

22/00679/PIP

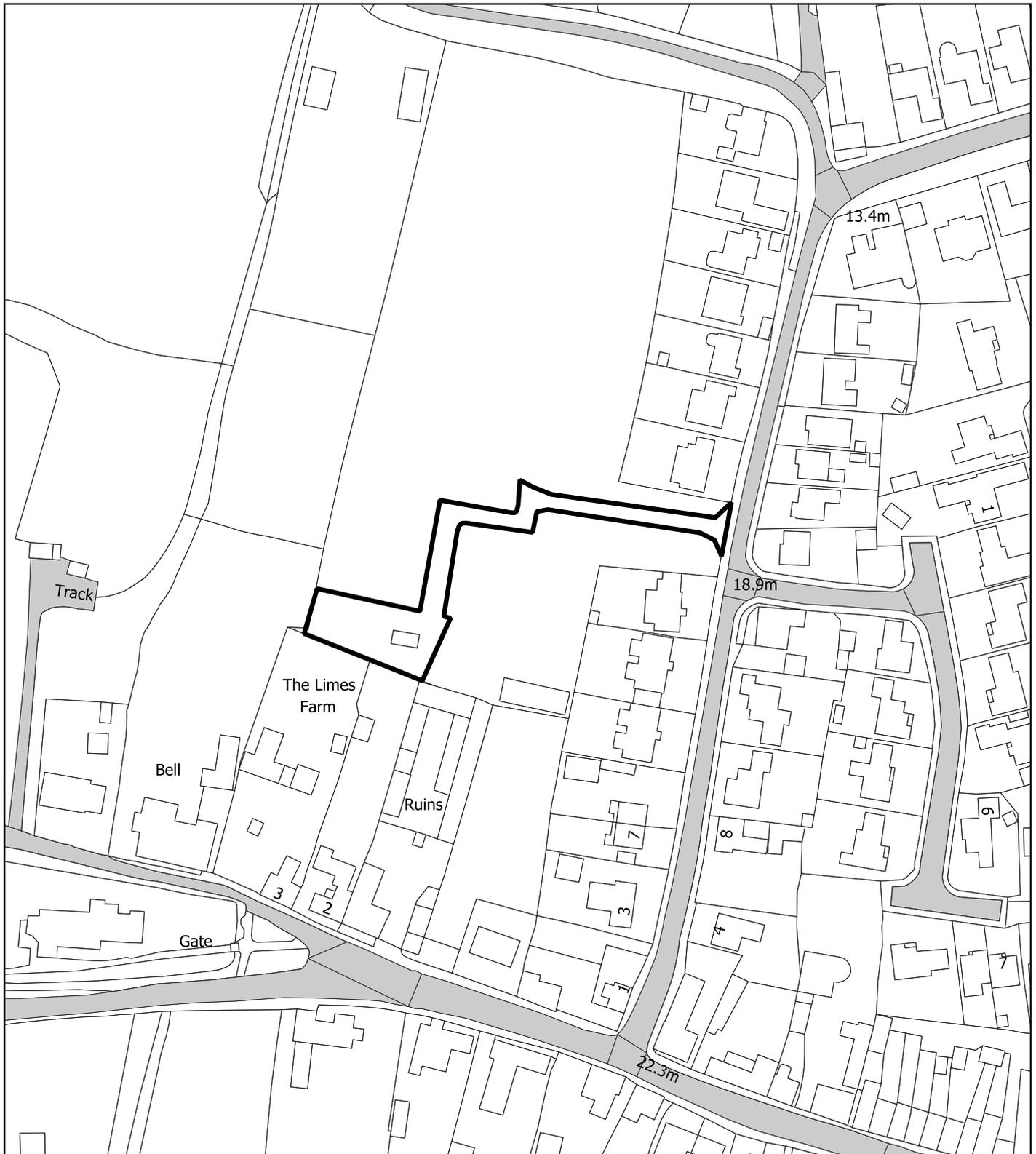
Land to Rear of
3 Church Lane
Wilburton
Ely
Cambridgeshire
CB6 3RQ

Erection of two storey dwelling and single storey garage and associated infrastructure (following demolition of existing building)

