
MAIN CASE

Reference No: 17/00055/OUT

Proposal: Outline application for two storey dwelling, double carport, 3 No. stables & tack room (personal use only) along with associated access & site works.

Site Address: Land Rear Of Hythe House The Hythe Little Downham
Cambridgeshire

Applicant: Mr Brian Easey

Case Officer: Catherine Looper, Planning Officer

Parish: Little Downham

Ward: Downham Villages
Ward Councillor/s: Councillor Anna Bailey
Councillor Mike Bradley

Date Received: 12 January 2017 **Expiry Date:** 7th April 2017

[R257]

1.0 RECOMMENDATION

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

1.2 The proposed dwelling is located outside of the designated development envelope, and by reason of its distance to the nearest main settlement of Little Downham is considered to be unsustainable. Future occupiers of the dwelling would be reliant on a car in order to access basic services within Little Downham. The application does not satisfy the special circumstances criteria laid out by Paragraph 55 of the NPPF. The adverse impacts of the application significantly and demonstrably outweigh the benefits. This is contrary to Paragraph 14 of the NPPF, and does not promote sustainable development.

2.0 SUMMARY OF APPLICATION

2.1 The application seeks outline planning permission for a two storey dwelling, double car port, domestic curtilage, 3 No. Stables and tack room, along with associated access and site works. All matters are reserved except for access and scale. The plans also include a vehicular access measuring 7m in width at the widest point, nearest the public highway. The dwelling is indicatively located to the front of the site, with the access running down the south-west boundary. The car-port is

indicatively located to the side and rear of the dwelling, with the stable block to the rear of the indicated residential curtilage. The remainder of the site is outlined in blue and it is indicated that this will be fenced and used as paddock, although this change of use has not been included in this application.

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 The application has been called into Planning Committee by Councillor A Bailey as detailed in Paragraph 5.1 of this report.

3.0 PLANNING HISTORY

3.1

00/00366/AGN	Agricultural shed for two lorries, machinery and trailers	Refused	17.05.2000
16/01391/OUT	Outline application for two storey dwelling along with associated parking access & site works.	Refused	09.12.2016

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located approximately 1.36 miles by road, to the west of Little Downham. It is therefore located some distance from the settlement boundary and is rural in nature. The site is currently characterised by unmanaged land, and contains a number of old vehicles and trailers, agricultural machinery, a skip, and a large amount of rubble. There are two houses to either side of the site, although these are historic dwellings. The site is not located within Flood Zones 2 or 3, although these do extend closely to the rear 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.

Local Highways Authority – The Highway Authority has no objections in principal to this application. Conditions recommended.

CCC Growth & Development - No Comments Received

Senior Trees Officer - This application is materially similar to refused application 16/01391/OUT. My comments in relation to that application therefore apply to this current application also: This outline proposal is for a single dwelling upon a relatively neglected site. Vegetation will be removed for development however this

is not considered significant. Boundary features are to be retained. I do not object to this application as no significant landscape features are impacted. I would like to ensure no damage is caused to boundary vegetation during development with a condition identifying no development shall take place until a scheme for the protection during construction of the trees/hedges on the site, in accordance with *BS 5837:2012- Trees in relation to design, demolition and construction- Recommendations*, has been submitted to and approved in writing by the Local Planning Authority (Condition TR2A).

Waste Strategy (ECDC) – No objections raised. Standard informatives recommended.

Parish – No objections raised.

Environmental Health (Technical Officer)- I have no issues to raise with this but would advise that stable waste should not be burnt on site and either removed from site for disposal or a muck pile used - location to be agreed (i.e. sufficient distances from neighbouring properties) and food stuff to be kept in pest proof containers.

Environmental Health (Scientific Officer)- I note that the current use is for farming machinery and building material storage and there appears to have been some waste disposal. I recommend that further investigation is required. As this application is for a sensitive end use (residential) I recommend that standard contaminated land conditions 1 and 4 are attached to any grant of permission.

