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**MAIN CASE**

**Reference No:** 18/00914/OUT

**Proposal:** Residential development of four dwellings, garaging, parking, access and associated works.

**Site Address:** 34 Market Street Fordham Ely Cambridgeshire CB7 5LQ

**Applicant:** Mr M Cornwell

**Case Officer:** Oli Haydon, Planning Officer

**Parish:** Fordham

**Ward:** Fordham Villages

Ward Councillor/s:

Councillor Joshua Schumann

Councillor Julia Huffer

**Date Received:** 3 July 2018

**Expiry Date:** 25<sup>th</sup> September 2018

[T107]

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**1.0 RECOMMENDATION**

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

1. The proposed development is located within an area defined as open countryside where development is strictly controlled and are only permitted where required to accommodate key agricultural, forestry or other essential countryside workers or to meet a local need for affordable housing/accommodation. No such need has been demonstrated in this case and the proposal would therefore be contrary to the Policy 1 (Housing Growth) of the Fordham Neighbourhood Plan 2016-2036, GROWTH2 of the 2015 Local Plan, Policy LP3 of the 2017 Submitted Local Plan and NPPF Paragraph 11.
2. The scheme would result in significant harm to the visual character of the area with the four residential units on the open paddock site eroding the natural landscape enjoyed by users of the surrounding public footpaths. Due to the visibility of the site from the nearby footpaths, the proximity of the protected woodland and the open and unique nature of the site in the relatively densely built area of Fordham the introduction of large-scale built form on the site would result in an undesirable hardening of the edge between the built-up extent of the village and the rural area. The proposal would also have a negative impact upon the openness, tranquillity and permeability of the area around Ironbridge Path and New Path. The proposal contravenes Local Plan (2015) Policies ENV1 and ENV2 and Submitted Local Plan (2017) Policies LP22 and LP28, the Design Guide SPD, NPPF Paragraph 12 and

## **2.0 SUMMARY OF APPLICATION**

- 2.1 The application seeks outline planning consent for four dwellings, garaging and parking to the rear of 34 Market Street, Fordham. The matters of access and scale are to be considered at this stage, with the matters of appearance, landscaping and layout remaining as reserved matters. The plans state that the dwellings would be 5.8m in height, 19m in width and 14m in length.
- 2.2 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.**
- 2.3 The application was 'called-in' to Planning Committee by Cllr Joshua Schumann 'in light of the fact that neighbouring applications have been considered by committee and this applications will be assessed with the current situation in terms of sustainable development'.

## **3.0 PLANNING HISTORY**

- 3.1
- |              |  |            |
|--------------|--|------------|
| 17/01412/OUT | Four dwellings, garaging, parking, access and associated works | 25.09.2017 |
|--------------|--|------------|

## **4.0 THE SITE AND ITS ENVIRONMENT**

- 4.1 The site is located adjacent to the development envelope for Fordham, to the rear of 34 Market Street. The site currently comprises unused paddock land and is approximately 0.5ha in size.
- 4.2 To the north of the site, beyond the public footpath running along the northern boundary, is the 'Townsend Wood' Woodland Trust Reserve; a 1.9ha area of protected woodland. To the east of the site is open paddock land with residential development beyond.
- 4.3 Immediately adjacent to the site to the south-west is a recently approved development for two dwellings to the rear of 32 Market Street (15/00216/FUL). This application was refused at Planning Committee in June 2016 on the grounds of backland development, a visually dominant appearance, overlooking and issues with refuse collection. The application was appealed and subsequently allowed.
- 4.4 Beyond this site was a proposal for four dwellings off Ironbridge Path (17/01260/OUT) which was refused at Planning Committee on grounds of highway safety and impact to the character of the area.

## 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.

**Asset Information Definitive Map Team** - No Comments Received

**Local Highways Authority** – No objections subject to conditions.

**County Archaeology** – No objections subject to a condition securing a written scheme of investigation.

**Senior Trees Officer** - No Comments Received

**Environmental Health** – No objections subject to a construction hours condition.

**Waste Strategy (ECDC)** – ‘As the driveway will not be adopted all waste will need to be presented at the boundary of the adopted highway adjacent No.34 and we would be grateful if the applicant would advise where this will be collected from to avoid obstructing the driveway entrance or the public highway’.

**Cambridge Ramblers Association** - No Comments Received

**Fordham Parish Council** – “This proposed development is encroaching onto the local countryside. It will have a detrimental effect on Townsend Wood - Woodland Trust reserve. Over development of the site. Not part of the emerging local plan”.