To view all of the public access documents relating to this application please use the following web address or scan the QR code:

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RFS051GG0CS00>





22/00679/PIP



Land To Rear Of 3 Church
Lane
Wilburton

East Cambridgeshire
District Council

Date: 23/09/2022
Scale: 1:1,500



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MAIN CASE

Reference No: 22/00679/PIP

Proposal: Erection of two storey dwelling and single storey garage and associated infrastructure (following demolition of existing building)

Site Address: Land To Rear Of 3 Church Lane Wilburton Ely
Cambridgeshire CB6 3RQ

Applicant: Mr R Nicole

Case Officer: Gemma Driver Planning Officer

Parish: Wilburton

Ward: Stretham
Ward Councillor/s: Bill Hunt
Lisa Stubbs

Date Received: 28 July 2022 **Expiry Date:** 7 October 2022
Report Number X79

1.0 **RECOMMENDATION**

- 1.1 Members are recommended to approve this application.
- 1.2 It is not possible for conditions to be attached to a grant of permission in principle and its terms may only include the site location, the type of development and amount of development. Therefore, due to the nature of the application, conditions are not applicable.
- 1.3 The application has been brought to committee due to being a departure from the development plan.

2.0 **SUMMARY OF APPLICATION**

- 2.1 The application submitted seeks Permission in Principle for residential development of one detached dwelling, single storey garage and associated infrastructure following the demolition of an existing building. Although located to the rear of no.3 Church Lane, the indicative access is shown off Clarke's Lane.
- 2.2 It is of note that the permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the

consideration of matters of principle for proposed development from the technical detail of the development. This is a different way of considering proposals.

2.3 The permission in principle consent route has 2 stages:

- Stage 1 - the first stage (“permission in principle stage”) establishes whether a site is suitable in-principle; and
- Stage 2 - the second (‘technical details consent’) stage is when the detailed development proposals are assessed.

2.4 This application is at Stage 1 (Permission in Principle) and therefore the decision-maker can only reasonably consider:

- Location – Is this an appropriate location for the proposed development?
- Land Use – Is the proposed use of the land for residential development acceptable?
- Amount of Development – Is the amount of development proposed acceptable?

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.eastcambbs.gov.uk/online-applications/>.

3.0 PLANNING HISTORY

14/01299/FUL	Construction of three bedroom house	Approved	09.03.2015
19/00910/OUM	Proposed outline planning permission for residential development of up to 30 dwellings, including open space provision and associated works with all matters reserved except for access [Land South of 6 Hinton Way – North of application site]	Approved	16.04.2020
20/01156/RMM	Reserved matters for appearance, landscaping, layout and scale of previously approved 19/00910/OUM for residential development of up to 30 dwellings, including open space provision and associated works with all matters reserved except for	Approved	12.02.2021

access [Land South of 6 Hinton Way
– North of application site]

19/01772/FUL	Residential development of 4 no. new houses [Land rear of 76 - to East of application site]	Approved	26.03.2020
21/01622/FUL	Proposed 4no. dwellings (revised scheme for previously approved application 19/01772/FUL [Land rear of 76 - to East of application site])	Approved	17.02.2022

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site is located to the rear of no.3 Church Lane, Wilburton. The site is located outside of the development envelope and adjacent to the Conservation Area. The site currently comprises an agricultural barn which was used historically for the storage of fruits and more recently as a machinery store surrounded by grassland.

4.2 To the North of the site is land to the South of Hinton Way, which benefits from recent approvals for 30 dwellings under reference numbers 19/00910/OUM and 20/01156/RMM.

5.0 RESPONSES FROM CONSULTEES

5.1 Responses were received from the following consultees and these are summarised below. The full responses are available on the Council's web site.

Local Highways Authority -1st Consultation: 4 August 2022

I have no objection to this application for permission in principle.

The proposed dwelling will be accessed via the adjoining development approved under 19/00910/OUM. I would however highlight that while an application for a S38 Agreement has been submitted for LHA adoption of the (some of) the internal development road, it has not yet been sealed, meaning the application boundary should extend fully to Clarke's Lane, the nearest public highway.

The applicant should therefore be satisfied that they have the necessary permission to access the site via the private roads.

