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**MAIN CASE**

**Reference No:** 17/00387/OUM

**Proposal:** Outline application for 28 dwelling houses (including site layout) with some matters reserved (including individual house layouts, appearance and landscaping)

**Site Address:** Land To The North Of Potters Cottage 39 Church Street Ashley Newmarket Suffolk

**Applicant:** Trustee Of The 1970 Lord Fairhaven Discretionary Settlement

**Case Officer:** Julie Barrow, Senior Planning Officer

**Parish:** Ashley

**Ward:** Cheveley  
Ward Councillor/s: Councillor Peter Cresswell  
Councillor Mathew Shuter

**Date Received:** 30 March 2017      **Expiry Date:** 22 September 2017  
[S99]

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1.0 **RECOMMENDATION**

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

1. The proposal would introduce modern housing to the north of Ashley Conservation Area, which is characterised by historic development around the crossroads and along Church Street, which runs east to west through the village. The development would be visible in key views out of the conservation area as identified in the Ashley Conservation Area Appraisal. The proposal would result in building beyond the established historic pattern of development separating the historic village core from the fields to the north. The proposal would therefore result in substantial harm to the historic significance of the area by eroding the setting that contributes to that significance. The proposal is therefore contrary to Policies ENV1 and ENV11 of the East Cambridgeshire Local Plan 2015 and Paragraphs 6, 7, 14, 17, 132, 134 and 137 of the NPPF.
2. The applicant has failed to demonstrate that that appropriate surface water drainage arrangements for dealing with surface water run-off can be accommodated within the site. The proposal is therefore contrary to Policy ENV8 of the East Cambridgeshire Local Plan, Chapter 10 of the NPPF and the Cambridgeshire Flood and Water SPD.

## 2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks outline consent for 28 dwellings on land to the north of Potters Cottage, Church Street, Ashley. Access, layout and scale are being considered with appearance and landscaping as reserved matters.
- 2.2 The proposal has been amended during the course of the application to remove two dwellings from the proposal and additional drainage information has been submitted.
- 2.3 The scheme includes the provision of an access road off Church Street with an area of parking immediately to the rear of Potters Cottage that will be available for community use and is designed to alleviate the number of visitors to the Church and cemetery parking on Church Street.
- 2.4 The majority of the dwellings will be two storey with six single storey dwellings proposed. Ten dwellings are being offered as affordable units. The proposal also includes an area of open space with a play area and a number of visitor parking bays.
- 2.5 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.**
- 2.6 The application has been called into planning committee by Cllr Cresswell – *"In view of the considerable local opposition to this application from residents in Ashley, I wish to formally request that it is 'called in' for determination by the Planning Committee"*.

## 3.0 PLANNING HISTORY

- 3.1 No relevant planning history.

## 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site extends to approximately 1.68 hectares, the majority of which lies outside of, but adjacent to in places, the established settlement framework for Ashley. The access to the site lies within Ashley Conservation Area with the main bulk of the site on which dwellings are proposed outside. The Parish Church of St Mary, a Grade I listed building, is located to the south-east of the site on the opposite side of Church Street. There are also a number of Grade II listed buildings close-by, including 33 and 29 Church Street, the latter adjoining the southern boundary of the site. The site itself and the land to the north has been in use for arable farming. Planning permission has recently been given for the use of the land to the north as a stud enterprise.

## 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.

### **Ashley Parish Council** – Summary of main points:

- Oppose development
- Site was put forward in original 'call for sites' in 2016 but not taken forward
- Site does not offer sustainable development and is contrary to local and national planning policy
- Site is not sustainable as it cannot be supported by the local primary school, is not supported by public transport and vast majority of journeys will be made by car, will damage rather than enhance amenity of village and its rural setting and conservation area and it brings no benefit to the existing residents of Ashley
- Employment opportunities in Ashley are limited and there are limited local facilities
- No benefit to the community of Ashley and it does not need new development to keep it vibrant
- The site would damage the rural feel to the village and its conservation area, create noise and light pollution and increase traffic problems
- Disagree with applicant's view that this is an infill site. It is prime agricultural land adjacent to the development envelope and sits between open fields
- Land was not included within stud application for the express purpose of creating 'infill'
- Would drive a road through the conservation area in the heart of the conservation area and most picturesque part of Ashley
- Waverley House and Moonacre are both listed thatched buildings and back onto the site
- Listed buildings will be affected and views from St Mary's Church and Church Street beyond would be wiped out
- Proposal is out of keeping with scale, density and nature of existing village
- Ashley is a small village and objected to the categorization in the Draft Local Plan as a medium village
- Poor visibility to the West at the access on Church Street
- A second expert opinion should be sought in relation to visibility splays
- Parked cars reduce visibility and suspect applicant may seek permission to restrict parking on the north side of Church Street
- Local Plan identifies need to improve Church Street/Newmarket Road junction
- Pedestrian access from the site to the village is severely restricted because of narrow pavements in Church Street
- Poor access to the rest of the village means that the site is not suitable for a wheelchair user
- Site will be subject to surface water from stud to the north if it goes ahead
- Risk of flooding in Mill Road and Church Street exacerbated by apparent inability of drainage system to cope
- Development of site will make problems worse and place more demand on drainage and sewerage system
- Applicant is aware of drainage issues
- Site would be an isolated community cut off from the rest of Ashley

