

MAIN CASE

Reference No: 19/01589/OUT

Proposal: Proposed detached single storey dwelling, garaging, access road, visibility splays and associated works

Site Address: Site East Side Of Herringswell Road, Herringswell Road Kennett, Suffolk

Applicant: James Hanley

Case Officer: Rachael Forbes, Planning Officer

Parish: Kennett

Ward: Fordham And Isleham
 Ward Councillor/s: Julia Huffer
 Joshua Schumann

Date Received: 30 December 2019 **Expiry Date:** 27th March 2020

[U210]

1.0 RECOMMENDATION

- 1.1 Members are recommended to REFUSE planning permission for the following reasons:
- 1.2 The proposed dwelling would be located within the open countryside, situated approximately 883 metres from the main settlement of Kennett and on an isolated plot, divorced from the nearest pattern of built form along Herringswell Road without a safe pedestrian route to the village. Furthermore, the proposal fails to promote sustainable forms of transport and the future residents of the proposed dwellings would be reliant on motor vehicles in order to access any local services or facilities. The proposal also fails to meet any of the special circumstances as identified in Paragraph 79 of the National Planning Policy Framework. The proposal is therefore contrary to Policies GROWTH 2, GROWTH 5 and COM 7 of the East Cambridgeshire Local Plan, 2015, Paragraphs 8 and 11 of the National Planning Policy Framework, which seeks to promote sustainable development.
- 1.3 The proposed dwelling would result in harm to the character and appearance of the area through the introduction of additional built form in an open countryside location. It is therefore contrary to policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015 and Paragraph 8c of the National Planning Policy Framework, which states that the planning system should contribute to protecting and enhancing

the natural and built environment and recognising the intrinsic character and beauty of the countryside.

2.0 SUMMARY OF APPLICATION

2.1 The application seeks outline permission for a detached single storey dwelling, garaging, access road, visibility splays and associated works. The only matter for consideration as part of this outline application is the means of access. Appearance, landscaping, layout and scale would be considered as part of a reserved matters application. An indicative layout and design are submitted plans which is for illustrative purposes only. The creation of a new access is proposed from Herringswell Road.

2.2 The planning history at the site consists of 19/01031/OUT which was a similar application for a detached single storey dwelling, garaging, upgraded existing access and associated site works. The application was withdrawn.

2.3 The application has been called into Planning Committee by Councillor Huffer as she feels there is that there is local support for the application and it would benefit from wider scrutiny.

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.**

3.0 PLANNING HISTORY

3.1	19/01031/OUT	Proposed detached single storey dwelling, garaging, upgraded existing access and associated site works	Application withdrawn	19.11.2019
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4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site is situated outside of the development envelope and close to the East Cambridgeshire border with West Suffolk District Council. The site is part of a County Wildlife Site (CWS), Kennett Restored Gravel Pit and close to Breckland Farmland Site of Special Scientific Interest (SSSI) and Red Lodge SSSI. The site is currently vacant grassland and is largely surrounded by agricultural land and paddocks. There are a few dwellings situated to the south and Grabella Stud situated to the east.

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.

Parish Council - No Comments Received

Ward Councillors - No Comments Received

Cambs Wildlife Trust – 24 January 2020

I have reviewed the Preliminary Ecological Appraisal (PEA) report accompanying the above application and have the following comments to make.

As noted in the PEA report, the proposal site is within Kennett Restored Gravel Pit County Wildlife Site (CWS). This CWS was selected because it supports nationally and locally scarce plant species.

I am satisfied from the information provided in the survey that the area of the CWS within the red line boundary is of relatively low ecological value, and development in this part of the CWS would not significantly negatively impact the CWS features of interest. Provided enhancements on adjacent areas of land are carried out as proposed, I therefore consider in this case, development within the CWS would be acceptable.

The mitigation and enhancement recommendations as described in the PEA report (section 6 and the summary table) are appropriate, and should permission be granted, these should be required by way of a suitably worded planning condition(s). Should permission be granted, at reserved matters stage further details of enhancements will need to be provided (e.g. map showing locations of enhancements, details of establishment and ongoing management methods for created habitats, etc.)