Local Highways Authority – 2nd Consultation: 9 August 2022

In response to my previous comments, I can confirm that the amended application boundary extends to the public highway along Clarke's Lane.

ECDC Trees Team - 4 August 2022

Due to the presence of trees in proximity to the development an Arboricultural Impact Assessment (AIA) is required prior to determination of the application. The (AIA) shall provide information to show how trees/hedging worthy of retention would be sustainable and justification and mitigation measures for any tree removal

proposed. The AIA shall identify areas to be excluded from any form of development, specify protective fences for these exclusion areas and for individually retained trees, life expectancy of trees, recommendation for any remedial work, identify acceptable routes for all mains services in relation to tree root zones, identify acceptable locations for roads, paths, parking and other hard surfaces in relation to tree root zones, suggest location for site compound, office, parking and site access, identify location(s) for replacement planting and show existing and proposed levels in accordance with BS 5837:2012 Trees in relation to demolition, design and construction - Recommendations.

Parish - No Comments Received

Ward Councillors - No Comments Received

Waste Strategy (ECDC) - No Comments Received

CCC Growth & Development - No Comments Received

Infrastructure & Strategic Housing Manager - ECDC - No Comments Received

5.2 A site notice was displayed near the site on the 15th of August 2022.

5.3 Neighbours – 16 neighbouring properties were notified and 2 representations were received and are summarised below. A full copy of the responses are available on the Council's website.

5.4

- Outside of development envelope and the site is not an exceptional circumstance.
- Site access should not be through Grey Cotes land from Church Lane
- The 3D images are not adequate to support full planning permission on a site close to Conservation Area.
- Impact to trees.
- Windows that overlooking boundary with Bellgables should be obscured glazed and the building kept as far to the East as possible.
- Biodiversity impacts.
- Impact to residential amenity.

6.0 The Planning Policy Context

East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 2	Housing density

ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision

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

Natural Environment SPD

Climate Change SPD

National Planning Policy Framework 2021

- 2 Achieving sustainable development
- 4 Decision-making
- 5 Delivering a sufficient supply of homes
- 9 Promoting sustainable transport
- 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

7.0 PLANNING COMMENTS

- 7.1 From 1 June 2018, applications for Permission in Principle (PiP) can be submitted to local planning authorities. The PiP consent route is an alternative way of obtaining planning permission and it is designed to separate the decision making on 'in principle' issues (such as land use, location, and amount of development) from matters of technical detail (such as appearance of buildings).
- 7.2 This application is for permission in principle and is subject to the Town and Country Planning (Permission in Principle) Order 2017 and the Town and Country Planning (Permission in Principle) (Amendment) Order 2017. The regulations provide for the granting of permission in principle on a site currently on part 1 of the Brownfield Register by placing it on Part 2 of the register. In addition, an application for permission in principle can be made to the Local Planning Authority on a piece of land providing the proposed development meets certain criteria. Permission in Principle cannot be granted in relation to major development, habitats development, householder development or Schedule 1 development (for the purposes of the Environmental Impact Assessment Regulations). However, the application site has

been screened in regards to Schedule 2 (for the purposes of the Environmental Impact Assessment Regulations). This is an application for permission in principle on greenfield land and does not concern the Brownfield Register.

7.3 The Planning Practice Guidance (PPG) confirms that the scope of permission in principle is limited to location, land use and amount of development. All other matters should be considered at the technical details consent stage that would follow a successful application for permission in principle. In this case the LPA is therefore concerned with establishing whether the proposal for one dwelling on the application site is acceptable in principle given the location of the site, the current and proposed land use and the amount of development proposed.

7.4 The PPG states that a decision on whether to grant permission in principle must be made in accordance with relevant policies in the development plan unless there are material considerations, such as those in the NPPF and national guidance, which indicate otherwise.

7.5 **Location**

7.6 Policy GROWTH2 of the Local Plan 2015 provides the locational strategy for the district. Development is to be concentrated within the defined settlement boundaries. Outside these areas and subject to other policies in the plan, development will be strictly controlled having regard to the need to protect the countryside and the setting of towns and villages.