- Play areas unlikely to be used by other residents in practice
- Safety risk to solitary users of access road, particularly at night
- Unnecessary destruction of habitat and wildlife
- Surveys not conducted at correct time of year
- Request evidence of capacity of sewerage system
- Disappointed in the level of consultation sought by the applicant
- Concerns regarding ongoing maintenance and upkeep of greenspace and play area
- Potters Cottage is owned by a separate entity – do not believe that applicant can control line of sight

**Local Highway Authority** – The Highways Authority has no objections in principle to this application.

The speed survey submitted demonstrates that the 85<sup>th</sup> percentile of the vehicles travelling speed in this area is below 30mph (26 – West & 28 – East) therefore the shown visibility splays on drawing G09168/10/001 Rev B (35m West & 47m East) are in line with the Y distance (length) reductions set out in the Manual for Streets.

The provision of the new church parking area within the site should off-set the current arrangement of visitors to the church parking on street in this location. Please note that the highways authority will not seek to or offer to adopt this area.

It should be noted that East Cambs are the parking authority and not Cambridgeshire County Council as the highways authority. There are currently no on-street parking restrictions in this area. It is for the parking authority to decide whether these are required however, should the planning/parking authority wish to include such restrictions, to facilitate this development, this must be done via a Grampian Condition and a Traffic Regulation Order. The outcome of which cannot be determined and should not be relied upon when determining this application.

The internal layout of the development appears adequate for adoption. The Highways Authority do not adopt public open space or parking areas.

**Environment Agency** (first response) – The site is directly underlain by a principal chalk aquifer. Principal aquifers are geological strata that exhibit high permeability and provide a high level of water storage. They support water supply and river base flow on a strategic scale. The overlying soils at the site are classified as having a high leaching potential, meaning they can readily transmit a wide variety of pollutants to the groundwater. The site is located within a groundwater source protection zone (SPZ), namely SPZ2 (Outer Protection Zone).

The EA objects to the proposed development, as submitted, because the application has failed to provide assurance that the risks of pollution to controlled waters are acceptable, or can be appropriately managed. It is recommended that planning permission is refused on this basis.

**Environment Agency** (second response) – Awaited at the time of writing.

**Lead Local Flood Authority** (first response) – Object. Any infiltration feature greater than 2m below ground level is considered to be a deep system and these are generally not acceptable.

**Lead Local Flood Authority** (second response) – Awaited at the time of writing.

**Anglian Water** - Foul drainage is in the catchment of Newmarket Water Recycling Centre that will have available capacity. The sewerage system at present has capacity.

**Historic England** – This application proposes the development of thirty new dwellings on agricultural land to the north of the Ashley conservation area. We consider this would result in harm to the historic significance of the conservation area. The Council should consider any public benefit that might result from the development but as the application stands we would object to the granting of permission.

The Ashley conservation area is characterised by historic development around a cross roads and along the main Church Street which runs east to west through the village. The pattern of historic development is mainly single dwellings facing onto the street with gardens bordering agricultural land beyond as well as some farmstead buildings which have the same relationship to the fields. The eastern end of Church Street has this character and includes several grade II listed buildings including the parish church of St Mary. There is some modern infill development but this also addresses the street and has gardens bordering the fields reflecting the established historic development.

The application site is part of the agricultural land to the north of the historic village core. The relationship between the boundaries of rear gardens and this land appears to be a long-standing part of the settlement's character, is a key element in the setting of the conservation area and contributes to an understanding of the historic village in a rural community. The conservation area character appraisal identifies several key views from the north-west where the rear of the houses can be seen across the application site and from the south where it can be seen from the street and beside the churchyard extension.

The proposed development would introduce modern housing to the north of the conservation area in these key views. It would result in building beyond the established historic pattern of development separating the historic village core from the fields. This would result in harm to the historic significance of the area by eroding the setting that contributes to that significance.

The National Planning Policy Framework (NPPF) identifies protection and enhancement of the historic environment as an important element of sustainable development and establishes a presumption in favour of sustainable development in the planning system (paragraphs 6, 7 and 14). The NPPF also states that the significance of heritage assets can be harmed or lost by development in their setting (paragraph 132). The conservation of heritage assets is a core principle of the planning system (paragraph 17) upon which the NPPF places great weight (paragraph 132). Clear and convincing justification should be made for *any* harm to the significance of heritage assets (paragraph 132). Proposals that preserve those

elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably (paragraph 137).

We have considered this application and are concerned that development of the application site would result in harm to significance of the conservation area in terms of the NPPF, paragraph 132. As such it would not achieve the NPPF's overarching aim of promoting sustainable development. Paragraph 134 requires the Council to consider any public benefit which might be delivered by the proposals and weigh this against the harmful impact. We leave this matter to the Council but would object to the application.

Historic England objects to the application on heritage grounds. Development of the application site would result in harm to significance of the conservation area and so not result in sustainable development.

**Historic England** (second response) - We have considered this application and conclude that the removal of two units does not address our previous concerns and that development of the application site would result in harm to significance of the conservation area in terms of the NPPF, paragraph 132. We leave this matter to the Council but would object to the application.

