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**MAIN CASE**

**Reference No:** 17/00475/FUL

**Proposal:** Demolition of existing garage and construction of 2 bedroom single storey detached dwelling and associated works

**Site Address:** Land Adj To 1 Brick Works Cottages Factory Road Burwell Cambridge CB25 0BN

**Applicant:** Mr Neil Rayner

**Case Officer:** Oli Haydon Planning, Officer

**Parish:** Burwell

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

**Date Received:** 20 March 2017      **Expiry Date:** 14<sup>th</sup> July 2017

**[S42]**

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1.0 **RECOMMENDATION**

- 1.1 Members are recommended to REFUSE this application for the following reasons:
1. The proposed additional dwelling is located within the countryside and, by virtue of its distance from the main settlement of Burwell, is considered to be in an unsustainable location. The proposal does not promote sustainable forms of transport and the future residents of this additional dwelling will be reliant on motor vehicles in order to access any local services or facilities. The proposal does not meet any of the special circumstances as identified in Paragraph 55 of the National Planning Policy Framework. The proposal fails to comply with the Policies GROWTH 5 and COM7 of the East Cambridgeshire Local Plan 2015 and Paragraphs 14 and 55 of the National Planning Policy Framework, as it fails to promote sustainable development.
  2. Located within open countryside remote from the development envelope of any settlement and visually detached from the established terraced row of dwellings known at Brickwork Cottages, the proposal would be a visually intrusive form of development that would cause demonstrable harm to the character of the rural landscape and its setting within the surrounding countryside contrary to the requirements of Policies ENV1 & ENV2 of the East Cambridgeshire Local Plan and, paragraphs 14 and 17 of the National Planning Policy Framework.

3. The proposed development does not incorporate adequate on-site vehicular parking and manoeuvring facilities to ensure that vehicles can access and egress from the public highway in a forward gear, creating a detrimental impact upon highway safety, contrary to Policy COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

## 2.0 SUMMARY OF APPLICATION

2.1 Full planning permission is sought for the demolition of an existing shed/garage and the erection of a single-storey detached dwelling.

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 application has been called-in to Planning Committee by Cllr David Brown as there is a disagreement as to whether this is a sustainable location.

## 3.0 PLANNING HISTORY

3.1 No relevant planning history.

## 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located outside the development envelope for Burwell, at the end of a small terrace of residential dwellings known as Brick Works Cottages. The site is located off Little Fen Drove, 1.5 miles from the facilities and services of Burwell.

4.2 The character of the area is defined by a predominance of arable land with occasional light industrial uses. To the rear of the site is a plant hire compound with its access off Little Fen Drove.

## 5.0 RESPONSES FROM CONSULTEES

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

**Burwell Town Council** – No objections raised initially. Following a reconsultation following the submission of additional drainage information objections were raised regarding drainage issues in the area.

**Ward Councillors** – Cllr David Brown wishes to call this application into Planning Committee as there is a disagreement as to whether this is a sustainable location.

**Local Highways Authority** - The proposal should have no significant impact on the public highway, should it gain the benefit of planning permission, subject to the incorporation of the conditions and informatives requested into any permission that the Planning Authority is minded to grant in regard to this application.

**CCC Growth & Development** - No Comments Received

**Waste Strategy (ECDC)** - No objections subject to informatives.

**Minerals And Waste Development Control Team** - No Comments Received

**Environment Agency** - There are no EA constraints at the location of the proposed dwelling. The access is within FZ3 (no FRA provided). The Local Planning Authority must be satisfied with regards to the safety of people (including those with restricted mobility), the ability of such people to reach places of safety including safe refuges within buildings and the ability of the emergency services to access such buildings to rescue and evacuate those people.

**Natural England** – No comments to make on this application.

5.2 **Neighbours** – A site notice was posted, four neighbouring properties were notified and an advert was placed in the Cambridge Evening News and three responses were received. A full copy of the responses are available on the Council's website and a summary is provided below:

- The site contains the sewage system for the neighbouring properties
- The cesspool is too close to the Brickwork Cottages
- The Consent to Discharge is at capacity and no more dwellings can be added
- Fragile pipework under the footings from the proposal
- Electric cabling runs under the site
- Access is required to the sewage system for quarterly emptying
- The properties currently run their surface water into the system, soakways are not an option due to the high water table and clay ground.
- Discrepancies within the proposal.
- Height not in keeping with surrounding dwellings
- If the electricity supply is interrupted, the pump would stop working and may cause flooding to the adjacent dwellings
- Overlooking into neighbouring property and garden
- Distance from Burwell with no footpath
- Contrary to Wicken Fen Nature Reserve National Trust 100 year vision.

*Following amendments regarding foul/surface water drainage:*

- The new rerouted drainage system introduced unnecessary 90 degree bends and a T-junction.
- The new drain may exacerbate reliability issues of the current drain
- Access to drainage covers/inspection pits
- The proximity of the drainage pipes to the buried electrical cable
- The 'store' room and its proximity to the sewerage treatment plant
- The height of the proposal and the potential for the conversion of the roofspace
- The sewerage treatment plant will be right next to the back garden of 1 Brickwork Cottages

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 8	Flood risk
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

Design Guide  
Developer Contributions and Planning Obligations  
Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated  
Flood and Water

## 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 consider when determining this application relate to the principle of development, the impacts upon character and appearance of the area, residential amenity, highway safety and drainage.