7.7 The site is located outside of the development envelope for Wilburton. Officers consider therefore that the starting point should be to consider the proposal as a departure from the Development Plan. It is considered that permission should not normally be granted unless there are material considerations which can be afforded sufficient weight to justify a departure from policy.

7.8 Wilburton is a small village situated 6 miles south-west of Ely, on the ridge between Stretham and Haddenham. The core of the village is designated as a Conservation Area with a particularly attractive area around the church. Wilburton has a range of facilities including two shops, a public house, a village hall and social club, a primary school and St. Peter's Church. There is also a recreation ground with a cricket pitch, pavilion and local play area and a regular bus service to Cambridge.

7.9 The application site, although outside of the development boundary, would be located off Clarke's Lane which is in proximity to the High Street. The site is within a few yards of the village centre, and within easy walking and cycling distance of most of these village facilities referred to above.

7.10 To the North of the site is land to the South of Hinton Way, which benefits from recent approval for 30 dwellings under reference numbers 19/00910/OUM and 20/01156/RMM. This previous approval to the North of the site means that permission for residential development has now extended further out to the West of Clarkes Lane - the site plan taken from the reserved matters application can be seen in appendix 1.

- 7.11 More recently, application no. 21/01622/FUL approved a proposal for 4no. dwellings to the rear of no.76 High Street. This site being further East of the application site prior to the junction off of the bend to Church Lane. 21/01622/FUL allowed for more in depth residential development in close proximity to the application site.
- 7.12 The proposal subject to this application would therefore be bound on three out of four of its boundaries by residential development. Although the West of the site is not abutted by built residential structures in themselves, there are residential curtilages further to the West of the site, meaning this boundary is not exposed to open countryside.
- 7.13 Therefore, although the site is outside of the development framework and is technically in a 'countryside location', the situation on the ground is that the site will be increasingly enclosed by residential development and does not significantly contribute to the character or openness of the countryside. With the recently approved consents in mind, the proposal would not be introducing residential development in an open countryside location.
- 7.14 The location of the site is considered to be relatively sustainable for a dwelling in locational terms. Whilst contrary to ECLP Policy GROWTH 2, the change in the character of the area through the provision of recently approved housing development amounts to a material consideration that justifies a decision at variance with the development plan. This is on the basis of the unique location of the application site therefore meaning the development is considered to be acceptable in relation to the location of development. The site is easily accessible and therefore in compliance with Policy COM 7 of the East Cambridgeshire Local Plan 2015 in relation to the location of development.

7.15 Land Use

- 7.16 The applicant is proposing to use the land to provide one unit of residential accommodation (Use Class C3). The site, whilst currently not in residential use, would not be at odds with the surrounding context that is residential. As the suitability of the location of the site has been accepted then the proposed residential use itself would also be considered acceptable, on the basis of the surrounding residential use and dwellings that abut the site.

7.17 Amount of Proposed Development

- 7.18 The application is accompanied by illustrative plans showing how the development could be laid out. The dwelling as illustrated would be 2-storey and would have reasonable room for amenity space. The whole application plot amounts to 530sqm. Policy ENV2 of the East Cambridgeshire Local Plan 2015 makes it clear that all new development proposals will be expected to respect the density and character of the surrounding area, whilst ensuring that the location, layout, scale, form, massing, materials and colour of buildings relate sympathetically to the surrounding area and each other, as well as creating quality new schemes in their own right. Furthermore, the East Cambridgeshire Design Guide Supplementary Planning Document 2012 states that, in most cases, building plots should be approximately 300 square metres, the footprint of any proposed development should be no more than approximately one third of the plot size and rear private amenity space should be 50sqm.