**Ward Councillors** – Cllr Joshua Schumann stated: ‘In light of the fact that neighbouring applications have been considered by committee and this application will be assessed with the current situation in terms of sustainable development I would like the committee to consider it’.

5.2 **Neighbours** – 10 neighbouring properties were notified, an advert was placed in the Cambridge Evening News and a site notice was posted and the three responses received are summarised below. A full copy of the responses are available on the Council's website.

- Impact on neighbours privacy
- Impact on footpaths, open countryside and Townsend Wood Nature Conservation area
- Traffic and infrastructure issues
- Noise and disturbance
- Narrow access road
- Proposal not included in the Local Plan
- Impact of proposed parking spaces
- Will set a precedent

## 6.0 **The Planning Policy Context**

6.1 East Cambridgeshire Local Plan 2015

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  
 GROWTH 2 Locational strategy  
 GROWTH 3 Infrastructure requirements  
 GROWTH 5 Presumption in favour of sustainable development  
 HOU 2 Housing density  
 ENV 4 Energy efficiency and renewable energy in construction

## 6.2 Supplementary Planning Documents

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

## 6.3 National Planning Policy Framework 2018

5 Delivering a sufficient supply of homes  
 12 Achieving well-designed places  
 14 Meeting the challenge of climate change, flooding and coastal change

## 6.4 Submitted Local Plan 2017

LP1 A presumption in Favour of Sustainable Development  
 LP2 Level and Distribution of Growth  
 LP3 The Settlement Hierarchy and the Countryside  
 LP6 Meeting Local Housing Needs  
 LP17 Creating a Sustainable, Efficient and Resilient Transport Network  
 LP22 Achieving Design Excellence  
 LP25 Managing Water Resources and Flood Risk  
 LP26 Pollution and Land Contamination  
 LP28 Landscape, Treescape and Built Environment Character, including Cathedral Views  
 LP30 Conserving and Enhancing Biodiversity and Geodiversity  
 LP24 Renewable and Low Carbon Energy Development

## 6.5 Fordham Neighbourhood Plan - this Plan has been examined and is awaiting referendum

Policy 1: Housing Growth  
 Policy 2: Character & Design  
 Policy 5: Ironbridge Path & New Path Area  
 Policy 8: Wildlife and Habitats  
 Policy 10: Pedestrian Access & Public Rights of Way

## Policy 11: Car Parking

### 7.0 **PLANNING COMMENTS**

7.0.1 The main considerations with the proposal are the principle of development, the visual impact, residential amenity, highway safety and parking. The matters of access and scale are to be considered at this stage, with the matters of appearance, landscaping and layout remaining as reserved matters.

### 7.1 **Principle of Development**

7.1.1 The application site lies adjacent to the defined development boundary. The development of the site for housing would therefore conflict with Policy GROWTH 2 and LP3 of the East Cambridgeshire Local Plan 2015 and Submitted Local Plan 2017 which seeks to focus new housing development within defined settlement boundaries. However, as the council cannot currently demonstrate a five year land supply for housing, policies GROWTH 2 and LP3 cannot be considered up to date in so far as it relates to supply of housing land. Due to its links and close proximity to the development envelope, the site is considered to be a sustainable location within walking distance of public transport and village facilities and with good links beyond to the larger service centres.

7.1.2 Neighbourhood planning was introduced in England through the Localism Act 2011 with legislation coming into effect in April 2012 through the Neighbourhood Planning (General) Regulations 2012. Section 1 (2) of the Neighbourhood Planning Act 2017 states that Section 70 of the Town and County Planning Act 1990 is to be amended to read as follows:

'In dealing with such an application [for planning permission] the authority shall have regard to:

- (a) the provisions of the development plan, so far as material to the application, *(aza) a post-examination draft neighbourhood development plan, so far as material to the application*
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations'

The Fordham Neighbourhood Plan (FNP) has *been* examined and the Council has now issued its decision in response to the examiner's recommendations and findings. In summary the examiner concludes that the Fordham Neighbourhood Plan, subject to a small number of modifications, satisfies the basic conditions and other legal requirements, and should proceed to referendum. This referendum is due to take place in November, in light of this late-stage in preparation, recent case-law dictates that the Neighbourhood Plan should be given significant weight.

7.1.3 Paragraph 125 of the NPPF states that neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development. The FNP has been prepared to complement existing local, national and strategic planning policy, to provide additional detail and subtlety that reflect the special characteristics of Fordham that cannot reasonably be addressed by higher-level policy. It has been designed to help protect areas,

landmarks and services that are most important to the community. The Plan is intended to set out a local blueprint for how Fordham should develop sustainably in the best interest of the village, in the context of the wider Local Plan. The Plan acknowledges the housing growth requirement set out by the 2015 Local Plan and 2018 Submitted Local Plan to contribute to the national shortage of housing and accepts the growth level for Fordham, as established through housing allocations and the demarcation of a 'Development Envelope' for the village.

