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**MAIN CASE**

**Reference No:** 17/01385/OUT

**Proposal:** Construction of three bedroom bungalow with integrated garage and associated access

**Site Address:** Land Off Barway Road Barway Ely Cambridgeshire CB7 5UB

**Applicant:** Mr Paul Freakley

**Case Officer:** Toni Hylton, Planning Officer

**Parish:** Soham

**Ward:** Soham North  
Ward Councillor/s: Councillor Mark Goldsack  
Councillor Carol Sennitt

**Date Received:** 1 August 2017      **Expiry Date:** 6<sup>th</sup> October 2017

[S133]

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1.0 **RECOMMENDATION**

- 1.1 Members are recommended to **REFUSE** this application for the following reasons;
1. The site does not present itself as a natural extension to the built form of the village, which comprises of linear development on this section of the road. The proposed dwelling by virtue of this location would be at odds with the linear built form and would result in an urban intrusion detrimental to the character of the area and established character of built form such that it would cause significant demonstrable harm to the character and appearance of the setting of Barway. As such it is contrary to Policies ENV 1 and ENV2 of the East Cambridgeshire Local Plan 2015 and the National Planning Policy Framework.
  2. The application fails to provide information relating to the ecology of the area. The site is in close proximity to a large fishing lake where there maybe the opportunity for protected species to be living in the area. On this basis the proposal is considered to be contrary to policy ENV7 of the East Cambridgeshire Local Plan 2015.

2.0 **SUMMARY OF APPLICATION**

- 2.1 The application is made in outline for a detached three bedroom bungalow and integral garage and associated access. The items to be considered as part of the application are access, layout and scale.
- 2.2 Access is proposed from Barway Road going between an existing building and utilising the proposed access for the approved 3 dwellings application reference 16/00701/FUL. This application was approved on the basis that the proposed dwellings followed the linear form of development in Barway.
- 2.3 The layout of the site shows the dwelling will sit in the north western corner of the site and is to be considered as part of the application.
- 2.4 The scale of the development is indicated to be a bungalow, although no heights have been provided. However, without full details of the proposed heights it is difficult to assess the scale of the proposal.
- 2.5 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.**
- 2.6 The application is brought to Committee at the request of Cllr Mark Goldsack. His reasons are shown in paragraph 5.1.
- 3.0 **PLANNING HISTORY**
- 3.1 None relevant.
- 4.0 **THE SITE AND ITS ENVIRONMENT**
- 4.1 The site is located to the south of Barway Road outside the development envelope. The site is currently a field that is located in close proximity to a fishery pond to the south. There are hedges and trees located along the boundary of the site. The site can be seen from the road, albeit in the distance.
- 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.

Local Highways Authority – No objections subject to conditions relating to no gates and access to be 5m in width for 10m.

CCC Growth & Development - No Comments Received

Conservation Officer – No comment to make.

Cambridgeshire Archaeology – No objection subject to condition requiring the submission of a Written Scheme of Investigation.

Parish – No objection

Ward Councillors – Cllr Mark Goldsack has requested that the application is considered by the planning committee and a copy of the e mail is copied below;

*After due consideration and research can you please take this email as my request to call this application before committee. I have outlined the 3 main issues as you see with the application and have the following responses from AJ Fleet, to each point. On the basis of these I am happy to call this in and let committee look at the case.*

*The planning officer has now indicated that they will be recommending the proposals for refusal on the following basis;*

- The proposals are outside of the development envelope*
- The proposals will form a visual intrusion into the countryside*
- The proposals are located in a location deemed to be unsustainable*

*Outside of the development envelope*

*The proposals are outside of the development envelope but sit directly adjacent to it. I have attached the policy map for Barway from the Emerging Local Plan. Please also note that ECDC have recently issued a delegated approval for three houses on the area of land to the North East of our site, also outside of the envelope.*

*Visual Intrusion*

*The proposal is set back from the highway and as such will be well screened, by the new development, from the road. Due to the mature nature of the surrounding landscape the proposals are will not be visible from other vantage points other than from within the Barway Lakes ownership. The proposal is for a single storey dwelling that further mitigates any remaining potential visual impact.*

*Sustainability*

*We believe the site is set within a sustainable location owing to the recent delegated approvals immediately adjacent to the site.*

The Ely Group Of Internal Drainage Board – No objection subject to the soakaways being an effective form of drainage.

Consultee For Other Wards In Parish - No Comments Received

- 5.2 Neighbours – 5 neighbouring properties were notified and no responses were received.
- 5.3 A site notice was displayed on a lamp post outside of North View, Barway. An advert was also placed in the Cambridge Evening News as a potential departure

from the Local Plan and potential impact on the setting of a Listed Building.

## 6.0 The Planning Policy Context

### 6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and geology
ENV12	Listed buildings
COM 7	Transport impact
COM 8	Parking provision

### 6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations  
Design Guide  
Flood and water  
Contamination

### 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 be considered in determining this application are the principle of development, the impact on the character of the area, highway safety, ecology and trees, and residential amenity.

### 7.2 Principle of Development

The site lies outside the defined settlement boundary for Barway. The development of the site for housing would therefore conflict with Policy GROWTH 2 of the East Cambridgeshire Local Plan which seeks to focus new housing development within defined settlement boundaries. However as the Council cannot currently demonstrate a 5 year supply of housing land, Policy GROWTH 2 cannot be considered up to date in so far as it relates to the supply of housing land. In this situation, the presumption in favour of development set out in the National Planning Policy Framework (NPPF) means that permission for development should be granted unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate that development should be restricted.