- 7.19 The surrounding plot sizes as indicated on the site south of Hinton Way are of a similar size and therefore the introduction of one dwelling on this plot size could be acceptable. It is considered that in principle, a dwelling of some form together with appropriate amenity and parking spaces could be achieved here.
- 7.20 It is considered that, in principle, the amount of development proposed could be achieved. However, the site is of an unusual form and shape and its location is in proximity to the Conservation Area, therefore great care will need to be taken towards ensuring that any future technical details application works around the site's constraints. The applicant will need to demonstrate that technical details comply with the Local Plan 2015, the NPPF and the supplementary planning documents. The relevant policies are listed within the Planning Policy Context section of this report, however other policies may become relevant if a technical details application is submitted.
- 7.21 Other Material Matters**
- 7.22 Consultee comments from neighbours raise concerns with regards to the site being outside of the development envelope, this matter has been addressed in the location section above.
- 7.23 The comments with reference to amenity and impact to the conservation area have been noted. At this stage, all designs are indicative and the application, as outlined above, can only consider a very confined amount of detail, that being the principle. Any future technical details consent would need to ensure that the character of the Conservation Area is protected together with the amenity of neighbouring dwellings. These are matters that cannot currently be considered at this stage.
- 7.24 Neighbour comments have raised concerns in terms of impacts to biodiversity and trees. The Trees Officer has also provided comment and requested the submission of an Arboricultural Impact Assessment (AIA). The (AIA) would need to provide information to show how trees/hedging worthy of retention would be sustainable and justification and mitigation measures for any tree removal proposed. It is considered by Officers that at this stage, a dwelling could reasonably be accommodated on site away from and trees that are worth of retention. As specific design considerations cannot be accounted for at present, an AIA would not be able to specifically identify the location, size and scale of any proposed dwelling and therefore may not accurately represent any future submission. It is therefore concluded that an AIA would need to be submitted at Technical Details Stage once the design and location of the dwelling on the site has been accounted for.
- 7.25 The comments with reference to the access have need acknowledged. Although, as stated above, the scope of permission in principle is limited to location, land use and amount of development, the Highways Officer has no objection in principle to the access off of Clarke's Lane. However, access and parking provision details would be considered at technical details consent stage.
- 7.26 Whilst the amount of the development is considered acceptable, the applicant should note the comments from the Trees Officer and should be advised that for

any future technical detail's application, the Conservation Officer may provide comment on the appropriateness of design. These matters would need to be addressed whilst still ensuring that the proposal would not be impacting neighbouring properties and demonstrating compliance with the relevant local and national policies.

7.27 The applicant will need to demonstrate that technical details comply with the Local Plan 2015, the NPPF, and the supplementary planning documents. The relevant policies are listed within the Planning Policy Context section of this report, however other policies may become relevant if a technical details application is submitted.

7.28 Planning Balance

7.29 The application seeks to determine whether the proposal for one dwelling on this site would be acceptable in principle, considering the location, the current land use, and the amount of development. On considering these matters it is considered that subject to an appropriate technical details application, one dwelling could, in principle, be sensitively accommodated on the site.

7.30 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The material considerations for this application, relate to the residential development that surround the site, of which significant weight is held to. GROWTH 2 states: "*Outside defined development envelopes, development will be strictly controlled, having regard to the need to protect the countryside and the setting of towns and villages. Development will be restricted to the main categories listed below, and may be permitted as an exception, providing there is no significant adverse impact on the character of the countryside and that other Local Plan policies are satisfied.*" Whilst the site does not form one of the exceptions of GROWTH 2, it is considered that, for the reasons outlined above, which are material considerations in themselves, the introduction of a dwelling in this location would not significantly alter the character of the area, particularly given that it would extend no further than the existing development. It is also considered to be a sustainable location in respect of its proximity and access to Wilburton. Whilst contrary to ECLP Policy GROWTH 2, the change in the character of the area through the introduction of recently permitted residential dwellings amounts to a material consideration that justifies a decision at variance with the development plan.

7.31 The application therefore recommended for approval.

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 appellant through the appeal process) then a cost award can be made against the Council.

8.2 Unreasonable behaviour can be either procedural i.e. relating to the way a matter has been dealt with or substantive i.e. 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 point:

- The location of the application site being surrounded by residential development.
- The weight held to the change in the character of the area through the introduction of recently permitted residential dwellings, amounting to a material consideration that justifies a decision at variance with the development plan.

