

# DEVELOPMENT MANAGEMENT COMMITTEE 18 NOVEMBER 2019

**Case No:** 19/01653/OUT (OUTLINE APPLICATION)

**Proposal:** ERECTION OF FOUR NEW RESIDENTIAL DWELLINGS  
(ALL MATTERS RESERVED)

**Location:** LAND SOUTH OF 436 HERNE ROAD RAMSEY ST  
MARYS

**Applicant:** MR J CLARKE

**Grid Ref:** 525893 290162

**Date of Registration:** 19.08.2019

**Parish:** RAMSEY

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## RECOMMENDATION - REFUSE

This application is referred to the Development Management Committee (DMC) in accordance with the Scheme of Delegation as the applicant is a Councillor and the Parish Councils recommendation of APPROVAL is contrary to the Local Planning Authorities recommendation of REFUSAL.

### 1. DESCRIPTION OF SITE AND APPLICATION

- 1.1 The application site is located to the north of the small settlement of Ramsey St Marys, upon Herne Road. Ramsey St Marys is settlement with housing predominantly located along Herne Road and Ashbeach Drove, with various cul-de-sacs and closes located off these two roads. Herne Road runs from Ramsey St Marys northwards into the open countryside towards the settlement of Pondersbridge and is characterised by very sporadic development and wide expanses of agricultural land. There is no strong sense of character or design upon the road, with the very loose knit form of housing varied in appearance.
- 1.2 The site is surrounded by open countryside with sporadic linear residential housing to the north and south. Access for the site would be via Herne Road with only an existing agricultural access in place to the site. Having regard to the Huntingdonshire District Council's Strategic Flood Risk Assessment Strategic Flood Risk Assessment 2010 (SFRA

2010) in place for this area, the site is not located in an area liable to flooding and is noted on the SFRA 2010 maps as being located in Flood Zone 1.

- 1.3 The site currently is open agricultural land (Class Grade 1). The proposal is in outline form for 4 residential market dwellings.

## **2. NATIONAL GUIDANCE**

- 2.1 The National Planning Policy Framework (NPPF 2019) sets out the three economic, social and environmental objectives of the planning system to contribute to the achievement of sustainable development. The NPPF confirms that 'So sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. The NPPF sets out the Government's planning policies for:

- delivering a sufficient supply of homes;
- achieving well-designed places;
- conserving and enhancing the natural environment;
- conserving and enhancing the historic environment.

For full details visit the government website [National Guidance](#)

## **3. PLANNING POLICIES**

- 3.1 Huntingdonshire's Local Plan to 2036 – adopted May 2019

- LP1: Amount of Development
- LP2: Strategy for Development
- LP4: Contributing to Infrastructure Delivery
- LP5: Flood Risk
- LP6: Waste Water Management
- LP9: Small Settlements
- LP10: The Countryside
- LP11: Design Context
- LP12: Design Implementation
- LP14: Amenity
- LP15: Surface Water
- LP16: Sustainable Travel
- LP17: Parking Provision and vehicle movement
- LP25: Housing Mix
- LP30: Biodiversity and Geodiversity
- LP31: Trees, Woodland, Hedges and Hedgerow.
- LP33: Rural Buildings

- 3.2 Supplementary Planning Documents (SPD) and Guidance:
- Huntingdonshire Design Guide SPD (2017)
  - Huntingdonshire Townscape and Landscape Assessment SPD 2007
  - Developer Contributions SPD 2011
  - Cambridgeshire Flood and Water SPD 2017
  - Huntingdonshire Tree Guidance Note 3
  - December 2017 Annual Monitoring Review regarding housing land supply.