### 7.2 **Principle of development**

7.2.1 The application site lies outside of the defined development boundary. 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.

7.2.2 Paragraph 55 of the NPPF states that isolated new homes in the countryside should be avoided unless there are special circumstances. This site is considered to be isolated from any built settlement, being 0.9 miles from the edge of the nearest settlement of Burwell and 1.5 miles by road from the services and facilities of

Burwell. The site is located along a 60mph road in a rural location with no footpath. It is therefore considered to be an unsustainable location for the erection of a new dwelling, similar to the conclusions of the Inspector in a recent appeal decision which forms a material consideration to be given significant weight in determining this application.

- 7.2.3 The appeal decision bears similarities with this proposal and followed the refusal by the Planning Committee for two dwellings at 14 The Cotes, located 1.8 miles north of Soham, in an isolated cluster of dwellings.
- 7.2.4 The recently received appeal decision for The Cotes in Soham (APP/V0510/W/16/3143840) cited the location as unsustainable due to the reliance on the car. The appeal stated that “both (sites) would be reliant on the car to gain access to services and facilities. This would not accord with the Framework or the environmental dimension of sustainable development” and “the isolation of the sites from community facilities would weigh against the social dimension and would not accord with paragraph 55 of the Framework regarding the location of rural housing”. Furthermore, the appeal also stated “given the distance of the sites from local facilities and the unsuitability of the road for pedestrian access, I conclude on this issue that the occupiers of the proposed dwellings would be highly reliant on the car to gain access to services and facilities”. As previously stated, the Cotes is approximately 1.8 miles to the centre of Soham, and this application site is 1.5 miles from the centre of Burwell where local shops and services are located.
- 7.2.5 Members are reminded of 2 further appeal decisions which support the stance that this site is in an unsustainable location. The inspector stated that it “it is highly probable that occupiers would use the private car” and “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”.
- 7.2.6 It is considered that the proposal is contrary to Local Plan policy COM7 which requires that development is designed to reduce the need to travel, particularly by car, and to promote sustainable forms of transport. This site is located 1.5 miles from the centre of Burwell and, as such, the Local Planning Authority view it as unsustainable as there are a number of sites within Burwell which are in a more sustainable location and are either allocated for development or could be windfall sites. The proposal is located (within the parish of one of the larger villages) where growth should be focused in a sustainable location in accordance with the Inspector’s decisions.
- 7.2.7 It is acknowledged that dwellings exist northwest of the site. These dwellings have been on site for a substantial amount of time and their presence does not mean that new development should be accepted on this plot. Furthermore, the Inspector in a recent appeal decision accepted that “existing development is not a *fait a compli* for subsequent development; each case must be decided on its own merits”.

### **7.3 Residential Amenity**

- 7.3.1 The proposed dwelling would be single-storey, 7.4m in height (ridge); it would be situated approximately 3.6m from the neighbouring side boundary and set back from the highway by approximately 16m. The proposal would have one neighbouring dwelling, located to the NW, with a side-to-side separation distance of 7.2m. The neighbouring dwelling is an end of terrace, two storey dwelling with a small single-storey lean-to extension to the rear. Two side facing windows are proposed, serving the bedroom and home office. As the applicant has stated that the existing boundary fence is to be retained, and by virtue of the dwelling being single-storey, there is unlikely to be any overlooking resulting from these two windows.
- 7.3.2 Regarding overbearing, as the single-storey dwelling is generally in-line with the neighbouring property, situated 7.2m away, there is unlikely to be a significant level of overbearing or loss of light resulting from the proposal. The rear element of the proposal extends beyond the rear elevation of the neighbouring property and constitutes a set down gable-end extension with a ridge height of 6.2m. There would be a separation distance of 9m between the neighbouring boundary and this element, enough to reduce any overbearing impact to acceptable levels. The proposal includes the planting of four boundary trees along the neighbouring boundary; this will have the benefit of increasing screening and protecting future privacy. In order to future-proof the amenity of neighbouring occupiers, permitted development rights should be removed for conversion of the loft space if the application is to be approved.
- 7.3.3 The site has sufficient space to accommodate the dwelling with an acceptable level of private amenity space as set out in the SPD Design Guide. It is considered there will be a minimal impact on any future occupier from the adjacent plant hire compound and other light industrial units operating in the vicinity. On balance, the proposal is broadly in accordance with the residential amenity aspect of Local Plan Policy ENV2 and the NPPF Paragraph 7.

