

MAIN CASE

Reference No: 17/00895/FUL

Proposal: Residential development of 2no. four bed detached houses and associated access

Site Address: Site Opposite 6 To 10 Barway Road Barway Cambridgeshire

Applicant: Mr P Warwick

Case Officer: Richard Fitzjohn Planning Officer

Parish: Soham

Ward: Soham North
Ward Councillor/s: Councillor Hamish Ross
Councillor Ian Bovington
Councillor Dan Schumann

Date Received: 23 May 2017 **Expiry Date:** 8th September 2017

[S85]

1.0 **RECOMMENDATION**

1.1 Members are recommended to REFUSE this application for the following reason:

1. The site does not present itself as a natural extension to the built form of the village, due to its location separated from existing residential development to the south of Barway and outside the settlement boundary. The proposed dwellings by virtue of this location would be at odds with the built form, would result in an urban intrusion 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.

2.0 **SUMMARY OF APPLICATION**

2.1 The application seeks full planning permission for the erection of 2 no. detached 2-storey houses and detached double garages with games rooms within the roofspace. Each dwelling will be served by a new access onto Barway Road, with a long drive and turning head.

2.2 An Arboricultural Report and a Preliminary Ecology Appraisal have been submitted with the application.

- 2.3 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.**
- 2.4 This application has been called in to Planning Committee by Councillor Carol Sennitt as she feels that this application may be refused because of its site being unsustainable and outside the defined development envelope.

3.0 PLANNING HISTORY

3.1

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|--------------|--|---------|------------|
| 16/00695/FUL | Residential development of 2no. four bed detached houses and associated access | Refused | 14.10.2016 |
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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 part of a field that is located adjacent a fishery pond to the south. There are existing residential dwellings located on the opposite side of Barway Road (Nos. 5 -10 Barway). There are hedges and trees located along the boundary of the site and it is well screened from the road.

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.
- 5.2 Soham Town Council – No concerns.
- 5.3 Ward Councillor Carol Sennitt – Feels this application may be refused because of its site being unsustainable and outside the defined development envelope. Would like it to be considered by the Planning Committee. (Councillor Sennitt has subsequently been informed that the application is being recommended for refusal solely due to its impact upon the character and appearance of the area. However, Councillor Sennitt still wishes for the application to be considered by the Planning Committee).
- 5.4 Middle Fen and Mere Internal Drainage Board - 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 on this matter.
- 5.5 Local Highways Authority - No objections in principle.
- 5.6 CCC Growth & Development – No comments.

- 5.7 CCC Archaeology - No objection subject to the standard programme of archaeological work condition being attached to any approval.
- 5.8 Minerals And Waste Development Control Team - No Comments Received.
- 5.9 Environmental Health - The applicant has indicated that the proposed use would be particularly vulnerable to the presence of contamination, but no environmental statement is attached. Therefore, advises that contaminated land conditions are appended to any grant of planning permission. In addition, due to the proposed number of dwellings and the close proximity of existing residential properties, advise that construction times and deliveries during the construction phase are restricted to the following:- 08:00 – 18:00 each day Monday – Friday, 08:00 – 13:00 on Saturdays and None on Sundays or Bank Holidays.
- 5.10 Waste Strategy (ECDC) –
- East Cambs District Council will not enter private property to collect waste or recycling, therefore it would be the responsibility of the owners/residents to take any sacks/bins to the public highway boundary on the relevant collection day and this should be made clear to any prospective purchasers in advance, this is especially the case where bins would need to be moved over long distances and/or loose gravel/shingle driveways; the RECAP Waste Management Design Guide defines the maximum distance a resident should have to take a wheeled bin to the collection point as 30 metres (assuming a level smooth surface).
 - Under Section 46 of The Environmental Protection Act 1990, East Cambridgeshire District Council as a Waste Collection Authority is permitted to make a charge for the provision of waste collection receptacles, this power being re-enforced in the Local Government Act's of 1972, 2000, and 2003, as well as the Localism Act of 2011.
 - Each new property requires two bins; this contribution is currently set at £43 per property.
 - Payment must be made in advance of bins being delivered; East Cambs District Council Account Number **43135897**, Sort Code **52-41-19**, reference should be the planning application number followed by (bins) i.e. 15/012345/FUL (bins) a separate e-mail should also be sent to waste@eastcambs.gov.uk detailing the payment amount and the planning reference number.
- 5.11 Tree Officer - Satisfied with the information submitted and, due to the Arboricultural Impact of the proposal, does not require any tree related conditions.
- 5.12 Consultee For Other Wards In Parish - No Comments Received.
- 5.13 Neighbours – A site notice was displayed on 6th June 2017 and an advert was published in the Cambridge Evening News on 8th June 2017 advertising the application as a departure. In addition, 7 neighbouring properties were notified. Representations have been received from the occupiers of 3 neighbouring

properties, raising the following summarised concerns. A full copy of the responses are available on the Council's website.

- Flood risk and drainage.
- Noise impact to neighbouring properties (construction hours restriction).
- Ecology.
- There has already been enough development.
- Located outside of the development envelope and contrary to policy.
- The site is located on agricultural land.
- The development would set a precedent.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

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|----------|--|
| 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 |
| COM 7 | Transport impact |
| COM 8 | Parking provision |

6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations
Design Guide

6.3 National Planning Policy Framework 2012

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|---|--|
| 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

7.2.1 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.

7.2.2 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.

7.2.3 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.

7.3 Visual Amenity

7.3.1 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.

7.3.2 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 extend 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.

