

MAIN CASE

Reference No: 17/01630/OUT

Proposal: Outline application for a single dwelling to include access, layout and scale.

Site Address: Land Opposite St Michael's Church The Hamlet Chettisham Cambridgeshire

Applicant: Mr & Mrs Love

Case Officer: Toni Hylton, Planning Officer

Parish: Ely

Ward: Ely North
Ward Councillor/s: Councillor Mike Rouse
Councillor Elaine Griffin-Singh
Councillor Andy Pearson

Date Received: 11 September 2017 **Expiry Date:** 15th December 2017

[S189]

1.0 RECOMMENDATION

1.1 Members are recommended to REFUSE on the following grounds;

1. Policies ENV1 and ENV12 of the East Cambridgeshire District Local Plan and LP27 of the Proposed Submission Local Plan 2017 requires proposals to demonstrate that their location, scale, form, design will create a positive and complementary relationship with existing development. Opposite the site is the Grade II Listed Building, St Michaels Church and it is considered that the proposal for the development of this site would result in less than substantial harm being caused to the setting of this designated heritage asset. By virtue of the height and overall footprint it is considered that the proposed development would be visually dominant in the streetscene and detract from St Michaels Church which currently provides an important visual landmark positioned at the end of The Hamlet. In accordance with paragraph 134 of the NPPF this harm has been weighed against the limited public benefit of the scheme and it is not considered that these benefits would outweigh the harm caused to the setting of the heritage asset.
2. The dwelling is located in the countryside outside of any defined development envelope. The closest settlement is Chettisham, which is small village with very limited

services. It is considered that the positioning of the proposed dwelling in this location would be in an unsustainable location and would be visually intrusive on the open nature of the countryside. The future residents of the this dwelling will be reliant on the motor vehicles in order to access any service or purchase goods contrary to policy COM7 of the East Cambridgeshire Local Plan and LP17 of the Proposed Submission Local Plan. The proposal does not meet any of the special circumstances as identified in Local Plan Policy GROWTH 5, LP1 and paragraph 55 of the National Planning Policy Framework, in particular paragraphs 14 and 55, as it fails to promote sustainable development.

2.0 SUMMARY OF APPLICATION

- 2.1 The application is made in outline for a detached two storey dwelling, with integral single storey garage and associated access. The items to be considered as part of the application are access, layout and scale. The application was amended on 3rd November 2017 to include layout and scale.
- 2.2 Access is proposed from The Hamlet on the western edge of the site. The layout of the site shows that the dwelling will sit on the western edge of the site and is to be considered as part of the application.
- 2.3 The scale of the dwelling is shown to be storey with a height of approximately 7.7 metres. A design has been shown which is indicative to demonstrate the height of any future dwelling.
- 2.4 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.**
- 2.5 The application is brought to Committee at the request of Cllr Mike Rouse. His reasons are shown in paragraph 5.1.

3.0 PLANNING HISTORY

- 3.1 There is no planning history in relation to this site.

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is a field at the end of The Hamlet. To the front of the site is some planting, some of which is within the ownership of the Highways Authority. To the rear the land slips away and views across the open countryside can be seen.
- 4.2 The Hamlet has an established pattern of development, whereby the dwellings sit close to the road. Many of the dwellings are of a cottage style and have outbuildings. Development is predominantly on the northern side of The Hamlet, with open fields on the southern side.

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.

The Ely Group Of Internal Drainage Board – No comment.

Ely City Council– No objection to the original or revised plans.

Ward Councillors – Cllr Mike Rouse has requested that the application is considered by the Planning Committee and his reasons are shown below copied from his email dated 8th November 2017.

"I wish to call it in to Committee to discuss the issues around the Hamlet, sustainability and what is infill."

Local Highways Authority – No objections to the revised access. However has raised a concern with regard to the access and extent of the highway. The applicant is asked to consult with the CCC Definitive Mapping Team to address the issue.