Environmental Health - 12 February 2020

Thank you for consulting me on the above proposal. I have read the Envirosearch report dated 17th September 2019. The report shows the site to be situated on Unknown Filled Ground (former gravel pits). This will need further investigation. I recommend that standard contaminated land conditions CM1A and CM4A are attached to any grant of approval due to the proposed sensitive end use (residential).

Local Highways Authority - 14 January 2020

The highways authority has no objections in principal to this application.

After a review of the speed and traffic survey data I am satisfied that the shown visibility splays are in line with the precepts of the reduction in these splays outlined and set by the DMRB. According to our records the visibility splays are within the extent of the adopted highway verge.

This application is for all matters except access. However I have included some recommended conditions relating to the internal arrangement, to ensure that safety is maintained on the highway should this application gain the benefit of planning permission.

Recommended Conditions

H11A - vehicle access location with the highway to be as shown on the approved plans
HW8A - No gates to be erected across the vehicle access within 6m of the back edge of the highway

CCC Growth & Development - No Comments Received

ECDC Trees Team - 30 January 2020

The site is not within a conservation area and not subject to a Tree Preservation Order.

The site is currently a grazed paddock with no trees of significance within the proposed plot, there are also no trees or hedgerows of note on the boundaries of the site. If planning is to be granted a robust landscaping scheme will be required to assimilate and reflect the character of this rural site.

There are no arboricultural reasons for this application to be refused.

Environmental Health - 8 January 2020

I have no comments that I wish to make at this time but please send out the environmental notes.

Waste Strategy (ECDC) - 3 February 2020

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 Acts of 1972, 2000, and 2003, as well as the Localism Act of 2011.

Natural England – 16 January 2020

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

West Suffolk District Council - No Comments Received

Kentford Parish Council - No Comments Received

5.2 Neighbours – 5 neighbouring properties were notified and no responses have been received. A site notice was erected near the site on 15th January 2020 and an advert was published in the Cambridge Evening News on 16th January 2020.

6.0 The Planning Policy Context

6.1 *East Cambridgeshire Local Plan 2015*

GROWTH 2	Locational strategy
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision

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

6.3 *National Planning Policy Framework 2019*

- 2 Achieving sustainable development
- 5 Delivering a sufficient supply of homes
- 11 Making effective use of land
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment

6.4 *Planning Practice Guidance*

7.0 PLANNING COMMENTS

7.1 The main issues to consider in the determination of this application are:

- The Principle of Development
- Visual Amenity
- Residential Amenity
- Ecology and Trees

- Highway Safety and Parking
- Flood Risk and Drainage
- Contaminated Land

7.2 Principle of Development

- 7.2.1 Paragraph 78 of the NPPF, 2019 states that to promote development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 79 states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply; there is an essential need for a rural worker; the development would represent the optimal viable use of a heritage asset or would be enabling development to secure the future of heritage assets; the development would re-use redundant or disused buildings and enhance its immediate settings, the development would involve the subdivision of an existing residential dwelling or the design is of exceptional quality.
- 7.2.2 The Council 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.
- 7.2.3 It is necessary, therefore, to consider the benefits of the proposed development and weigh those against any adverse impacts in order to determine whether or not the development comprises sustainable development.
- 7.2.4 Paragraph 8 of the NPPF states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways; these are an economic objective, a social objective and an environmental objective.
- 7.2.5 In economic terms, the proposal would result in the erection of one dwelling, which would count towards the Council's housing land supply deficit, however, it would not result in a significant reduction of this deficit. There would only be limited economic benefits from the erection of one dwelling to the local and wider economy through the construction of one new dwelling and the future spending of occupiers.
- 7.2.6 In respect of the social role, Herringswell Road is a 60mph road with no pedestrian footpaths or streetlights. There is a train station which is on the Cambridge-Ipswich railway line and a bus service, which runs between Newmarket and Mildenhall. From the proposed dwelling, the walk to the train station would take approximately 35 minutes and the nearest bus stop is a 20 minute walk. The walk to the primary school would take approximately 25 minutes, the playing field approximately 30 minutes and the church approximately 20 minutes. There are also services in nearby Kentford; the walk to the post office would take approximately 30 minutes. However, the occupants would have to walk along 60mph roads with no streetlighting or footpath for a considerable distance to reach their destination. This