7.3.3 The site is a fallow field adjacent to an existing fishing lake. It benefits from screening by existing trees and hedges along on its northern, eastern and western boundaries, however in the long term this will have little weight as the built form will remain longer than the life of the trees. While the site is well protected from views at

present into it, the proposed dwellings will be visible from Barway Road and the neighbouring dwellings on the opposite side of Barway Road. The site does not present itself as a natural extension to the settlement boundary as it is not well related to the existing built form of the village, the site is separated from the existing residential development along the south side of Barway and there are no existing dwellings adjacent the application site.

7.3.4 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. Whilst the site is fairly well screened from public vantage points its presence will be inevitable as it will not be wholly inconspicuous and the incursion of domestic paraphernalia and the creation of 2 new access points would contribute to its urbanising presence.

7.3.5 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.

7.4 Residential Amenity

7.4.1 The proposed layout plan shows that there would be sufficient amenity space and that there would be an acceptable relationship between the proposed dwellings. The proposed dwellings are set back into the site and distanced more than 40m from the existing dwellings on the opposite side of Barway Road. The proposed dwellings would be distanced more than 40m from the existing dwellings on the opposite side of Barway Road and would be separated by the public highway. Due to the generous separation distance between the proposed and existing dwellings, it is considered that the proposed development, when completed, would not create any significant detrimental impacts upon the residential amenity of nearby properties. The Council's Environmental Health department has recommended that construction hours are restricted. It is considered reasonable that a condition be appended to any grant of planning permission restricting hours of construction in order to minimise the impacts of any noise disturbance and nuisances on nearby properties during the construction phase.

7.4.2 It is therefore considered that the proposed development accords with Policy ENV2 of the East Cambridgeshire Local Plan 2015.

7.5 Highways

7.5.1 One of the refusal reasons for the previous application on this site (ref: 16/00695/FUL) was that the proposed development failed to provide the vehicular visibility splays required to ensure it would not have an impact upon the safe and efficient operation of the public highway. The plans submitted with the current

application demonstrate that adequate visibility splays would be achieved and the Local Highway Authority has no objections in principle to the application. The current application therefore overcomes the previous highway safety reason for refusal.

- 7.5.2 The proposal demonstrates that there would be adequate space within each plot for parking and turning of 2 cars.
- 7.5.3 It is therefore considered that the proposed development would provide adequate parking provision and would not create any harm to highway safety, in accordance with Policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

7.6 Ecology and trees

- 7.6.1 The application site is located within 2km of Cam Washes SSSI and two County Wildlife Sites. In addition, the area surrounding the site contains intensively farmed arable fields, some developed areas, small patches of woodland, fishing lakes, Soham Lode Drain and the River Great Ouse. The site itself comprises improved grassland, with a number of trees and hedging located adjacent to parts of the boundaries of the application site.
- 7.6.2 One of the refusal reasons for the previous application on this site (ref: 16/00695/FUL) was that insufficient information was submitted in relation to trees, ecology and protected species, preventing the potential impacts and possible mitigation measures from being fully assessed.
- 7.6.3 An Arboricultural Report has been submitted with the current application which confirms that the trees fall within Category 'C' quality and are not of a quality worthy of protecting. It is proposed that all of the trees will be retained and the Arboricultural Report includes tree protection measures to ensure this. The Council's Tree Officer is satisfied with the information submitted and, due to the arboricultural impact of the proposal, has not requested any tree related conditions.
- 7.6.4 A Preliminary Ecological Appraisal has also been submitted with the current application. The Preliminary Ecological Appraisal states that the proposed development will have no effects on statutory or non-statutory protected sites or their qualifying features, owing to its relatively small scale, distance to protected sites and limited impacts beyond the area of works. In addition, the Preliminary Ecological Appraisal states that there are no priority habitats on the site and that it is unlikely that any protected species would be impacted by the proposed development. The Preliminary Ecological Appraisal concludes that no significant ecological constraints were identified that would adversely affect the proposed residential development at the site. However, a number of mitigation and enhancement measures are recommended in order to preserve and enhance local wildlife. It is considered reasonable for a condition to be appended to any grant of planning permission requiring the development to be carried out in accordance with the mitigation and enhancement measures set out within the Preliminary Ecological Appraisal.
- 7.6.5 For the reasons set out above, it is considered that the proposed development would not create any significant detrimental impacts upon ecology and trees, in accordance

with Policy ENV7 of the East Cambridgeshire Local Plan 2015. The current application therefore overcomes the previous ecology reason for refusal.

7.7 Other Material Matters

7.7.1 Concerns have been raised regarding flood risk and drainage of the site. The application site is located within Flood Zone 1 where the principle of development is considered to be acceptable in flood risk terms. In respect of surface water drainage, the proposed development would dispose of surface water via soakaways. Details of the soakaways have not been provided with the application, however a condition could be appended to any grant of planning permission requiring these details to be submitted. The proposal seeks to dispose of foul water using package treatment plants and therefore the proposed development would not create any additional strain on the existing mains sewer system in the area.

7.7.2 It is considered that the proposed development would have significant adverse impacts that would outweigh the benefits and therefore it is recommended that the application is refused.

7.8 Planning Balance

7.8.1 The proposal would provide the following benefits:- the provision of an additional 2 residential dwellings 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. This application overcomes the highway safety and ecology/trees refusal reasons from the previous planning application on the site (ref: 16/00695/FUL).

7.8.2 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 character and appearance of the area.

8 APPENDICES

8.1 Appendix 1 - Officer report for planning application 16/00695/FUL (Refused 14th November 2016)

| <u>Background Documents</u> | <u>Location</u> | <u>Contact Officer(s)</u> |
|-----------------------------|--|--|
| 17/00895/FUL | Richard Fitzjohn Room No. 011 The Grange | Richard Fitzjohn Planning Officer 01353 665555 |
| 16/00695/FUL | Ely | richard.fitzjohn@ea stcambs.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.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>