

MAIN CASE

Reference No: 18/01216/FUL

Proposal: Erection of detached dwelling with garage and associated parking.

Site Address: Land South Of 1 To 7 Old School Lane Upware
Cambridgeshire

Applicant: Mr M Cannon

Case Officer: Toni Hylton, Planning Officer

Parish: Wicken

Ward: Soham South
Ward Councillor/s: Councillor Hamish Ross
Councillor Ian Bovingdon
Councillor Dan Schumann

Date Received: 20 September 2018 **Expiry Date:** 7th December 2018

[T151]

1.0 **RECOMMENDATION**

1.1 Members are recommended to REFUSE the application for the reason shown below:

1. The site is in the open countryside within the rural hamlet of Upware. School Road where the site is located opposite an established form of linear development, the dwellings are a mix of single storey and two storey dwellings, with simple designs. To the rear of the site is open countryside and the River Cam running beyond. It is considered that the dwelling proposed which is shown to be 10.4 metres in height with 3 floors of residential accommodation is not in keeping with the character of the area. Its overall height, mass and scale are disproportionate to its immediate surroundings, causing demonstrable harm to the setting and the character of the area. The design of the dwelling is out of keeping with the simple styled dwellings of Upware and on this basis the proposal is considered to be contrary to policies ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2018.
2. Insufficient evidence has been provided which secures the public open space (approved under application reference 15/00482/OUT) to the north of the site. As

such the proposal is contrary to policy COM3 of the East Cambridgeshire Local Plan 2015 and LP19 of the Submitted Local Plan 2018.

2.0 SUMMARY OF APPLICATION

- 2.1 The application is made in full for the erection of a single dwelling. The site is part of a previous application (15/00482/OUT) for an outline development of 4 dwellings incorporating land to the north and south of the site and land to be made available for public open space. This proposal combines plots 2 and 3 of the outline permission, to provide one plot. The plot has a frontage of 50 metres extending 55 metres to the rear, incorporating land not part of the original outline planning permission.
- 2.2 The single dwelling proposed is approximately 10.1 metres reducing to 5.1 metres in height with a frontage of approximately 30 metres including the integral garage. The scheme also includes the provision of a SuDs scheme, public footpath and a landscaping scheme.
- 2.3 The design of the dwelling appears to be a mix of architecture references, including mock Georgian for the main building. This comprises brick construction with quoins on the corners, with white painted aluminium clad timber sash windows declining in size as the building extends upwards. The single storey element has been designed in farmhouse style using flint and render as the exterior dressing with both having a natural slate roof.
- 2.4 The dwelling comprises of entrance hall, WC, study, dining room, drawing room, music room, family room, kitchen diner, double garage, pantry, utility, gym, plant room and double garage at ground floor. At first floor 4 bedrooms are proposed, 2 with ensuite, bathroom and balcony. At second floor a further 2 bedrooms are proposed with a bathroom and attic storage.
- 2.5 The application is brought to Planning Committee at the request of Councillor Bovingdon for the reason shown below:
- "I have seen a great deal of correspondence on this matter and feel that it should be decided by the planning committee for a final decision. There appears to be have been conflicting advice /views given on the matter from different planning officers and for transparency and a fully democratic and consistent decision I want to call this in please."*
- 2.6 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.**

3.0 PLANNING HISTORY

3.1

94/00831/OUT	Two New Detached Houses	Refused	07.12.1994
97/00384/OUT	2 detached houses and double garages	Refused	19.08.1997
15/00482/OUT	Outline Application for Proposed Residential Development Comprising Four Two Storey Dwellings, with Associated Garages, Parking, Access and Site Works and public open space.	Approved	04.08.2016
16/01307/OUT	Outline application for two storey dwelling along with associated parking, access & site works.	Approved	28.11.2016
17/00003/OUT	Outline Application for 4no. two storey dwellings off new private access road & repositioning of 2no. two storey dwellings to frontage (approved under previous application) to allow access road through to rear.	Refused	02.08.2017

4.0 THE SITE AND ITS ENVIRONMENT

4.1

The site is located outside of but adjacent to the established development framework of Upware. The site comprises an open field, bounded on the north by the rear of dwellings on Old School Lane. At present there is no boundary treatment to the west and south. The eastern boundary with Upware Road is marked by a post and rail fence with a number of mature trees, conifers and shrub along the boundary. There are two storey detached dwelling opposite the site with an area of open land adjoining an Environment Agency site to the south. Upware itself is a small village in the Parish of Wicken. The area has the character of a rural hamlet with the settlement surrounded by open countryside. The 'Five Miles from Anywhere' public house is located to the north-west 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 Highways Officer offers no objection to the proposal on the basis that conditions are attached to any planning permission granted to include the provision of a new footpath, no access gates where they join the highway, access to be constructed as per the drawings submitted, pedestrian visibility and access drainage.