would mean that occupants of the proposed dwelling are very likely to depend on a private vehicle to access local services and facilities. Furthermore, a major extension to Kennett has been approved, consisting of 500 houses.

7.2.7 It is therefore considered that the proposal would not meet the social objective of sustainable development. The limited economic benefit of the proposal would weigh in favour of the proposal. The environmental objective includes the impact of the proposed dwelling on the character and appearance of the area, which will be assessed in the 'visual amenity' section of this report. In accordance with the NPPF, planning permission should only be granted for sustainable development unless any adverse effects of doing so, would significantly and demonstrably outweigh the benefits of the development. This report will show that the proposal is not a sustainable form of development due to the impact on the environmental objective of sustainable development.

7.3 **Visual Amenity**

7.3.1 Policy ENV1 of the East Cambridgeshire Local Plan, 2015 states that development proposals should ensure that they provide a complementary relationship with the existing development and conserve, preserve and where possible enhance the distinctive and traditional landscapes and key views in and out of settlements. Policy ENV2 states that development proposals ensure that the location, layout, massing, materials and colour of buildings relate sympathetically to the surrounding area.

7.3.2 Matters of appearance, landscaping, layout and scale are reserved as part of this application. Only the matter of access is being considered as part of this application.

7.3.3 The proposed dwelling would be situated in an area of grassland, approximately 135 metres to the north and 120 metres north west of the nearest dwellings, Quetta and Grabella Stud. Quetta, along with Anchor Farm, Anchor Stud and Mandisfield are a cluster of dwellings in a linear form, with Grabella Stud set back to the east of Quetta. There are no other dwellings nearby.

7.3.4 Beyond the small cluster of dwellings, the character changes to rural countryside with grassland and fields bordered by hedges, trees and vegetation. The dwelling would not be situated in close proximity to the adjacent dwellings and would appear somewhat isolated in the proposed location.

7.3.5 The dwelling design and site layout, shown on drawing number 19:062-3 are for illustrative purposes only and are not necessarily what the final layout and design would be. However, it is considered that the introduction of built form in this location would result in encroachment into the countryside, which would be further exacerbated by the introduction of a new access and parking/turning area. The addition of a dwelling would increase the sense of suburbanisation of the countryside to the detriment of visual amenity and erode the openness and rural character in this countryside location.

7.3.6 It is therefore considered that the proposal, in respect of visual amenity would be contrary to policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015.

7.4 Residential Amenity

- 7.4.1 Policy ENV 2 of the East Cambridgeshire Local Plan, 2015 states that new development will be expected to ensure that there is no significantly detrimental effect on the residential amenity of nearby occupiers and that occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity.
- 7.4.2 As noted above, the closest residential dwellings to the application are Quetta, which is approximately 135 metres to the south and Grabella Stud, 120 metres to the south east. The proposal is only in outline with appearance, landscaping, layout and scale to be considered at reserved matters stage. Therefore, although elevations and a site layout plan have been shown on the plan, these are indicative only. However, given the separation distances between the application site and the neighbouring dwellings, it is considered that a dwelling could be achieved in this location without a significant detrimental impact to the residential amenity of the neighbouring dwellings.
- 7.4.3 The Design Guide SPD sets out that in most cases building plots should be approximately 300sqm and built form should not take up more than a third of the plot. Rear private amenity space should be a minimum of 50sqm. The plot is in excess of the 300sqm and it is considered from the indicative layout shown that 50sqm of garden space could be easily achieved. It is therefore considered that the proposed dwelling would not be detrimental to the amenity of future occupiers.
- 7.4.4 The proposal is therefore considered to comply with policy ENV 2 of the East Cambridgeshire Local Plan, 2015 in respect of residential amenity.