**Historic Environment Team (CCC)** – Records indicate that the site lies in an area of archaeological potential. Do not object to development proceeding but consider that the site should be subject to a programme of archaeological investigation secured by condition.

**Conservation Officer** (first response) – The application seeks outline permission for the construction of 30 dwellings to the north of Church Street, access is to be provided by the track adjacent to the existing cemetery and the site is located immediately north of Ashley conservation area. There are also a number of listed buildings within proximity to the site. Any development must take care to preserve or enhance the character, appearance and setting of all designated heritage assets and not have a detrimental impact.

The development site is located outside the development envelope of the village and the site layout does not relate to the existing built form of the village. There are other examples of modern development within the village, however these are located on the southern edge of the settlement and there is a clear change in character from the historic core of the village.

In terms of heritage impact, the proposal would fundamentally alter the character of the area and would alter views out of the conservation area to the north, in particular in relation to the views identified in the conservation area appraisal from Church Street towards the site. The village has a predominantly rural character with a strong linear development pattern along the main roads. This application sits immediately behind the properties to Church Street.

The application site, due to the use of a long access drive, feels detached from the street and would neither preserve nor enhance the character or appearance of the conservation area or its immediate setting in this location.

The nearby listed buildings are located some distance from the application site, however it is likely that the development would have an impact on the wider setting of the properties 29 and 33 Church Street as their gardens directly back onto the application site. That being said, it appears that this was considered with the proposed layout with the area of public open space being positioned directly behind No.29 in order to limit the visual impact from the garden.

Whilst the application would result in a good mix of housing types and appears to have adequate provision of public open space, details of design and landscaping are reserved matters, therefore only a limited assessment can be made in terms of the overall impact on the heritage assets.

The two properties located along the access road should be removed from the scheme as they do not relate to either the existing settlement or the proposed development and feel somewhat as an afterthought. This area should be retained as green space opposite the cemetery to further preserve the setting of this area of public space.

Generally, I am not convinced that the proposed development would not cause substantial harm to the character, appearance and setting of the Ashley conservation area as well as the village itself due to the sites position at the rear of the existing built form and the layout that does not relate well to its surroundings.

**Cambs Fire & Rescue** – Ask that adequate provision be made for fire hydrants.

**CCC Growth & Development** – Requesting financial contribution towards education.

**Senior Housing & Enabling Officer** – The proposed affordable housing mix is appropriate and does meet housing need.

**Environmental Health (Technical Officer)** - Due to the proximity of current residents to the site it is advised that a condition to restrict construction times and deliveries is imposed. The submission of a Construction Environmental Management Plan (CEMP) is also recommended.

**Environmental Health (Scientific Officer)** – The Envirosearch report dated 16<sup>th</sup> September is accepted. A condition requiring further investigation for contamination is not required. Due to the proposed sensitive end use of the site (residential) it is recommended that a standard contaminated land condition in respect of unexpected contamination is attached to any grant of permission.

**Trees Officer** (first response) – This outline proposal is for a large development on existing agricultural land. The site access is through a green access track. There are boundary trees of significance adjacent the site and adjacent the access track. The most significant of these trees are not within the site boundary and therefore, are considered as being for retention with the development. An Arboricultural report has been submitted outlining the tree constraints.

There is no formal objection to the application as impact to existing trees can be reduced with effective layout, although there are concerns this proposal will have a

negative impact upon the landscape character of the area, which would be in conflict with guidance within the Local Plan (Policy ENV1).  
As recommended within the Arboricultural report a full Arboricultural Impact Assessment will be required at reserved matters stage.

**Trees Officer** (second response) – Noted that layout is to be determined at this stage, however an updated Arboricultural report has not been provided to support the application.

The Tree Constraints Plan within the application appears to suggest that the current layout can be achieved with minimal impact to the boundary trees, as most of the housing and access layout has no or minimal impact upon their root protection areas, many of which are not within the application site.

It is noted from the indicative site layout within the Arboricultural report (drawing P2727.2 003) as opposed to the final proposed layout (drawing 967-P04) trees T11 and T12 are for retention, which is supported.

Recommend a planning condition requiring the submission of a detailed Arboricultural Method Statement. This may assist in addressing any issues that could arise from the position of the access road, which is likely to transgress the root protection areas of trees at the front of the site. A condition requiring a scheme for the protection of trees during construction is also recommended.

Continue to have concerns that this proposal will have a negative impact upon the landscape character of the area and question whether sufficient landscaping details have been provided to indicate landscaping that may accommodate the development within the local environment.

**ECDC Waste Strategy** – ECDC 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.

ECDC as a Waste Collection Authority is permitted to make a charge for the provision of waste collection receptacles. This contribution is currently set at £43 per property.