CCC Growth & Development - No Comments Received

Trees Officer (Consultant) – The comments of the Tree Officer are copied below:

“It would cause significant harm to the character and appearance of the area by reason of its detrimental impact on the character and rural setting of the village, and the intrinsic beauty of the surrounding countryside. The proposed dwelling does not preserve or enhance local distinctiveness, or the landscape character of the village.

The proposed dwelling, by virtue of its size, and close to the boundaries, necessitating a significant amount of hardstanding to provide access and car parking, would result in a substantial mass of development, having an urbanising effect.”

Environmental Health – No objections with regard to the application other than to send out the Environmental Notes with regard to construction.

Environmental Health (Scientific Officer) No comments have been received. The previous application (15/00482/OUT) the Scientific Officer considered the information submitted, which is the same as the information submitted with this application was acceptable and did not require further surveys, however a condition reporting any unknown contamination should be applied to any planning permission granted.

Waste Strategy (ECDC) – No objection subject to payment towards the provision of the waste bins.

Consultee For Other Wards In Parish - No Comments Received

The Ely Group Of Internal Drainage Board – No objections on the basis that no water is discharged into the existing drainage system without first getting consent.

Parish - No Comments Received

Ward Councillors – Councillor Ian Bovingdon has requested that the application is presented to the Planning Committee;

“I have seen a great deal of correspondence on this matter and feel that it should be decided by the planning committee for a final decision. There appears to be have been conflicting advice /views given on the matter from different planning officers and for transparency and a fully democratic and consistent decision I want to call this in please.”

5.2 Neighbours – 4 neighbouring properties were notified and 1 response was received and is summarised below. A full copy of the responses are available on the Council's website.

- The proposal does not fit with the character of the area due to its size;
- The road will need to be widened and there have been flooding issues in the past.

5.3 A site notice was posted opposite the site. The proposal was also advertised in the Cambridge Evening News as a potential departure from the Development Plan.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

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 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 3	Retaining Community Facilities
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

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

6.3 National Planning Policy Framework 2018

- 2 Achieving Sustainable Development
- 5 Delivering a sufficient supply of homes

- 12 Achieving well-designed places
- 15 Conserving and enhancing the natural environment

6.4 Submitted Local Plan 2018

- LP1A presumption in Favour of Sustainable Development
- LP2Level and Distribution of Growth
- LP3The Settlement Hierarchy and the Countryside
- LP6Meeting Local Housing Needs
- LP16 Infrastructure to support growth
- LP17 Creating a Sustainable, Efficient and Resilient Transport Network
- LP19 Maintaining and Improving community facilities
- LP21 Open space, sport and recreational facilities
- LP22 Achieving Design Excellence
- LP24 Renewable and Low Carbon Energy Development
- LP25 Managing Water Resources and Flood Risk
- LP26 Pollution and Land Contamination
- LP28 Landscape, Treescape and Built Environment Character, including Cathedral Views
- LP30 Conserving and Enhancing Biodiversity and Geodiversity

7.0 PLANNING COMMENTS

7.1 Principle of Development

- 7.1.1 The Local Planning Authority is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore any policies controlling 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.
- 7.1.2 This application is for 1 dwelling that would be added to the District's Housing Stock and make a contribution towards the shortfall in housing land supply. However the proposed dwelling takes in land that was allocated for 2 plots and as such this means there is a net loss of 1 dwelling. The provision of any additional dwellings attracts significant weight in the planning balance.
- 7.1.3 The site is located outside the established development framework of Upware, however, the site adjoins the settlement boundary in places. The site is therefore considered to be well connected to the settlement, alongside a number of residential dwellings and within close proximity to any facilities and services on offer in the village. Whilst it is acknowledged that there are limited facilities and services in the village it is considered that some growth of hamlets such as Upware is needed in order to boost the population and encourage the provision of goods and services.
- 7.1.4 The fact that the Council cannot currently demonstrate that it has an adequate five year supply of housing does not remove development envelopes. It does however

restrict the application of policy GROWTH 2 within the Local Plan, which states that outside defined development envelopes, development will be strictly controlled and restricted to the main categories set out within the policy.

- 7.1.5 For the purposes of assessing the proposal in relation to the presumption in favour of sustainable development, the proximity of the site to the settlement boundary is considered to be sufficient to consider the site as being in a sustainable location.
- 7.1.6 On the basis that the principle of development was previously agreed on this site through the approval of an outline planning permission for 4 dwellings it is considered that the principle of a residential dwelling in this location is considered acceptable.
- 7.1.7 It should be noted that all other local plan policies and relevant material considerations remain relevant and form part of the planning balance for this application.