Local For full details visit the government website [Local policies](#)

## 4. RELEVANT PLANNING HISTORY

- 4.1 None Relevant

## 5. CONSULTATIONS

- 5.1 Ramsey Town Council – No Objection - The village of Ramsey St. Mary's is of a linear development therefore the proposed development is in keeping with the existing character of the area.
- 5.2 CCC Local Highway Authority (LHA) – No objection in principle at outline stage subject to conditions
- 5.3 Environment Agency (EA) – No comment

## 6. REPRESENTATIONS

- 6.1 4 representations have been received stating the following concerns...
- Site is open countryside
  - Impact upon privacy of neighbouring dwellings
  - Impacts upon highway safety
  - Development could impact stability of boundary wall and property foundations
  - Remaining access for field not suitable for farm machinery
  - Flood risk
  - Level of field has dropped considerably over the years
  - Size of development too big
  - Inadequate supporting infrastructure in local area
  - Impact on welfare of neighbouring horse
  - Losing a valuable piece of an agricultural field

## 7. ASSESSMENT

7.1 As set out in the Planning and Compulsory Purchase Act 2004 (Section 38(6)) and the Town and Country Planning Act 1990 (Section 70(2)) in dealing with planning applications the Local Planning Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. This position is repeated in the NPPF. The development plan is defined in Section 28(3)(b) of the 2004 Act as “the development plan documents (taken as a whole) that have been adopted or approved in that area” – See Planning Policy section above).

7.2 The report addresses the principal, important and controversial issues which are in this case:

- Principle of development and sustainability
- Impact on the character of the area
- Flood Risk
- Residential Amenity
- Access and Transport
- Ecology

### **Principle of development and sustainability**

7.3 Ramsey St Mary's, located approximately 1,700 metres to the south of the application site, is designated a Small Settlement under policy LP9 of the Huntingdonshire Local Plan to 2036. Following on from this, the Huntingdonshire Local Plan to 2036 defines the built up area as a distinct group of buildings that includes 30 or more homes. The Local plan goes onto state areas of fragmented and ribbon development which are physically and visually detached from the main built form should be excluded from built up areas. The application site is among sporadic single properties on Herne Road which are less than 30 in total and are visually and physically detached from the built up area of Ramsey St Mary's. Whilst the impact on the rural character of the area will be discussed in greater depth below, the site is considered to be located within the countryside.

7.4 Policy LP10 of the Local Plan to 2036 states that development within the countryside will be restricted to the limited and sporadic opportunities as provided for in other policies of the plan. Amongst

other requirements, development must protect the intrinsic character and beauty of the countryside and not give rise to noise, odour, obtrusive light or other impacts that would adversely affect the use and enjoyment of the countryside by others.

- 7.5 It is considered that the development would not be strictly 'isolated' (referred to in para 79 of the NPPF) as it is adjacent to other development. However, the proposed development does not meet any of the exception criteria set out in the local policies regarding development in the countryside such as an agricultural need or exceptional design quality.
- 7.6 In terms of the settlement hierarchy, there are many settlements across Huntingdonshire that have limited or no services or facilities available. Such settlements are identified as Small Settlements. Small Settlements are less sustainable than, for example markets towns, larger Spatial Planning Areas or Key Service Centres, due to the need to travel to access services and facilities elsewhere on a regular basis. As such the Local Plan makes no allocations for development in Small Settlements. However, the strategy does set out a role for a limited amount of sustainable development in contributing to the social and economic sustainability of Small Settlements and in supporting a thriving rural economy. Given the variation in size and availability of services and facilities between Small Settlements, it is recognised that varying levels of development could sustainably be accommodated depending on nature of the individual Small Settlement.
- 7.7 Policy LP9 goes onto state a proposal for development on land well-related to the built-up area may be supported where it accords with the specific opportunities allowed for through other policies of this plan. Proposals for development on land well-related to the built-up area will be considered subject to the provisions of policies LP 10 'The Countryside', LP 19 'Rural Economy', LP 22 'Local Services and Community Facilities', LP 23 'Tourism and Recreation', LP 28 'Rural Exceptions Housing', LP 33 'Rural Buildings' and LP 38 'Water Related Development'. The proposal for 4 market dwellings in this countryside location is not considered to meet any of the above 'other opportunities'.

- 7.8 The proposed residential development is considered to be located within the countryside and the proposed development is not identified as a 'specific opportunity' which other policies allow for. Ultimately, having regard to all the issues outlined above, the proposal is a departure from the relevant policies in the adopted Local Plan to 2036 and is therefore not acceptable in principle as it is in conflict with policy LP9 and LP10 of the Huntingdonshire Local Plan to 2036.