7.5 Highway Safety and Parking

- 7.5.1 Policy COM 7 of the East Cambridgeshire Local Plan, 2015 states that development proposals shall provide a safe and convenient access to the highway network. Policy COM 8 of the East Cambridgeshire Local Plan, 2015 states that development proposals should provide adequate levels of car and cycle parking in accordance with the Council's parking standards.
- 7.5.2 The site proposes an access from Herringswell Road, which is a 60mph road. Drawing number 19:062-5 shows the provision of visibility splays measuring 2.4 x 150 metres. The indicative plan show a single garage and two parking spaces.
- 7.5.3 The Local Highway Authority have been consulted as part of the application. They have commented that after a review of the speed data provided, that the visibility splays shown are acceptable. The Local Highway Authority have requested conditions for the vehicle access location to be shown as on the approved plans and no gates to be erected across the vehicle access within 6 metres of the back edge of the highway.
- 7.5.4 Policy COM 7 also states that development should be designed to reduce the need to travel, particularly by car and should promote sustainable forms of transport appropriate to its particular location. Herringswell Road is a 60mph road, with no footpath or street lighting for a considerable distance before a footpath is reached. This would mean that occupants of the proposed dwelling are very likely to depend

on a private vehicle to access local services and facilities. It is therefore considered that the future occupiers are likely to be reliant on the use of the private motor vehicle and therefore it is considered that the proposal does not comply with policy COM 7 as it does not promote or encourage the use of sustainable transport.

7.6 Ecology and Trees

- 7.6.1 Policy ENV 7 of the East Cambridgeshire Local Plan, 2015 states that all applications for development that may affect biodiversity and geology interests must be accompanied by sufficient information to be determined by the Local Planning Authority, including an ecological report, to allow potential impacts and possible mitigation measures to be assessed fully. It also states that all development will be required to protect the biodiversity and geological value of land and buildings and minimise harm to or loss of environmental features, such as trees, hedgerows, woodland, wetland and ponds. Policy ENV 1 states that development proposals should protect, conserve and where possible enhance the pattern of distinctive historic and traditional landscape features such as watercourses, characteristic vegetation, individual and woodland trees, field patterns, hedgerows and walls and their function as ecological corridors for wildlife dispersal. Policy ENV 2 states that all development proposals will be expected to make efficient use of land while respecting the density, urban and village character, public spaces, landscape and biodiversity of the surrounding area.
- 7.6.2 The site is part of a County Wildlife Site (CWS), Kennett Restored Gravel Pit and close to Breckland Farmland Site of Special Scientific Interest (SSSI) and Red Lodge SSSI. It is also in close proximity to Moorlands Stud Pit CWS, Kennett Churchyard CWS, Halfmoon Plantation Pit CWS and Slade Bottom CWS.
- 7.6.3 A Preliminary Ecological Appraisal has been submitted for consideration which concludes that the proposed development is expected to have no effects on statutory protected sites or their qualifying features, owing to its relatively small scale, distance to protected sites and limited predicted impacts beyond the area of works. The Wildlife Trust have been consulted as part of the application and have commented that they are satisfied from the information provided in the survey that the area of the CWS within the red line boundary is of relatively low ecological value, and development in this part of the CWS would not significantly negatively impact the CWS features of interest and provided enhancements on adjacent areas of land are carried out as proposed, they consider in this case, development within the CWS would be acceptable. Natural England have also been consulted and they have raised no objections to the proposal.
- 7.6.4 They have also commented that the mitigation and enhancement recommendations as described in the PEA report are appropriate, and should permission be granted, these should be required by way of a suitably worded planning condition(s) and should outline permission be granted, at reserved matters stage further details of enhancements would need to be provided. The mitigation and enhancement measures include the integration of bat and bird boxes in the dwelling, bat and bird boxes in trees, the vegetation on to be kept short and a soft landscaping scheme including planting of trees and hedges and the planting of a wildflower meadow.