### **7.4 Visual Impact**

- 7.4.1 The area surrounding the application site is predominately rural in nature, with the application site surrounded by agricultural fields (aside from the adjacent terraced block). The application site forms a small area of scrub land containing a small dilapidated shed/garage and large front boundary hedge.
- 7.4.2 Policy ENV1 of the East Cambridgeshire Local Plan 2015 requires new development proposals to demonstrate that their location creates positive, complementary relationships with existing development and protects, conserves, and where possible enhances space between settlements and their wider landscape setting. Furthermore, Policy ENV2 of the East Cambridgeshire Local Plan 2015 requires all new development proposals to respect the landscape of the surrounding area and ensure the location of buildings relates sympathetically to the surrounding area. The NPPF also seeks to protect the intrinsic character and beauty of the countryside.

- 7.4.3 The proposal is for a relatively large single-storey dwelling, 7.4m in height (with a 6.2m high rear gable-end element). The proposal will be constructed of a mix of black weatherboarding and bricks. There are several large glazing elements serving the rear elevation, overlooking the 273m<sup>2</sup> garden. The proposed dwelling will not occupy more than a third of the plot size, in line with the guidelines of the SPD Design Guide. However, it is considered that the erection of an additional dwelling would create an urbanising impact which erodes the predominantly rural open character of the area. As previously mentioned, it is acknowledged that dwellings existing northwest of the site. These dwellings have been on site for a substantial amount of time and their presence does not mean that new development should be accepted on this plot. The large detached dwelling would be a stark contrast against the established small Brick Works Cottages and constitutes a form of development that is out of character with the established form of development along this rural location. The proposed siting and layout of this dwelling would not have any particular visual or physical affinity with the existing pattern of development. The proposal would result in an undesirable hardening of the edge between the existing built up extent of the Brick Works cottages and the wider rural vicinity.
- 7.4.4 On balance, it is therefore considered that the proposed dwelling in this location would cause significant and demonstrable harm to the rural character and appearance of the area, contrary to Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and Paragraphs 14, 17 and 56-68 of the NPPF. The development would reinforce the presence of built form within the countryside, appearing overly dominant and stark contrast to its surroundings. Whilst the house would continue the line of existing built development, it would introduce built form into an area that is largely rural in character.

## **7.5 Highways**

- 7.5.1 The proposal includes a 3m wide vehicular access, with a gate set back by 8m from the highway. The Local Highways Authority have raised no concerns with the scheme, subject to conditions. The proposal is compliant with Local Plan Policy COM7.
- 7.5.2 A turning area has been incorporated to the front of the dwelling, with cycle storage and a single parking space. Local Plan Policy COM8 states that 'development proposals should provide adequate levels of car and cycle parking, and make provision for parking broadly in accordance with the Council's parking standards'. For dwellings outside of town centre locations, two car parking spaces must be provided per dwelling. The submitted plans show one parking space incorporated into the front driveway, with this area appearing too cramped to increase this provision.
- 7.5.3 It is considered that two parking spaces could not be provided within the current layout without compromising the turning space which allows access and egress of the site in a forward gear. If the proposal remains with one space provided, it is considered that the increase in on-street parking on this narrow 60mph road would be detrimental to highway safety. The proposed access arrangement is therefore contrary to Policy COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

## **7.6 Ecology**

7.6.1 The garage/shed on the site is mostly dilapidated and would not constitute a suitable habitat under the Natural England standing advice. The site has minimal levels of planting, hedgerows, watercourses or ditches which may hold some biodiversity value. Any major features, such as the front boundary hedges, are being retained as part of this application. In order to protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015, a condition should be placed on any approval to ensure that measures to enhance the biodiversity in the vicinity are installed prior to occupation of the development.

## **7.7 Other Material Considerations**

7.7.1 The site is located mostly within Flood Zone 1 and is not therefore at high risk of flooding. Part of the access to the site is within Flood Zone 2 and 3; however, the Environment Agency raised no concerns with the development. Any planning permission granted will be subject to a condition requiring a detailed drainage strategy to be submitted and approved by the Local Planning Authority.

7.7.2 There has been significant concern regarding the drainage scheme for the proposal. The applicant has proposed to reroute the existing drains within the site and revised the floor plan to ensure no habitable room is within 7m from the existing cess pit. The applicant has proposed a biodisc treatment plant for the foul water, to discharge into a soakway and the manhole cover will be relocated. The drainage arrangements have been discussed with Building Control who have raised no concerns with the proposals in principle although the implementation of the scheme will be subject to their approval.

## **7.8 Planning Balance**

7.8.1 The proposal would provide the following benefits:- the provision of an additional residential dwelling to the district's housing supply 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.

7.8.2 However, it is considered that these benefits would be outweighed by the significant and demonstrable harm which would be caused by this unsustainable form of development.

7.8.3 Furthermore, the erection of a dwelling within this location, which comprises a predominantly open and rural setting, would have an urbanising impact upon the surrounding rural landscape which would be visually intrusive and detrimental to the character and appearance of the area.

7.8.4 In conclusion, this proposal is in conflict with Policies GROWTH5, ENV1, ENV2 and COM7 of the East Cambridgeshire Local Plan 2015 and the core principle of the NPPF and would counterbalance the recent multiple conclusions of the Planning Inspectorate.



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<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
17/00475/FUL	Oli Haydon Room No. 011 The Grange Ely	Oli Haydon Planning Officer 01353 665555 oli.haydon@eastca mbs.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.eastcamb.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>