### **Impact on the character of the area**

- 7.9 Herne Road is characterised by a linear sporadic development on both sides of the road. There is no strong sense of design, with the loose knit form of housing being varied in appearance and scale. The site is surrounded by open countryside with sporadic linear residential houses to the south and north. It is considered that the proposed dwelling would be located outside of the built up area, given it lies approximately 1,700 metres from the built up area of Ramsey St Marys as discussed within the principle section above.
- 7.10 The site plan shows the proposed four dwellings occupying the site frontage in between numbers 428 and 436 Herne Road. Although the application is in outline form with all matters reserved the applicant has submitted an indicative plan that shows two detached dwellings and a pair of semi-detached dwellings at two storeys in height with rear gardens to extend in line with the existing neighbouring properties.
- 7.11 It is considered that the proposed building arrangement would not be out of character in terms of the linear sporadic loose knit grain of dwellings upon this section of the road but would still constitute encroachment into the open countryside and alter the rural sporadic appearance of this section of the street scene.
- 7.12 It is considered that development within this open agricultural field would constitute encroachment out of the built up area and would cause harm to the rural character in this location. Given the Council has an adopted local plan, and whilst it is accepted the 5 year supply of housing is a minimum standard, the benefits of additional market dwellings in this location is not considered to be able to justify encroachment into the countryside.

- 7.13 It is concluded therefore that the proposed residential development and encroachment into the countryside would cause harm to the rural character. It would therefore be harmful to the character and appearance of the area contrary to policies LP9, LP10, LP11 and LP12 of the Huntingdonshire Local Plan to 2036.

### **Flood Risk**

- 7.14 The site is within the Environment Agency's Flood Zone 3, Flood Zone 3 in the Council's 2017 Strategic Flood Risk Assessment (SFRA), however Flood Zone 1 in the Council's 2010 SFRA – which is the SFRA relevant for this area. The National Planning Policy Framework states that the SFRA will provide the basis for applying the sequential test and the SFRA 2017 follows the guidance in the Government's Planning Policy Guidance. Existing raised defences, which the 2017 SFRA specifically does not take account of, provide some protection to existing properties in this area.
- 7.15 In September 2017 the Huntingdonshire District Council Development Management Planning Committee agreed the following:
- 7.16 Some villages, including some of the Ramsey villages, are entirely within Zone 3 in the 2017 SFRA. New development within settlements, including market housing, can in some cases help enhance or maintain the vitality of a rural community and this is a key objective of the Council's Planning Strategies and the NPPF. Therefore, for those villages which are entirely within Flood Zone 3 as defined in the 2017 SFRA only, the 2010 SFRA which took account of flood defences will be used as the basis for decision making, and general market housing will only be permitted in areas shown as being in Flood Zone 1 as defined in that document. This approach follows discussions with the Environment Agency and the Middle Level Commissioners and will ensure that regard is still given to flood risk but will also allow some development to be approved in these villages to maintain their vitality. For villages that are not entirely within Zone 3 in the 2017 SFRA, the application of the Flood Zones in 2017 will allow some development to be approved in these villages to maintain their vitality whilst also having regard to the most recent information on flood risk (not relevant here as

Ramsey St Marys and surrounding area is awash in Flood Zone 3a in the 2017 SFRA).

- 7.17 The submitted FRA states that when taking into account the 2010 data, the site is within Flood Zone 1. The Council's 2010 SFRA maps consider the proposed dwelling within flood zone 1.
- 7.18 The proposal is subject to the Sequential Test in accordance with Paragraph 158 of the NPPF. However as discussed above, the Council consider the site to fall in flood zone 1, therefore the sequential test is not considered necessary in this instance. A condition will be added to ensure the flood risk measures are in accordance with the submitted flood risk assessment.
- 7.19 The proposal is therefore in accordance with the relevant paragraphs in the NPPF and Policy LP5 of the Huntingdonshire Local plan (adopted May 2019)

### **Residential Amenity**

- 7.20 The NPPF and the Council's planning policy LP14 of the Local Plan to 2036 seeks to protect amenity of neighbouring users. The policy also seeks to ensure residential amenity is not harmed as a result of development; the NPPF within the core principles states that planning should "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings".
- 7.21 The proposal is considered to be of an acceptable design, scale, form and would appear considerably similar in scale when compared to neighbouring properties along Herne Road.
- 7.22 In terms of its relationship with neighbouring properties, the dwellings will sit at depth into the site in a similar fashion to the neighbouring dwellings (Nos. 428 & 436). In terms of boundary treatment, the majority would be fencing and hedgerows, details of which would be conditioned if acceptable to ensure that the site accords to the appearance of the area and provides effective screening to retain private residential amenity of the neighbouring properties.