**Designing Out Crime Officer** – Reference made to advice given to applicant's agent prior to the submission of the application:

*“Bearing in mind that Ashley is a small village with a population of a little over 600 (in 2010) I would consider this to be an area of low to medium risk to crime so security measures should be considered.*

*Regarding the development this appears to be an acceptable layout in terms of Crime Prevention and Community Safety which provides for high levels of natural surveillance. Pedestrian and vehicle routes are in the main, aligned together, well overlooked and pedestrian safety has been considered. Permeability on the whole has been limited to essential areas/routes only, which will provide high levels of territoriality amongst residents. Vehicle parking is predominantly in-curtilage to the front/sides of properties, many owners have the ability to view their vehicles from inside their*

*home. Most of the fronts of homes are provided with high levels of natural surveillance from neighbours. This will deter searching behaviour and distraction burglary, particularly targeting any vulnerable or elderly occupants. Homes have been provided with the potential for some defensible space where possible to their front. The majority of rear gardens are designed to deny unauthorised access.*

*My only concerns are as follows: -*

- Rear parking court in the North East corner – this is open with footpath access. If this is only parking for the 6 houses around the vehicle free area then I would suggest that it should be fenced and gated (low fencing with trellis) giving access only to these residents. There should be surveillance from gable end windows from the adjoining properties.*
- Allotments – would there be a need for parking or will they be specifically for residents on this development.*
- Play area – toddler/infant play areas should ideally be able to be secured at night and have natural surveillance from adjoining properties to reduce noise and anti-social behaviour as they are likely to attract young people.*
- Lighting – adopted, un-adopted roads and parking areas should all be lit by column lights designed to BS 5489:1 2013*
- Is there going to be further development within the blue line area – if so where would the access be?*

#### **East Cambridgeshire Access Group –**

- No accessible parking details, suggest one be available
- Welcome pathways throughout the site
- Hope that disabled visitors to the Church would have a setting down/accessible parking bay, and therefore no accessible parking would be needed in area labelled Church parking

**Cambs Wildlife Trust -** No comments received.

5.2 Site notice posted, advertisement placed in the Cambridge Evening News and 13 neighbouring properties were notified. The 48 responses received are summarised below. A full copy of the responses are available on the Council's website.

- Road and sewerage systems need to be updated before any further houses can be added to the village.
- Regularly encounter 'roadblocks' or near miss at the road junction next to the Crown pub.
- Safety concerns from construction vehicles travelling through the village.
- There is a plethora of wildlife living and breeding in the field of the proposed development site.
- Loss of views over fields.
- There is already a flooding problem in Ashley as a result of run-off from the site and the development will exacerbate this.
- If approved ECDC should take full responsibility for the work necessary to mitigate the increased flood risk to the pond/Mill Road area of the village.

- Strongly opposed to the principle of the proposed housing development on prime agricultural land located outside the development envelope.
- Site brought forward without any consultation of the wider community/village.
- Not included in the additional sites in the Further Draft Local Plan.
- Not considered to be infill.
- Dispute assertion that site is bounded on three sides by residential properties and that this is 'infill'.
- Would set a precedent for further housing on adjacent land.
- Understand Cheveley school is already at capacity.
- Increase in traffic through village. Additional hazard to pedestrians and cyclists.
- Understand that currently fields are ploughed in a particular direction to help alleviate risk of flooding.
- Site is not sustainable. It is cut off from the village and brings no benefits.
- Bus services are poor and the only way to get to a local school, college or commute to work is by car.
- Entrance is located in a conservation area, on an already narrow road, with poor visibility and narrow pavements.
- Applicant appears to have waited for the passing of plans for the new stud before applying for this new development.
- Concerned about bats and owls and future plans for Potters Cottage.
- Development is within a conservation area and impinges on the listed building status of 29 Church Street.
- Over development given the enclosed nature of the site and appalling access to Church Street which already suffers from both parking congestion and bad line of sight.
- Drainage ditch to rear of 29 Church Street is home to a range of wildlife including newts.
- Understand need for new housing but the proposed development is wholly inappropriate for a village the size of Ashley.
- Only people that can benefit are landowners and developers.
- In recent years Butchers Farm included in Conservation Area with protected frontage. Seems a contradiction to permit 30 properties the other side of the boundary.
- Development of this size would have negative impact on tranquil and peaceful village.
- Increase in size of village by 12%.
- Ashley cannot be described as a 'medium village'.
- 22 houses on Church Street currently. Adding 30 is disproportionate.
- Site is open giving extensive views over open fields, linking the village street scene with the greater countryside.
- Visibility splays often blocked by parked vehicles.
- Large vehicles turning into the site will have to cross the road to turn.
- Development is opposite an historic parish church and next to listed buildings.
- Trees have already been removed to widen the access road.
- Many houses on Church Street do not have off street parking.
- Tranquillity of churchyard would be lost.
- Applicant has ignored consultation feedback.
- Anyone living here would need to travel by car for work, shopping etc.
- Not 'socially' sustainable and would create a sub-community.

- Layout is poor and is not reflective of the village.
- Action has had to be taken in the past to deal with surface water coming off the site onto No. 21 Church Street. Main remedial action was to ensure whole field was ploughed regularly, which considerably reduced run-off.
- Traffic survey only refers to a log of accidents that cause injury and does not indicate the rear situation. Sites used as comparison are from suburban and city edges where public transport is available.
- Compound highway safety issues at Church Street/High Street junction.
- No employment or economic benefit apart from small additional spend in the pub, village shop and the Plough.
- Amendments do not materially affect the application and the concerns remain.
- Removal of two dwellings on access road would increase safety issues as it is now longer and no overlooked.