- 7.1.4 Policy 1: Housing Growth of the FNP also allows for windfall sites (of approximately 15%) of the village's housing requirement. These sites however are only acceptable within the Development Envelope (or outside if in accordance with 2015 Local Plan Policy GROWTH2). The development site lies outside of the development envelope for Fordham and thus the loss of land from the countryside would conflict with Policy 1 of the FNP. As previously stated, although the plan is not yet made, it has reached an advanced stage and attracts a commensurate level of weight. The scheme's policy contravention carries significant weight in the planning balance resulting in a recommendation for its refusal.

## **7.2 Residential Amenity**

- 7.2.1 As the details of appearance and layout are not being considered, a limited assessment can be made regarding residential amenity in terms of overlooking and overbearing. Local Plan (2015) Policy ENV2, Submitted Local Plan (2017) Policy LP22 and Policy 2 of the FNP (Parts H and I) seek to ensure that development proposals have no significantly detrimental effect on the residential amenity of nearby occupiers.
- 7.2.2 The vehicular movements to and from the development site are likely to lead to a level of disturbance for the residents of 34 Market Street in the form of noise and vibration. The access road is separated by approximately 6m from the dwelling at Number 34 and a boundary fence demarcated the properties boundaries. It's considered that due to this separation, the fence and the infrequency of vehicle movements, along with the ability to ensure driveway details are appropriate by condition, that the level of disturbance on the residents of Number 34 is within reasonable limits. Furthermore, the impact of glare from headlights on the residents of 33 and 35 Market Street opposite the site is unlikely to be significantly harmful to residential amenity due to the likely infrequency and small number of vehicular movements arising from the four dwellings.
- 7.2.3 The proposed footprint would appear to allow for sufficient garden/plot sized in accordance with the 2012 Design Guide SPD. When layout is to be assessed, adequate separation distances should be provided to avoid significant loss of privacy and harmful overbearing on neighbouring occupiers and any surrounding residents.
- 7.2.4 A full assessment of residential amenity impact will be made at the reserved matters stage. However, in principle, the scheme appears to adequately avoid harm to the amenity of nearby occupiers.

## **7.3 Visual Amenity**

- 7.3.1 Whilst layout, landscaping and appearance remain as reserved matters, an assessment of the visual impact, in principle, of four large dwellings can be assessed at this stage. Local Plan (2015) Policies ENV1 & ENV2, Submitted Local Plan (2017) Policies LP22 & LP28 and Policy 5 and Policy 2 of the FNP (Parts A,B,C,E) seek to ensure that development proposals make efficient use of land while respecting the density, landscape and character of the surrounding area and ensure that the location, layout, scale, form, massing and materials relate sympathetically to the surrounding area and each other.
- 7.3.2 The site currently comprises open paddock land to the rear of the two-storey dwelling at 34 Market Street. The site is located adjacent to a public footpath with protected woodland beyond to the north. The site forms part of a larger cluster of paddock and greenspace between Market Street, River Lane and Mill Lane.
- 7.3.3 A larger site to the south was refused planning permission (17/01260/OUT) due to the impact the four-dwelling proposal would have on this open area. It was cited that *“The site is on the transition between the urban areas of Fordham and is an area of open space within the village. The proposed siting and layout of these dwellings would not have any particular visual or physical affinity with the existing pattern of development. The proposal would result in an undesirable hardening of the edge between the built up extent of the village and the rural area. It can also be considered to be a large scale back-land development being read as behind the dwellings of No’s 1-15 and 21-23 contrary to the Design Guide SPD. The proposed scheme would also be visible from the public realm with the footpath running along the south and east of the site”*.
- 7.3.4 The site immediately adjacent to the south was granted approval for two dwellings to the rear of 32 Market Street at appeal (15/00216/FUL) with the Planning Inspector stating that *“the appeal site currently forms part of the rear garden to 32 Market Street...the proposal would not substantially alter the appearance of the site and its immediate surroundings when viewed from the public realm”*. This site was an enclosed rear garden, with limited visibility from Market Street or the public footpaths beyond the site. It is considered that whilst the Planning Inspector may have accepted the principle of back-land development along Market Street, this current application is markedly different in its visual characteristics and visibility from the public realm. Although the height specified on the plans (5.8m) would indicate that the dwellings are to be single/1.5 storey, it is their presence on the site that remains an issue.
- 7.3.5 This area of Fordham is included in Policy 5 (Ironbridge Path & New Path Area) of the FNP as part of the village that should be protected. The policy states that any development proposals that would result in a negative impact upon the openness, tranquillity or permeability of the Ironbridge Path and New Path Area will not be permitted unless it can be demonstrated that the benefits of the proposal will significantly outweigh the harm caused and that adequate mitigation is provided to reduce the impact wherever possible. It is considered that due to the amount of built form proposed, that the scheme would lead to irreversible harm to the openness of this undeveloped area within Fordham.
- 7.3.6 It is considered that due to the visibility of the site from the nearby footpaths, the proximity of the protected woodland and the open and unique nature of the site in