- 7.23 By virtue of the relationship with the neighbouring properties is considered to be acceptable; furthermore the proposal is in outline form and a reserved matters application would need to be submitted to agree details in terms of layout, appearance and scale, however given the indicative plan when viewed against the neighbouring properties, it is deemed that it is likely that there would be no significant impact in regards to overlooking or overshadowing from the proposal.
- 7.24 The proposed new dwelling is considered to have acceptable levels of private amenity space in the form of a private rear gardens when viewed against the general character and form of the surrounding area. There is sufficient space on site for bin stores and cycle store areas and it is considered that the gardens are more than sufficient to enable usable rear amenity space.
- 7.25 Overall, it is considered that the development would not lead to a significant loss of amenity to the adjoining properties. The proposal is considered to be in accordance with Policy LP14 of the Local Plan to 2036.

### **Access and Transport**

- 7.26 The Cambridgeshire County Council Local Highway Authority has commented on the proposal and did not raise any objections in principle stating that at reserved matters stage they would expect to see...

\* The accesses reduced in number where possible. This could be done by two shared accesses or by a single access with a private internal road.

\* The access/accesses should be sealed and drained away from the highway 5m wide for the first 10m as dropped kerb crossover accesses. It should be noted that block paving is not acceptable within the public highway.

\* A 1.8m (or match existing) wide footway should be constructed along the site frontage linking up to the existing footway to the North.

\* Vehicle to vehicle visibility splays and vehicle to pedestrian visibility splays should be detailed on the plan for each access with no obstruction over 0.6m.

- 7.27 The proposal is also considered to be able to provide safe access and have the capacity to provide adequate parking; however this would be subject to further details provided at the reserved matters stage and secured via condition. It is therefore considered that there is

sufficient parking space on the site to meet the requirements of policies LP16 & LP17 of the Local Plan to 2036.

### **Housing Mix – accessible and adaptable homes**

7.27 Policy LP25 of the Local Plan to 2036 provides guidance on accessible and adaptable homes and states that all proposals for housing should include a commitment to design and build the whole proposed scheme to the M4(2) standards with a proportion developed to M4(3) standards, unless it can be demonstrated that site-specific factors make achieving this impracticable or unviable.

7.28 The application does not include any information on how the proposal will be designed and built to building regulation M4(2) standards, however as this is a requirement a condition would be placed on any permission to require this standard to be met.

### **Ecology**

7.29 The site appears to have the potential for biodiversity due to the rural nature of the site, paragraph 170 of the NPPF states Planning policies and decisions should contribute to and enhance the natural and local environment. In this instance no ecological information has been provided with the above application and as such the potential ecological impacts of the proposal are not clear. Based on the nature of the proposed development (single dwelling) and the condition of the site including vegetation, hedgerows and trees, it seems likely that there would be ecological impacts.

7.30 No ecological information has been submitted in support of the application to demonstrate acceptability in terms of impacts upon potential ecology on site. Furthermore no information has been submitted in regards to mitigation and enhancement recommendations to achieve a net gain in biodiversity, in line with local and national planning policy. The proposal is therefore contrary to Policy LP30 of the Local Plan to 2036.