Conservation Officer – With regard to the original scheme the Conservation Officer had concerns with the impact of the proposal on the setting of the Grade II Listed Building, particularly as the application provided no details of scale or layout. Following the submission of these details the proposal has not overcome their concerns.

Senior Trees Officer – No objection to the proposal subject to conditions relating to providing soft landscaping.

Asset Information Definitive Map Team - No Comments Received

Consultee For Other Wards In Parish - No Comments Received

Waste Strategy (ECDC) – No objections subject to payment for bins.

- 5.2 Neighbours – 2 neighbouring properties were notified and two responses were received from the same neighbour and these are summarised below.

- The site is outside of the Development Envelope for Chettisham;
 - The site has not been identified for development;
 - Does not meet any of the exceptions in Policy GROWTH 2;
 - The Council can demonstrate a 5 year housing land supply;
 - Significant impact on the setting of St Michaels Church;
- Full copies of these responses are available on the Council's website.

- 5.3 A site notice has been displayed and a notice was published within the Cambridge Evening News and this expires on 7th December 2017.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

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|----------|---|
| GROWTH 1 | Levels of housing, employment and retail growth |
| GROWTH 2 | Locational strategy |
| ENV 1 | Landscape and settlement character |
| ENV 2 | Design |
| ENV 7 | Biodiversity and geology |
| ENV 8 | Flood risk |
| HOU 5 | Dwellings for rural workers |
| COM 7 | Transport impact |
| COM 8 | Parking provision |
| ENV 12 | Listed Buildings |

6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations
Design Guide

6.3 National Planning Policy Framework 2012

- 1 Building a strong, competitive economy
- 11 Conserving and enhancing the natural environment
- 12 Conserving and enhancing the historic environment
- 7 Requiring good design

6.4 Proposed Submission Local Plan 2017

LP1A presumption in Favour of Sustainable Development
LP3The Settlement Hierarchy and the Countryside
LP17 Creating a Sustainable, Efficient and Resilient Transport Network
LP22 Achieving Design Excellence
LP25 Managing Water Resources and Flood Risk
LP27 Conserving and Enhancing Heritage Assets
LP30 Conserving and Enhancing Biodiversity and Geodiversity
LP31 Development in the Countryside
LP32 Infill Development in Locations outside of Development Envelopes

7.0 PLANNING COMMENTS

7.1 The main issues to consider in the determination of this application are the principle of development, visual amenity and cultural heritage, residential amenity, highway safety, drainage and flood risk and biodiversity and ecology.

7.2 Principle of Development

The National Planning Policy Framework promotes sustainable development and states at Paragraph 49 that new housing applications should be considered in the context of the presumption in favour of sustainable development. The Framework supports the delivery of a wide range of high quality homes. It specifically states at paragraph 14 that local planning authorities should normally approve planning applications for new development in sustainable locations that accord with the development plan or, where the development plan is absent, silent or relevant policies are out of date, with the policies contained in the Framework; unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or where specific policies in the Framework indicate development should be restricted.

The adopted Local Plan aspires to deliver managed and sustainable growth over the plan period to 2031. For the rural areas the Local Plan seeks to deliver new housing in appropriate locations to meet local needs. In doing so, the Plan identifies those rural settlements where some new development within defined settlements will in principle be appropriate; both in the form of allocations and windfalls. These settlements are the subject of Vision Statements which set out the growth aspirations for each one. The Local Plan seeks to prevent new development taking place outside the defined settlements unless certain specific exemptions are met. Chettisham is one such settlement and the application site lies outside but close to the defined development boundary for the village.

The Council is currently preparing a replacement Local Plan covering the period from 2014 to 2036. At a meeting of Full Council held on 5th October 2017, Members considered an updated report on the latest draft of the emerging replacement Local Plan (the 'Proposed Submission Local Plan') accompanied by a Five Year Housing Land Supply Report. This report was agreed by Council, which has established that East Cambridgeshire District now has a five year housing land supply; currently calculated to be 6.94 years. Consequently, Paragraphs 14 and 49 of the Framework are not engaged and the housing supply policies contained in the Local Plan are no longer considered to be out of date. Paragraph 11 of the Framework makes it clear that the Framework does not change the statutory status of the development plan as the starting point for decision making. This states that "proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise". The Framework is one such material consideration and should be taken into account.