The Ely Group Of Internal Drainage Board – The application states that surface water will be disposed of via soakaways. Provided that soakaways form an effective means of surface water disposal in this area, the Board will not object to this application. It is essential that any proposed soakaway does not cause flooding to neighbouring land. If soakaways are found not to be an effective means of surface water disposal, the Board must be re-consulted in this matter.

Ward Councillors - Response from Cllr A Bailey- As one of the local Ward Councillors I would like to call in the above planning application to be heard by the Planning Committee. Please can you ensure that this statement, together with the photograph, is given to the Planning Committee when it considers the application?

The application is for a single dwelling located within a cluster of other houses outside the development envelope in Little Downham, and is essentially infill. The site is shown on the map below with a red arrow. It is very similar to a previous application on the same site (16/01391/OUT) which was refused in October 2016 under delegated officer powers. The sole reason for refusal was on the grounds of sustainability as follows:

"The dwelling is located in the countryside and by reason of its distance from the nearest main settlement of Little Downham is considered to be in an unsustainable location. The future residents of this dwelling will be reliant on motor vehicles in order to access any service or purchase goods. The proposal does not meet any of the special circumstances as identified paragraph 55 of the National Planning Policy

Framework and is deemed contrary to Local Plan Policy GROWTH5 and COM7. The proposal fails to comply with the National Planning Policy Framework, in particular paragraphs 14 and 55, in that the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the development and, as such, does not promote sustainable development."

Whilst I fully appreciate that every application has to be considered on its own merits, another very recent application (16/00537/FUL), also for a single dwelling within a cluster of other houses was given permission in November 2016, also under delegated officer powers. It is shown on the map below with a black arrow. It is in a very similar location outside the development envelope in Cophall Drove, Little Downham and again, is essentially infill. The issue of sustainability was treated by the officer (notably a different officer to the application above) in his decision report as follows:

"The application site is located outside of the established development framework for Little Downham, however it is located within a cluster of existing residential dwellings. Such clusters of dwellings are commonplace in the vicinity of Little Downham and function as small communities. Although future occupiers would have some reliance on the car due to the site's location, Little Downham has a reasonable range of goods and services on offer."

I am also aware of another similar application that was recently granted permission in Second Drove, Little Downham (16/00078/FUL) where sustainability was also treated in the same way as in the application at Cophall Drove.

The new application (17/00055/OUT) which is the subject of this call in is the same as the previous application on the same site (16/01393/OUT) in all aspects, with the exception of the addition of a stable block to the rear. The previous application received no objections at all.

I would ask the Planning Committee to consider the consistency of planning decisions when determining this application.

5.2 Neighbours – Two neighbouring properties were notified and an advert was placed in the Cambridge Evening News. No responses have been received. A site notice was also posted on 23rd January 2017.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and geology
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure Requirements
GROWTH 5	Presumption in favour of sustainable development

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

7.0 PLANNING COMMENTS

7.1 Principle of Development

7.2 The Council has recently refused an application for a dwelling on this site and this therefore forms an important material consideration when assessing this application. The only difference with the current application is the provision of a stable block.

7.3 The application site is located well outside of the designated development envelope of Little Downham, and as such, is considered to be a countryside location. Development outside of the development envelope is considered contrary to policy GROWTH2 of the East Cambridgeshire Local Plan 2015 which seeks to focus new development within the defined settlement boundaries.

7.4 Policy GROWTH2 cannot be considered up to date as the Council is unable to demonstrate a 5 year land supply. Therefore the National Planning Policy Framework Paragraph 14 states that if policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or where specific policies in the NPPF indicate development should be restricted.

7.5 With regard to Paragraph 14 of the NPPF, the proposal considered by this application would make a small but positive contribution to the local housing supply, in the form of one dwelling. It would be seen as beneficial to the local economy in the short-term due to the construction stage.

7.6 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. This section also states that Local Planning Authorities should avoid isolated new homes in the countryside unless there are special circumstances.

7.7 With regard to the existing dwellings along Downham Hythe Drove, these are historic properties and remain isolated within the agricultural landscape. The application site is located approximately 1.36 miles by road, to the west of Little Downham. The public transport links are poor and would mean that future

occupiers of the proposed dwelling would rely on the use of a car to access basic services. The public highway between the site and Little Downham does not benefit from pedestrian footpaths or street lighting, and therefore any person choosing to walk between the site and the nearby village would have little choice but to walk on the public highway. Due to these factors it is considered that the proposal is not sustainable.

