
MAIN CASE

Reference No: 14/00986/OUT

Proposal: Outline application for residential development of four detached dwellings and associated works

Site Address: Land East Of 5 Barway, Cambridgeshire

Applicant: Daniel Murfitt

Case Officer: Lesley Westcott, Planning Officer

Parish: Soham

Ward: Soham North

Ward Councillor/s: Councillor Tony Cornell
Councillor James Palmer

Date Received: 1 September 2014 **Expiry Date:**

Report Number [P205]

1.0 RECOMMENDATION

1.1 Members are requested to Refuse the application for the following reasons:

Reason 1

The application, which proposes the construction of 4 residential dwellings on an unallocated site in the countryside, is contrary to policies CS1 and CS2 of the East Cambridgeshire Core Strategy 2009, which restricts residential development in such locations. The application site includes part of a housing allocation, BAR2, set out in the draft Local Plan, which, given the advanced stage of its preparation, is a significant material consideration. The proposed development is contrary to the allocation, as set out in BAR2, in terms of its size, location and density. It is considered that there are no other material planning reasons, that would justify setting aside the sound planning policies CS1 and CS2 of the East Cambridgeshire Core Strategy 2009 or the emerging policy BAR2 of the Draft Local Plan (pre-submission version), as modified.

Reason 2

The proposed development equates to a density of 3.25 dwellings per hectare. This is contrary to the density of development envisaged by policy BAR2 of the draft Location Plan, which equates to approximately 16 dwellings per hectare. Policy H2 of the East Cambridgeshire Core Strategy 2009 and policy HOU2 of the Draft Local Plan (pre-submission version), as modified, require new residential development to be of an appropriate density, making efficient use of land. The proposed

development would be contrary to these policies failing to make efficient use of land and therefore provide a housing mix that would meet the needs of the community.

This failure to make the best use of the land, also results in a frustration of the requirement to provide affordable housing, which would normally be forthcoming on a development site of this size, if an appropriate density were applied. The development is therefore also contrary to the aim of achieving 'sustainable development' as set out in paragraph 7 of the National Planning Policy Framework 2012, by virtue of its failure to provide the housing required to meet the needs of present and future generations.

Reason 3

The proposed development fails to provide the vehicular visibility splays required to ensure that it would not have an impact on the safe and efficient operation of the public highway. The application is therefore contrary to policy S6 of the East Cambridgeshire District Core Strategy 2009 and policy COM7 of the Draft Local Plan (pre-submission version), as modified.

2.0 SUMMARY OF APPLICATION

- 2.1 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcamb.gov.uk/online-applications/>. Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.
- 2.2 The application seeks outline planning permission for the erection of four detached dwellings and associated works, with all matters reserved apart from access. An indicative layout plan showing details of layout and landscaping has been submitted as part of the application, together with an Ecology Report.

3.0 PLANNING HISTORY

- 3.1 No relevant planning history

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located to the north of Barway Road, outside the limits of the designated development envelope for Barway as drawn in the East Cambridgeshire proposals Map Development Plan Document. Part of the site falls within BAR2, a housing allocation within the East Cambridgeshire Draft Local Plan and proposed amended development envelope for Barway, which reflects this allocation. The site is located to the east of a foul pumping station and No. 5 Barway Road. The site is located within 2km of the Cam Washes Site of Special Scientific Interest (SSSI).
- 4.2 The site comprises arable agricultural land. There are brambles along the south boundary of the site which abuts the highway and there is approximately a 1 metre wide section of grassland along the east boundary which adjoins a line of trees.

5.0 RESPONSES FROM CONSULTEES

- 5.1 Responses received from consultees are summarised below. The full responses are available on the Council's website.
- 5.2 **Neighbours** – Site notice posted and 11 neighbouring properties were notified. No responses received at the time of writing the report
- 5.3 **Councillor Schumann:** Requested that the application be determined by the Planning Committee.
- 5.4 **Soham Town Council:** Expressed concerns regarding the proposed scheme relating to the scheme not being within the development envelope of Barway and the adequacy of sewage provision on the site.
- 5.5 **Natural England:** No objections in respect of the impact on the SSSI.
- 5.6 **Local Highways Authority:** Object to the application, unless the applicant can show vehicular visibility splays of 215 metres at a setback from the edge of the carriageway of 2.4 metres on the submitted drawings.
- 5.7 **County Archaeology:** No objection subject to a condition requiring an implementation programme of archaeological work be attached to any approval.
- 5.8 **The Ely Group of Internal Drainage Board:** No objection provided that soakaways form an effective means of surface water disposal in this area.
- 5.9 **Environmental Health:** No objection
- 5.10 **Waste Strategy (ECDC):** No objection. It will be the responsibility of owners/residents to provide two bins and to take any bins/sacks to the public highway boundary on relevant collection days.
- 5.11 **Arboricultural Officer:** No objection. It is recommended that details of boundary treatment of the plots are submitted and details are relevant to the wider landscape.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Core Strategy 2009:

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

6.2 East Cambridgeshire Draft Local Plan Pre-submission version (as amended June 2014):

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

6.3 Supplementary Planning Documents:

Developer Contributions and Planning Obligations

6.4 National Planning Policy Framework 2012:

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

7.0 **PLANNING COMMENTS**

Principle of development

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

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

7.3 In terms of the current Development Plan, policies CS1 and CS2 place a strict control over new development outside the limits of development envelopes around the settlements, limiting it to specific exceptions set out in the Plan. This policy approach of strictly controlling new residential development in the Countryside is carried forward in policy Growth 2 of the draft Local Plan.

7.4 The proposal is outside the designated development limits for Barway, on land designated as Countryside, where both Core Strategy Plan policy places a strict control over new residential development. The development does not fall within any

of the identified exceptions and as such the proposal is in direct conflict with policies CS1 and CS2 of the Core Strategy.

- 7.5 As already stated the policies of the draft Local Plan are a significant material consideration in this case. Policy BAR2 is of particular relevant to the proposal, as it sets out a housing allocation for five dwellings. The development envelope for Barway is also extended in the draft Local Plan to take account of this allocation.
- 7.6 Policy BAR2 sits within the Barway Village Vision, which was developed through a community led approach and saw 41% of the households of Barway engage in the 'options' consultation. 73.7% of the respondents supported the allocation of BAR 2 – land east of 5 Barway Road for the allocation of approximately 5 dwellings, which is development equating to approximately 16 dwellings per hectare. Given the high level of local engagement and the advanced stage of the draft Local Plan, it is considered that this emerging policy can be given considerable weight.
- 7.7 There is some overlap with the application site and the site of the BAR2 allocation. However, the proposed development is markedly different to the draft Barway allocation. It is not the same site, either in terms of its location or its size. The site proposed in this application is larger and is separated from the existing line of frontage development. However, despite the increased size the number of units proposed is lower than the five set out in the allocation.
- 7.8 The combination of a larger site and fewer dwellings raises a significant question as to whether the proposal would make the best use of land. This is of particular importance for small settlements such as Barway, which are likely to see relatively few development sites coming forward. The allocation set out in the draft Local Plan equated to a density of 16.6 dwellings per hectare. This density balances the rural nature of the location and the need for a new development to respect the character of the area, with the need to make the best use of the land available. If the same density were to be applied to the size of site in this application, the number of dwellings that could be accommodated is 20. That is not to suggest that this location would necessarily be an appropriate site for 20 dwellings. However, it does highlight that the 4 dwellings proposed, which equates to a density of 3.25, is a gross underdevelopment of land.
- 7.9 Policy BAR 2 also requires a mix of dwelling types and sizes to be provided, in addition to the provision of an element of affordable housing. The issue of affordable housing is addressed separately in this report. However, it would still be expected to provide a mix of dwelling sizes.
- 7.10 A site of the size proposed in this application, could make a significant positive contribution in terms of housing mix, if a larger number of dwellings were proposed. As it stands, whilst the application is in outline form, with all matters other than access reserved, it is clear that at a density around 3 dwellings per hectare, a mix of housing types is highly unlikely. Indeed, as shown on the indicative layout plan, the type of development envisaged is four large detached 'executive-style' homes. The proposal would therefore be contrary to policy H2 of the East Cambridgeshire Core Strategy and policy HOU2 of the Draft Local Plan, which require new residential schemes to make efficient use of land.

- 7.11 The development therefore fails to accord with the draft allocation for Barway set out in policy BAR2 of the Draft Local Plan, in terms of its location, size and density, in addition to being contrary to policies CS1 and CS2 of the Core Strategy.
- 7.12 The applicant has not set out any other material considerations that they believe outweighs the policy conflict in this case. It is accepted that there would be some limited economic benefit from the development in terms of CIL, new homes bonus and construction work as well as some benefit to the sustainability of Barway. However, very limited weight is attached to these benefits and certainly not sufficient weight to override the significant policy breaches in the case.

Affordable Housing

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

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

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

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

- 7.14 None of East Cambridgeshire falls within the definition of a "rural area" and due to the introduction of the Community Infrastructure levy (CIL), tariff style contributions are not sought on development of 10 units or less.
- 7.15 Policy H3 in the Core Strategy specifies a threshold of 3 dwellings at which affordable housing would be required. However, this threshold has not been applied since the submission of the draft Local Plan, with its higher threshold of 5 dwellings contained within Policy HOU3. In effect by doing this the Council has

been treating policy H3 as being out of date. Therefore regard has to be had to the other material planning considerations.