Adopted policy GROWTH 2 and emerging policies LP1 and LP3 all seek to manage new development so that it takes place in sustainable locations. In respect of open market housing, these are considered to be within defined settlements where there is ready access to shops, services and facilities that meet the day to day needs of those communities. Policy GROWTH 2 states that the majority of development will be focused on the market towns of Ely, Soham and Littleport with more limited development taking place in villages which have a defined development envelope, thereby helping to support local services, shops and community needs. It then states that outside of these settlements new development will be strictly controlled, having regard to the need to protect the countryside and the setting of towns and

villages. Development outside these settlements will not be permitted except where it complies with a limited range of specified categories detailed in that policy; none of which pertain to the current proposals.

The emerging policy LP3 lists Chettisham as a “small village” and is referred to in the Local Plan 2015 as having a reasonable range of services for its size. The settlement is defined by a number of development envelopes. This sets the limit of the physical framework of the built-up area of the settlement and its primary purpose, and the policies which apply within and outside them, is to prevent the spread of development into the countryside, to maintain the essential character of the settlement and control the growth within and outside it in accordance with the settlement hierarchy in policy LP3. Policy LP31 relates to new development in the countryside and it sets out the type of development that might be appropriate, including new residential development. These policies reflect the Government’s guidance on rural development contained in the Framework and they establish a range of development types that require a countryside location as an exception to the strategy of focussing most new development within sustainable settlements. The proposed development does not fulfil any of the listed exceptions in either policy.

The principle of open market residential development on this site is contrary to the adopted and emerging development plans. It will be necessary, therefore, for the applicant to demonstrate other material planning considerations in line with the Framework and emerging Policy LP1 that justify a countryside location for the proposal. If there are other material planning considerations that weigh in the development’s favour then those should be considered carefully in the planning balance to assess whether or not they should prevail. The remainder of this report considers those material factors before reaching a conclusion on the proposals

7.2 Residential Amenity

The site is approximately 23 metres from the development envelope for Chettisham and 37 metres from the nearest dwelling. It is considered that the distances between the dwellings would not give rise for the amenities of either dwelling to be adversely affected. On this basis the proposal is considered to comply with criteria within policies ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Proposed Submission Local Plan 2017.

7.3 Visual Amenity

The proposed dwelling is situated at the end of The Hamlet which has established pattern of development, which is linear with dwellings sat close the road. This proposal would be separated by approximately 23 metres from the development envelope.

Visually the proposal would not be part of the established development and is why the site is not within the development envelope. It is divorced from the existing pattern of development and encroaching further into the open countryside. Visually the dwelling would be seen from the public right of way which is opposite the site and is considered to be visually intrusive in this rural location. Anyone using the public right of way walking south to north would view open countryside and trees,

the siting of a dwelling in this location would detract from this, and would harm the rural character of the area.

On this basis it is considered that the location of the dwelling outside of the development envelope is contrary to policies GROWTH 2 of the East Cambridgeshire Local Plan 2015 and LP3 of the Proposed Submission Local Plan 2017.

7.4 Historic Environment

In consultation with the Conservation Officer some concerns were raised to the original submission which was an outline application with only access to be considered. However this was considered to lack information to determine the potential impact on the setting of the Grade II Listed Building. The application was revised to include scale and layout to enable further assessment to be undertaken. The case officer discussed informally the proposals with the Conservation Officer and formal comments are awaited. However, in the discussions it was considered that the application did not overcome the concerns of the harm caused to the setting of the Listed Building.

The Church sits on its own at the end of The Hamlet and occupies a fairly prominent position set with a back drop of trees when viewed from the south and east. Introducing a dwelling in such close proximity would compete visually with the Church and as such would be harmful to its setting. The Church is an important visual landmark at the end of The Hamlet and any development in close proximity to it would detract from its historic setting and value as a heritage asset.