- 7.3 Paragraph 55 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, for example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Isolated new homes in the countryside should be avoided unless there are special circumstances. The site is set away from the settlement boundary but is not far away such that the site could be considered isolated. Although Barway village has a very limited range of services and facilities, there are 2 no. housing allocation BAR1 and BAR2 within the East Cambridgeshire Local Plan 2015 which both have the benefit of planning permission and are currently being developed. Furthermore there are a wider range of services and facilities nearby in larger settlements, the largest of which is Ely some 6 miles away. It is recognised that there will be some car dependency as Barway does not benefit from a wide range of everyday services with the absence of a shop and school.
- 7.4 It is considered these dwellings will help support the vitality of the surrounding rural communities. The proposed dwellings would also make a positive, albeit modest contribution towards the provision of housing in the area and the construction would provide some short term economic benefits. The proposal therefore supports the social and economic dimension to sustainable development which weighs in its favour.
- 7.5 Residential Amenity  
The design and location of windows does not form part of the proposal and from this it is not possible to determine the potential level of overlooking or impact on the neighbours' privacy without this information. However, the scale shows a single storey dwelling and therefore opportunity for overlooking to adjacent dwellings will be limited. There is the potential for overlooking from the adjacent dwellings to the proposed dwellings, as these are 2 storey and would potentially overlook, without the details of the design and landscaping it is not possible to make an informed judgement on residential amenity.
- 7.6 Visual Amenity  
The environmental dimension of sustainable development seeks to, in part, contribute to protecting and enhancing the natural, built and historic environment. Consideration of a developments impact on the character and appearance of the area within which it is situated, is therefore integral to the environmental dimension to sustainable development, as is design.
- 7.7 In addition, Policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan 2015, seeks to protect landscape and settlement character and in particular, respect views into and out of settlements. These aims are reiterated in paragraph 17 of the NPPF which seeks to protect the intrinsic character and beauty of the countryside. Policy ENV 1 also requires new development to demonstrate that the location, amongst other things, will create positive, complementary relationships with existing development. The proposed development would break the linear settlement envelope of this part of Barway into the open countryside. Linear development is located to the north side of Barway in this part of the village and the housing allocations BAR 1 and BAR 2 of the East Cambridgeshire Local Plan are also located on the northern side of Barway Road.

7.8 The proposed development would extend the built form beyond the existing linear settlement envelope of Barway on the south side of Barway Road and would be detrimental of the character of the area and the established character of built form in this part of Barway. The proposed dwelling sits behind an established row of dwellings and as such this proposal does not follow the built form or character of the area.

7.9 It is considered that the proposed development would be at odds with the linear character of built form. It is therefore considered that the proposal would cause significant and demonstrable harm to the character and appearance of the area. The proposal would be contrary to Policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan 2015 which seeks to protect landscape and settlement character and in particular respect views into and out of settlements and create positive and complementary relationships with existing development. These objectives accord with relevant provisions of the Framework in paragraphs 17 and 58.

#### 7.10 Historic Environment

The site has been advertised within 30 metres of a Listed Building. There are 3 Listed Buildings in Barway and 2 are in close proximity, St Nicholas which is a Grade II\* Listed Building and Laburnham House which is Grade II. The Listed Buildings are in excess of 30 metres and due to the location of the proposal it cannot be seen from these important buildings due to existing built development. In consultation with the Conservation Officer it was considered that the proposal would not be detrimental to the setting of the Listed Buildings. On this basis it was considered that it was not necessary to consult with Historic England. The Proposed development is on the opposite side of the road and diagonal to the Listed Building. On this basis the proposal would not affect the setting of the Listed Building and would comply with Policy ENV12 of the East Cambridgeshire Local Plan 2015.

#### 7.11 Highways

In consultation with the Highways Officer, it was considered that the proposed dwelling could achieve a safe access with no detriment to highway safety. Adequate parking can be provided within the site. Two conditions are suggested restricting gates being erected and that the width of the drive shall be 5 metres in width for a minimum of 10 metres. It is considered that the proposal complies with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

#### 7.12 Ecology and Trees

The application as submitted does not provide information relating to ecology and was not requested by the case officer, as on visiting the site it was assessed to be an unacceptable form of development and therefore would be unreasonable to ask for this information if it was going to be recommended for refusal. If however Planning Committee are of the opinion that the proposed development should be approved a condition can be applied for any mitigation measures required. However, this cannot be conditioned to undertake a formal survey, this information needs to be provided at the stage the application is submitted and forms part of the reason for refusal.

There are some trees to the boundary which would be required to be protected during construction. It is considered that a landscaping scheme could be applied to soften the appearance of the proposed development in the rural area. However, this would not reduce the harm caused by the provision of a dwelling in this rural landscape.

### 7.13 Flood Risk and Drainage

The site is within Flood Zone 1, although it is immediately abutting a Flood Risk Zone which is defended. As such this area is seen as an acceptable location for residential development in terms of human risk from flooding. Details of drainage has not be submitted as part of the application, but can be conditioned to be submitted as part of any subsequent reserved matters planning application.

### 7.14 Planning Balance

The proposal would provide the following benefits:- the provision of an 1 additional residential dwelling to the district's housing stock which would be built to modern, sustainable building standards and the positive contribution to the local and wider economy in the short term through construction work.

However, it is considered that the benefits of the application would still be outweighed by the significant and demonstrable harm which would be created by the proposal on the rural and linear housing character and appearance of the area and therefore it is recommended that the application is refused. The lack of information relating to the ecology of the area forms part of the reason for refusal.

<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
17/01385/OUT	Toni Hylton Room No. 011 The Grange Ely	Toni Hylton Planning Officer 01353 665555 toni.hylton@eastcambs.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>