7.2 Loss of Public Open Space

- 7.2.1 The previous application which was approved as an outline application secured land to the north of the site for public open space, which was fundamental public benefit to the approved scheme. A S106 agreement was signed which stated that before the commencement of development the owner of the land will with the Parish Council transfer the land over. There were time limits set out as to when the transfer can happen and the time it took in transferring the land over to the Parish Council. Within this proposed application no reference in detail is made to the transfer of the land to the Parish Council. This has been brought to the attention of the agent and the response has been that this issue is being dealt with by the vendor of the land.
- 7.2.2 There is concern that there is no definitive evidence that any of the agreement has been implemented and that in issuing a planning permission this would negate the need for the public open space to be implemented, without evidence or a revised S106 agreement. On this basis a precautionary view is taken and that this proposal would instigate the loss of public open space and as such would be contrary to policies COM3 of the Local Plan and LP16 and LP19 of the Emerging Local Plan. These policies seek to retain public and community facilities such as public open space and this proposal may lead to its loss.

7.3 Residential Amenity

- 7.3.1 The site is separated from the rear of dwellings on Old School Lane by an allocated area of public open space. This allocated area is to be laid to grass and as part of the previous approval this is to be given over to Wicken Parish Council as part of a S106 agreement to be used as public open space. In consultation with the applicant it has been confirmed that this is being addressed by the vendor of the plots. At present the site could be used for agricultural purposes with any activity up against the northern boundary. It is considered that the use of the open space by local people would not have a significantly detrimental impact on the residential amenity

of the occupiers on Old School Lane and the parish council intends to actively manage the area.

7.3.2 There is sufficient separation distance between the proposed dwelling and the dwellings on Old School Lane to ensure that the proposed dwelling is not overbearing and will not cause a significant loss of light. The layout shows the proposed dwelling approximately 40 metres from these dwellings and 35 metres from the dwellings on the opposite side of Upware Road. Again, at this distance the proposed dwellings would not lead to a loss of privacy or significant loss of light to existing dwellings. The loss of views over the site is not a material planning consideration.

7.3.3 Either side of the proposed site are plots that were part of the outline planning permission, there are no designs for these proposals, and therefore the impact of the proposed dwellings on these adjoining plots is not so easy to assess. The plot to the north is approximately 10 metres from the proposed dwelling, which has a window to the side elevation to a bedroom, in order to protect amenity a tree has been proposed, however there is still a chance of overlooking into the rear garden of the northern plot. This side window to the proposal is not the main window to bedroom 3 and therefore the window would need to be obscure glazed in order to address this issue. Any planning permission issued should consider the possibility of requesting this window is fitted with obscured glazing to ensure the amenities of the neighbours are protected from the perception of overlooking.

7.3.4 The proposal is therefore considered to comply with Policies ENV2 and LP22 in relation to residential amenity subject to fitting the window to bedroom 3 on the side elevation with obscured glazing to limit the potential for overlooking.

7.4 Visual Amenity

7.4.1 The original application for the 4 dwellings which was approved as an outline, which included scale. The application stated that the dwellings would be 2 storey in height, however this proposal indicates the overall height would be 10.1 metres. Combine the height with the overall frontage of the proposal of 31.1 metres with a depth of 21.5 metres it makes the appearance of the dwelling imposing and out of character with its immediate surroundings.

7.4.2 When a comparison of the immediate neighbours is undertaken the proposal is considerably larger, and whilst the Local Planning Authority is not adverse to large dwellings they need to be assessed within the context of their setting. The neighbouring property opposite, Number 7 is a detached 2 storey dwelling, set back from the road set on a substantial site. Whilst number 7 has smaller frontage it does have space around all of the dwelling and has a simple design. Fenleigh, is a single storey dwelling although it would appear to have some rooms within the roof space, it sits on a substantial plot. Further along Upware Road are single storey dwellings as well semi detached dwellings 2 storey in height.

7.4.3 On the corner of Old School Lane there is a dwelling which is a 2 storey dwelling and appears to have accommodation within the roof space using roof lights as a

way to get light into the rooms. However there are no dormer windows and is of a similar height to the adjoining buildings on Old School Lane.