### **Infrastructure Requirements and Planning Obligations**

7.31 The Infrastructure Business Plan 2013/2014 (2013) was developed by the Growth and Infrastructure Group of the Huntingdonshire Local

Strategic Partnership. It helps to identify the infrastructure needs arising from the development proposed to 2036 through the Core Strategy

- 7.32 Statutory tests set out in the Community Infrastructure Regulations 2010 (Regulation 122) require that S106 planning obligations must be:
- Necessary to make the development acceptable in planning terms;
  - Directly related to the development; and
  - Fairly and reasonably related in scale and kind to the development
- 7.33 Development Obligations - Part H of the Developer Contributions SPD (2011) requires a payment towards refuse bins for new residential development.
- 7.34 A complete Unilateral Undertaking will need to be submitted to meet the requirements of Policy CS10 of the Core Strategy 2009.
- 7.35 There are no other material planning considerations which have a significant bearing on the determination of this application.

### **Community Infrastructure Levy (CIL):**

- 7.36 As this planning application is for a minor development, the development will be CIL liable in accordance with the Council's adopted charging schedule; CIL payments will cover footpaths and access, health, community facilities, libraries and lifelong learning and education.

### **Conclusion and Planning Balance**

- 7.37 The NPPF has at its heart the presumption in favour of sustainable development. To be sustainable, development must, as noted in paragraph 6 of the NPPF, strike a satisfactory balance between the economic, environmental and social considerations.
- 7.38 In terms of the economic dimension of sustainable development, the proposal would very modestly contribute towards economic growth, including job creation - during the construction phase and in the longer term through the additional population assisting the local economy through spending on local services/facilities. There will also be Council

Tax receipts arising from the development. The loss of this relatively small parcel of agricultural land is outweighed by the modest positive economic benefits of this development, in this location.

- 7.39 Regarding the social dimension, the site itself appears to have no significant physical constraints and is deliverable. It would also marginally increase the supply of housing, although the Council can demonstrate a 5 year supply of deliverable housing land, the provision of four market dwellings on the application site is afforded very limited weight. The proposal would be within cycling distance of the limited facilities of Ramsey St Marys including the primary school, post office and a public house. However given the lack of other viable sustainable transport options, future residents would be reliant on increased private car use to access further facilities.
- 7.40 In terms of the environmental dimension of sustainable development, there is environmental harm on the rural character of the area due to part of the site encroaching into the countryside. The visual impact of the proposal would intensify the sporadic nature and openness within the countryside. As a result, the development would have an adverse impact on the rural character of the area. Furthermore, the local Planning Authority cannot be certain there would be no harm on protected species or an enhancement in biodiversity.
- 7.41 Having assessed all three dimensions of sustainable development; economic, environmental and social within this report it is concluded that the proposal is considered to result in environmental harm and result in a development outside the built up area of the settlement and within the open countryside contrary to policies LP9 and LP10 of the Huntingdonshire Local Plan to 2036. There is only a minor benefit of four units of market accommodation. However, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.42 The scheme would therefore conflict with the NPPF which states that it does not change the statutory status of the development plan as the starting point for decision making. Officers consider that the

construction of additional dwellings in this countryside location would not accord with the above mentioned policies of the up-to-date Huntingdonshire Local Plan to 2036, and, as outlined in the preceding sections of this report, there are no other material considerations which would provide an overriding reason to disregard the development plan. Accordingly, it is recommended that planning permission should be refused for the following reasons:

## **8. RECOMMENDATION – REFUSE for the following reasons**

1. The proposed residential development would represent an encroachment of built development in the open countryside outside the built up area of Ramsey St Marys in an unsustainable location and intensify the existing sporadic residential development within the open countryside. This would have a harmful impact on the rural character and sporadic nature of development in the vicinity. The proposal does not meet any of the other specific opportunities identified with in the Huntingdonshire Local plan to 2036 and the proposal would therefore be contrary to the NPPF 2019, and Policies LP9, LP10, LP11 & LP12 of the Huntingdonshire Local Plan to 2036.

2. No ecological information has been provided to accompany the application. Therefore the applicant has failed to demonstrate that there will be no significant detrimental impacts on protected habitats and species, and also, a failure to demonstrate that the proposals will achieve a Biodiversity Net Gain. The proposal would therefore cause significant and demonstrable harm to biodiversity and trees contrary to Paragraph 170 of the NPPF, policies LP30 and LP31 of Huntingdonshire's Local Plan to 2036.

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## **CONTACT OFFICER:**

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