the relatively densely built area of Fordham, that the introduction of large-scale built form on the site would result in an undesirable hardening of the edge between the built up extent of the village and the rural area. The scheme would result in significant harm to the visual character of the area and whilst details of appearance remain as a reserved matter, the mere presence of four residential units on this open paddock site would erode the natural landscape enjoyed by users of the surrounding public footpaths.

#### **7.4 Highways Safety and Parking**

7.4.1 The site's access would run along the northern boundary of 34 Market Street and follow the line of the footpath. The Local Highway Authority have raised no concerns to the proposal and sufficient parking is available within the site, although details of the site's layout are a reserved matter. The proposal, in its current form, accords with Policy COM7 and COM8 of the 2015 Local Plan and LP17 of the 2017 Submitted Local Plan along with Policy 11 (Car Parking) of the FNP. The County Council Asset Information Team have offered no comment on the impact of the scheme on the adjacent footpath.

#### **7.5 Other Material Matters**

7.5.1 Under 2015 Local Plan Policy ENV7, 2017 Submitted Local Plan Policy LP30 and FNP Policy 8 (Wildlife and Habitats) this application is required to protect biodiversity and geological value of land and buildings, and minimise harm to or loss of environmental features such as hedgerows and trees. The site is primarily an open paddock with trees and vegetation limited primarily to the northern boundaries. Given this the site itself is considered to have limited ecological value and due to the limited impact on boundary treatments again impact is considered to be minimal. A biodiversity enhancement condition can be attached to any granting of permission and landscaping would be dealt with through a reserved matters application. The impact on the trees within the Townsend Wood' Woodland Trust Reserve are unlikely to be *directly* harmed as a result of the scheme.

7.5.2 2015 Local Plan Policy ENV8 and 2017 Submitted Local Plan Policy LP25 requires all new applications to demonstrate that appropriate drainage arrangements can be accommodated within the site. A scheme to deal with foul and surface water can be secured by way of condition. The site is within Flood Zone 1 where all residential development should be steered and thus a flood risk assessment would not be required.

7.5.3 A condition relating to unexpected contamination due to the sensitive residential end use will be utilised to ensure compliance with Policies ENV9 (2015 Local Plan) and LP26 (2017 Submitted Local Plan).

#### **7.6 Planning Balance**

7.6.1 The proposal represents a form of development close to the settlement of Fordham although defined as countryside in the Fordham Neighbourhood Plan and within LP "Policy GROWTH 2: Locational Strategy" of the adopted Local Plan and "Policy LP3: The Settlement Hierarchy and the Countryside" in the emerging Local Plan 2017. The scheme would provide four additional dwellings built to modern,

sustainable building standards and there would be a positive contribution to the local and wider economy in the short term through construction work. However, the loss of land from the countryside that would result from the proposal's delivery along with the urbanisation arising from the scheme and the sprawl that development can result in from sites at the edge of the settlement would all conflict with Policy 1 of the FNP. This Neighbourhood Plan is in an advanced stage and thus the policy conflict attracts significant weight against the proposal.

- 7.6.2 The scheme would result in significant harm to the visual character of the area with the four residential units on the open paddock site eroding the natural landscape enjoyed by users of the surrounding public footpaths. The site differs from an adjacent appeal site for two dwellings to the rear of a property on Market Street due to the visibility of the site from the nearby footpaths, the proximity of the protected woodland and the open and unique nature of the site in the relatively densely built area of Fordham. The introduction of large-scale built form on the site would result in an undesirable hardening of the edge between the built-up extent of the village and the rural area. The proposal contravenes Local Plan (2015) Policies ENV1 and ENV2 and Submitted Local Plan (2017) Policies LP22 and LP28, FNP Policies 2 and 5, the Design Guide SPD and NPPF Paragraph 12.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00914/OUT	Oli Haydon Room No. 011 The Grange	Oli Haydon Planning Officer 01353 665555
17/01412/OUT	Ely	oli.haydon@eastcambs.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>