- 7.8 Each application is assessed on its own merits, however it should be noted that a recent appeal decision was dismissed (APP/V0510/W/16/3158114) for residential development on a site on Cowbridge Hall Drove, Little Downham, which has similarities to this application. It was identified within the Inspectors decision that the lack of public footpath and street lighting would be harmful to the safety of pedestrians. The appeal stated that “the effect of allowing a development in a functionally isolated location would result in unsustainable journeys, contrary to a core land use planning principle of the Framework which seeks to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.” The appeal also identified that existing development would not have been subject to the same policy considerations as at present and therefore does not set a precedent that carries any weight. Existing development is not a fait accompli for subsequent development; each case must be decided on its own merits.
- 7.9 A similar appeal was also dismissed for two dwellings at 14 The Cotes, Soham (APP/V0510/W/16/3143840), on the basis that the site was unsustainable due to inadequate public transport and public footpath links, and the reliance on the car to access services and facilities.
- 7.10 This site is considered to be isolated due to its distance from the nearest settlement and reliance on a car to access services. There are a number of sites within Little Downham (LTD1) and other nearby settlements within the district that are considered to be much more sustainable and suitable for residential development.
- 7.11 Highways
- 7.12 With regard to access, the site can comfortably accommodate an adequate vehicular access, with sufficient room to park and manoeuvre vehicles once on site. The boundary fencing shown on the plans is set back from the public highway by approximately 2m, which is considered sufficient to provide adequate visibility for vehicles entering and exiting the site.
- 7.13 Policy COM7 of the Local Plan 2015 requires applications to provide safe and convenient access to the highway network, and provide a comprehensive network of routes, giving priority for walking and cycling. This application is contrary to Policy COM7, as it would generate an increased level of traffic due to the reliance on the car to access basic services. The Local Highways Authority has raised no objections in principle.
- 7.14 Visual Amenity
- 7.15 With regard to visual amenity, there are no elevation details and therefore this matter cannot be considered at this stage. This would form part of the Reserved Matters Application.

- 7.16 Residential Amenity
- 7.17 There is a significant distance between the dwelling and the site boundaries to the north-east and south-west. Although the impact on the residential amenity of neighbouring occupiers cannot be fully assessed at this stage, it is unlikely that significant impacts will be created due to the distances to the boundaries. The full impacts on residential amenity would need to be assessed as part of a Reserved Matters Application.
- 7.18 Other Material Matters
- 7.19 The Ward Councillor has made reference to another site outside of Little Downham which has been granted planning permission. However, it should be noted that no two sites have the same context and each application must be assessed on its own individual merits. In addition, since the time of that approval the appeal decision referred to at Little Downham has been received which verifies the recommendation now being made by officers.
- 7.20 Environmental Health have been consulted regarding the proposal as this would result in a sensitive end use. The Scientific Officer has noted that the site is currently used for farming machinery and building material storage, and there appears to have been some waste disposal. It is recommended that conditions are placed on any grant of approval, requiring the applicant to undertake a more details investigation and risk assessment of the nature and extent of any contamination. They also request that a condition is attached requiring the applicant to report any unexpected contamination found during the development.
- 7.21 Planning Balance
- 7.22 On balance, the unsustainable location of the proposal outweighs the benefits of the provision of a dwellinghouse. The proposal is contrary to the relevant planning policies, and in particular, Paragraph 55 of the NPPF. The application is therefore recommended for refusal.
- 8.0 APPENDICES
- 8.1 Appendix 1- Map accompanying Ward Councillor A Bailey's formal comments.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
17/00055/OUT	Catherine Looper Room No. 011 The Grange	Catherine Looper Planning Officer 01353 665555
00/00366/AGN 16/01391/OUT	Ely	catherine.looper@e astcamb.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.eastcamb.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

Appendix 1- Map accompanying Ward Councillor A Bailey's formal comments.

