Grange Ely	Richard Fitzjohn Senior Planning Officer 01353 665555 richard.fitzjohn@ea stcambs.gov.uk
18/00970/OUT		
17/01621/FUL		
16/00504/FUL		

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>