9.0 **APPENDICES**

9.1 Appendix 1 – Site Plan from 20/01156/RMM (not to scale)

9.2 Appendix 2 – Recommended approved plan

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
22/00679/PIP	Gemma Driver Room No. 011 The Grange Ely	Gemma Driver Planning Officer 01353 665555 gemma.driver@east cambs.gov.uk

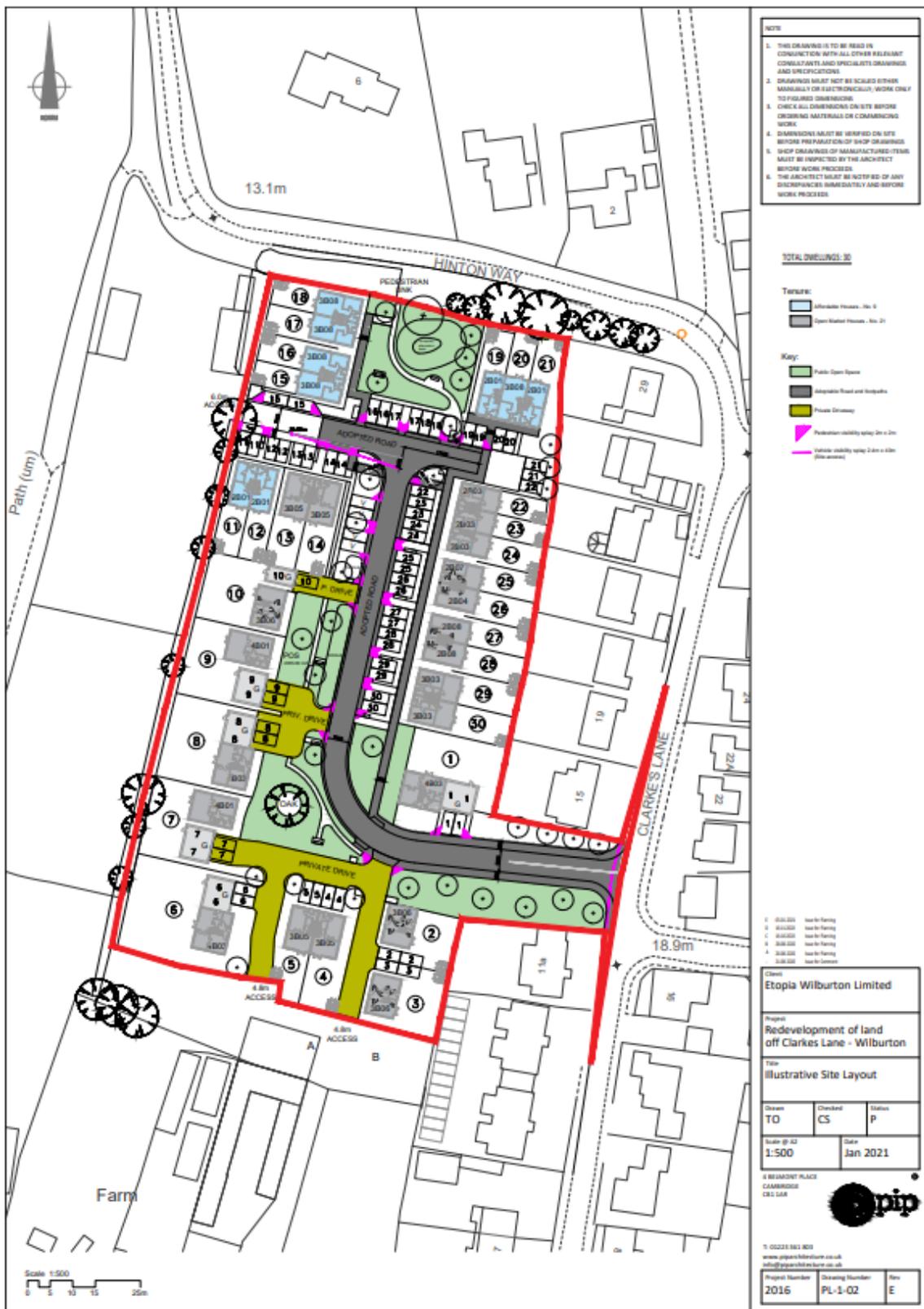
National Planning Policy Framework -

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>

APPENDIX 1 - Site Plan from 20/01156/RMM (not to scale):



APPENDIX 2 - 22/00679/PIP Recommended approved plan:

Plan Reference
0010

Version No

Date Received
4th August 2022