- 7.4.4 In assessing the adjoining dwellings the proposal is out of keeping with the character of the area by way of being of substantial size which would be cause significant demonstrable harm on the character of the area. The original permission did allow for 2 storey dwellings however this goes over and beyond what was considered acceptable. On this basis the proposal is considered to be contrary to policies ENV1, ENV2, The Design Guide and LP22.
- 7.4.5 The design of the dwelling is in part mock Georgian which is the largest part of the dwelling and then the single storey element is shown to be more of a farmhouse approach. These two styles are clearly at odds not only with each other but also in the immediate surroundings of the site. Whilst many of the existing dwellings are simple, modest and they are what you would expect to find in a rural area. It is accepted that there are large dwellings in the rural area and some are of a historic nature where you see how the building has developed in an organic manner. This proposal is not an organic development over time and is not in keeping with the character of the area nor does it enhance upon it. On this basis the proposal is considered to be contrary to policies ENV1, ENV2, The Design Guide and LP22.
- 7.5 Highways
- 7.5.1 Policies COM7 and LP17 requires development proposals to ensure that safe and convenient access to the highway network can be provided. The Local Highway Authority has examined the proposal and is satisfied that this policy objective is met. A number of conditions in relation to the provision of visibility splays and the construction of the driveways are recommended and these can be incorporated into any approval. The Local Highway Authority has not recommended that any improvements are made to Upware Road other than ensuring the provision of a footpath and it is considered that the highway network has the capacity to safely accommodate an additional four dwellings. The previous application made in outline the Highways Officer did require a condition relating to the management of construction traffic, however this has not been requested as part of this application.
- 7.5.2 There is sufficient space within the site for several cars to park and a double garage is proposed. The proposal therefore complies with Policies COM8 and LP17 in relation to parking provision.
- 7.6 Ecology
- 7.6.1 An Ecology Appraisal has been submitted with the application, which was also submitted with the Outline Planning Application. In discussion with the Wildlife Trust it was concluded that the original recommendations that were made within the report should be implemented. It is recommended that a reptile survey is undertaken prior to the clearance of the site and that the potential for nesting birds and badgers to be using the site should also be considered during the construction phase. There is negligible roosting habitat on sites for bats and there are no

suitable breeding ponds for great crested newts within close proximity of the development. It is therefore considered that subject to a condition requiring the development to be carried out in accordance with the Ecology Appraisal that the proposal complies with Policies ENV7 and LP30 in relation to ecology and biodiversity.

- 7.6.2 Natural England have not been consulted on this application as the conclusion with the previous application as shown below was that the proposal would not cause harm to the SSSI on the basis that the recommendations within the Ecology Report are implemented. It is considered the situation has not changed as the built form is still to the front of the site.

“Natural England – This application is in close proximity to the Cam Washes Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. The Authority is therefore advised that this SSSI does not represent a constraint in determining this application.

Natural England advises that the applicant submits sufficient information to demonstrate that foul and surface water drainage will not have any adverse impact on the natural environment.

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife. This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature.”

7.5 Flood Risk and Drainage

- 7.5.1 The site is located within Flood Zone 1 as detailed on the Environment Agency Flood Map. A representation has however been received stating that the site is prone to flooding. The majority of the site will remain undeveloped and a condition can be imposed requiring a detailed surface water drainage strategy to be submitted. Refusal of the application on flood risk grounds could not therefore be justified.

7.6 Other Material Matters

- 7.6.1 In the reasoning for why the application is brought to the Planning Committee, Councillor Bovingdon stated that some pre application advice had been given by another officer prior to the submission of the planning application. However the application did not include any elevational details and in their response did state that this could not be commented upon. Clearly, this application includes the elevational details and as such this has been the determining factor in the determination of the planning application.

7.7 Planning Balance

- 7.7.1 It is considered that the proposal is of significant mass and scale to be detrimental to the character of the area. The design is at odds with the character of the area and the imposing nature of the dwelling is considered to be contrary to policies ENV1, ENV2 and LP22.
- 7.7.2 The proposal has failed to provide evidence that would ensure the public open space is implemented as required by the previous outline consent. As such the proposal is considered to be contrary to policies COM3, LP16 and LP19.
- 7.7.3 Whilst it is not a reason for refusal the proposal does lead to an overall net loss of 1 dwelling. Whilst the Local Plan does not restrict the loss of dwellings it is something to consider in the assessment of the application.
- 7.7.4 On balance the proposal based on its design, mass, scale and lack of information relating to the provision of public open space is not considered to meet the requirements of the policies within the Adopted and Emerging Local Plans and is therefore recommended for refusal.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/01216/FUL	Toni Hylton Room No. 011 The Grange Ely	Toni Hylton Planning Officer 01353 665555 toni.hylton@eastcambs.gov.uk
94/00831/OUT		
97/00384/OUT		
15/00482/OUT		
16/01307/OUT		
17/00003/OUT		

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.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>