## 6.0 The Planning Policy Context

### 6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 1	Housing mix
HOU 2	Housing density
HOU 3	Affordable housing provision
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
ENV 11	Conservation Areas
ENV 12	Listed Buildings
ENV 14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision

### 6.2 Supplementary Planning Documents

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

### 6.3 National Planning Policy Framework 2012

- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design
- 11 Conserving and enhancing the natural environment

## 12 Conserving and enhancing the historic environment

### 7.0 PLANNING COMMENTS

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

#### 7.2 Principle of development

7.2.1 The site is located outside the established development framework of Ashley, but adjoins it in places and is located close to it in others. The site has been in agricultural use, together with the land further to the north. Planning permission has recently been granted on land to the north for its use as a stud, with paddock land due to adjoin the northern boundary of this site.

7.2.2 The site was put forward in the recent 'call-for-sites' process as part of the Local Plan Review. The site was rejected by the Strategic Planning Team *"due to likely impacts on heritage assets and their setting, including listed buildings and conservation area. Development is likely to result in loss of views and would result in loss of farming land. Site not favoured by Parish Council."*

7.2.3 The local planning authority is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore, all Local Planning policies relating to 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.

7.2.4 Policy GROWTH2 requires that development be permitted only within defined development envelopes provided and restricted in terms of dwellings to affordable housing exception schemes and dwellings essential for rural workers. However, dwellings can be considered as an exception provided there is no significant adverse effect on the character and appearance of the area and that other local Plan policies are satisfied.

7.2.5 Given the absence of the 5 year housing land supply, the boundary limitation placed by the settlement's development envelope would not apply with instead, the presumption in favour of sustainable development contained within both Policy GROWTH 5 of the Local Plan and paragraph 14 of the NPPF taking precedence in this respect.

7.2.6 The applicant has made reference to the fact that the land to the north has planning permission for use as a stud and that this site has effectively become an 'infill site'. The stud has yet to be developed and as paddock land is due to adjoin the northern boundary of this site it is considered that this proposal does not constitute infill development and that this is not a determining factor in the weighing up the benefits of the scheme versus any adverse impacts.

- 7.2.7 Ashley is described as a small village in the 2015 Local Plan with facilities including a post office, church public hall, public house and a sports field. There is also reference to the fact that the village has close ties with Newmarket, which lies approximately 4 miles to the west of Ashley.
- 7.2.8 Given its close proximity to the development envelope it is considered that future residents would be able to access the limited goods and services and public transport on offer in the village both on foot and by bicycle. However, it is acknowledged that given the rural nature of the village that residents would to a certain extent be reliant upon the private motor vehicle to access places of work and schools. The proposal therefore conflicts with Policy COM7 in this regard.
- 7.2.9 The proposal does however include the provision of an additional 28 dwellings to the District's housing stock, 10 of which will be brought forward as affordable dwellings. The proposal is therefore considered to make a meaningful contribution towards the current housing shortfall and this attracts significant weight in the planning balance. The proposal would also offer some short and long term economic benefits in relation to the construction process and the purchase of local goods and services. This also attracts weight in favour of the proposal. In addition, the proposal includes an area of land that will be given over to parking for visitors to the Church and the cemetery and is designed to alleviate congestion on Church Street. This also attracts weight in favour of the proposal and is seen as a community benefit that would not be forthcoming had the application not been submitted.
- 7.2.10 As stated above, the site is currently in use for arable farming. Land to the north due to form part of the recently approved stud is Grade 2 (very good) and it is likely that the same classification would be applied to this site. Irrespective of whether the stud enterprise goes ahead, the loss of this relatively small piece of agricultural land would not be considered to be significantly detrimental and the benefits of the proposal are considered to outweigh the harm caused by the loss of a small parcel of agricultural land.
- 7.3 Cultural heritage and visual amenity
- 7.3.1 Cultural heritage encompasses a wide range of features, both visible and buried, including archaeological remains, Scheduled Ancient Monuments, Listed Buildings and Conservation Areas.
- 7.3.2 The Historic Environment Team has commented on the proposal and does not object to development proceeding subject to a programme of archaeological investigation being carried out. This can be secured by planning condition.
- 7.3.3 Section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990 requires the decision maker to have special regard to the desirability of preserving or enhancing a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the same Act requires the decision maker to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area.