A public right of way runs opposite the site and anyone walking from south to north currently has uninterrupted views of the Church. A dwelling being proposed in this location would impact on this view and would be harmful to the setting of the Listed Building. It currently sits independently and any encroachment into this view will adversely affect its setting, harming this important heritage asset.

On this basis the proposal is considered contrary to policies ENV12 of the East Cambridgeshire Local Plan 2015 and LP27 of the Proposed Submission Local Plan 2017.

7.5 Highways

Access to the proposed development has been re located as part of the revised application. The access is now shown on the western boundary of the site and would have a lesser impact on the trees that exist on the site. In consultation the highways officer did not object to the application, however did raise a concern with regard to the positioning of some gates at the entrance to the main farm complex to the west and whether these were in breach of highway land and suggested the applicant discuss further with Cambridgeshire County Council Definitive Mapping Team. Any application would require an informative preventing works in the highway without consent from the Highways Authority.

The site can provide adequate parking and turning areas within the site to ensure highway safety is not compromised. On this basis the proposal is considered to

comply with policies COM7 of the East Cambridgeshire Local Plan 2015 and LP17 of the Proposed Submission Local Plan 2017.

7.6 Ecology

A Phase I Habitat Survey was submitted with the application, which concluded that the site was of low value for the presence of bats, however further survey's would need to be carried out at night on the hedgerow leading up to the main farm complex to confirm this. However these hedgerows do not form part of the application site and relate to the farm complex to the west of the site. The nearby ponds did not show evidence of any Great Crested Newts with low value for breeding birds in the area.

It is considered that the report addresses all of the issues relating to protected species. Any proposed development could be built with mitigation measures to ensure no harm came to any of the protected species. On this basis the proposal is considered to comply with policies ENV7 of the East Cambridgeshire Local Plan 2015 and LP30 of the Proposed Submission Local Plan 2017.

7.7 Flood Risk and Drainage

The site is within Flood Zone 1 which is considered to be the risk of flooding is low. The application is supported by a Drainage Strategy which concludes the site is in a low risk area for flooding and that additional surveys could be undertaken to determine if infiltration of surface water could be delivered. Any planning permission could have a condition attached requiring drainage details. It is considered that the proposal complies with policies ENV8 of the East Cambridgeshire Local Plan 2015 and LP25 of the Proposed Submission Local Plan 2017.

7.8 Infill Policy

The Proposed Submission Local Plan 2017 has policy LP32 which refers to 'Infill Development in Locations Outside of Development Envelopes' and how proposals for such development should be assessed.

The plot should be a minimum of 200 metres from a main settlement; large or medium village. Chettisham is a small village, so this proposal does not meet this criterion.

The plot should not be more than 2 dwellings. The proposal is for one; however it fails the first test as shown above.

Any proposal should not result in a significant adverse change in the character of the area. The proposal is considered to be visually intrusive and would be detrimental to the setting of the Listed Building.

The gaps that would be filled by the development do not form part of an important visual gap. This proposed dwelling is not within a gap and is at the end of an established pattern of development. On this basis this proposal does not meet this criterion.

The development would not result in backland development and is not within flood zone 2 or 3. However, the initial criterion of the policy the proposal fails. On this basis it is considered that this proposal does not meet the criterion within policy LP32 of the Proposed Submission Local Plan 2017.

7.9 Other Material Matters

The issue in relation to the encroachment of the highway can be dealt with by way of an informative. The agent has been made aware of the need to seek clarification on this issue from the Cambridgeshire County Council Definitive Mapping Team.

7.10 Planning Balance

The proposal would provide the following benefit, which is the provision of a new dwelling, 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 outside of a defined development boundary and would cause harm to the setting of the Grade II Listed Building which far outweighs the need for a dwelling in this location. On this basis the application is recommended for refusal.

| <u>Background Documents</u> | <u>Location</u> | <u>Contact Officer(s)</u> |
|------------------------------------|--|---|
| 17/01630/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

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>