7.16 Being policy, the revised threshold in the Ministerial Guidance is a material planning consideration. In addition, the draft Local Plan, which is at an advanced stage of preparation, is also a material consideration. As the Local Plan has not been adopted, and is in conflict with the recent Ministerial Statement, it is considered by Officers that more weight should be given to the Ministerial Statement than the emerging Local Plan at this time. Therefore, providing that the development were for less than 1000 square metres of floor space, and less than 10 dwelling, then no affordable housing should be sought.

7.17 It has already been highlighted that the proposed development does not make the best use of land in terms of the number of houses proposed. If a similar density to that proposed in the BAR2 allocation were applied to this site, it would certainly exceed the thresholds for affordable housing as set out in the Ministerial Statement.

Residential Amenity

7.18 The site is located to the east of No. 5 Barway Road and is separated by the foul pumping station. Given the separation between the neighbouring dwelling and the proposed development, it is considered in principle subject to reserved matters details relating to layout, scale and appearance an acceptable relationship could be achieved.

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

Visual Amenity

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

Archaeology

7.21 The site is located within an area of archaeological potential, to the east of the 14th Century Nicholas Church. There is also a strong presence of Prehistoric occupation in the area and Roman settlements to the south-west and north-east of the site. The County Archaeologist has therefore requested the use of a standard condition requiring a programme of archaeological investigation be attached to any

approval. Provided that such a condition were used, the proposal would be in accordance with policy EN5 of the Core Strategy and policy ENV14 of the Draft Local Plan.

Highways

- 7.22 The County Highway Engineer has raised a holding objection to the application, requiring that details of vehicular visibility splays of 215 metres, at a setback from the edge of the carriageway of 2.4 metres, are submitted. These details have been requested, but have not received at the time of writing the report. It is considered that given the length of the highway frontage of the site, the vehicular visibility these requirements could be satisfied and the application therefore made acceptable in terms of policy S6 of the Core Strategy and policy COM7 of the draft Local Plan.
- 7.23 In the absence of a suitable amended plan at the time of writing this report, the holding objection from the County Highways Engineer remains and the proposal fails to meet the requirements of Core Strategy and Draft Local Plan policies. However, if additional information is submitted which addresses this issue, Members will be updated at the Planning Committee.

Ecology

- 7.24 The site is located within 2km of the Cam Washes Site of Special Scientific Interest (SSSI). However, Natural England is satisfied that the proposed development would not have a detrimental impact on the SSSI.
- 7.25 An Ecology Report was submitted as part of the planning application. Whilst no evidence of protected species was found within the application site, which is primarily arable farm land, it is recommended that the developers are made aware that any animals visiting the area on a seasonal basis may shelter under building materials and dig into loose soil or rubble heaps, if these are left for any period.
- 7.26 The Tree Officer raises no objection to the proposed development, subject to the existing hedgerow as indicated to be retained is protected during construction. It is recommended that any landscaping scheme and boundary treatment of the plots should relate to the wider landscape.
- 7.27 It is therefore considered that subject to the use of appropriate conditions, the proposal would meet the requirements of policy EN6 of the Core Strategy and policy ENV7 of the Draft Local Plan.

Flood Risk and Drainage

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

Conclusions

- 7.29 The application site is located outside the limits of the development envelope for Barway, where policies Cs1 and CS2 place a strict control on new residential development.
- 7.30 The application site includes part of a housing allocation, BAR2, set out in the draft Local Plan, which given the advanced stage of its preparation is a significant material consideration. However, the proposed development is contrary to the allocation as set out in BAR2 in terms of its size, location and density.
- 7.31 It is considered that there are no other material planning reasons that would justify setting aside the sound planning policies CS1 and CS2 of the East Cambridgeshire Core Strategy 2009 or the emerging policy BAR2 of the Draft Local Plan (pre-submission version), as modified.
- 7.32 Furthermore, the application, which equates to a density of 3.25 dwellings of hectare, is contrary to the density of development envisaged by policy BAR2 of the draft Location Plan, which equates to approximately 16 dwellings per hectare.
- 7.33 This failure to make the best use of the land would also result in a failure to take the opportunity to provide a mix of housing, including affordable housing, which is contrary to the aims of the National Planning Policy Framework, which seeks to deliver a wide choice of high quality homes, take the opportunities available for improving the character and quality of an area and the way it functions.
- 7.34 The application is therefore recommended for refusal for the reasons set out at the start of this report.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
	Room No. 011 The Grange Ely	Lesley Westcott Planning Officer 01353 665555 lesley.westcott@eastcambs.gov.uk