- 7.3.4 Policy ENV11 of the Local Plan seeks to ensure that development proposals preserve or enhance the character or appearance of conservation areas and policy ENV12 aims to prevent detrimental impacts on the visual, architectural or historic setting of listed buildings. Additionally, policy ENV12 specifically deals with development proposals affecting sites of known or potential archaeological interest. These Development Plan policies reflect the aim to protect heritage assets as defined by the NPPF (paragraph 17). Policy ENV1 requires development proposals to create a positive, complementary relationship with existing development and protect, conserve and where possible enhance the settlement edge and landscape features.
- 7.3.5 The majority of the site is situated outside the Ashley Conservation Area but the access road and church parking are located within the Conservation Area. As stated in the site description above, there are a number of Grade II listed buildings close-by and the Grade I listed Parish Church of St Mary is located on the south side of Church Street, opposite the main access point.
- 7.3.6 The Ashley Conservation Area SPD makes reference to the access point describing it as a small gap between Potters Cottage, which adjoins the access road and is included within the application site, and the cemetery that adjoins the eastern boundary of the access. This gap allows views through to and over surrounding fields. The Conservation Area SPD also goes on to refer to the greater dispersal of buildings at this end of Church Street as being an indication that the village's most outermost limits are being reached.
- 7.3.7 Despite the reference to a greater dispersal of buildings at this end of Church Street, the built form along the frontage of Church Street is close-knit with a number of dwellings spanning the width of their plots and with limited views of the land to the north. The impact of the proposal on the setting of the listed buildings at Nos. 29 and 33 Church Street is therefore considered to be limited with no direct views between the buildings and the proposed dwellings from Church Street itself. At the rear of these listed buildings the proposed dwellings will be prominent in the landscape but the separation distances of approximately 60 metres are considered to be sufficient to reduce any harm to a negligible level. An area of open space is proposed on the southern boundary of the site where it adjoins the boundary of the curtilage of No. 29 and this breaks up the built-form, allowing views further into the site.
- 7.3.8 The proposal is not considered to result in any harm being caused to the setting of Rayners Cottage and the adjacent barn that are both Grade II listed and are located on the southern side of Church Street and are some distance from the access point.
- 7.3.9 As stated above, the proposed access is located close to the access to St Mary's Church, which is itself set back from Church Street. The proposal will introduce an element of built form where none currently exists with the hard surfacing and associated infrastructure required for the main access road into the site. The urbanising effect of the access road will harden the settlement edge fundamentally changing the rural character of the setting of the Church and its associated churchyard.

- 7.3.10 Historic England has been consulted on the proposal and has commented in detail on its impact on the Ashley Conservation Area. In particular Historic England refer to the conservation area as being characterised by historic development around a cross roads and along the main Church Street, which runs east to west through the village. The majority of both modern and historic development addresses the street and has gardens bordering the fields, a relationship that appears to be a long-standing part of the settlement's character and contributes to the understanding of the historic village.
- 7.3.11 The proposal would result in the introduction of modern housing to the north of the conservation area with built-form beyond the historic pattern of development. Historic England considers that this would result in harm to the historic significance of the area by eroding the setting that contributes to that significance.
- 7.3.12 The applicant has sought to minimise the harm by removing two dwellings that were located adjacent to the church parking. The view of the development from Church Street along the access road will now include an area of open space with single storey dwellings beyond. To a limited extent there will therefore still be views to the open fields beyond. Historic England has however commented that the removal of two units does not address its concerns and it continues to object to the proposal.
- 7.3.13 Historic England does not suggest that there will be any harm caused to the setting of the Church of St Mary and while the impacts of the proposal on the immediate setting of the individual assets listed above are considered to result in less than substantial harm, the impact of the proposal on the Ashley Conservation Area is considered to result in substantial harm. The proposal is therefore considered to be contrary to Policies ENV11 and ENV1. Taken together with the duty on the decision maker to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area means that such harm should attract significant weight against a proposal.
- 7.3.14 The proposal is effectively a form of backland development, which is not generally encouraged. However, this application is for a comprehensive development with its own access point. The proposal includes areas of open space to break up the built form and create a sense of community within the development. The density of the development is above that of the dwellings on Church Street that occupy large plots, however, as demonstrated above, there are concerns that the proposal does not fully take account of the existing character of the locality and it therefore comes into conflict with Policy HOU2 in this regard.
- 7.4 Housing mix and affordable housing
- 7.4.1 The proposal includes a range of dwelling types and sizes, from two-bed single storey dwellings to four-bed detached houses. In accordance with Policy HOU3 40% of the dwellings will be affordable units with a mix of affordable rented and shared ownership properties. The Council's Housing Enabling Officer raises no objections to the proposal subject to the affordable units being secured by a S106 Agreement. The applicant has confirmed that it is willing to enter into such an agreement.

## 7.5 Residential amenity

- 7.5.1 Policy ENV2 requires development proposals to ensure that there is no significantly detrimental effect on the residential amenity of nearby occupiers and that future occupiers enjoy high standards of amenity. The detailed design and appearance of the proposed dwellings is a reserved matter, however, the layout submitted at this stage indicates that plot sizes broadly accord with the Design Guide SPD. The smaller single-story units fall below the 300 square metres guide but given that two areas of open space are located close to these dwellings and they are designed for older persons, this is considered acceptable. An area of open space is also included within the site for the benefit of future residents and existing residents within the village. It is acknowledged that the only way to access this area is via the main access road off Church Street but the area will be available for all residents nonetheless.
- 7.5.2 Any future developer will need to ensure that the dwellings are designed to minimise any overlooking and ensure that satisfactory levels of privacy are maintained. The land immediately to the north of the site forms part of the approved stud that may be developed in the future. As previously stated this area will form paddock land and is not considered to have a detrimental impact on residential amenity.
- 7.5.3 The southern boundary of the site is located in excess of 40 metres from the rear of the dwellings on Church Street. This separation distance is sufficient to ensure that the proposed dwellings will not be overbearing or cause any significant loss of privacy to existing residents on Church Street. The land rises to the north but the difference in levels would not affect this assessment. A number of residents have raised concerns regarding the loss of the view across the site. There is no right to a view in planning terms and refusal of the application on this basis would not be justified.
- 7.5.4 The dwellings on the western boundary of the site will be located approximately 12 metres from a number of agricultural buildings that are accessed via Mill Road. There are no openings on the eastern elevations of these buildings and given that they are located in close proximity to dwellings on Mill Road, their presence is not considered to adversely affect residential amenity.
- 7.5.5 On balance it is considered that the proposal adequately addresses residential amenity and complies with the East Cambridgeshire Design Guide SPD and Policy ENV2 in this regard.