7.6.5 In respect of the trees, which are situated to the front of the site, the Trees Officer has commented that there are no trees of significance within the proposed plot and no trees or hedgerows of note on the boundaries of the site. The Trees Officer has requested that if planning permission is granted that a robust landscaping scheme will be required to assimilate the dwelling and reflect the rural character of the site.

7.6.6 It is considered that it has been sufficiently demonstrated that the proposals are unlikely to result in impacts to protected species, habitats or impacts to nearby protected sites and the mitigation and enhancement measures set out in section 8 of the ecology report could be secured by way of a suitably worded planning condition. Therefore, the proposal is considered to comply with policies ENV 1, ENV 2 and ENV 7 of the East Cambridgeshire Local Plan, 2015.

7.7 **Flood Risk and Drainage**

7.7.1 Policy ENV 8 states that all developments and re-developments should contribute to an overall flood risk reduction. The sequential and exception test will be strictly applied across the district and new development should normally be located in flood zone 1.

7.7.2 The site is entirely located within floodzone 1 and is therefore considered at the lowest risk of flooding and a location where residential development is acceptable in terms of flood risk. The application form states that surface water will be disposed of via soakaways, however, this has not been shown on the plan. It is therefore considered reasonable and necessary that a scheme for the provision of surface water drainage should be secured via condition, if the application is approved.

7.7.3 It is therefore considered that the proposed development is acceptable in terms of its susceptibility to and impact on flood risk and the drainage measures proposed in accordance with Policy ENV8 of the East Cambridgeshire Local Plan 2015.

7.8 **Contaminated Land**

7.8.1 Policy ENV 9 of the East Cambridgeshire Local Plan, 2015 states that all development proposals should minimise and where possible, reduce all emissions and other forms of pollution, including light and water pollution and ensure no deterioration in air or water quality. Proposals will be refused where there are unacceptable pollution impacts, including surface and groundwater quality.

7.8.2 The Council's Scientific Officer has commented that the Envirosearch Report submitted as part of the application shows the site to be situated on Unknown Filled Ground (former gravel pits) which will need further investigation and has recommended a condition for an investigation and risk assessment of any contamination at the site due to the proposed sensitive end use.

7.8.3 It is therefore considered that the proposal complies with Policy ENV 9 of the East Cambridgeshire Local Plan, 2015.

7.9 Planning Balance

- 7.9.1 The location of the application site, significantly distanced from the established development framework and on a 60mph road with no footpaths or streetlights and is not considered to meet the social or environmental aspects of sustainable development as expected by the NPPF. The dwelling also does not constitute an exception under paragraph 79 of the NPPF.
- 7.9.2 The proposal would provide very limited benefits to the District's housing supply and to the local economy. In addition, the proposal would not create any significant adverse impacts in respect of highway safety, residential amenity, ecology or flood risk.
- 7.9.3 However, in respect of the environmental objective of sustainable development, the dwelling is considered to result in the introduction of built form in this location would result in encroachment into the countryside, which would be further exacerbated by the introduction of a new access and parking/turning area. Furthermore, the addition of a dwelling would increase the sense of suburbanisation of the countryside to the detriment of visual amenity and erode the openness and rural character in this countryside location.
- 7.9.4 The proposal is also considered contrary to policy COM 7 of the Local Plan as it does not promote or encourage the use of sustainable transport.
- 7.9.5 It is therefore considered that the benefits of the scheme would be outweighed by the significant and demonstrable harm which would be caused by the siting of an additional dwelling in an unsustainable location and increasing reliance on the car to give access to services and facilities. The unsustainable location of the site and the significant and demonstrable harm caused to the character and appearance of the countryside are given significant weight in the determination of this application.
- 7.9.6 The proposal is therefore recommended for refusal.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/01589/OUT	Rachael Forbes Room No. 011	Rachael Forbes Planning Officer 01353 665555
19/01031/OUT	The Grange Ely	rachael.forbes@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>