## 7.6 Drainage and flood risk

- 7.6.1 The site is located in Flood Zone 1, where the majority of development should be directed. The site has a predominant fall from north to south, with a secondary fall from east to west. Beyond the site the land generally falls towards the centre of the village from the north, south and east.
- 7.6.2 The Environment Agency objected to the proposal as submitted as it failed to provide assurance that the risks of pollution to controlled waters are acceptable or can be appropriately managed. This is due to the fact that the site is underlain by a

principal chalk aquifer and the overlying soils are classified as having a high leaching potential. In addition, concerns were raised regarding the use of deep bore soakaways for surface water drainage.

- 7.6.3 The applicant was asked to carry out further site investigation work in order to demonstrate that a satisfactory surface water drainage scheme can be achieved. The Lead Local Flood Authority also objected to the proposal, declining to comment further until such time as the Environment Agency was able to withdraw its objection.
- 7.6.4 A Phase I and Phase II Geo-Environmental Assessment was subsequently submitted and at the time of writing this report further comments from the Environment Agency and Lead Local Flood Authority are awaited.
- 7.6.5 A number of local residents and the Parish Council have raised concerns regarding existing drainage and flooding problems in the village of Ashley, with some residents citing more local issues with flooding being caused as a direct result of the way the application site has been managed.
- 7.6.6 In accordance with the National Planning Policy Framework (NPPF), local planning authorities should ensure that a proposal does not increase flood risk elsewhere. No evidence has been submitted to the local planning authority to suggest that the existing drainage and flooding issues in the centre of the village are directly related to the application site. The applicant is therefore required to ensure that a satisfactory drainage scheme can be achieved and demonstrate that all surface water will be dealt with within the site to avoid increasing floor risk elsewhere, either in respect of the immediately adjoining dwellings or the village as a whole.
- 7.6.7 Should a positive response to the additional investigation work carried out by the applicant be received from the Environment Agency and Lead Local Flood Authority it is considered that the applicant will have adequately addressed the provisions of Policy ENV8 in relation to drainage and flood risk and it is likely that this reason for refusal would be removed. In the event that further work is required or the applicant fails to demonstrate that a satisfactory drainage scheme can be achieved it is likely that the proposal will be contrary to Policy ENV8 and the provisions of the NPPF that relate to flood risk. On this basis the local planning authority would not seek to support the proposal.
- 7.6.8 The Planning Committee will be updated as to the outcome of the current consultation with the Environment Agency and Lead Local Flood Authority.
- 7.6.9 Anglian Water has been consulted on the proposal and confirms that foul drainage is in the catchment of Newmarket Water Recycling Centre that will have available capacity. It also confirms that there is capacity in the foul sewerage system for the development.
- 7.7 Highway safety
- 7.7.1 In accordance with Policy COM7 development proposals are required to ensure that safe and convenient access to the highway network can be achieved and they are

capable of accommodating the level/type of traffic generated without detriment to the local highway network and the amenity, character or appearance of the locality.

7.7.2 A number of comments made on the application refer current congestion on Church Street caused by parked vehicles and the fact that the footpath along Church Street is narrow in places. Concerns have also been raised regarding the safety of a number of key junctions within the centre of the village. These comments and concerns have been brought to the attention of the Local Highway Authority as part of the consultation process.

7.7.3 The Local Highway Authority has no objections in principle to this application and has accepted the speed survey submitted. This has informed the dimensions of the visibility splays as shown on the submitted plans. Prior to the submission of the application the applicant explored the possibility of demolishing Potters Cottage as part of the works to create the access to the site off Church Street. The Local Planning Authority stated that it would not support such a proposal and the applicant has therefore put forward a proposal that does not require the demolition of Potters Cottage and also satisfies the Local highway Authority.

7.7.4 It is acknowledged that there are often vehicles parked on Church Street, however, this cannot be controlled by the District Council. The imposition of parking controls could not be reasonably required as part of this application and given that they have to be made by Traffic Regulation Order, there is no guarantee that they can be put in place. On the basis that the Local Highway Authority is not insisting on parking controls on Church Street it is considered that the proposal satisfies the requirements of Policy COM7. It should also be noted that a proposal cannot be held accountable for existing problems.

7.7.5 The scale of the proposal is not such that the Local Highway Authority considers that the proposal would have wider implications on the highway network and the level of traffic generated would not significantly increase the risk of accidents on and around the junctions named by local residents and the parish council.

7.7.6 In accordance with Policy COM8 the proposal includes the provision of two parking spaces per dwelling together with a number of visitor spaces. The detailed design of the dwellings will also need to take cycle storage into account.

## 7.8 Ecology

7.8.1 A Preliminary Ecological Appraisal has been submitted with the application. The appraisal was carried out prior to the layout being fixed as submitted with this application. The appraisal therefore takes a precautionary approach and recommends a number of additional surveys depending on the final layout.

7.8.2 A reptile survey was carried out and a separate report accompanies the application. No reptiles were recorded during the survey and are therefore considered likely to be absent from the site.

7.8.3 The Preliminary Ecological Appraisal suggests that a bat emergence survey may be required in respect of the stable building beyond the western boundary of the site, within a farm complex shown as Butcher's Farm on the Council's mapping system.

There are three dwellings proposed approximately 12m from the western boundary with garages located closer. The development will not result in the loss of the agricultural buildings as they are outside the site and any disturbance of existing roosts will be minimal. Similarly the proposal is unlikely to disturb any Barn Owls using the agricultural buildings. A number of ecological enhancements can be incorporated into the scheme including the provision of bat boxes and bat tiles where necessary. Such measures can be secured by condition.

- 7.8.4 The Appraisal also identified a number of ponds, two of which within 25m of the site that may be suitable for a population of Great Crested Newts and it was suggested that an eDNA survey of the two closets ponds should be carried out. Both ponds are however on the south side of Church Street and it is considered that connectivity to the site would be poor. In addition, the site has been actively farmed and it is considered unlikely that it would support this protected species.
- 7.8.5 Subject to the enhancements detailed in the report being put into place it is considered that the proposal addresses the requirements of Policy ENV7.
- 7.8.6 There are a number of trees on the periphery of the site, which are shown on the submitted layout plan. An Arboricultural Feasibility Report has been submitted with the application, which refers to the collective landscape value of trees to the south and east of the field being greater than their individual categorisation. Not all of the trees surveyed are within the site.
- 7.8.7 Given that the trees are contained to the boundaries of the site it is considered that they do not present a significant constraint to development and that should the development proceed an Arboricultural Method Statement will be required, to include necessary tree protection measures.

## 7.9 Other matters

- 7.9.1 Cambridgeshire County Council has assessed the application in relation to education, life-long learning and strategic waste. It is the County Council's responsibility to ensure the provision of school places and no objection to the application has been received on the basis that a financial contribution is sought for Bottisham Village College. This can be secured by way of a S106 Agreement and the applicant has been informed of this.
- 7.9.2 The applicant has acknowledged the concerns raised by the Parish Council and local residents in relation to flooding in the centre of the village. As stated above, there is no evidence to suggest that the flooding occurs as a direct result of activities on the application site. The applicant has however offered to secure the necessary improvements to the drainage system within the village. Such improvements would need to be secured by way of a S106 Agreement, with any third party landowners involved included. The applicant has been informed that little weight can be given to this proposal given that there is no evidence that the improvement works will be required as a direct result of this development. As stated above, the Environment Agency and Lead Local Flood Authority will only support the proposal if surface water is adequately addressed within the site's boundaries. The applicant has not yet carried out an assessment of current conditions within the village in relation to drainage and it is not therefore known

what measures would be needed to improve the situation and what the likely costs would be.

## 7.10 Planning balance

7.10.1 As stated above, the proposal would add an additional 28 dwellings to the District's housing stock, ten of which would be affordable units. This attracts significant weight in favour of the proposal. The provision of the church parking also attracts weight in favour and limited weight in favour can be attributed to the short and long term economic benefits of the scheme.

7.10.2 The applicant has demonstrated that matters in relation to residential amenity, highway safety and ecology are acceptable subject to suitably worded planning conditions.

7.10.3 The proposal would however result in the introduction of modern housing to the north of the Ashley conservation area with built-form beyond the historic pattern of development. Historic England considered that this would result in harm to the historic significance of heritage asset. The proposal therefore fails to preserve or enhance the conservation area and is contrary to Policies ENV11 and ENV1 in this regard. Taken together with the duty on the decision maker to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area it is considered that the harm caused would be substantial and therefore attract very significant weight against the proposal.

7.10.4 It is acknowledged that given the rural nature of the District that there will be some reliance on the private motor vehicle, however, it is considered necessary to support residential development in the smaller villages in order to contribute to the economic and social elements of sustainability. Any conflict with Policy COM7 in relation to the promotion of sustainable forms of transport is in this case considered to carry very limited weight against the proposal.

7.10.5 On balance it is considered that the substantial harm caused to the conservation area is such that it outweighs the benefits of the proposal and the application is therefore recommended for refusal.

7.10.6 At the time of writing the applicant has failed to demonstrate that matters in relation to surface water drainage can be adequately dealt with and the proposal therefore currently fails to comply with Policy ENV8. In the event that this issue cannot be resolved prior to the determination of the application it is considered that further significant weight against the proposal should be considered in the planning balance.

## 8.0 COSTS

8.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellants through the appeal process) then a cost award can be made against the Council.

- 8.2 Unreasonable behaviour can be either procedural ie relating to the way a matter has been dealt with or substantive ie relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.
- 8.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.
- 8.4 In this case Members' attention is particularly drawn to the following points:
- Historic England's objection to the proposal
  - The local highway authority does not object

<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
17/00387/OUM	Julie Barrow Room No. 011 The Grange Ely	Julie Barrow Senior Planning Officer 01353 665555 julie.barrow@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.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>